

# Vocational Rehabilitation Policy and Procedure Manual

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# Chapter 1

## VR Referral and Application

### Referral

#### A. Policy and Procedure

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.

#### B. Individuals Desiring to Enter the Workforce

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

#### C. VR Program Referral Timelines

1. The Intake Coordinator must contact individuals who are referred to the VR program by telephone or mail within five (5) workdays from the date the referral is received. If the individual expresses interest in vocational rehabilitation services, the Intake Coordinator must provide necessary background and contact information to the appropriate VR counselor within two (2) workdays. The VR counselor must initiate contact with the referred individual within ten (10) workdays of the date they receive the referral information to schedule an

initial interview. The initial interview must be completed within 30 workdays from the date the VR Counselor receives the referral.

2. The Intake Coordinator has responsibility for monitoring the status of the VR referral to insure there is timely follow-through with the application process. Routine communication should occur between the Intake Coordinator and the VR counselors on open referrals. The VR counselor shall communicate to the Intake Coordinator in writing when they have scheduled the initial interview. The Intake Coordinator and the VR counselor will meet at least bi-weekly (every 2 weeks) to review any open referrals.
3. In cases where the VR counselor is unable to schedule the initial interview within 30 days despite repeated attempts, consultation with the Regional Manager is required to make a determination if the referral should be closed.
4. Once the VR counselor has completed the initial interview, and the individual has signed the ***DBVI VR Application, Rights, and Responsibilities*** (hereafter referred to as the VR Application), the counselor will provide the Intake Coordinator with the signed VR application (within 7 calendar days) and the Intake Coordinator will place them into Application status in AWARE. The Intake Coordinator will close the case from referral status.

***Guidance:*** *The VR counselor assumes responsibility for management of the individual's VR case once the Intake Coordinator has provided them with the necessary contact information for an individual interested in VR services. However, in order to best ensure that designated timelines for referral to application are met, the Intake Coordinator should develop appropriate systems to monitor referrals. Communication between the Intake Coordinator and the VR counselor regarding all outstanding referrals should occur at least on a bi-weekly basis or more frequently as needed.*

***Guidance:*** *While the Intake Coordinator within the Regional Office does have specific responsibilities involving contact and communication with the individual referred, it should be clear that the VR counselor is the staff person responsible for conducting the initial interview, for determining when the individual will be placed into application status, and for determining and communicating to the individual the results of the eligibility determination process.*

#### **D. Age and Residence Requirements for individuals who are referred to DBVI**

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.

Note: It is not appropriate to accept referrals and applications for the following non-U.S. citizens because they are not eligible for any Vocational Rehabilitation services:

- undocumented aliens,
- those not eligible to legally work in the U.S.,
- those having a Visa which prohibits work,
- those having a Visa with a work permit but with a duration of stay which the counselor believes is too short to complete the Vocational Rehabilitation Program, or those not having submitted required documentation of identity and eligibility to work in the U.S.

**Guidance:** *Regarding determining the individual's legal status to work, employers are required to verify the individual's legal status to work in the United States through the receipt of specific documents as identified on the USCIS form: Employment Eligibility Verification– Form I-9 (page 9, List of Acceptable Documents). This form can be found on the DSA Intranet, DSA Human Resource Services ([I-9 Form](#)).*

### **E. Referrals of Students and Youth with Disabilities**

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.

1. Outreach to students with disabilities, to include outreach to and engagement of parents (or, as appropriate, the representatives of 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 and potentially eligible individuals, including but not limited to Pre-Employment Transition Services.

- a. For referral purposes, DBVI regional offices contain VR counselors who have a mixed caseload of adults and students with disabilities, but some regional offices may also have VR counselors who have only a caseload of students with disabilities (dedicated transition caseload). A ***dedicated transition caseload*** is defined as one that is comprised of:
  - i. Students with disabilities and;
  - ii. Individuals who were students with disabilities but are now a youths with disabilities (have exited school but are not older than age 24) and;
  - iii. Any individuals for whom it's been determined by supervisory approval to be maintained on that caseload

## 2. Referral Process (Transition)

- a. While an individual may be referred for vocational rehabilitation services from a number of different sources (as noted above), DBVI's Education Services Program staff (Education Coordinators) provide consultation, technical assistance, and training for families, early intervention staff, and public school staff who teach blind infants and children who are blind or vision impaired. They are responsible for collaborating and coordinating with the local school systems to assist students who are blind, vision impaired or deafblind participate equitably in school and begin to prepare for employment. As such, they serve as DBVI's primary point of contact for students and families as they are typically involved with the vast majority of students who may be eligible for and benefit from the agency's vocational rehabilitation program.

As a general practice, DBVI provides VR services for students who are 14 years or older. The Education Coordinator is responsible for providing these students and their families with initial information regarding DBVI's vocational rehabilitation program including Pre-Employment Transition Services (Pre-ETS). Students who may be interested in initiating Pre-ETS, and/or who may be interested in applying for VR services, will be referred to the regional office Intake Coordinator to initiate VR services.

Note: For more information regarding Transition Services and Students and Youth with Disabilities, see Chapter 12: Transition and Pre-Employment Transition Services

## F. Scope of Services prior to VR application for Services

1. Transportation, interpreter services (ASL and foreign language) and other reasonable communication accommodations to attend initial meetings with VR counselor in order to complete application for VR services may be authorized if necessary prior to Application. All attempts should be made to

complete the application process without encumbering costs prior to application (e.g., VR counselor travels to meet individual at their home versus paying for transportation to the regional office for the interview). However, in the event there are necessary accommodations costs to ensure access to the VR process, those costs must be purchased as an administrative charge (Regional office administration fund code), not through VR case service funds. Should there be a situation where accommodation costs could be significant, the VR counselor is encouraged to place the individual in Applicant status as soon as possible and utilize VR case service funds.

2. Other than providing general information and referral to other DBVI programs and services, information about other agencies and programs, interpreter services, reasonable communication accommodations and transportation, no other VR services shall be provided before Application Status.

### **G. Miscellaneous**

1. Referral of a Relative - Should a VR counselor have a relative, either by blood or by marriage, referred to them, they must request their supervisor to transfer/refer the case to another counselor.
2. Individuals Referred from Out-of-State Rehabilitation Agencies and the Virginia-Department for Aging and Rehabilitative Services - Referrals from out-of-state rehabilitation agencies or the Virginia Department for Aging and Rehabilitative Services will be considered new referrals and will be processed by the agency's Intake Coordinator. Efforts will be made to secure materials pertinent to the individual from these referral sources. The individual seeking services must consent to release those materials. The VR counselor will use the appropriate consent to release information form(s) depending on the information that is being requested (See Chapter 1.3: Reciprocal Services – DBVI and DARS for more information regarding jointly serving individuals with DARS).
3. Referrals to Other Programs and Services - The VR counselor has responsibility to consider other resources for individuals not meeting the DBVI VR eligibility criteria or in need of services that cannot be provided by the DBVI VR program. These individuals may be referred to public and private programs within the community for services that may benefit them. Such programs may include, but not be limited to, services that are provided by independent living, local social service agencies, social security, public health departments, job placement, and training programs, etc.
4. Referral/Applicant Services Complaint or Grievance - Individuals who are referred to the VR program are afforded an immediate and fair non-judicial method for the resolution of disputes which may arise between DBVI and any individual who is, or seeks to be, a recipient of services.

## H. VR Referral Process

1. Each Regional Office shall have one staff member in the role of Intake Coordinator. Each Regional Office must also assign at least one administrative staff person to serve in a back-up role to the Intake Coordinator.
2. The Intake Coordinator shall serve as the primary point of contact for all individuals who have been referred (or who have self-referred) for Vocational Rehabilitation services.
3. The Intake Coordinator is responsible for the following:
  - a. Providing the individual with general information regarding vocational rehabilitation and other DBVI programs and services;
  - b. Providing the individual with information regarding GovDelivery.com, including the web link to register if they are interested. Assisting them in the registration process upon request by the individual;
  - c. Identifying the service(s) the individual is interested in receiving;
  - d. Gathering the required AWARE Referral and Intake Datapage information from the individual utilizing the **AWARE Referral & Intake Template**;
  - e. Facilitating the receipt of information for the purposes of eligibility determination and service planning; e.g., sending out necessary forms and information (such as the Eye Examination form, releases, the **VR Applicant Referral Checklist**), and contacting the individual's eye doctor as needed;.
  - f. Entering the required referral information into the AWARE Referral datapage, including any additional information and/or observations in AWARE in the Comments text box or as a Referral Note;
  - g. Entering the required information into AWARE Intake datapage once the individual is placed in Application status (Participant Module);
  - h. Emailing the VR counselor with the necessary contact and referral information from AWARE, including any Referral Notes as needed;
  - i. Creating the individual's confidential paper file.
4. A referral is opened for an individual when he/she has been referred to DBVI, self-refers or has otherwise expressed interest in VR services through DBVI. The Intake Coordinator will utilize the **AWARE Referral & Intake Template** to collect the necessary information from the individual and/or the referral source, to include both AWARE required items (those with an \*) for the referral and intake pages as well as other informational areas on the template. The Intake Coordinator is not required to collect any information from the individual specific to financial or insurance information. These areas include:
  - a. Primary source of support;
  - b. Public support available, including information regarding type of amount of benefit;



- c. SSI/SSDI status and amounts;
  - d. Medical insurance.
5. Information collected includes responses to questions at the end of the **AWARE Referral & Intake Template** as well as any relevant comments and/or observations the Intake Coordinator may have from contact with the individual. The Intake Coordinator will determine from the individual if an up-to-date eye examination report can be obtained or if an eye examination is required, and will coordinate with the individual and/or the individual's eye doctor as needed to obtain a report.
  6. If the individual is interested in VR services, the Intake Coordinator will enter all required information into the AWARE Referral database. A Referral Note will be created as well. This note could be a summary of the individual's responses to questions and other comments/observations from the Intake Coordinator, or the Intake Coordinator may cut and paste all of the information from the **AWARE Referral & Intake Template** into a Referral Note.

The summary shall include information related to:

- a. The vision loss, including date of onset;
  - b. Additional disabilities separate from the vision loss;
  - c. Limitations as a result of the individual's vision loss, including any other disabilities, including activities of daily living, mobility, etc.;
  - d. The current status of the individual regarding employment, school, etc.;
  - e. Services requested from DBVI;
  - f. Any other relevant information from the contact with the individual.
7. The Intake Coordinator will maintain documentation acquired through the **AWARE Referral & Intake Template** that will be needed for the Intake database to be entered into AWARE once the individual is placed into the Participant Module. The Referral status will be maintained in "Pending" status.
  8. The Intake Coordinator provides necessary information via email to the VR Counselor in order to contact the individual to set up the initial interview. The Referral module is available to the VR counselor to both review AWARE referral information and to read or create any Referral Notes. However, access to the Referral Module for the VR Counselor is primarily intended to be used for Referral Notes, and at no point shall the Case Manager add to or revise any Referral Information that the Intake Coordinator has entered.
  9. The Intake Coordinator will send out to the individual any necessary forms and documents, including any necessary Release of Information forms, and the **VR Referral and Application Checklist** (per Regional Office protocols).

Documents may be sent via mail, email with attachments, or both, based on the applicant's preference. The Intake Coordinator follows up as necessary with the individual for information to complete the Referral datapage in AWARE, and/or provides the Case Manager with needed information to be collected during the initial interview.

10. The Intake Coordinator will create any new or additional Referral Notes as needed (e.g., the individual contacts the Intake Coordinator with additional information following completion of initial Referral Note). The VR counselor will be responsible for creating a new Referral Note to document activities prior to the individual being placed in Participant status in AWARE. This may include information related to scheduling the initial interview, attempts to contact, including email/letters sent, cancellations, and/or other issues related to scheduling.

NOTE: Should the individual either not respond to attempts by the VR Counselor to schedule the initial interview, cancel the interview and not re-schedule, or fail to show for the initial interview, the VR counselor will consult with the Regional Manager, and if the decision is to close the case from referral the VR counselor will note this as a Referral Note in AWARE and email the Intake Coordinator. The Intake Coordinator will close the individual from referral status.

NOTE: The VR counselor will continue to build on the initial Referral Note they created; they will not need to create a new Referral Note each time. They will note the date and add their notation within the same text box, thus creating a "running" documentation timeline prior to the individual being placed in Participant status.

11. The VR Counselor will contact the individual in order to complete an initial in-person interview. The individual will remain in Referral status within AWARE until the initial interview has been completed and the individual (or parent/guardian) has signed the VR application for services .
12. The VR counselor will provide the Intake Coordinator with the necessary data from the initial interview (including the application date) to allow them to complete any AWARE Referral datapage fields (if needed). The VR counselor is responsible for contacting the individual if any further information is required, including information for the AWARE referral and intake datapages. The VR counselor drafts referral notes as needed to document all activity with the individual prior to them being placed in the Participant module (Application status).

## I. Referral Follow-Up

1. If the Intake Coordinator is unable to make contact with the individual within 10 days of a referral they will send the individual a “New Referral Contact Letter” located in the AWARE letters catalog and an agency brochure describing available services.
2. If the individual does not respond within 30 days, the Intake Coordinator will mail the “Referral Closure Letter” located in the AWARE letters catalog to the individual notifying them of the closure.
3. If the individual is not interested in DBVI services, the AWARE case must be closed from referral status.

## J. Referral to Referral Closure

The Intake Coordinator moves a referral to referral closure by selecting the appropriate referral outcome. Referral closure occurs when:

1. The individual is not responsive to contact attempts by the Intake Coordinator
2. The individual is not responsive to contact attempts by the VR counselor in order to conduct the initial interview
3. The individual fails to show for the initial interview or cancels the interview and is not responsive to re-scheduling the interview
4. The individual is moved to Applicant status in AWARE

## Eye Examination Report

Once the individual has expressed interest in VR services and the Intake Coordinator has shared the necessary contact information with the counselor, the Intake Coordinator will request that the referred individual provide a copy of their most recent eye exam. The Intake Coordinator will send the **Authorization for Disclosure of Protected Health Information** form to the individual and upon its return to DBVI the Intake Coordinator will fax that form to the individual’s eye doctor’s office requesting the eye report is necessary. If no eye exam is available to the individual or the individual’s eye exam is more than 12 months old, the VR counselor may purchase a comprehensive eye exam for the purpose of determining eligibility for services once the individual is moved into application status.

## Identification/Social Security Number

The Rehabilitation Services Administration (RSA) requires that individuals receiving, applying for, and/or receiving services have an assigned identification number (the individual’s social security number serves that purpose). However, when an individual referred to the VR program does not have a social security number, the individual will be assisted in applying for one, and in the interim, the AWARE system will assign a temporary identification number.

## K. VR Application (Participant Module)

1. Once the Intake Coordinator has completed all required information in the Referral Module, all Referral Notes have been entered into the module, and the application information has been added to the Intake datapage in the Participant Module, the Referral Module will be closed and the individual is placed in the Participant Module. Until this information has been completed, the Intake Coordinator will maintain the referral as Open and/or Pending. The date the individual is moved into the Participant Module must be consistent with the signed VR Application date. The VR counselor must provide the Intake Coordinator with the date of the signed VR application within 7 days of the initial interview.

The Intake Coordinator will enter the required information into the AWARE Intake datapage (other than financial/medical insurance information) and closes the Referral with the appropriate Referral Outcome. The VR counselor will enter the financial/medical insurance information into the Intake datapage and then will review all of the information on the Intake datapage to ensure it is correct, at which point the Intake datapage has been completed.

2. The Intake Coordinator will cut and paste all Referral Notes as a case note in the Participant module. The VR counselor is responsible for completing the Special Programs datapage and for completing the AWARE required information on the disability datapage.

## Application

### A. Application for VR services ([Virginia DBVI VR Application, Rights, and Responsibilities](#))

An individual is considered to have submitted an application for VR services when the individual or the individual's representative, as appropriate: (Per [CFR 361.41](#))

1. Has completed and signed an agency application form (***Virginia DBVI VR Application, Rights, and Responsibilities***, hereafter referred to as the VR Application);
2. Has completed a common intake application form in a One-Stop center requesting vocational rehabilitation services; or
3. Has otherwise requested services from the designated State unit;
4. 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.

## B. Initial Interview

1. The initial interview will be a face-to-face interview conducted by the VR counselor. The primary intent of the interview is to gather necessary information from the individual both for the purpose of determining eligibility for VR services and for initial services planning. Establishing an engaged and effective counseling relationship with the individual is of equal importance.
2. The VR counselor will conduct the interview in an environment suitable for the purpose. That is, an environment that is reasonably quiet and provides for confidentiality. The interview may be conducted in the individual's home, at the counselor's office, or in another suitable location. The individual may have others participate in the initial interview, such as parents or guardians, an authorized representative, spouse, etc.
3. For those individuals for whom English is not their primary language and for DeafBlind individuals, the counselor will inform the individual that necessary interpreter and/or translation services will be provided at no cost to the individual
4. During the Initial Interview, the VR Counselor will provide the individual with information regarding DBVI vocational rehabilitation services and will also provide information about other DBVI programs and services including orientation and mobility, low vision, deafblind, independent living and rehabilitation teaching, education services, the Virginia Rehabilitation Center for the Blind and Vision Impaired, and the Library and Resource Center. The counselor will also:
  - a. Gather or review information from the individual's application
  - b. Discuss roles, responsibilities, and expectations, both for the VR counselor and the individual
  - c. Explain DBVI VR Program eligibility
  - d. Obtain the signed VR application for services
  - e. Review participation in cost of services requirements
  - f. Make any arrangements for necessary diagnostic assessments or evaluations necessary to establish VR eligibility
  - g. Complete the Health Checklist form
  - h. Explain and have signed any releases of information necessary to establish VR eligibility
5. The counselor will provide information regarding the individual's rights and responsibilities (including the concept of informed choice), the Client Assistance Program (CAP) administered through the disability Law Center of Virginia and their right to request a review of decisions made by the DBVI.

6. The VR Counselor will ensure that the Commonwealth of Virginia Voter Registration information is provided to the individual during application. Regardless of whether the individual chooses not to register, has already registered, or wishes to register to vote, the VR Counselor will complete the Voter Registration Agency Certification form and place it in the case file. Signatures of the individual and the VR Counselor are required on the form.
7. In order to ensure that individuals have access to important information regarding Virginia affiliates of three national consumer organizations for the blind and a national consumer organization for individuals who are deafblind, counselors are required to provide individuals with the [Consumer Organization Information Sheet](#) located in the DBVI Document Repository.
8. The VR counselor will review and request the information from the VR Applicant Referral Checklist and will request any other information that is needed for the AWARE Referral and/or Intake datapages.

### Key Elements of the Initial Interview

In addition to the initial interview policy requirements noted above, the VR counselor is required to conduct a comprehensive interview such that they acquire necessary information for eligibility determination and to begin the VR service planning process. Information regarding the individual's vision impairment, including onset of the impairment, cause, and resulting functional limitations is critical. Additionally, there may be other medical conditions or secondary disabilities that will impact the VR process. As such, it's important that the VR counselor gain a thorough understanding from the individual's perspective regarding their disabling conditions and functional limitations.

Of equal importance is an exploration of the reason for referral for VR services. That is, an understanding of the motivation for the referral (or self-referral), the individual's goals to be achieved through VR services, and expectations of the VR program. Background information regarding education, vocational training, work history, and any current or previous services is also foundational for VR planning. Finally, financial information, particularly SI/SSDI and the need for benefits counseling, must be explored.

During the initial face to face interview, the VR Counselor is strongly encouraged to use the ***Initial Interview and Application Guide*** to assist them in structuring the interview in order to ensure that necessary information relevant to VR services is gathered. Each section includes relevant areas for the VR counselor to explore during the interview.

The Guide is divided into four (4) sections, with each section providing an outline of key areas to explore during the initial interview:

- Section I: Background and Disability Information
- Section II: Education and vocational information
- Section III: Transition services
- Section IV: Summary of the initial interview and next steps

**Guidance:** *The initial interview should be used not just to gather basic information but to begin to establish the necessary rapport for an effective counseling relationship. The more information the individual is willing to share, not just about their vision related disability but potentially other disabling conditions as well, not only assists in the eligibility determination process, but more clearly establishes the significance of the disability (or disabilities) and begins to establish and clarify the barriers to employment that will be addressed in their IPE. Finally, VR counselor observations can and should be used as documentation for eligibility determination and for significance of disability.*

## Documenting the Initial Interview in AWARE

- A. The VR counselor must document the results of the initial interview in the Application Documentation datapage of AWARE. The documentation will be a comprehensive summary of the interview, to include the following relevant information:
1. The VR counselor must note the individual's name, date of initial contact they had with DBVI, and the date of the initial interview.
  2. Documentation that the **VR Application, Rights, and Responsibilities** was reviewed with the individual, that all policy required information was provided to the individual, and other basic background information, including reason for referral, services requested, etc.;
  3. The individual's personal and social background;
  4. Information related to the individual's vision impairment and other disability information, including any relevant health conditions and functional limitations resulting from the disabilities;
  5. Current and/or previous disability services, including assistive technology training or use;
  6. Financial and insurance information, including if the individual is an SSA recipient;
  7. Education and vocational history;
  8. For students with disabilities, information related to transition services, special education services, disability accommodations in school, Pre-ETS services, including any work or volunteer experiences;
  9. Counselor observations and necessary next steps.
- B. The AWARE Application Documentation page contains four text boxes; the first and third text boxes must have information entered into them. The second and fourth text boxes are optional. Accordingly, the initial interview summary will be entered into the **first text box** in the AWARE Application Documentation datapage. In lieu of a narrative summary, the VR counselor may cut and paste the **Initial Interview and Application Guide** into the text box along with the individual's responses for each section, ensuring the documented responses are thorough and effectively document the key elements noted above.(i.e., not simple "yes" or "no" answers).

- C. Additional information, such as information from the ***VR Applicant Referral Checklist***, education and work history, financial and insurance information, etc., must be documented in the Application Documentation page. This information may be placed on the second text box or may be included in the narrative summary. Next steps, including any required referrals for services (low vision services, rehabilitation technology services, eye exams, etc.), necessary releases of information, and other next steps in the VR process, will be entered in the **third text box** on the Application Documentation datapage.

#### **D. Services during Application Status**

##### **Provision of Services**

Services provided for and/or arranged for the individual in Application are for the sole purpose of determining if the individual meets the eligibility criteria for VR services. Because DBVI does not elect to apply interim determination of eligibility, vocational rehabilitation services will not be provided to a potentially eligible individual on the basis of an interim determination of eligibility. The following is a list of the services the VR counselor can provide in Application:

- a. Guidance and counseling;
- b. Eye Examination;
- c. [Health Checklist](#);
- d. [General Medical Examination](#);
- e. Hearing Examinations;
- f. Hospitalization for diagnostic purposes;
- g. Interpreter services for the deafblind as they relate to diagnostic/evaluative procedures;
- h. Translator services for non-English speaking individuals;
- i. Medical Specialist Examinations recommended by the examining physician for eye, general medical, neuropsychological or other medical specialist examinations, or when the VR counselor decides that a specific specialist examination is necessary for case development;
- j. Psychological/psychiatric evaluations;
- k. Vocational evaluations (solely for the purposes of gathering information related to functional limitations)
- l. Transportation for diagnostic/evaluative services;
- m. Low Vision evaluations;
- n. Personal Assistance Services
- o. Assessment for rehabilitation technology services;
- p. Community-based career assessment; and
- q. Any other evaluative studies needed to help determine eligibility for vocational rehabilitation.



### **E. Closure without Eligibility Determination**

Per [CFR 361.44](#), the VR counselor may not close an individual's case prior to making an eligibility determination unless the individual declines to participate in, or is unavailable to complete, an assessment for determining eligibility and priority for services, and the VR counselor has made a reasonable number of attempts to contact the individual or, if appropriate, the individual's representative to encourage the individual's participation.

### **F. Documentation Requirements**

Action Requirements:

1. Information collected through the initial interview must be documented in the Application Documentation datapage in AWARE.
2. Complete the required datapages in AWARE to complete the application process.
3. Eye report, health checklist, and if needed, general medical, and other specialty exams.
4. Gather financial information (as appropriate)
5. Distribute authorizations and releases of information, as appropriate.
6. File the Certification copy of the Virginia voter registration form in the case folder.
7. Documentation that the individual has been provided with information pertaining to the Client Assistance Program, personal rights and responsibilities, and the right to request a review of determinations made by DBVI.

# 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.

NOTE: DBVI must complete the Agency Certification form for all individuals regardless of age. If the individual is not old enough to be eligible to vote, the "I am not eligible to register to vote and do not need an application to register to vote" box is checked. See "Eligibility to register to vote" section in this chapter for more information.

State agencies do not offer the online/electronic voter registration option. If an individual decides to register electronically, DBVI must still have the Agency Certification form completed. In this case, the VR counselor must make a note on the form that the individual has chosen to register electronically (there is no check box for this option).

Individuals completing the Voter Registration Application Form when making application for DBVI services are not required to provide DBVI staff with any identification (ID) in order to complete the form. Applicants who choose to register to vote by mail are required to provide a copy of their ID; if the applicant does not include a copy the ID requirement will not prevent the application from being processed and approved by the Department of Elections. However, voters must show an ID when they go to vote.

Regardless of whether the applicant chooses not to register, has already registered, and wishes to register to vote, the VR Counselor will complete the Voter Registration Agency

Certification form and place it in the case file. Signatures of the applicant and the VR Counselor are required on the form. The individual has the right to refuse to sign the form. In that situation, the VR counselor will document that the individual “declined to sign” on the signature line of the form. The counselor is still required to sign the form themselves. The VR counselor will also document the decision to register or not in the Application section in AWARE. Should the individual choose to complete the Voter Registration Form for DBVI to submit, the VR counselor shall send the completed, signed form to the Virginia Board of Elections, using the self-addressed “Board of Elections” envelopes provided to the regional office.

The VR counselor must provide individuals applying for VR services with the same level of assistance, including bilingual services where necessary, in completing a voter registration and/or certification form as would be provided in completing any other DBVI forms, unless the individual refuses such assistance [42 D.S.C. §§ 7(a)(4)(A)(ii) and 7(a)(6)(C)]. The DBVI Fairfax Regional Office is the only office required to provide Voter Registration Forms in Spanish because Fairfax is the only locality required to provide forms in Spanish.

The VR counselor is prohibited from:

1. seeking to influence an individual’s party preference,
2. displaying any such political or candidate preference or party allegiance,
3. making any statement or taking any action whose purpose or effect is to discourage the individual from registering to vote, or
4. making any statement or taking any action whose purpose or effect is to lead the applicant to believe that a decision whether or not to register has any bearing on the availability of services or benefits [42 D.S.C. § 7(a)(5)].

### **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

### 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. Approved requests for an exception to policy shall be documented within the individual's AWARE case file.
5. 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 make a decision on the exception request
6. 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.

7. 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).

Example: An individual being served is being sponsored by DBVI for college and is receiving maintenance during their college semesters. Their vocational goal is Computer Programmer. They are not taking any classes over the summer, but the individual tells their VR counselor that they plan to stay in the college community over the summer in order to volunteer within an organization where they will be updating the organization's database. As part of this experience, they will have the chance to work closely with the IT staff within the organization. The individual is requesting of the VR counselor that they continue to receive maintenance for 8 weeks during the summer as they will have no income over this period but will be maintaining an apartment off campus and will require funds for meals and incidentals.

DBVI policy states that "All other maintenance cost such as meals and incidentals will be paid only during the dates in which the college is actually in session." The VR counselor requests an exception to policy, providing the background as noted above in their request and as justification stating that the work experience will be valuable to the individual when they complete their degree and start looking for employment. They also note that the individual is getting good grades and is on course to graduate the following year.

## 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.

### **Jointly Served Cases - DBVI and DARS**

#### **Referral to DARS by DBVI**

DBVI shall refer to DARS, all individuals who have a disability other than blindness, vision impairment, or DeafBlindness that results in substantial impediment to competitive integrated employment, including students and youth with disabilities and those students who may be potentially eligible. Individuals referred to DARS by DBVI are considered new referrals for DARS. With the individual's written consent, DARS shall request case information from the referring DBVI counselor.

## **Referral to DBVI by DARS**

DARS shall refer to DBVI all individuals who are blind, vision impaired, or deaf-blind and whose visual impairment results in a substantial impediment to employment, including students and youth with disabilities and those students who may be potentially eligible. Individuals referred to DBVI by DARS are considered new referrals for DBVI. With the individual's written consent, DBVI shall request case information from the referring DARS counselor.

## **Eligibility**

Each agency will make independent determinations of eligibility for their respective vocational rehabilitation programs based on their agency's determination of eligibility policy. Agencies will share diagnostic and assessment information pertinent to eligibility determination to minimize duplication of effort. In the event that the development of a Trial Work Plan becomes necessary for eligibility determination then shared planning between the agencies shall occur.

While there is no residency requirement (as long as the individual meets all other eligibility criteria), the individual must:

1. Be legally in the United States with the ability to provide documented evidence of legal status to work from the United States Citizenship and Immigration Services (USCIS) or other Federal agency of the U.S. government;
2. Be present in Virginia to participate in and complete the individualized plan for employment (IPE); and
3. Intend to work after completing the IPE. An individual who completes the VR application process is presumed to intend to work.

## **Order of Selection (OOS)**

1. Each agency will apply its own policies regarding Order of Selection (OOS).
2. Should an individual be determined eligible for services by both agencies but due to OOS, the case is placed in Delayed Status by one agency but not the other, then the agency where the individual is not in delayed status assumes lead responsibility for the case. When/if the other agency moves the case out of Delayed Status, the VR counselors from both agencies shall determine, in consultation with the individual, if serving the individual jointly with DARS or DBVI is still appropriate. If not, the latter agency closes the individual's case. If jointly serving the case is still appropriate, that agency includes the VR counselor of the agency already serving the individual in the IPE planning process.

### **Coordination of Services (Jointly Served)**

Each agency develops an IPE with the individual. The vocational goal must be consistent for both agencies, with no duplicated services except C&G. For Deaf-Blind individuals, DBVI assumes the lead responsibility per the DARS-DBVI Cooperative Agreement (July 1, 2014). For all other mutually served individuals, the VR counselors shall confer on a regular basis to plan and provide services consistent with their expertise and/or services the other agency does not provide. However, each agency will include in their IPE's all services to be provided to the individual, including services to be provided/funded by the other agency (shown as a comparable benefit). For students with disabilities who are potentially eligible, each agency develops a Pre-ETS plan with the individual and shall work in consultation with the other agency to coordinate Pre-ETS services and avoid duplicative services.

1. When the VR counselor performs a service/action, the VR counselor promptly notifies the other agency's VR counselor.
2. If the VR counselors from the two agencies cannot come to an agreement, supervisory consultation and involvement should occur.
3. If the VR counselor discovers after IPE implementation that an individual is already receiving services from the other agency, the VR counselors and the individual determine if the case meets the criteria for reciprocal service and whether IPE amendments are needed or whether one case will be closed

### **Financial Sponsorship of Services**

1. Each agency applies its own financial participation policies where financial sponsorship of services is involved.
2. Where disability specific service needs exist, the agency that possesses the unique knowledge and expertise necessary to provide that service to the individual will be the provider or funder of that service or services (e.g., low vision services). Otherwise, when both agencies agree on services (e.g., college, supported employment, etc.) that are necessary to support the individual's vocational goal, both agencies can share in the cost of the service in keeping with their respective policies, only to the extent that the authorizations do not exceed the service cost less comparable benefit and the individual's financial participation in cost of services. For example, the two agencies could split the cost of college (one pays fall semester, one pays spring), agree on a set number of hours of SE services and each authorize half per month, and so on.
3. In no case shall services provided by one agency be duplicated by the other.



## **Case Closure**

1. Each agency applies its own policies regarding case closure, including each agency VR counselor providing the required notification to the individual.
2. If the individual becomes employed in a competitive integrated setting, both agencies may close the case as Closed-Rehabilitated (even during the same federal fiscal year) provided each agency determines that all of their agency's criteria for successful case closure have been met.
3. If at any point after IPE implementation, it's determined that services from one of the agencies are no longer required, then the agency may keep the case open, be available for any necessary follow-up and/or coordination of services, allow the other agency to continue with their necessary services, and then both agencies close the case simultaneously. For example, after DBVI low vision and AT services, are completed the DBVI case may remain open while DARS continues to provide SE services and 90-day employment follow-along.
4. A decision to close the individual's case (either successfully or not) must be discussed with the other agency's VR counselor before notifying the individual.

## **Appeals**

For jointly served cases (where client permission to release information will have been obtained), DBVI and DARS may coordinate and share information necessary to address informal administrative reviews, mediations, fair hearings, and formal administrative reviews when necessary.

# Chapter 2

## Disability Criteria and Order of Selection

### A. Disability 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 (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** means 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.

## B. 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).

**Guidance:** The VR counselor should determine (using the functional capacities definitions below) how many serious limitations (also referred to as significant) the individual has due to their disability or disabilities. In addition to the number of serious limitations, in order to be determined SD or MSD, the counselor must determine that the individual requires 1) multiple VR services and 2) VR services over an extended period of time. That is, there are 3 criteria the counselor must consider in determining if the individual is SD or MSD. In AWARE, under the Functional Limitations checklist, the counselor will see the option for multiple services and services over an extended period

*of time below the seven functional limitations that are listed. Multiple VR services and services over an extended period of time are not functional limitations; they are additional criteria that must be met in addition to the number of functional limitations.*

**C. 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** refers 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.

**D. 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>
<b>Mobility</b>	<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"> <li>• The individual needs help to get to and from work, such as                             <ul style="list-style-type: none"> <li>○ special training to learn to get to and from work, or</li> </ul> </li> </ul>

- 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
  - 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**

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

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 work day 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

### **E. 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.

**Guidance:** *DBVI is currently operating under an Order of Selection (OOS), but within that process can elect at any time to operate with all categories open or to close one or more for a period of time to be determined by the agency. Should DBVI elect to close one or more categories, then the process as outlined in this chapter would need to be followed. For example, DBVI could close all categories as of July 1 due to funding issues for a period of 3 months. Or the agency could close categories indefinitely and monitor costs until it's determined there are enough funds to re-open categories, at which point a date would be announced to re-open categories.*

### **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**

### 3. Priority Category Assignment

If DBVI is operating under an Order of Selection, the VR counselor shall assign individuals determined eligible for VR services to the appropriate priority category and must then document the rationale for the assignment in the case record. The VR counselor shall communicate to the individual, through appropriate modes of communication (per [34 CFR 361.57\(e\)](#)), the category assignment as well as DBVI's appeal process. Only those assigned to an open category will be served.

- a. The VR counselor must assign individuals who receive either Supplemental Security Income (SSI), Social Security Disability Income (SSDI), or both, to priority category I or II since they are presumed to have a significant disability that results in serious functional limitations in one or more areas (Per [34 CFR 361.42\(a\)\(3\)](#)). Individuals receiving SSDI survivor or family benefits are not presumed to have a significant disability because they are receiving SSA benefits under the work record and disability of another person.
- b. Individuals whose cases are in Eligible status or higher are exempt from the Order of Selection and will continue to be served. Individualized Plans for Employment (IPE) may be developed for those individuals who were previously placed in Eligible status before the date that the category became closed. Those individuals in Service status will continue to be served under their IPE.

**Guidance:** *If at any point an individual no longer meets the criteria for the priority category currently assigned, the VR counselor may reassign the individual to a higher priority category and must document the rationale for the new assignment in the case record*

### 4. General Procedures

- a. The order of selection process will be implemented if DBVI cannot provide services, due to limited resources, to all individuals who are eligible for VR services.
- b. The Director of Vocational Rehabilitation and Workforce Services will provide written notification to all regional offices regarding the category and date to implement or discontinue the order of selection.
- c. The order of selection does not apply to individuals who have already been determined eligible prior to the priority category they are in closing or to individuals in Service status.
- d. Applications for VR services will be accepted without restrictions. All applicants will receive the necessary assessment services to determine eligibility and will receive assistance in locating services available from other sources, including services available through Virginia's workforce development services system.

- e. In the event that VR services cannot be provided to all eligible individuals in a given category, a waiting list (also referred to Delayed Status) based upon the date of application for VR services will be used within a category.
- f. If an individual who is eligible for VR services does not meet the criteria for the category(ies) being served (i.e., is placed in a priority category that's not open to be served) under the Order of Selection and does not request case closure from Application, they must be accepted for services and held in a waiting status. An individual placed into this status has been determined eligible for VR services (Certificate of Eligibility completed) but cannot receive services because he or she does not meet the State agency's Order of Selection priorities.
- g. The individual must be notified via the Order of Selection letter in AWARE.
- h. Individuals will be held in the waiting status until:
  - 1. The priority category they are in is fully opened (all individuals in a specific priority category or categories become open to be served as of a date specified);
  - 2. The priority category they are in is partially opened (all individuals in a specific priority category within a defined date range by application date become open to be served as of a date specified);
  - 3. The individual requests their VR case be closed
- i. Individuals who are on the waiting list due to an order of selection and are closed prior to receiving services will be closed as "Other".
- j. An individual determined to be eligible for VR services may appeal their priority category assignment in accordance with the agency's standard appeal procedures.

Note: Per RSA guidance, while the priority category assignment is an appealable determination, the decision by DBVI to implement an Order of Selection by closing one or more priority categories is not an appealable determination.

- k. If DBVI should open a priority category, or partially open a priority category, the VR counselor must communicate with those individuals on their caseload who are on the waiting list and would be impacted by this change. The individual will be notified through appropriate modes of communication to include as appropriate by mail, electronic mail and/or telephone to best insure the individual has been fully informed of the opening of their category.

## **5. Scope of Services under Order of Selection**

**Scope of Services for All Applicants When DBVI is under Order of Selection:**

- a. All applicants shall receive diagnostic and evaluation services necessary to determine eligibility for the Vocational Rehabilitation Program (and to assign the priority category when DBVI is operating under Order of Selection).
- b. VR expenditures are limited to only those services necessary for determination of eligibility in order to place the individual in the appropriate Order of Selection priority category.

**6. Scope of Services for Delayed Status Cases (Individuals who are on the waiting list)**

- a. The VR counselor must provide information and referral to services available through Virginia's workforce development system as well as other available local resources as appropriate.
- b. The VR counselor may provide additional diagnostic, assessment, and evaluation services needed to reevaluate the priority category assignment if the VR counselor feels further assessment is required after the category assignment was made. If the individual requires additional support services in order to access diagnostic services, the VR counselor may provide services such as transportation, child care, personal assistance services, etc. as well as interpreter services for the deaf or foreign language.
- c. If an individual on the waiting list believes they have been improperly assigned to a category, they may provide medical or other evidence that either the original determination by the VR counselor was incorrect or that the disability has become more severe. At that point, the VR counselor must reassess the priority category assignment as appropriate and if a change is warranted, document the rationale for the reassignment. If it's determined that no reassignment is warranted, the individual would remain in the previously assigned category unless they requested their case be closed at that point. The VR counselor must also provide the individual with their appeal rights in the case where no reassignment is made.

**Guidance:** *The VR counselor is not required to provide additional diagnostic or assessment services simply because the individual believes the priority assignment is incorrect. However, they are required to accept and review all additional information provided by the individual (e.g., further medical evaluations paid for by the individual). In the event this additional information convinces the counselor that further assessments should occur, per number 2 above they may then provide additional assessment and diagnostic services to the individual. Consultation with the Regional Manager is recommended in this case.*

- d. Individuals assigned to closed categories may not have an employment plan developed nor will the VR counselor provide services to them that would normally be provided to develop the IPE (e.g., career exploration or development services, vocational evaluation, etc.).

- e. Individuals on the waiting list may receive limited vocational guidance, receive specific job referrals by the VR counselor, receive Schedule A Federal Hiring Authority letters or may receive limited job application or resume assistance. Services provided must be documented in the individual's case record.
- f. Because an employment plan cannot be developed, the case cannot be Closed-Rehabilitated.
- g. The VR counselor must ensure that assistance provided to those on the waiting list does not impact the ability to address referrals and applicants and does not impact the ability to provide full services to cases in service status, including those in Service-J or in Employed status.

**Guidance:** *Federal regulatory guidance related to serving individuals who are on the waiting list under an Order of Selection has consistently been to ensure that any services provided to those individuals, even on a minimal level, must not impact the ability of the VR agency to provide the full array of VR services to those individuals who are open to be served. While limited vocational guidance and counseling, referral and other limited vocational services can be provided to those on the waiting list, guidance has been clear that because the agency has determined that they do not have the funds necessary to serve all eligible VR individuals, those services provided by DBVI internal VR staff are seen no differently than services that are funded out of case service dollars. For this same reason there can be no "no cost" IPE services provided to those on the waiting list.*

- h. After 12 months on the waiting list, the VR counselor must notify the individual in writing of the opportunity to remain on the waiting list and provide again at that time information on Virginia's workforce development services as well as other resources available in the community that may meet their employment related needs. The individual will remain on the waiting list unless they request their case be closed (at which point they would be Closed-Other in AWARE).
- i. An individual whose case has been closed can reapply for VR services at any point.

**j. Job Retention and OOS**

As provided by the Code of Federal Regulations (34 [CFR 361.36](#)), DBVI has elected to serve eligible individuals outside of the Order of Selection if they have an "immediate need" for VR-services to maintain employment.

Services provided under this policy must only be those "specific services or equipment that the individual needs to maintain current employment". "Immediate need" means that the individual would almost certainly lose his or her current job if not provided specific services or equipment in the very near future that would enable him or her to retain that employment (i.e., the individual is at immediate risk

for losing their job). Should other VR service needs become evident, the individual would be placed in the appropriate OOS Priority Category and could be provided those services under an IPE when individuals in that category are eligible to be served.

### **Eligibility Criteria for Job Retention Services outside of Order of Selection**

1. The individual must have been determined eligible for VR services;
2. The individual must have been employed at the point of application for a minimum of 60 days;
3. The individual's employment must be determined to be at "immediate risk" as documented by:
  - a. Written performance evaluation or similar documentation where loss of employment is a clear possibility;
  - b. Documentation from employer (such as an email or letter to the employee) indicating employment is at risk;
  - c. The employee or employer provides a corrective action plan/letter or similar documentation indicating employment is at risk;
  - d. Other documentation indicating job loss is imminent or likely without intervention from vocational rehabilitation
4. Where no documentation is available, the VR counselor may determine that employment is at immediate risk based on statements from the employee and will document the justification in AWARE case notes.
5. Employees who are at immediate risk for loss of employment due to employer layoffs, business closings, or other reasons unrelated to the individual's disability are not eligible for job retention services.
6. The VR counselor determines that there are "specific VR services or equipment that the individual needs to maintain current employment".
7. The individual must be willing (as appropriate and necessary) to give permission for the VR counselor and/or other necessary DBVI staff or vendors to consult with the employer and to visit the job site in order to assess what VR services may be necessary for job retention and, in some cases, to make a final determination if the individual's employment is at immediate risk.

#### *Immediate need or risk means:*

1. 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;
2. A delay in the specific services the individual needs to maintain their current employment (based on the projected waiting list time-frame) will likely lead to a loss of employment.

**Guidance:** *DBVI does not require or recommend contact or intervention with the individual's employer when determining if the individual is eligible for job retention*

*services as doing so may increase the employment risk. However, if the individual requests and/or is open to contact with the employer, or if the request for services comes from the employer, then the VR counselor may consult with the employer as necessary. In some cases, it may be necessary for the VR counselor to consult with the employer and/or conduct a job site assessment prior to approval for job retention services in order to determine if those services are appropriate and to assist in determining what specific services are required.*

**Guidance:** *Individuals who are approved for job retention services outside of the Order of Selection, per federal regulation, may only be provided those “specific VR services or equipment that the individual needs to maintain current employment”. In determining if the individual is eligible for job retention services, the VR counselor must identify what those specific VR services are that are required to address the employment risk. Typical services may include assistive technology, low vision aids, or other adaptive equipment; it may also mean targeted employer services, such as consultation, advocacy, and/or disability awareness training. Services such as technology training or job coaching may be provided, but only if those services are specifically targeted to the specific job retention need. In other words, if an individual is receiving services and equipment under this exemption, the individual is within the order of selection for the purpose of receiving any other vocational rehabilitation services not covered by the exemption.*

### **Job Retention Policy and Procedure**

1. Determine eligibility for VR services. Once the individual has been determine eligible for VR services, they will be placed in Delayed Status.
2. The VR counselor must communicate to the individual, through the informed choice process, that if they are approved for job retention services and subsequently lose that job even though services were provided, they will be required to re-apply for VR services with a new application date.
3. If the VR counselor determines that the individual meets the criteria for job retention services, they must seek approval from the Regional Manager. If the Regional Manager approves, they will forward the recommendation to the Director of Vocational Rehabilitation and Workforce Services for approval to move the individual from Delayed Status to Service status such that job retention services may be provided.
4. Once the individual has been approved for job retention services, the individual will be moved from delayed status and will be open to be served (Service status in AWARE). The VR counselor must develop an IPE to include those specific services the individual requires to address the immediate employment need. Necessary evaluation services, such as a technology assessment, may be required in order to determine the specific services required.
5. The VR counselor will determine if there is a need to meet with the employer and/or conduct a job site assessment. Releases of information must be signed by the individual as needed.



6. The VR counselor will adhere to all relevant VR policy and procedure when providing job retention services. If in the process of providing job retention services, it becomes apparent that the individual will require more comprehensive VR services than originally anticipated in order to address the immediate need, the counselor must request an exception to policy in order to continue to provide job retention services to the individual.

### **Employment Status and Closure from Job Retention Services**

Individuals who have been approved for job retention services will be placed in Service-E status once their IPE has been developed, with the employment start date in AWARE being the signature date on the IPE. Once job retention services have been provided, and the individual's job is no longer at risk, the counselor will complete the stable date in AWARE which will place the individual in employed status and will then monitor the individual for a period of no less than 90 days per VR policy. If the individual has successfully maintained employment, the counselor will follow VR policy and procedure in closing the case (Closed – Rehabilitated).

Individuals who are unable to maintain employment despite the provision of job retention services will have their cases closed as Closed – Other. They may re-apply for VR services, but will need to complete a new VR application.

- k. All students 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 Individualized Plan for Employment (IPE) for that student.
- l. Transition services for groups, 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).
- m. Per CFR [34 361.36\(e\)\(3\)](#), students with disabilities who are receiving any or all of the 5 required pre-employment transition services will continue to receive those services until the completion of any or all of the 5 required pre-employment transition services even if they are determined eligible and their priority category is closed. If none of the 5 required pre-employment transition services have begun and the individual is determined eligible and

placed in a closed category then those services cannot be initiated. The VR counselor cannot provide any other vocational rehabilitation services for those students assigned to closed priority categories.

- n. 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 then pre-employment transition services must be discontinued. No other vocational rehabilitation services can be provided until their category becomes open to be served.

**Guidance:** *Transition services to groups of students and youth with disabilities can be provided to any student or youth, regardless of whether they have been determined eligible for services and regardless of whether or not they may be in a closed category under Order of Selection (OOS). As noted above, however, these are generalized and basic services, not targeted individualized services as one would have under an IPE.*

*Students who are receiving any or all of the 5 required pre-employment transition services must be allowed to complete those pre-employment transition services which were initiated prior to being assigned to the closed category as well as any other of the required pre-employment transition services. However, a student with a disability is not exempt from the relevant OOS policies and so if they are assigned to a closed category their IPE cannot be developed and no individualized VR services can be provided. Additionally, should a student be determined eligible and assigned to a priority category (and pre-employment transition services have not yet been initiated) then those services cannot be provided.*

# Chapter 3

## Informed Choice and Individual Confidentiality

This chapter 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 chapter 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](#)).

**Guidance:** *All references to individuals “applying for or receiving VR services” includes those individuals who are “potentially eligible” students with disabilities and who are “recipients” of Pre-employment Transition Services.*

**Guidance:** *It's imperative that the VR counselor understand for each individual they are serving what the most “appropriate form of communication” is for that individual. The VR counselor must insure they ascertain this from the very beginning of their relationship with the individual. In many cases the individual will be able to communicate clearly what their preferred communication mode is; in other situations the VR counselor will need to determine what is most appropriate through their initial engagement with the individual, through a review of referral records, through communication with the family or referral source, etc. Once determined, the VR counselor (and in fact all DBVI staff having interaction with the individual) must consistently insure that the most appropriate form of communication for that individual is utilized. For example, while documents such as the IPE or other documents may need to be provided to the individual, knowing that they have limited reading comprehension requires the VR counselor to insure these documents are read and explained to the individual such that they understand them.*

## A. 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 takes into account 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.

Subsequently, DBVI Vocational Rehabilitation Counselors shall (Per [34 CFR 361.52](#)):

1. Notify individuals who are applying for or receiving vocational rehabilitation services (including students with disabilities who are receiving Pre-employment transition services) of their rights to exercise informed choices throughout the vocational rehabilitation process.
2. Provide individuals with and assist as needed with identifying information necessary to make informed choices including DBVI Vocational Rehabilitation Policies and Procedures to ensure the individual makes informed choices consistent with related policy, regulations and law.
3. When assisting eligible individual in developing their Individualized Employment Plan (IPE) or providing information to individuals who choose to develop their own IPE, this shall include, at a minimum, information relating to the cost, accessibility, and duration of potential services, the individual's satisfaction with services to the extent that this information is available, the qualifications of

potential service providers, the types of services offered by those providers, and the degree to which services are provided in integrated settings.

4. Notify and provide individuals who apply for or are certified as eligible for vocational rehabilitation services (and their representatives as appropriate) opportunities to make informed choices throughout the vocational rehabilitation process. Vocational Rehabilitation Counselors may use methods that include but are not limited to:
  - a. Referring individuals to local consumer groups or disability advocacy groups, or disability advisory councils qualified to discuss the services or service providers;
  - b. Provide state or regional lists of available services and vendors.
  - c. Provide information on relevant accreditation or certification or other information relating to the qualification of service providers.
  - d. Provide the results of periodic consumer satisfaction surveys, to the extent available.
  - e. Provide opportunities to visit or experience various work and service provider settings.
  - f. Relevant accreditation, certification, or other information relating to the qualifications of service providers
  
5. The vocational rehabilitation counselor shall document in the individual's case file the options discussed with the individual and the choices made by the individuals during the rehabilitation process.
  - a. Example: An individual decides to attend an out of state college for a degree that can be obtained through an in state college. The Vocational Rehabilitation Counselor explains and ensures the individual understands that DBVI will only sponsor the in-state tuition rate and that the individual will be responsible for any tuition cost over the in-state rate. The Vocational Rehabilitation Counselor then documents the discussion in the individual's case file.

Informed choice does not obligate DBVI to sponsor specific vocational rehabilitation services, service providers, or pay costs above what is allowed by DBVI policy. Individuals who feel they have not been given the opportunity to informed choice, regardless of the reason, must be informed of the right to appeal the decision. The Vocational Rehabilitation Counselor must provide the individual with information regarding the Client Assistance Program (disability Law Center of Virginia) along with relevant contact information.

**Guidance:** *Informed choice, while a right of those applying for or receiving VR services, is also a partnership between the VR counselor and the individual. The VR counselor has a responsibility to engage those they are serving in a way that, through guidance and counseling, provides that individual with the information they need in order to make informed decisions about their VR program of services. However, as noted above, informed choice does not mean the VR counselor is obligated to simply meet the wishes*

*of the individual. The VR counselor has the responsibility to adhere to agency policy and procedure and to exercise their professional judgment throughout the process. This becomes most critical in the development of the individual's IPE, including their employment goal and the services within that plan. Where disputes arise, whether it be in the development of the IPE or at other points in the VR process, the VR counselor will clearly communicate all necessary information to the individual (including appeal rights) such that they are an equal partner in the decision making process, but ultimately the VR counselor has both the right and the responsibility to make professional judgments, as provided for within DBVI 's VR policies and procedures.*

## **B. 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.
  - i. The Vocational Rehabilitation Counselor shall explain the consequences of not signing the release;
  - ii. If the Vocational Rehabilitation Counselor determines that the individual does not understand the form or process, the individual's representative must sign the form;
  - iii. 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.

## **2. 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. Examples include but are not limited to:
  1. Financial information required for the Vocational Rehabilitation Counselor to determine whether an individual is required to participate in cost of vocational rehabilitation services based on financial need;
  2. Financial aid and education records that are required for DBVI to sponsor education and training;
  3. Medical insurance and vendor information required for DBVI to sponsor physical or restoration assessment and treatment services;
  4. Training vendor reports for training services;
  5. Information needed to identify and use comparable benefits.

### **3. 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 consent 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

### **General Rules for Use of Consent to Release Information**

**Expiration:** DBVI authorizations for release of information will terminate one year from the original date of signature unless the individual specifies an earlier or condition such as case closure with one exception. The Authorization for Release of Personal Information does not have an annual renewal requirement.

**Signature(s):** To be legally binding, DBVI's authorizations for release of information must be signed by the individual, custodial parent, legal guardian, or power of attorney. DBVI staff cannot sign on behalf of any individual applying for or being served by DBVI. Verbal signatures are not allowed.

**Powers of Attorney (POA) and Guardianship:** DBVI requires documented proof of the authority/designation of individuals who are reported to be an individual's POA or Guardian. This documentation will be included in the individual's case file.

**Witness:** A witness name and signature are required when the individual is legally competent to make an informed choice to provide but does not have the ability to affix a signature due to disability or medical condition. Any DBVI staff member may serve as a witness in this instance.

The DBVI staff member requesting the authorization to release information shall ensure that the individual receives a copy of said authorization. Authorizations to release information shall not be modified or amended after the signature of the individual has been obtained. Authorizations to release information shall not be signed by the individual unless said authorization is complete; in no circumstance shall a blank authorization to release information be provided to the individual by a DBVI employee for signature.

### **Authorization for the Release of Personal Information (DBVI-70-29)**

This release form is used to request or exchange/disclose personal information that does not include protected health information or alcohol/drug/substance abuse diagnosis or treatment information. It is to be used when sharing school records, criminal backgrounds or other specific information that is not protected by more stringent regulations. This release allows for the release of information verbally as well as in writing and can be used for more than one entity.

Examples of types of records released with this authorization include but are not limited to:

- School Records and Transcripts
- Criminal Records and Background Screenings
- Employment Records

- Communications with perspective employers
- Communications with family members or representatives

**Revocation:** Revocation of this release can be made verbally and when that occurs, a case note must be developed in AWARE and attached to the print copy in the case file. If revoked in writing, the documentation must be attached to the release form in the individual's case file.

### **Authorization for Disclosure of Protected Health Information (DBVI-70-23)**

This release form shall be used to obtain, exchange, or disclose protected health information (PHI) / individually identifiable Health Information (IIHI). The authorization is intended for two, and only two, entities to share information between them and only them. List one entity in the "custodian of information" field and list DBVI as the other entity in the "to disclose to" field. Check only the items that are required for DBVI to conduct business. If seeking an entire record, identify "All Records" in the "other" section of the form.

Examples of types of records released with this authorization include but are not limited to:

- Medical Provider Records – Ophthalmologists, Hospitals, Physicians, hospitals or healthcare facilities
- School information that includes PHI or IIHI such as IEPs, school psychological reports, eye reports, Immunization Records

**Signature(s):** DBVI staff shall explain the HIPAA privacy statement before the individual signs the form. DBVI staff shall not sign on behalf of the individual and verbal signatures are not allowed. To be a legally binding document, the consenting individual must be the individual receiving services, the custodial parent, legal guardian, or power of attorney.

**Revocation:** Revocation of this release must be in writing. The revocation documentation must be attached to the release in the individual's case file. Once revoked, the release cannot be used under any circumstance; a new release will be required if PHI/IIHI is requested in the future.

### **Authorization to Release Drug and Alcohol Diagnosis and Treatment Records (DBVI-70-22)**

This release shall be used to obtain, exchange, or disclose alcohol and substance abuse information. List only one entity in the "custodian of information" field and only one entity in the "to disclose to" field; this form is for a one-to-one exchange relationship between only two entities. An additional release is required for additional entities. Frequently, an Authorization for Use or Disclosure of Protected Health Information will be required in addition to the Authorization to Release Drug and Alcohol Diagnosis and Treatment Records

Examples of types of records released with this authorization include but are not limited to:

- Community Services Boards
- Substance Abuse Programs
- Treatment Facilities

**Revocation:** Revocation of this release must be in writing. Documentation shall be attached to the release in the individual's file. Once revoked, the release cannot be used under any circumstance; a new release will be required if Drug and Alcohol Diagnosis and Treatment Records is requested in the future.

- a. Except as identified in numbers one and two of this section, DBVI must make all requested information in the individual's record of services accessible to and must release the information to the individual or the individual's representative in a timely manner.
- b. DBVI shall not release medical, psychological, or information the agency has deemed harmful to the individual directly to the individual, but must be provided to the individual through a third party chosen by the individual, which may include, among others, an advocate, a family member, or a qualified medical or mental health professional, unless a representative has been appointed by a court to represent the individual.
- c. Personal information in the case record that DBVI obtained from another agency or organization may be released only by, or under the conditions established by, the other agency or organization (per [34 CFR § 361.38](#)), unless specifically requested by judicial order.
- d. Release of information to parents or legal guardians
  - a. The parents or legal guardians of individuals who are applying for or receiving services who are under age 18 have the right to review the minor child's case record (including information about the child dropping out of school, sexual activity, etc.), discuss the individual vocational rehabilitation services, or make decisions about the individuals' vocational rehabilitation (including signing DBVI documents for the individual), without the individual's informed written consent except:
    - i. Any information regarding outpatient diagnosis, treatment, care, or rehabilitation for alcohol or other substance abuse, mental illness, or emotional disturbances ([§ 54.1-2969 of the Code of Virginia](#)). However, the individual's consent is not required for parental access to inpatient treatment, care, or rehabilitation since minors cannot check themselves into an inpatient treatment program, or for parental access to other types of information (e.g., child is sexually active, child has dropped out of school, etc.), or

- ii. When parental rights have been terminated or a court has restricted or denied parental or representative access to the individual's confidential records, or
    - iii. When the individual is emancipated (e.g., married, court order, etc.), or
    - iv. Any information furnished in confidence to the Virginia Department of Social Services and an investigation is ongoing (e.g., on abuse or neglect charges) and any information Social Services provided to the Vocational Rehabilitation Counselor with a stipulation that release of the information is prohibited.
  - b. For parents of individuals who are applying for or receiving services and are 18 or older and are legally competent, informed written consent is required in order for the parent to review or obtain a copy of the individual's vocational rehabilitation case file, discuss the individual's vocational rehabilitation services, or make vocational rehabilitation decisions on the individual's behalf (including signing DBVI documents). Informed written consent is required for parental access to special education records when the individual is 18 years or older (per P.L. 105-17 Individuals with Disabilities Education Act, [Federal Regulation 34 CFR § 300.520](#)).
  - c. The parent cannot make decisions on behalf of a child who is 18 years or older unless the parent is a court-appointed legal guardian. The guardian must furnish personal identification (e.g., driver's license) and sign a written statement for the individual's DBVI Vocational Rehabilitation case file that he or she is the legal guardian. The Vocational Rehabilitation Counselor shall ensure that a copy of the identification document and statement are in the individual's vocational rehabilitation case file.
- e. Law enforcement, fraud, or abuse
  - a. DBVI has the authority to disclose requested personal information without consent in response to investigations in connection with law enforcement, fraud, or abuse, unless expressly prohibited by federal or state law or regulations ([Federal Regulation 34 CFR § 361.38](#)).
- f. Judicial Orders
  - a. DBVI has the authority to disclose requested personal information without consent in response to an order issued by a judge, magistrate, or other authorized judicial officer. ([Federal Regulation 34 CFR § 361.38](#)).
    - i. DBVI staff shall not respond directly to any judicial order without approval of and guidance from a representative from the Commissioner's Office.
    - ii. Within one calendar day of receipt, DBVI staff shall scan the judicial order to the Deputy Commissioner for Services.

- iii. The Deputy Commissioner for Services shall release the appropriate records as directed by the Attorney General.
  - iv. No copies are authorized to be made unless directed by the Deputy Commissioner for Services. There is no copying charge if the judicial order is issued by or on behalf of the individual applying or receiving vocational rehabilitation services (individual being served). For other judicial orders, unless it states there are to be no copying charges, DBVI shall charge 50 cents per page for up to 50 pages and 25 cents per additional page for a copy from paper or other hard copy generated from computerized or other electronic storage (per [§ 8.01-413 of the Code of Virginia](#)). The check is made payable to Virginia Department for the Blind and Vision Impaired.
  - v. The Vocational Rehabilitation Counselor shall maintain a copy of the judicial order with a notation of the date of release and a copy of the DBVI written response in the individual's paper file (per [§ 2.2-3803 of the Code of Virginia](#)).
- g. Subpoena or subpoena duces tecum issued by a clerk of the court or an attorney.
- a. DBVI shall not release any records from or associated with federally-funded Vocational Rehabilitation program (including supported employment) or Independent Living program unless the individual applying for or receiving services gives informed written consent or by judicial order (per [34 CFR § 361.38](#)).
  - b. Medical or psychological records pertaining to the individual's vocational rehabilitation services (or other agency programs or services) shall not be released unless the individual applying for or receiving vocational rehabilitation services gives informed written consent (per [34 CFR § 361.38](#)).
  - c. The following procedures shall apply:
    - i. DBVI staff shall not respond directly to any subpoena or subpoena duces tecum.
    - ii. DBVI staff shall immediately fax the subpoena or subpoena duces tecum to the Deputy Commissioner for Services.
    - iii. The Deputy Commissioner for Services will advise DBVI staff of the actions to occur.
    - iv. The vocational rehabilitation counselor shall keep in the individual's case record the subpoena/subpoena duces tecum with a notation of the date any information was released and a copy of the DBVI written response to document the disclosure (per [§ 2.2-3803 of the Code of Virginia](#)).
    - v. There is no copying charge if the subpoena or subpoena duces tecum is issued by or on behalf of the individual who is applying for or receiving Vocational Rehabilitation Services. Otherwise, unless it states there are to be no copying charges, DBVI shall charge 50

cents per page for up to 50 pages and 25 cents per additional page for a copy from paper or other hard copy generated from computerized or other electronic storage (per [§ 8.01-413 of the Code of Virginia](#)). The check is made payable to Virginia Department of Rehabilitative Services.

- h. Rehabilitation Services Administration
  - a. DBVI has the authority to disclose requested personal information without consent by the applicant or individual receiving vocational rehabilitation services in response to requirements of the Rehabilitation Services Administration (RSA) as allowed by law. DBVI program staff are not required to record these disclosures in the individual's case record (per [§ 2.2-3808.1 of the Code of Virginia](#)).
- i. Health and Safety
  - a. DBVI staff may disclose personal information in an emergency when the individual who is applying for or receiving vocational rehabilitation services poses a threat to his or her safety, safety of others, or a situation in which it is reasonable to believe that a delay would result in death, serious physical injury, or other danger to the individual or others (per [34 CFR § 361.38](#)). Examples of emergency include, but are not limited to: inquiry by law enforcement regarding an emergency situation, emergency or commitment to a hospital, inquiry from an acute care hospital, etc.
  - b. Consent is not required to disclose any alcohol or substance abuse records, including information that the person abuses alcohol or substances, to qualified medical personnel in a medical emergency (per federal regulation [42 CFR § 2.64](#)).
- j. Mandated Reporters
  - a. If a DBVI staff member suspects that an individual applying for or receiving vocational rehabilitation services is about to confide abuse, neglect or exploitation of themselves, a child, or of another adult, the staff member must inform the individual that the DBVI staff member is required by law to report complaints to the Department of Social Services but that all information relating to the complaint and any forthcoming investigation will remain confidential and will not be released without a judicial order. The staff member must note in the individual's case file the date the report was made and list any documents DBVI provided to the Department of Social Services.
  - b. DBVI staff must report, within 72 hours, to Department of Social Services any suspected abuse or neglect of child, even if the individual shares the information with the staff member in confidence. The staff member may be subject to a state fine for failing to report the information within 72 hours of first suspicion. The DBVI staff member must report the information to the Social Services office in the locality where the individual resides, or where the alleged incident is believed to have occurred. Suspected child abuse

and neglect may also be reported through the Social Services toll-free child abuse and neglect hotline. The report may be oral or in writing (per [§ 63.2-1509 of the Code of Virginia](#)).

- c. DBVI must immediately report any suspected abuse, neglect, or exploitation of an adult, even if the individual shares the information with the staff member in confidence, to the adult protective services hotline or the Department of Social Services office in the locality where the individual resides or where the abuse, neglect or exploitation is believed to have occurred. The DBVI staff must note in the case file the date the report was made and list any documents DBVI provided to the Department of Social Services. Any VR counselor who has reason or cause to suspect that an adult has died as a result of abuse or neglect must immediately report this suspicion to the appropriate medical examiner and law enforcement agency.
  - d. The VR counselor may be subject to a fine for failing to immediately report the information upon reason to suspect and will be subject to a criminal conviction for making or causing to be made a false report ([per § 63.2-1606 of the Code of Virginia](#)).
  - e. Even with informed written consent, DBVI shall not release any information that the Department of Social Services has indicated shall not be re-released ([per § 63.2-105 of the Code of Virginia](#), and [34 CFR § 361.38](#)).
- k. Audit, evaluation, or research
- a. DBVI staff shall not respond directly to a request for information for the purpose of audit, evaluation or research by non-DBVI staff. Staff shall refer the requester to the Director of Vocational Rehabilitation and Workforce Services.
  - b. DBVI Administrators or designated staff may disclose personal information of individuals being served without consent for audit, evaluation, or research subject to the following guidelines:
    - i. The information must be used only for purposes directly connected with the administration of the Vocational Rehabilitation Program or for purposes that would significantly improve the quality of life for DBVI VR individuals being served ([per 34 CFR § 361.38](#)).
    - ii. The information may only be released if the organization, agency, or individual assures that,
      1. the information will be used only for the purposes for which it is provided; will be released only to those officially connected with the audit, evaluation or research; will not be released to the participants; and will be managed in a manner to safeguard confidentiality, and
      2. the final product will not reveal any confidential identifying information without participant informed written consent ([per 34 CFR § 361.38](#)).

- iii. The audit, evaluation or research may also be subject to pre-approval by a Human Research Review Committee (per [§ 32.1-162.16 of the Code of Virginia](#), and [State Regulation 22 VAC 30-40-10](#)).
  - iv. No disclosure case note is required (per [§ 2.2-3808.1 of the Code of Virginia](#)).
- l. Alcohol, drug, or substance abuse information  
Information regarding alcohol or substance abuse diagnosis, treatment, care, or rehabilitation records for federally-funded or state programs shall not be released unless with informed written consent, judicial order, or other legal requirement (per federal regulation [42 CFR § 2.31](#), federal regulation [42 CFR § 2.32](#), federal regulation [42 CFR § 2.33](#)). For example, see subsection 8 above which allows disclosure in a medical emergency
- m. Non-VR Program DBVI Staff
- a. Non-VR Program staff.  
Informed written consent shall not be required for other DBVI divisions and staff of DBVI who do not have responsibility for administering the Vocational Rehabilitation Program.
- n. Advisory bodies
- a. Information that does not contain identifiable personal information may be shared with the State Rehabilitation Council and other advisory bodies. Redacted hearing decisions shall be shared with the State Rehabilitation Council as required (per Workforce Innovation and Opportunity Act of 2014).
- o. Business or potential employers
- a. Informed written consent shall be required and shall routinely relate only to the job abilities and reasonable accommodation needs (per P.L. 101-336 Americans with Disabilities Act of 1990), unless the individual receiving vocational rehabilitation services details on the consent form other information that may be disclosed.
  - b. The consent may be blanket consent for all potential employers or a separate form for each potential employer.
- p. Providers.
- a. Informed written consent from the individual to whom the vocational rehabilitation services are being provided shall be required.

#### 4. 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 are 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.

## 5. 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)

NOTE: For case file information regarding students with disabilities who are being provided pre-employment transition services but have not applied for VR services (potentially eligible), see [Transition and Pre-Employment Transition Services](#) in this manual.

- 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

### **Paper Case File – Order of Contents (by colored tabs)**

#### **Front of Folder**

Disclosure log

Voter registration

Applications (Vocational Rehabilitation and Rehabilitation Teaching), with Rights and Responsibilities

HIPAA and other releases

Eye reports

Health Checklist (required for Vocational Rehabilitation, not for Rehabilitation Teaching)

All other medical documentation

#### **Gold Tab**

Financial forms

Signed Individualized Plan for Employment (IPE)

#### **Red Tab**

Low Vision examination report(s)

Low Vision Aids Order form

#### **Blue Tab**

Rehabilitation Teaching authorizations, bills, payment stamps, warrants needed for

Small Purchase Credit Card processing Tab

All other documents for Rehabilitation Teaching

#### **Pink Tab**

Vocational Rehabilitation authorizations, bills, payment stamps, warrants needed for

Small Purchase Credit Card processing Tab

[Equipment Agreement/Receipt and Release form](#)

All other documents for Vocational Rehabilitation – training reports, recorded time sheets for UPWE/OJT, etc., College transcripts, reports, college sponsorship, grades

## Individual's Access to Case Record

- a. 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.),
- b. Case record information available to individuals being served
  1. 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).
- c. Procedure to review case file
  1. If the individual being served requests to review the original case file rather than a copy, the VR counselor shall take all necessary precautions for the preservation and safekeeping of the case file. The case file may be viewed only during normal business hours. One or more people of the individual's choosing may accompany them. DBVI staff may require proper identification. The VR counselor must obtain informed written consent, if not already on file, to discuss confidential information in the presence of the individual's representative(s) or guests, including parents if the individual is 18 years or older. A DBVI staff member shall remain with the case file to ensure information is not removed, changed, added, defaced, etc. (per Government Data Collections and Dissemination Practices Act, [§ 2.2-3806 of the Code of Virginia](#)).
- d. 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](#)).

## 2. Procedure.

- a. Should an individual wish to challenge their case file, they must submit in writing to the Regional Manager that information which is specifically being challenged as well as their own version of the information (that is, why they feel it's inaccurate). The written submission will include justification of why it should be altered or expunged. If the individual has a legal guardian or is under age 18, the request must come from the legal guardian or custodial parent.
- b. The Regional Manager will review the individual's statement with the author of the challenged information in order to make a determination as to whether to amend or purge the information in the case file that is being challenged. The Director of Vocational Rehabilitation and Workforce Services will be provided with a copy of the individual's statement and will be consulted as need be.
- c. If the decision is to purge, the Regional Manager informs the individual, and removes the challenged information from the individual's case file. The individual must be communicated to in writing that the information in the case file has been expunged.
- d. If the decision is to amend, the Regional Manager replaces the old information with the amended information within the case file. A copy of amended information will be sent to the individual.
- e. If the decision is not to amend/purge, the Regional Manager notifies the individual, and then adds the individual's written statement to the challenged information in the individual's case file such that they will be accessed together. The individual shall be informed of their right to appeal the decision to not amend or purge the information.

## 3. 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.

- a. No documents in the case record such as reports, assessments or evaluations, medical records, etc. received by the VR counselor from a source external to DBVI (e.g., supported employment reports from an ESO vendor) may be amended other than by the author of the document.
- b. Information in the case file for which the VR counselor was the author may be amended at any point by the counselor, either by editing the original case note or drafting a new note referencing the information that needs to be changed. If they determine they need to purge information in the case file (e.g., delete a case note), approval from the Regional Manager is required.
- c. Information in the case file for which the VR counselor was not the author but for which they believe should be amended or purged must be communicated to the Regional Manager along with a justification. The Regional Manager will then make a determination as to whether the information will be amended or purged after consultation with the VR counselor and the author of the information.
- d. If a review of the case (case review, audit, management review, etc.) identifies case record information that may need to be amended or purged, the Regional Manager, the VR counselor and the author of the information (if not the VR counselor) will be notified. The Regional Manager will make a determination regarding amending or purging the case information after consulting with the VR counselor and the author. The Director of Vocational Rehabilitation and Workforce Services must be made aware of the information in the case file that is being reviewed.
- e. Any amendment, alteration or purging of information in an individual's case record which potentially will impact their VR services shall be communicated in writing to the individual being served. For example, an individual states they are currently employed by a local business, which the VR counselor notes. Subsequently the VR counselor hears from a DBVI colleague that the individual was fired from the job some time ago due to insubordination. The VR counselor then amends the original note to reflect the new information. The individual will be notified in this case as the new information will likely have a direct impact on the delivery of their VR services.

#### A. Case Record 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.

#### B. 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 completed (date email was returned, time stamp in AWARE, etc.).

1. The VR counselor will ensure individuals are provided with the *Electronic Signature Information Sheet*:
  - At the point of application for VR services; or;
  - If not provided at application, prior to the first use of the electronic signature process; and;
  - At any point the individual requests the document.

The counselor will review the information contained in the *Electronic Signature Information Sheet* with the individual at any point the document is provided or upon request for further review by the individual.

2. In order to participate in the electronic signature process, the individual must provide the VR counselor with their unique email address. This should ideally be provided to the counselor during the application process, but *must* be provided prior to the initial use of the electronic signature process. Individuals who do not have a unique email address may not participate in the electronic signature process.
3. The individual will provide the VR counselor with any changes in their email address in a timely manner. In the circumstance where it becomes apparent to the counselor that the email address has changed (e.g., email does not go through; bounces back) and they were not notified of the change, the electronic signature process will not be utilized until the individual has clearly communicated a new unique email address.
4. Prior to initiating an electronic signature process for the purposes of acquiring an electronic signature, the VR counselor, through the informed choice process, must ensure the document to be signed has been thoroughly reviewed with the individual. This review may be done in person, by telephone, or through other virtual means (e.g., Google Hangouts, FaceTime, etc.). The counselor must document this review in AWARE (either in Case Notes or in Actual Services, depending on the timing and nature of the review). The VR counselor must also document in Case Notes in AWARE the justification for using the electronic signature process.
5. Individuals who approve a document through the electronic signature process are both approving the document and are consenting to use the electronic signature process.

- 6.** Individuals who do not approve the document, have questions regarding the document, or do not wish to use the electronic signature process, may decline to complete the electronic signature process. Those individuals will be instructed to contact their VR counselor.
- 7.** Once the individual has completed the electronic signature process, the VR counselor will ensure that the individual has a copy of the document they've signed electronically, providing a copy of the document to the individual if needed (either electronically or by hard copy). All electronically signed documents, as well as any accompanying documentation (e.g. emails), will be maintained in the individual's confidential file. Documentation that can be stored electronically within AWARE does not need to be maintained in the individual's paper file.
- 8.** Documents that have been signed electronically by the individual and require a signature of the VR counselor may be also signed electronically by the VR counselor if agency procedure allows for it. If not, the VR counselor must sign the document with a "wet" signature.
- 9.** Upon request by the individual, the counselor will provide them with all relevant documentation substantiating their approval of the document and their consent to use the electronic signature process.
- 10.** The VR counselor will document in AWARE case notes the results of the electronic signature process, for example noting the status of the electronic signature process, any problems or issues, etc.



# 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.

#### A. Assessment for determining eligibility and vocational rehabilitation needs

The term "assessment for determining eligibility and vocational rehabilitation needs" means, as appropriate in each case:

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.

## **B. 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.

**Guidance:** *The VR counselor, as noted above, should use existing current information in determining eligibility versus requiring the individual to undergo unnecessary assessments or evaluations. How to define “current information” is dependent on the information being collected and the stability of the individual’s disability (or disabilities). Psychological, psychiatric, medical assessments and eye reports must be **within one year** in order to be determined current. However, for an individual with a deteriorating eye condition, the VR counselor may need a more current eye report. As well, an individual who is experiencing acute psychiatric symptoms may need to be evaluated for more up to date information even if there are psychological assessments less than a year old already available. The VR counselor should in particular be alert to non-vision related issues (medical, psychological, etc.) and insure they have appropriate and up to date information during the process of eligibility determination.*

## **C. Purpose**

An assessment to determine eligibility is required for each individual who applies for services. Assessments are provided to determine the individual’s (1) eligibility for Vocational Rehabilitation services; (2) ineligibility for Vocational Rehabilitation services; (3) the need for an extended evaluation. Eligibility determination covers the period when the individual’s case is in Application or Trial Work Experiences. In order to determine eligibility, the counselor will use already available information (counselor observations, medical reports, assessments, evaluations and other reports) to the extent possible. When sufficient information is not available without cost, the counselor will purchase the information needed.

## **D. Determination of Eligibility Time Frames**

1. Eligibility Determination within 60 days: Once the individual is in Applicant status, a determination of eligibility must occur as soon as possible but no

later than within the federally required 60 calendar days. An exception is made if exceptional or unforeseen circumstances have occurred to preclude the VR Counselor from making the eligibility decision. Only very unusual circumstances are just cause for making the time extension request. A VR Counselor's inability to determine eligibility because of absence from the office does not constitute reason for eligibility extension.

2. **Waiver of Eligibility Determination Deadline:** The deadline may be extended when exceptional and unforeseen circumstances preclude a determination of eligibility within the 60 day requirement. An extension for time to determine eligibility beyond the federally required 60 days must be approved by the Regional Manager and must be agreed to by the applicant prior to the 60 day eligibility determination requirement. When this situation occurs, the individual's case must be placed in Eligibility Determination Extension (Application E). The VR counselor completes the Time Extension to Determine Eligibility letter (located in the AWARE Letters Catalog). They must also document in AWARE the reason for the extension and that this was discussed with and agreed to by the individual.

A copy of the signed Time Extension letter will be provided to the applicant. Documentation regarding the extension for time beyond the 60 days must provide information regarding the circumstances causing the delay and must provide a date by which the determination will be made or the number of additional days needed to make the eligibility decision once the necessary information is received. Additional time extensions are allowable if discussed and agreed to by the applicant and approved by the Regional Manager. The total extension time may not exceed 60 days (i.e., the maximum permissible time from application until eligibility determination is 120 days). Requests for time extensions beyond 60 days must be submitted as an exception to policy with approval from the Regional Manager and the Director of Vocational Rehabilitation and Workforce Services. (Authority: [CFR Sec. 361.41](#))

3. In the event the VR Counselor determines that the individual's disability is potentially too severe to benefit, the individual will be provided Trial Work Experiences (Application T). A determination of eligibility under Application T must be made no later than 18 months from the date the individual is placed in Application T.

**Guidance:** *Federal regulations require a speedy determination of eligibility, i.e. within 60 days of application. However, any number of factors may delay the VR counselor's ability to make a determination within this time frame. This may include delays in receiving necessary assessment or medical information, lack of timely response from the applicant, etc. Where additional time is required, it's imperative to understand the VR counselor is asking for the applicant to waive their rights to the 60 day time period and therefore needs to provide both reasonable justification to the applicant for the delay and a time frame for when a determination can be made. Should the applicant*

*refuse to waive their rights and allow for an extension, the VR counselor must make a determination with whatever information they have within the 60 day eligibility time-frame.*

For SSI and SSDI applicants, do not use Application-E. Those individuals must be either determined eligible within the 60 day required time frame or placed in Application-T if there are significant questions regarding their ability to benefit from VR services in terms of an employment outcome.

### **E. Eligibility Criteria**

An individual is eligible for Vocational Rehabilitation assistance if the individual;

1. has undergone an assessment for determining eligibility and vocational rehabilitation needs and as a result has been determined to be an individual with a disability; and
2. A determination by a qualified VR counselor that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant; and
3. requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain employment that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice (For purposes of an assessment for determining eligibility and vocational rehabilitation needs, an individual shall be presumed to have a goal of an employment outcome.)
4. An applicant meeting all other eligibility criteria may be determined eligible if he or she requires services to advance in employment, not just obtain or maintain employment; and;
5. VR services are available to assist individuals with disabilities to obtain graduate level education needed for this purpose

*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

**Guidance:** *Under WIOA, greater emphasis was placed on providing services to individuals who are seeking advancement in employment (including the potential need for graduate school). Such an individual could have more than minimal educational or employment history. Regardless of his or her education or employment history, the*

*applicant still must meet core VR eligibility criteria. While the VR counselor would review all known information about the applicant in order to assess the individual's impediments and service needs, including their previous and current work history, the eligibility determination itself must not be based on the fact that the individual has an extensive employment or educational history. That is, the VR counselor should consider whether or not the disability is a substantial impediment to employment (broadly), not just if the disability is an impediment as regards the individual's current employment.*

#### **F. Core DBVI VR Criteria for Determination of Eligibility**

DBVI shall ensure that VR eligibility requirements shall be applied without regard to age, gender, race, color, or national origin of the applicant; type of expected employment outcome; source of referral for vocational rehabilitation services; and particular service needs or anticipated cost of services required by an applicant; or, the income level of an applicant or applicant's family.

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.

### G. Determination of a Vision Impairment (For eligibility determination)

1. It has been determined by the VR Counselor that the applicant has a medically documented vision impairment.
  - a. A vision impairment means:
    - i. 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
    - ii. 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
    - iii. The individual is in a situation where eye treatment and/or surgery are recommended and there are functional limitations in performing employment duties.
2. It has been determined by the VR Counselor 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. (Authority: [CFR Sec. 361.42](#))
4. It has been determined that the applicant will benefit from VR services in terms of an employment outcome. 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 a counselor can demonstrate otherwise based on clear and convincing evidence as gathered through a trial-work experience.

Medical, psychological, educational, functional, social, work history and vocational assessments may assist the VR counselor in determining whether or not the applicant meets the criteria to be declared eligible for VR services.

**Guidance:** *For eligibility of VR services with DBVI, the individual must be blind, deafblind or have a vision impairment and meet the criteria as noted above. In addition, however, the individual may also have other non-vision related disabilities (e.g., Autism, Traumatic Brain Injury, etc.) and/or the disability causing the vision impairment (e.g., Multiple Sclerosis, Diabetes, etc.) may include other serious functional limitations, perhaps even greater than the functional limitations related to the vision impairment. During the eligibility determination process (and throughout the case), the VR counselor should insure that they gather all information necessary for eligibility determination, to include functional limitations related to other non-vision related disabilities. This information should be used then to determine the significance of the disability (see*

*Chapter 2 – OOS and Disability Criteria) and, should the individual be determined eligible, all barriers to employment should be addressed through the Individual Plan for Employment.*

#### **H. 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).

**Guidance:** *The Code of Federal Regulations (CFR 361.42) provides standards for VR agencies regarding the eligibility process. In particular, this code references the issue of "presumption to benefit" for all applicants and "presumed eligibility" for SSI and SSDI recipients.*

*Any applicant for VR services who meets criteria 1 through 3 above is "presumed" to be able to benefit. This simply means that once you've determined a vision impairment exists (and criteria 2 & 3 are met as well) that the burden of proof exists with DBVI, not the individual, if there are questions about their ability to benefit from VR services in terms of an employment outcome. Thus the standard "clear and convincing evidence" requires the counselor to prove the individual can't benefit vs. the individual having to prove they can.*

*For recipients of SSI and SSDI, the "presumption of eligibility" goes a bit further. For those individuals, it's presumed they meet criteria 1 through 3; that is, by meeting the threshold of being approved for benefits, it's already been determined they have a disability (in fact a significant disability) and that this disability is a substantial impediment and that they require services. Therefore the first 3 prongs of eligibility are presumed to be met. For DBVI, of course that disability must be a vision impairment. However, criteria number 4 of the eligibility criteria applies to SSI and SSDI applicants in the same way as it does for any other applicant. They are presumed to benefit "unless*



*the counselor can demonstrate, based on clear and convincing evidence, that the individual is incapable of benefiting in terms of an employment outcome” due to the severity of their disability.*

## **I. Prohibited Factors**

1. There is no age requirement as long as the individual meets all other eligibility criteria. However, as a general practice DBVI will not serve individuals who are under the age of 14 in the vocational rehabilitation program.
2. In making a determination of eligibility under this section, DBVI also must ensure that:
  - a. No applicant or group of applicants is excluded or found ineligible solely on the basis of the type of disability; and
  - b. The eligibility requirements are applied without regard to the;
    1. Age, sex, race, color, or national origin of the applicant;
    2. Type of expected employment outcome;
    3. Source of referral for vocational rehabilitation services;
    4. Particular service needs or anticipated cost of services required by an applicant or the income level of an applicant or applicant's family;
    5. Applicants' employment history or current employment status; and Applicants' educational status or current educational credential.
3. Federal Regulations state that VR agencies cannot have a residency requirement for purposes of determining eligibility for VR services. However, regulations do indicate the individual must have a “presence” in the state in order to participate in services. They also allow for the VR agency to have a process to document a presence. DBVI's current policy states:
  - a. Individuals must:
    1. Be legally in the United States with the ability to provide documented evidence of legal status from the United States Citizenship and Immigration Services (USCIS) or other Federal agency of the U.S. government;
    2. Meet the VR eligibility requirements;
    3. Be available in Virginia to participate in and complete the individualized plan for employment (IPE); and
    4. Intend to work after completing the IPE.

**Guidance:** *The VR counselor can request documentation that would demonstrate the individual's “presence” in Virginia and availability to participate in services. Should the individual have documentation of residency that can certainly be accepted as appropriate documentation. However, assuming they are not a resident at the point of application, the individual will be asked to provide a Virginia residential address. This could be an address of their parents or other relative or of a friend they intend to stay with in order to participate in VR services. It must be a residential address, however,*

*not a P.O. Box, business address, etc. The VR counselor cannot, though, request documentation such as an electric bill or rent receipt (essentially establishing residency) or a Virginia's driver's license, photo ID or other documentation that may take time to acquire and thus becomes a de facto residency requirement.*

**Guidance:** *Regarding determining the individual's legal status to work, employers are required to verify the individual's legal status to work in the United States through the receipt of specific documents as identified on the USCIS form: Employment Eligibility Verification– Form I-9 (page 9, List of Acceptable Documents). This form can be found on the DSA Intranet, DSA Human Resource Services [\(I-9 Form\)](#).*

## **J. Significance of Disability**

As part of the eligibility determination process, the VR counselor must determine the significance of the individual's disability (or disabilities). Whether the individual is determined to be Most Significantly Disabled (MSD), Significantly Disabled (SD) or Not Significantly Disabled (NSD) not only determines which priority category the individual will be placed under Order of Selection (OOS) but as well if services such as supported employment will be available to them. Please refer to Chapter 2 – Disability Criteria and Order of Selection for more information regarding how to determine significance of disability.

## **K. Determination of Ineligibility**

3. An individual may be determined as ineligible for VR services:
  - a. as part of the eligibility determination process; or
  - b. may be determined no longer eligible for VR services after eligibility was previously determined; or
  - c. may be determined no longer eligible following eligibility determination, including those individuals receiving services under an IPE.

**Guidance:** *The VR regulations allow for the VR agency to make a determination of ineligibility even after eligibility has been determined. For example, an individual for whom an IPE has been written fails to follow through with services, consistently misses meetings with their VR counselor or it becomes evident to the VR counselor that their disability is too severe to allow them to benefit. In those situations, the VR counselor may come to the conclusion that the individual can no longer benefit from VR services (due to their disability, their lack of participation, etc.) and therefore can close the case noting the appropriate reason for case closure. This does not mean the VR counselor would need to re-do the eligibility determination process; the case would be closed as Other, following appropriate closure policy and process. See the chapter on Case Closure for more information.*

*If the VR counselor determines that the individual cannot benefit from VR services, after eligibility has been determined, the VR counselor must document that real work experiences consistent with Trial Work Experiences were provided prior to case closure. See the Case Closure chapter for more information.*

- d. As part of the eligibility determination process, the VR counselor must ensure that necessary eligibility determination activities were provided (including a review of existing data, and, to the extent necessary, other assessment activities including trial work experiences). For those individuals;
2. the ineligibility determination shall be an individualized one, based on the available data, and shall not be based on assumptions about broad categories of disability;
3. the ineligibility determination involved shall be made only after providing an opportunity for full consultation with the individual or, as appropriate, the individual's representative;
4. the individual or, as appropriate, the individual's representative, shall be informed in writing (supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual) of the ineligibility determination, including;
  - a. the reasons for the determination, including the clear and convincing evidence that forms the basis for the determination of ineligibility; and
  - b. a description of the means by which the individual may express, and seek a remedy for, any dissatisfaction with the determination, including the procedures for review by an impartial hearing officer;
5. the individual shall be provided with a description of services available from the client assistance program (disability Law Center of Virginia) and information on how to contact that program; and
6. any ineligibility determination that is based on a finding that the individual is incapable of benefiting in terms of an employment outcome shall be reviewed;
  - a. within 12 months; and
  - b. thereafter, if such a review is requested by the individual or, if appropriate, by the individual's representative.

#### **L. Determination of Ineligibility from Application Status**

It is not permissible to close an individual's case as Ineligible from Application (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. See section below regarding Trial Work Experience (Application T) for more information. However, where the question of severity of disability is not in question, an individual's case can be closed Ineligible from Application when the individual does not have a

disability which constitutes or results in an impediment to employment. VR Counselors must provide clear documentation of ineligibility by addressing the following areas:

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: [CFR Sec. 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

#### **M. Services allowed during the eligibility determination process: Assessment, Evaluation, and Diagnostic Services**

When an individual is in applicant status, assessment, evaluation, and diagnostic services can only be provided for the purpose of eligibility determination. Once eligibility has been determined, however, these services may be provided throughout the rehabilitation process for such purposes as the development of a vocational goal, the nature and scope of services to be provided, potential for/suitability for types of employment opportunities, etc.

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.

Educational information will be obtained in every instance 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.

**Guidance:** *While the VR counselor should utilize information, assessments and reports already available to the extent possible for eligibility determination, it's often necessary to gather additional information. The section above outlines some of these services. During the eligibility determination process, however, the VR counselor must only utilize these services for the sole purpose of determining if they meet the core VR eligibility criteria. Assessment services that may be required to develop an appropriate vocational goal, to determine if post-secondary training is appropriate, etc. must not be utilized prior to eligibility determination. For example, an individual expresses interest in VR services in order to obtain an IT certification. A vocational evaluation can assist the VR counselor with determining whether or not the individual has the aptitude to be*

*successful in that area. Such an evaluation cannot be provided during the eligibility period but rather after eligibility has been determined.*

## **N. Other Sources for Assessment Information**

Materials that can be of use in the assessment to determine eligibility are often available from other sources. These should be requested and used. Materials that may be available include: Social Security information, school records, social histories, medical information from physicians or institutions, and test results.

## **O. Medical Services**

1. An eye examination report completed by an ophthalmologist or optometrist and a [Health Checklist](#) completed by the counselor are needed to assist in the determination of eligibility. A general medical and other specialty reports may be requested on an individual basis to determine eligibility. The VR counselor may use either [DBVI's Eye Exam Report](#) or a similar eye examination report from the ophthalmologist or optometrist as long as it contains the necessary information for the counselor. (See G. Purchasing Eye Examination Information below). The VR counselor must use the most current eye report available to determine eligibility (must be within one year of application for VR services). Counselors must seek consultation from the individual's primary medical provider ([General Medical Examination](#) form) regarding any other disabling condition that impact the rehabilitation process as identified on the Health Checklist.

Medical and other information provided by officials of other agencies, particularly education and Social Security offices, must be utilized to the extent necessary to determine eligibility.

### **b. Purchasing Eye Examination Information**

The agency [Eye Exam Report](#) will be completed when eye exams are purchased. However, eye exam information can be used from other sources if the information is adequate. This exam will be performed by a physician skilled in diseases of the eye or an optometrist, whichever the individual may choose. The completed eye exam must include:

- i. Diagnosis;
- ii. Acuity (near and distance) with/without correction;
- iii. Prognosis;
- iv. Peripheral visual field (when needed); and
- v. Recommendations.

### **c. Vision Services**

Ophthalmologists and optometrists may provide diagnostic information necessary for eligibility determination.

d. Health Checklist and General Medical Examination forms

The Health Checklist and General Medical Examination Form will be used to document secondary disabling conditions when general medical examinations are purchased.

The counselor will complete the Health Checklist for all individual's seeking VR services.

The General Medical Examination form will be completed by a licensed medical practitioner of the individual's choice if documentation of a secondary disability is needed. The completed form must include:

- i. Diagnosis;
- ii. Prognosis;
- iii. Limitations; and
- iv. Recommendations (when appropriate)

e. Hearing Examinations

Hearing evaluations will be completed for individuals suspected of a hearing loss or when a hearing loss is indicated on the general medical or any other report.

f. Medical Abstracts

VR funds will not be used to pay for medical and/or eye examinations which have already been performed prior to the referral of the individual's to DBVI for services. Medical abstracts however can be purchased in accordance with the DARS Service/Item Reference Manual, Vol. II.

g. Diagnostic Testing of Minors

The VR counselor must explain the need for obtaining diagnostic and evaluative information to the applicant and the parent or guardian when the applicant is under 18 years of age.

h. Medical Consultation

Medical consultation services previously provided by the DARS medical consultant is no longer available. Each Regional Office should identify local resources (physicians, ophthalmologists, etc.) for consulting purposes or utilize the practitioner the individual is being served by.

Where medically related fees need to be established, the Medicaid rate for the identified service will be utilized.

i. Medical Specialist Information

As a counselor gathers information about an individual, medical specialist examinations are sometimes recommended by general practitioners. These exams can be done if the VR Counselor determines this information is necessary for the determination of eligibility.

**P. Psychological/Psychiatric Information**

DBVI can purchase or otherwise provide necessary psychological/psychiatric testing, and counselor consultation with a psychologist and a psychotherapist, as necessary, to assist in the eligibility determination process:

- i. A psychological report must be done by a psychiatrist, licensed professional counselor, and psychologist, licensed or certified in accordance with state laws. A psychological report of the results of a valid individual test of intelligence is required when the individual has an Intellectual Disability. This report can consist of a copy of the test administered or a scanned copy of scores obtained from school folders.
- ii. Psychological reports may be obtained from schools, private psychologists, hospitals, and/or mental health clinics. Psychological testing can be obtained while the individual is at the Virginia Rehabilitation Center for the Blind and Vision Impaired (VRCBVI).
- iii. Psychological testing, although not necessary for all individuals being served by Vocational Rehabilitation, can be utilized to assist in determining an individual's basic eligibility for vocational rehabilitation services, particularly when mental health issues are suspected.
- iv. In all cases, the fees paid for psychological testing, psychotherapy, or counselor consultation shall be in accordance with the rates as set forth in the Service/Item Reference Manual, Vol. II, established and maintained by the [Virginia Department for Aging and Rehabilitative Services](#).
- v. When authorizing psychological services, it is required that the exact tests needed be stated clearly, along with the allowable fee (some tests in each group are not applicable to individuals with vision impairments). In rare cases, the complete evaluation "Total Test Battery" may be required.



## Q. Determining if the Disability is a Substantial Impediment to Employment

***Substantial impediment to employment*** means that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, communication, and other related factors) hinders an individual from preparing for, entering into, engaging in, or retaining employment consistent with the individual's abilities and capabilities ([Per 34 CFR 361.5\(52\)](#)).

As part of the eligibility determination process, the VR counselor must determine that a vocational impediment has resulted due to blindness, deaf-blindness, or vision impairment. The disability must be a substantial impediment to employment because of the limitations imposed by the diagnosed visual disability, together with any secondary disabling conditions diagnosed and other related factors. The existence of a visual disability alone does not necessarily constitute a vocational impediment nor does it automatically establish eligibility for VR services. A substantial impediment to employment exists when the vision disability:

1. Interferes with the opportunity for suitable employment (including advancement in employment);
2. Interferes with the preparation for suitable employment (including advancement in employment);
3. Causes loss of employment;
4. Requires special assistance in securing suitable employment or in performing job duties; and
5. Causes employment to be in jeopardy.

Career advancement and upward mobility may be provided by VR for individuals who are eligible for services. The State VR program is not intended solely to place individuals with disabilities in entry-level jobs but rather to assist eligible individuals to obtain employment that is appropriate, given their unique strengths, resources, priorities, concerns, abilities and capabilities.

Data accumulated in the assessment to determine eligibility in addition to disability specific information may be used to substantiate a substantial impediment to employment. Materials may be social histories, educational records, and psychological data. Such information may include:

1. Lack of marketable skills;
2. Low educational level;
3. Community and employer prejudices and attitudes about disability;
4. Long-term unemployment;
5. Unstable work history;
6. Long history of drug or alcohol dependence; and
7. Poor attitude toward work, family, and community.

## R. Determining if the Applicant can Benefit from the Provision of VR Services

### 1. Presumption of benefit

Per [CFR 361.42](#), if the VR Counselor has gathered sufficient evidence and:

- a. Has determined the applicant has a medically documented vision impairment,
- b. Has determined that the applicant's vision impairment constitutes or results in a substantial impediment to employment, then;
- c. The VR counselor must presume that an applicant is eligible for VR services unless it can be demonstrated, based on clear and convincing evidence, that the applicant is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the applicant's disability.

**Guidance:** *For purposes of this section, an individual shall be presumed to be an individual that can benefit in terms of an employment outcome from vocational rehabilitation services unless the VR Counselor can demonstrate with clear and convincing evidence that the individual's disability is too severe.*

### 2. Ability to Benefit from Vocational Rehabilitation Services

The VR Counselor will document sufficient evidence that the applicant, without the provision of VR services, would be unable to:

- a. Enter the competitive, integrated labor market consistent with abilities and interest (which may include tele-commuting as appropriate and still be consistent with an integrated setting);
- b. Enter self-employment;
- c. Operate a vending stand under the [Randolph-Sheppard Act](#); and
- d. Work in a competitive integrated employment setting using employment supports (such as supported employment)

## S. Ineligibility Due to Disability too Severe to Benefit

Prior to determining that an applicant is unable to benefit from vocational rehabilitation services in terms of an employment outcome due to the severity of the individual's disability or that the individual is ineligible for vocational rehabilitation services, the VR counselor shall explore 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.

*Clear and convincing evidence* means that the VR Counselor shall have a high degree of certainty before they conclude that an individual is incapable of benefiting from services in terms of an employment outcome. The “clear and convincing” standard constitutes the highest standard used in our civil system of law and is to be individually applied on a case-by-case basis. The term *clear* means unequivocal. For example, the use of an intelligence test result alone would not constitute clear and convincing evidence. Clear and convincing evidence might include a description of assessments, including situational assessments and supported employment assessments, from service providers who have concluded that they would be unable to meet the individual's needs due to the severity of the individual's disability. The demonstration of “clear and convincing evidence” must include, if appropriate, a functional assessment of skill development activities, with any necessary supports (including assistive technology), in real life settings.

#### 1. Trial work experiences for individuals with significant disabilities

The VR counselor must develop a written plan to assess the individual's abilities, capabilities, and capacity to perform in competitive integrated work situations through the use of Trial Work Experiences (Application T), which must be provided in competitive integrated employment settings to the maximum extent possible, consistent with the informed choice and rehabilitation needs of the individual.

*Trial Work Experiences* means 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.

Such experiences shall be of sufficient variety and over a sufficient period of time to determine the eligibility of the individual. In providing the trial experiences, the VR counselor shall provide the individual with the opportunity to try different employment experiences, including the provision of appropriate supports, including but not limited to supported employment, assistive technology and personal assistance services and the opportunity to become employed in competitive integrated employment.

#### 2. Trial Work Experiences (Application T)

- a. The VR Counselor will develop a Trial Work Experiences (TWE) plan using the TWE plan in AWARE.
- b. The plan will be used to assess periodically the individual's abilities, capabilities, and capacity to perform in work situations, and to the maximum extent possible be provided within a competitive, integrated setting.
- c. The trial work experiences may include supported employment, on-the-job training, and other experiences using realistic work settings.

- d. The trial work experiences must be of sufficient variety and over a sufficient period of time for the designated State unit to determine that;
    - i. There is sufficient evidence to conclude that the individual can benefit from the provision of vocational rehabilitation services in terms of an employment outcome; or
    - ii. There is clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome due to the severity of the individual's disability.
  - e. The VR Counselor must provide appropriate supports, including assistive technology devices and services and personal assistance services, to accommodate the rehabilitation needs of the individual during the trial work experiences.
3. Services in Application T
- a. Services provided for and/or arranged for in Trial Work Experience (Application T) are for the sole purpose of determining if an individual is capable of benefiting from VR services in terms of an employment outcome. All services must be diagnostic in nature. Services are for the sole purpose of determining whether or not the individual's disability is too severe such that they cannot benefit in terms of an employment outcome. At no point while in Application T may services be provided for anything other than eligibility determination.
  - b. To the maximum extent possible, all services will be provided within a competitive, integrated setting. However, for individuals participating in Trial Work Experiences, if it becomes clear that in the opinion of the VR counselor the individual is not able to be evaluated within such a setting, services may be provided within a setting other than competitive and integrated. For example, a vocational assessment could be provided within a community based program that is not competitive or integrated.
4. Individual's participation in the cost of services
- The individual's participation in the cost of services is not a consideration in rendering services in Application T, as all services in this status are primarily diagnostic/evaluative in nature. However, if a determination of eligibility is made and services were to continue under an Individual Plan for Employment (IPE), then the individual's participation in the cost of services must be applied.
5. The following are services that can be provided in Trial Work Experience;
- a. Counseling and guidance;
  - b. Diagnostic and related services;
  - c. Job Coaching services or other necessary and appropriate ESO provided services
  - d. Rehabilitation Technology services

- e. Interpreter services for the deafblind for diagnostic/evaluative purposes;
  - f. Maintenance while in an evaluation program;
  - g. Work evaluation with tools and equipment needed for the evaluation;
  - h. Low vision services;
  - i. Transportation for diagnostic and evaluative purposes;
  - j. Rehabilitation teaching or VR CBVI evaluation to determine functional limitation;
  - k. Personal assistance services when needed for an applicant to participate in services to help determine functional limitations.
  - l. All other goods and services which are necessary to determine the functional limitations and whether or not the individual's disability is too severe to benefit;
6. Comparable Benefits: Every effort must be made to utilize the individual's comparable benefits. Refer to the appropriate chapter regarding use of comparable benefits for more information.
7. Documentation Requirements

Trial Work Experience (Application T) is used to determine whether an individual can benefit from VR services in terms of an employment outcome when the VR Counselor suspects an individual's disability is so significant that the individual cannot work. When an individual's case is in Trial Work, the following must be documented in the case record.

- a. Information documenting that the individual meets all DBVI eligibility criteria with the sole exception the question as to whether their disability is too severe to allow them to benefit from VR services in terms of an employment outcome;
- b. Information that clarifies and justifies the specific concerns the VR Counselor has regarding the individual's functional limitations as a result of their disability (or disabilities) and how those limitations justify the decision to use Trial Work Experiences. Documentation involving the individual's work history, inappropriate interpersonal or social interactions, cognitive issues, etc. could be documented.
- c. If the individual is to be assessed within a non-integrated setting, documentation that provide evidence of either attempts to use Trial Work Experiences within a competitive, integrated setting and/or documentation that justifies why Trial Work Experiences were not attempted within a competitive, integrated setting. For example, an individual who presents potential harm to themselves or others, who's behavioral issues prohibit assessments within a competitive, integrated environment or similar or an individual who has other disability related issues that severely limit the use of Trial Work Experiences in the community.

## T. Alcohol and Substance Abuse

### Diagnosis and Assessment Information

Individuals who are blind, deaf-blind or vision impaired may have a secondary disability related to alcohol or substance abuse. The diagnosis of an individual who has a disability of alcohol or drug abuse needs to be documented by qualified personnel. Under state law ([§ 38.2-3412.1 of the Code of Virginia](#), [§ 54.1-2900 of the Code of Virginia](#), [§ 54.1-3506 of the Code of Virginia](#), [§ 54.1-3507 of the Code of Virginia](#), [§ 54.1-3508 of the Code of Virginia](#), [§ 54.1-3600 of the Code of Virginia](#), [§ 54.1-3601 of the Code of Virginia](#), and [§ 54.1-3700 of the Code of Virginia](#), and [State Regulation 18 VAC 90-20-290](#), and [State Regulation 18 VAC 90-30-120](#), and [State Regulation 18 VAC 115-20-130](#)) qualified personnel are: a licensed physician (M.D.), psychiatrist; doctor of Osteopathy (D.O.); psychologist (clinical or school); certified substance abuse counselor (CSAC); marriage and family therapist (MFT); substance abuse treatment practitioner (SATP); clinical nurse specialist (CNS); psychiatric nurse practitioner; nurse practitioner licensed in a specialty to treat alcoholism, drug abuse, or substance abuse; a non-master's degree level but certified addiction counselor (CAC) employed by a facility or program licensed to provide treatment for alcoholism, drug abuse, or substance abuse; licensed professional counselor (LPC); or licensed clinical social worker (LCSW).

Per [34 CFR 351.5\(c\)\(30\)\(iii\)](#), referencing defining an individual with a significant disability, alcohol and drug abuse are considered as "...another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation ". Thus, the VR Counselor should consider the serious functional limitations that may exist as a result of a history of alcohol and/or drug abuse.

Regarding the diagnosis of an individual who has a disability of alcohol or drug abuse:

1. The diagnostic statement will include Diagnostic and Statistical Manual classification, prognosis and treatment program recommendations.
2. Medical and Psychological Assessment: Since substance abuse can result in medical and/or as co-occurring psychological issues, a current assessment of the participant's physical and mental health should be considered by the VR counselor and with the individual's informed choice.
3. If an individual reports the completion of a treatment and/or aftercare program in excess of 12 months prior to the application, a current statement or reassessment is required to determine whether there is a barrier to employment.
4. For eligibility determination purposes, there should be evidence that:
  - a. The individual has been abstinent for an extended period of time, or;
  - b. The individual has recently completed or is currently participating in a substance abuse treatment program, or;

- c. The individual is participating in a maintenance/aftercare program or recognized support group (i.e., Alcoholics Anonymous (AA)/Narcotics Anonymous (NA)).

**Guidance:** *Verification of the above criteria (other than the individual self-reporting) should be obtained if at all possible. Written reports or statements from the treatment program, from the individual's sponsor, from probation or parole, etc. should be obtained as the VR counselor is able to.*

**Guidance:** *If necessary to establish eligibility (and priority category if DBVI is on Order Of Selection), consider requesting additional existing information, with the individual's informed written consent, from the courts, probation and parole officers, treatment programs, the applicant, and other appropriate sources. Documentation that will assist the counselor in making an eligibility determination includes the individual's history of alcohol or substance abuse, reactions to treatment efforts, and the consequences of the documented abuse as it affects the individual's ability to obtain or maintain employment.*

### **Substantial Impediment to Employment**

The VR counselor must determine if the participant's functional limitations constitute a substantial impediment to employment. The counselor must determine how the substance abuse impacts the individual's work performance by assessing how the participant is prevented from obtaining, retaining or preparing for employment in keeping with the individual's abilities. The judgment of the VR counselor is paramount to this determination and must be guided by the individual's singular limitations, work history and circumstances.

**Guidance:** *The VR counselor should consider how long the individual has remained clean and sober, current functional limitations, employment history, if the individual is currently employed or underemployed and for how long, if the previous alcohol or substance abuse history continues to impact the individual's ability to obtain and retain suitable employment, as well as other factors.*

### **Ability to Benefit**

The VR counselor may determine that despite repeated treatment efforts the individual has failed to maintain abstinence which has impacted their employment history. In this situation the VR counselor should consider if the individual can benefit from VR services in terms of an employment outcome (i.e., is the disability too severe to benefit). This should be accomplished through use of Trial Work Experiences.

The VR counselor should gather necessary information from the individual in order to fully understand what substance abuse treatment programs, maintenance and/or support groups the individual has participated with in an effort to determine why they have failed to maintain abstinence. As part of Trial Work, the VR counselor only needs

to obtain sufficient evidence that the individual can benefit from VR services. This could be demonstrated by:

- a. Demonstration of abstinence for a period of time per the Trial Work plan while the individual is participating in Trial Work Experiences;
- b. Voluntary participation in a maintenance or support group (e.g., Alcoholics Anonymous or Narcotics Anonymous, church sponsored groups, etc.)
- c. Participation in a community mental health or other treatment program (including any mandatory after-care program).

**Guidance:** *To the maximum extent possible, the VR counselor will utilize competitive, integrated settings for Trial Work Experiences (TWE). During these work experiences, the VR counselor will be assessing whether or not the individual is able to maintain abstinence throughout. Relapses during the TWE, or other clear and convincing evidence from the TWE that the individual cannot benefit from VR services in terms of an employment outcome would be sufficient to determine the individual is not eligible for VR services.*

### **Payment for Substance Abuse Services**

1. The VR counselor may pay for substance abuse screening services as part of the eligibility determination process or may be funded at any point during the course of VR services the VR counselor obtains evidence indicating the individual may be abusing alcohol or other substances. Substance abuse screening services available through the local Community Services Board (CSB) programs should be considered.
2. DBVI does not fund substance abuse treatment programs. If treatment is required, the VR counselor should refer the individual to local Community Services Board (CSB) programs or other substance abuse treatment programs in the community.

NOTE: For information related to IPE development and substance abuse, see Chapter 5: IPE Development

### **U. Determination of Eligibility: Case-Movement from Application**

1. If determined eligible, the VR counselor will move the individual into Eligible status in AWARE.
2. Where there's a need to provide for an eligibility determination extension, the VR counselor will move the individual to that status in AWARE (Eligibility Determination Extension: Application E).
3. If the VR counselor has concerns regarding the individual's ability to benefit from services (disability too severe), they must move the individual into Trial Work status within AWARE (Application T).



4. If the individual is deemed not eligible for any other reason than disability too severe, they must close the case in AWARE as Not Eligible for VR Services.

#### **V. Movement from Trial Work (Application T)**

1. If Eligible for VR services, the VR Counselor completes the Eligibility data page in AWARE.
2. If not Eligible for VR services, the VR Counselor completes the Closure data page for Closed Other Than Rehabilitated and writes an explanation for the closure in a Case Note in AWARE. The VR Counselor then completes and mails the VR Notice of Ineligibility Letter (located the AWARE letters catalog) to the individual.

## 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. VR counselors will inform individuals, and when appropriate, their parents, guardians, or other representatives about the available service options. The VR counselor will explain to individuals and/or their representatives about the availability of materials in alternative formats, accessibility, costs of services, the concept of individual informed choice, duration of services, qualification of service providers, provision of services in integrated settings, and consumer satisfaction surveys. In all cases, the individual will make informed choices related to the establishment of their vocational goal and subsequent VR services and providers of those services.

**Guidance:** *It's imperative that the VR counselor understand for each individual they are serving what the most "appropriate form of communication" is for that individual. The VR counselor should insure they ascertain this from the very beginning of their relationship with the individual. In many cases the individual will be able to communicate clearly what their preferred communication mode is; in other situations the VR counselor will need to determine what is most appropriate through their initial engagement with the individual, through a review of referral records, through communication with the family or referral source, etc. Once determined, the VR counselor (and in fact all DBVI staff having interaction with the individual) must consistently insure that the most appropriate form of communication for that individual is utilized. For example, while documents such as the IPE or other documents may need to be provided to the individual, knowing that they have limited reading comprehension requires the VR counselor to insure these documents are read and explained to the individual such that they understand them.*

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).

#### **A. Counselor Relationship with Individuals being served (Guidance and Counseling)**

The VR counselor plays an integral role in partnership with the individual being served in the development of their Individualized Plan for Employment (IPE). Of critical importance is the counselor's understanding that IPE development is a joint process and that the individual, or as appropriate, the individual's representative, must fully participate in the development of his/her rehabilitation program. The provision of counseling and guidance to the individual during the program planning stage and throughout program implementation is required and is absolutely critical to the success of the individual's rehabilitation program. Each individual, or as appropriate, the individual's representative, must be encouraged to express his/her choices regarding the selection of goals, objectives, services, and service providers to the maximum degree possible and within reason, considering cost, quality, timeliness, professional recommendations, and state established guidelines for the procurement of goods and services.

The VR counselor has a prime responsibility for insuring the developed IPE contains an appropriate vocational goal consistent with the general goal of competitive, integrated employment, has identified the services necessary to achieve said goal, and has determined reasonable time frames to achieve the goal. In order to best ensure the individual's vocational goal is consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, and career interests, the VR counselor must engage the individual being served in a counseling relationship that both empowers and supports the individual and one that allows for open and honest dialogue.

While the IPE is ultimately the individual's plan, both parties must agree to all of the components of the plan, with the development of the vocational goal the most critical. As such, in conducting the needed assessments to develop the vocational goal and the services necessary to achieve that goal, the VR counselor must utilize their counseling relationship with the individual to develop an IPE that is, while fully assuring informed choice, is both realistic and achievable with the provision of necessary VR services.

The VR counselor provides core guidance and counseling services throughout the VR process including but not limited to:

1. Assisting individuals in understanding and exercising informed choice;
2. In the development of the individual's IPE;

3. In conjunction with each service provided to the individual;
4. In helping individuals resolve vocational-related concerns;
5. In assisting individuals to adjust to loss of vision; and
6. In assisting individuals in receiving needed services from other resources.

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**

In order to properly develop the individual's Individualized Plan for Employment (IPE), the VR counselor must first determine the extent to which they have the necessary information to do so.

1. To the extent possible, 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.
2. Should additional information be necessary in order to determine the individual's vocational goal and services, the VR counselor must conduct a comprehensive assessment of the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment services, of the eligible individual, in the most integrated setting possible, consistent with the informed choice of the individual.
3. In preparing the comprehensive assessment, the VR counselor must use, to the maximum extent possible, appropriate and in accordance with confidentiality requirements, existing information that is current as of the date of the development of the individualized plan for employment, including information;
  - a. Available from other programs and providers, particularly information used by schools and the Social Security Administration;
  - b. Provided by the individual and the individual's family; and
  - c. Obtained under the assessment for determining the individual's eligibility and vocational rehabilitation needs.
4. If the DBVI is operating under an order of selection, an assessment to determine VR needs must be conducted for each eligible individual who is open to be served.
5. DBVI does not consider financial needs when providing the individual with an assessment of their VR needs.

6. The VR counselor will use qualified service providers for assessments to determine the individual's VR needs.

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

**Guidance:** *The VR counselor should always utilize existing information, to the extent possible, in serving the individual. In developing the IPE, it's required that the VR counselor first consider the information that was gathered as part of the eligibility determination process and determine if this information is sufficient in order to develop the individual's IPE (with the goal of developing the IPE as soon as possible such that services can be initiated). However, if the counselor determines that it's not sufficient, then a comprehensive assessment should be completed, with the guidance that wherever possible, additional information should be derived from family, from various*

*assessments and evaluations from the individual themselves, etc. The Social Security Administration is another source of information (if the individual is receiving SSA benefits), that should be contacted if the VR counselor believes the SSA information would be relevant to the development of the IPE. Use [SSA form 3288 – Consent for Release of Information](#) as necessary.*

## **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 to 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](#))

The VR counselor may also make any necessary referrals for services from other agencies:

1. Referral and other services necessary to help individuals secure needed services from other agencies will be provided as needed. VR counselors will provide individuals with information about the disAbility Law Center of Virginia

- (dLCV) ensuring that individuals are aware of their rights and responsibilities while applying for or receiving VR services.
2. Counselors may provide these services at any stage of the rehabilitation process. No financial needs test is required for the provision of referral services.
  3. Counselors will refer individuals to other agencies or organizations to secure needed goods and services when they cannot be provided by DBVI. Referral to other agencies and organizations is made in order to secure best services available for the individual.
  4. Counselor must comply with DBVI's confidentiality policy.

### **Criminal Background Check – Policy and Procedure**

1. The VR counselor is responsible for determining if a Criminal Background Check (CBC) is necessary. Rationale for requesting a CBC would include but is not limited to:
  - a. Individual self-reports any history of criminal offenses;
  - b. Individual identifies a vocational goal which could be impacted by any criminal offense history (e.g., bank teller, Certified Nursing Assistant, Sex Offender registry, etc.);
  - c. Information received by the VR counselor during the VR process provides evidence of a criminal offense history (i.e., records from other agencies, reports (verbal or written) from family, community providers, or others, etc.);
  - d. VR counselor plans to refer the individual to VRCBVI or other residential centers providing comprehensive adjustment and vocational rehabilitation services for individuals who are blind, deaf-blind or vision impaired. The CBC would be requested to determine if there is relevant information that would impact an admission decision. For further information regarding referrals to VRCBVI see section **Criminal Offense History and Referrals to VRCBVI** - Policy and Procedure below.
2. The VR counselor must document that rationale for requesting a CBC in the individual's AWARE file.
3. The VR counselor must receive written authorization from the individual in order to request a CBC. Refusal to authorize a CBC could impact the individual's vocational goal and/or VR services in support of that goal.
4. If a CBC is determined to be necessary and the individual authorizes one, the VR counselor will follow the procedure below:
  - a. The individual will sign the Bradford Company Release of Information form allowing them to run the background check;

- b. The VR counselor will complete a cover letter with their name, office and e-mail address and reference “background check” on the form;
  - c. The VR counselor will attach an authorization for \$20.75 (includes the credit card fee) along with the Bradford Release form and fax to Heather Breeden at (540) 248-7046. Prior to faxing please send Heather an email and cc: Cindy Roberts, that you are faxing information regarding a background check, so they can retrieve it quickly. Heather’s email is [Heather@bradford-staffing.com](mailto:Heather@bradford-staffing.com)
  - d. The CBC results will be emailed to the VR counselor (usually within 24 hours). The background check will only list the last four digits of the individual’s social security number;
  - e. Payment will need to be made via agency credit card once the results are received
5. The VR counselor will review the Criminal Background Check (CBC) upon receipt and will provide information from the CBC report to the individual. Guidance and counseling will be provided regarding the impact, if any, that the CBC results will have regarding vocational planning.
  6. The CBC report will be placed in the individual’s paper file. A copy of the report will be provided to the individual upon their request.
  7. The VR counselor must document that a CBC was received in the individual’s AWARE file.
  8. CBC results will be provided upon referral for employment related services (e.g., job development, job placement, supported employment services, etc.). CBC results will only be provided to external service providers with a signed release of information from the individual.
  9. CBC results will be provided to other vocational rehabilitation agencies, including DARS, with a signed release of information from the individual.

### **Criminal Offense History and Referrals to VRCBVI - Policy and Procedure**

1. Individuals who are registered sex offenders may not be referred for residential services at VRCBVI.
2. Information regarding any criminal offense history, including but not limited to results from a CBC will be reviewed by the VR counselor with the Regional Manager to determine what information, if any, may be relevant to share with VRCBVI Admissions Team. Consultation with the Director of Workforce and Vocational Rehabilitation Services is recommended as needed.



3. The CBC report shall not be shared with VRCBVI staff; a summary of any criminal offense information, to include but not be limited to the CBC report, that is relevant to the VRCBVI admissions process will be shared, either in writing to be included with the VRCBVI admissions application and/or through a staffing process.
4. It is highly recommended that the VR Counselor communicate any relevant criminal offense history directly to the VRCBVI Director prior to initiating the application process. The involvement of the Regional Manager and/or the Director of Workforce and Vocational Rehabilitation services is recommended as well.
5. VRCBVI admissions decisions of Not Accepted or Provisional Acceptance will be reviewed by the appropriate DBVI Program Director per VRCBVI admissions policy.

### **Alcohol and Substance Abuse – IPE Considerations**

For individuals who have a substance abuse history, the following criteria should be met as part of the development of their Individual Plan for Employment (IPE):

1. The individual must agree to participate in a treatment program or support group.
2. The IPE should include a progress measure that the individual will maintain abstinence from alcohol/substances.
3. No fee-based services shall be authorized until the individual has demonstrated abstinence for an extended period of time as specified in the Employment Plan.

**Guidance:** *An extended period of time should generally be 90 days. The VR counselor should count this time from the point at which the individual applied for VR services or from the point at which the individual has demonstrated abstinence to the counselor's satisfaction.*

### **Payment for Substance Abuse Services**

1. The VR counselor may pay for substance abuse screening services as part of the eligibility determination process or may be funded at any point during the course of VR services the VR counselor obtains evidence indicating the individual may be abusing alcohol or other substances. Substance abuse screening services available through the local Community Services Board (CSB) programs should be considered.
2. DBVI does not fund substance abuse treatment programs. If treatment is required, the VR counselor should refer the individual to local Community

Services Board (CSB) programs or other substance abuse treatment programs in the community.

### **Substance Abuse and Case Closure**

If the individual has a relapse during the course of VR services under the IPE, the VR counselor should re-evaluate the individual. This could include additional substance abuse screenings and a determination if the individual has been effectively participating in their treatment plan per their IPE. The VR counselor may suspend services under the IPE until such an evaluation has been completed and, should additional treatment be recommended, until the individual has satisfactorily completed the recommended treatment.

If the individual refuses to participate in any additional screenings or recommended treatment programs the counselor may close the case.

Multiple relapses during the course of services under the IPE, even if the individual is willing to follow necessary treatment recommendations, can be sufficient evidence that the individual cannot benefit from VR services in terms of an employment outcome due to the severity of the disability. In this should occur, the VR counselor may determine the need to close the individual's case.

NOTE: For information related to eligibility determination and substance abuse, see chapter on eligibility

### **Scope of Services for Purposes of IPE Development**

The VR counselor may use an array of services, including both agency provided services as well as community services for purposes of the comprehensive needs assessment necessary to develop the individual's IPE. During the course of IPE development, the VR counselor must not provide or agree to provide any goods or services other than for the purposes of assessment, evaluation and diagnoses. However, services such as 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 both parties sign the plan.

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.

**Guidance:** *While typically medical information would have been received during the eligibility determination process, the VR counselor may determine the need for additional medical evaluations. For example, the counselor may have received necessary eye reports for eligibility purposes but needs additional low vision evaluations in order to receive recommendations for the IPE. However, gathering additional medical or other information must not delay the development of the IPE when enough information exists for the individual to make an informed choice regarding a vocational goal.*

## **Process For Development of IPE and Planned Services**

### **The Individualized Plan for Employment (IPE)**

In the first step of the IPE development, the counselor must meet with the individual to explain their VR rights and responsibilities. In this explanation, the counselor must communicate to the individual, or as appropriate, the individual's representative, that he/she has the option to develop the IPE on agency forms:

1. Without assistance from DBVI or other entity;
2. With assistance from a DBVI vocational rehabilitation counselor or a vocational rehabilitation counselor who is not employed by DBVI, or
3. Using other resources at the individual's disposal. A copy of the VR Rights, Responsibilities, Terms and Conditions in the appropriate medium, must be given to the individual. The VR Rights, Responsibilities, Terms and Conditions is part of the IPE and prints as part of the AWARE Rehabilitation Plan (IPE).
4. An explanation of DBVI guidelines and criteria associated with financial commitments concerning an individualized plan for employment;
5. Additional information the eligible individual requests or DBVI determines to be necessary

If the individual chooses to write their own IPE, the counselor will print a copy of the draft AWARE Rehabilitation Plan. The counselor will explain the form to the individual and assist the individual in completing it. It is not expected that the counselor will know procedures codes or service cost when assisting the individual in their home or work site. These items will be added at the office when the Plan is entered into AWARE.

### **Timeframe for Completing the Individualized Plan for Employment (IPE)**

DBVI has initiated a 90-day deadline for Individualized Plan for Employment (IPE) development to ensure that all eligible individuals receive and participate in timely VR services. 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. The total extension time may not exceed 90 days (i.e., the maximum permissible time from eligibility determination until IPE development is 180 days). Requests for time extensions beyond 90 days must be submitted as an exception to policy with approval from the Regional Manager and the Director of Vocational Rehabilitation and Workforce Services.

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**

As part of the development of the IPE, the VR counselor must insure that they have provided the individual with general information on additional supports and assistance, including assistance with benefits planning for those individuals receiving Supplemental Security Income or Social Security Disability Insurance benefits. This must be documented in AWARE as part of the case record.

Regardless of the approach selected by an eligible individual to develop an individualized plan for employment, an individualized plan for employment shall, at a minimum, contain mandatory components consisting of;

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 insure 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 is also an Employment Network 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\(a\)](#).

*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.

**Guidance:** *As noted previously in this chapter in the section above regarding the counseling relationship between the VR counselor and the individual, it's imperative that the vocational goal on the IPE is one that not only meets the criteria noted above, but also one that is realistic and appropriate. The VR counselor should use all of the information gathered for eligibility determination, as well as additional information obtained through their comprehensive assessment of the individual, to best insure the vocational goal that's agreed to is a viable one.*

For students with a disability, the vocational goal may be a description the student's projected post-school employment outcome. The plan for employment with a projected post-school employment outcome will 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. It may be a specific goal, such as a Web designer, or a broader goal, such as medical practitioner. 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.

**Guidance:** *For students and youth with disabilities, many will have little or no viable work history. While the VR counselor must consider the individual's career interests and informed choice, it's equally important to determine the degree to which those interests coincide with the individual's strengths, resources, capabilities and so on. For students in particular, counseling and guidance should be provided towards the development of a viable vocational goal that recognizes, even with post-secondary education or training, that their entrée into employment will likely be at the entry level for their chosen occupation and in some cases entry-level employment of any kind may be the most appropriate first step.*

### **Vocational Goal Considerations**

1. If through a criminal background check it's determined the individual has previously been convicted of a felony and/or a barrier crime, the VR counselor must insure that the vocational goal is not precluded by that conviction. Examples of occupations that may be affected by a felony conviction could be day care centers, nursing homes, security guards, etc.
2. The VR counselor will include an employment goal consistent with a particular occupation. Use the O\*Net code listing in AWARE Employment Plan screen.
3. The IPE shall include a vocational goal that is in a competitive, integrated setting ([34 CFR 361.46\(a\)](#)).
4. The VR counselor should consider the local labor market before agreeing to a vocational goal where there may be very limited opportunities. The individual should be provided counseling and guidance regarding the possibility of relocating to a better labor market if that goal is to be considered.
5. The potential costs associated with achieving the vocational goal (e.g., post-secondary training or education) cannot be a consideration in determining the IPE vocational goal. However, the individual should be counseled regarding DBVI's financial participation policies if applicable.
6. The individual's vocational goal can be one that will advance them in employment. Per 34 [CFR 361.42\(a\)\(4\)](#), advancement in employment could include advancement within an individual's current employment or advancement into new employment. The VR counselor will determine if 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.

Note, the Occupation Code which identifies the vocational goal chosen, must be entered into AWARE on the Rehabilitation Plan data page. The following vocational goals are not found in O\*NET-SOC; therefore, the Rehabilitation Services Administration (RSA) has provided special nine-digit codes for those occupations. They are as follows:

1. 899999999 Vending Stand Clerk; and
2. 999999999 Vending Stand Operator.

### **Projected Timeline to reach Vocational Goal**

The IPE must include the Expected Plan End Date in AWARE.

### **IPE Services**

The VR counselor must identify the planned services under the IPE necessary to achieve the vocational goal. Services will include the necessary provision of assistive technology devices and assistive technology services and personal assistance services (including training in the management of such services), as appropriate.

Planned services must always include by default Counseling and Guidance and Job Placement Services with follow-up for 90 days. Services should include a description of the service that is being planned. Services that are part of the IPE but are no-cost services (e.g., rehabilitation technology evaluation services) or services provided as a comparable benefit (e.g., mental health counseling services provided by the local Community Services Board) should be included in the plan.

In the case of an IPE for a student, the identified services will include those specific transition services and supports needed to achieve the student's employment outcome or projected post school employment outcome.

Note: For students with disabilities who are receiving pre-employment transition services (Pre-ETS) prior to a determination of eligibility for VR services, once the student is determined eligible and an IPE is developed any pre-employment transition services they are receiving as well as any planned Pre-ETS services must be included on their IPE.

### **Service Providers**

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

## **Progress measures**

Progress measures are those 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.

## **Financial Participation**

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

## **Supported Employment**

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

## **Post-Employment Services**

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. Services may be added, modified, or deleted by editing the IPE in AWARE for non-substantial amendments. For substantial amendments, the counselor will either create a New Plan or Clone the existing Plan in AWARE and then update and add any additional new information. 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. (See requirements and definitions below for further discussion of amendments.)

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.

NOTE: See Guidance regarding appropriate mode of communication at beginning of this chapter.

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 Individualized Plan for Employment (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.

### **Documentation and AWARE Actions Required**

Document in AWARE Case Notes information for counseling sessions

1. Add needed services as required on the IPE;
2. Or add substantial amendments by creating a New Plan or clone the current Plan
3. Enter all purchases using a Vendor Authorization in AWARE;
4. Complete the New Plan Review Data page in AWARE for the annual review; and
5. Complete and distribute authorization(s) to all parties, including the individual when requested.

### **Types of Individual Plans for Employment**

The individual's type of Individual Plan for Employment (IPE) will identify the primary focus of the service(s) that will be provided under the plan.

### **Counseling and Guidance**

While counseling and guidance are provided by the VR counseling throughout the case, in some instances a counseling and guidance IPE may be appropriate. A counseling and guidance plan is written when the primary services to address barriers to employment is through vocational counseling. The VR counselor must develop progress measures with the individual that will clearly identify those specific barriers that will be addressed through the counseling sessions and will document in AWARE the impact and results of those sessions on the barriers to be addressed.

Areas of counseling may include but are not limited to:

1. An understanding of vocational aptitudes;
2. An understanding of vocational interests;

3. A knowledge of job requirements within the range of the capabilities of the individual;
4. An understanding of types of jobs available within the community and assistance in planning for relocation when needed;
5. The selection of a suitable vocational goal;
6. The individual's acceptance of the limitations imposed by his/her disability;
7. Understanding the impact of personal relationships on the job and development of ability to relate well to others;
8. Understanding the importance of personal self-care activities and development of ability and interest in performing these activities;
9. Understanding and practice of good work habits;

## **Services**

The following services may be provided in Counseling and Guidance. A determination of financial participation is required if VR funds are provided in items 4-7.

1. Counseling and guidance;
2. Diagnostic services;
3. Interpreter services for the deafblind;
4. Maintenance (including clothes);
5. Occupational and driver's licenses; and
6. Transportation.
7. Other services as deemed necessary

Documentation of counseling and guidance sessions must at minimum note the counseling issue(s) to be discussed, any significant aspects of the counseling session (e.g., behavioral observations, participation/lack of by the individual, etc.) and impact or results from the session.

## **Physical and Mental Restoration**

A physical and mental restoration IPE is developed when the primary services that will be provided are related to barriers to employment caused by a physical or mental disability are identified and are reduced or removed by the provision of these services. The provision of physical or mental restoration may not be a sole service. At a minimum, vocational counseling and guidance will be a substantial service in addition to the physical and mental restoration services. Job placement services and other VR services may also be part of the IPE.

Progress measures for a physical and mental restoration plan must clearly identify the services to be provided and clear criteria when those measures have been met. Documentation would include assessments/evaluations completed prior to the services being provided that would clearly justify the necessity of the services. Documentation throughout the course of the services must serve to demonstrate the impact of the service in addressing the identified impediment to employment.

## **Provision of Physical or Mental Restoration Services**

### **A. General Services**

The following substantial and support services may be provided in Physical and Mental Restoration. A determination of financial participation is required when VR funds are provided in items 6-10.

1. Counseling and guidance;
2. Diagnostic services, as necessary;
3. Interpreter services for the deafblind;
4. Translator services;
5. Rehabilitation technology services;
6. Physical restoration services;
7. Maintenance (except for assessment)
8. Transportation (except for assessment);
9. Telecommunications, sensory, and other technological aids and devices (except for AT and Adaptive Technology or Equipment)and
10. Other appropriate DBVI services.

### **B. 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. Medically prescribed 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).

## **Training**

A training IPE is developed when the primary service(s) to address the barriers to employment consists of a training program (vocational training, academic training, supported employment, etc.). Training services are provided when it's determined that the training will substantially reduce or remove the impediment to employment. The VR

counselor should be careful in developing a training IPE such that they have given full consideration to what services are necessary to achieve the vocational goal. For example, a vocational goal of Teacher's Aide may require some post-secondary training (or may not), but such a goal will not require a 4 year college degree. Or an individual who has many years of experience within the IT field may only require targeted training in key areas in order to meet their goal. However, if their experience is dated, they may in fact require much more substantial training in order to achieve their goal.

Progress measures should be written that provide clear expectations for participation in the training program and criteria that will demonstrate successful progress and completion of the training. For example, progress reports from the training program, report cards demonstrating attainment of an appropriate grade point average, etc. should be provided by the training provider. The VR counselor shall maintain these records for documentation of the service.

### Training Services

1. College or university (community college, four year, graduate school)
2. Supported employment (SE)
3. Job coach training services (JCTS)
4. Work Adjustment Training (WAT)
5. On the Job Training (OJT)
6. Unpaid Work Experience (UWE)
7. Other post-secondary training programs.

## **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.



## Requirements and Definitions

### 1. 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.

Substantial amendments include but are not limited to:

- a. When the vocational objective goal changes from that indicated on the original program or previous amendments;
- b. When there is a change in the financial participation of the individual (only if the individual's participation increases);
- c. When a service is discontinued or deleted (even if the service has not yet begun) or when a new planned service is added;
- d. Changing a vendor of services on a service that is already on a plan.

Non-substantial amendments include but are not limited to:

- a. The purchase of additional books of bus tickets or computer cables;
- b. Authorizing addition assessment or evaluation services;
- c. Adding services that are in support of a service already on the IPE (e.g., adding transportation, maintenance, interpreting or reader services, etc.)
- d. Changing the expected plan end date (provided there are no other substantive changes to the plan)

**Guidance:** *While a non-substantial amendment does not require the individual's signature, the VR counselor will communicate with the individual about the change such that there are no misunderstandings. Should the individual express concerns about the modification to the plan, it's recommended that future counseling and guidance be provided and having the individual sign the amended plan in that situation.*

### Amendment Process and Documentation Requirements

1. For any amendments to the IPE (substantial or non-substantial), the individual shall be notified of the proposed change. While face to face discussions are not required, it's highly recommended for very significant substantial amendments (e.g., vocational goal change, deleting a major service, etc.).
2. For non-substantial amendments, if the IPE amendment has been discussed with the individual over the phone or via text or email and the individual is in agreement with the change, that agreement must be in writing (email, text, letter, etc.) and documented in AWARE.

3. For substantial amendments, where the individual has agreed to the change, the VR counselor will make the necessary changes to the IPE and;
  - a. Meet with the individual and both the VR counselor and the individual (or their representative, as appropriate) sign the amended IPE or;
  - b. The VR counselor shall mail (certified mail) the amended IPE to the individual (or their representative, as appropriate) and then must receive an original signature from the individual (or their representative, as appropriate) on the amended IPE; or;
  - c. The VR counselor may initiate the agency approved electronic signature procedure for purposes of signing the amended IPE.
  - d. The VR counselor, after signing the amended IPE, will provide to the individual (in person, via mail, or email) a copy of the amended IPE with all necessary signatures.
4. If the VR counselor is recommending a substantial amendment to the IPE (such as a vocational goal change), and the individual does not agree, the counselor, through counseling and guidance, must provide the necessary rationale for the recommended change. However, if the individual still does not agree with the recommended change, the VR counselor will notify the individual in writing of their rationale for the change, any policy related to the recommended amendment and information regarding their appeal rights. Any services that are already being provided and are in dispute must not be suspended or discontinued by the VR counselor.
5. Non-substantial amendments do not go into effect until there is mutual agreement. Substantial amendments do not go into effect until both parties (VR counselor and the individual being served, or their representative) have signed the amended IPE.
6. The VR counselor will document in AWARE the rationale for any amendments to the IPE, either substantial or non-substantial.
7. Copies of the amended IPE shall be provided to all signatories.

### **Individual's participation in the cost of services**

DBVI has limited resources available to purchase goods and services for eligible individuals seeking and participating in VR services. Subsequently, 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 takes into account 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.

NOTE: If the individual's IPE does not include any non-exempt cost services, the VR counselor will check the box on the AWARE datapage where the IPE is being developed under "Plan Type" that the individual "does not participate in cost of services" since no cost services are being planned. Additionally, the VR counselor shall note in the text box titled, "Describe the participant's responsibilities towards the cost of the plan in the cost of services and securing comparable benefits" the AWARE Signature/Start date and that the VR Financial Participation in Cost Services form was not completed because no cost services were planned.

Counselors and the individual being served will conduct a diligent search for comparable services and benefits. The individual's financial contribution is required when established by the Economic Needs Test.

For more information regarding financial participation please see the Financial Measures chapter.

### **Comparable Services and Benefits**

*Comparable services and benefits means* services and benefits, including accommodations and auxiliary aids and services, 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 §361.53; and
3. Commensurate to the services that the individual would otherwise receive from the designated State vocational rehabilitation agency.
4. For the purposes of this definition, comparable services and benefits do not include awards and scholarships based on merit.

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. If there are more than two additional comparable benefits it may be necessary to group them and

provide a breakdown in an AWARE Case Note or worksheet to be identified as "IPE" material and filed in the IPE section.

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.
4. 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).
5. 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.

NOTE: For additional information regarding comparable benefits, see chapter on Financial Measures.

**Guidance:** *The VR counselor must use comparable benefits except when use of those benefits would delay services related to the IPE or services related to an immediate job placement.*

### **Status Movement**

The VR counselor will move the individual into service status when the Individualized Plan for Employment has been agreed to and signed by both the individual (or the individual's representative), as appropriate, and the VR counselor.

## Chapter 6

# Individualized Plan For Employment (IPE) Services and Implementation

## VR Counselor Role in implementing the IPE

### 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. To provide services in Application and Eligibility and Plan Development, an AWARE Vendor Authorization must be completed for services to be purchased. If service is to be provided by VRCBVI, DBVI deafblind, DBVI mobility and orientation, DBVI rehabilitation engineering, or Business Relations Services, a Service Authorization must be completed to refer the individual to these programs.

### The VR Counselor's Role – IPE Implementation

Once the Individualized Plan for Employment (IPE) has been developed, the role of the VR counselor is to, in partnership with the individual being served, ensure the services outlined in the IPE are initiated. Dependent on the type of IPE, the VR counselor's role will vary somewhat. However, throughout the course of services, the one constant is the critical guidance and counseling role the counselor plays.

While case coordination and case management are significant elements of the VR counselor's job, counseling and guidance cannot be underestimated. The provision of counseling and guidance services to the individual's they are serving is critical to their success in preparing for, finding, and holding a job.

**A. 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. The following guidelines, however, should be considered when counseling and guidance services are provided:

#### 1. Counseling Session

Counseling sessions, whenever possible, should be provided at specific

intervals (every week, every month, etc.) and when needs arise that require immediate attention.

## **2. Counseling Environment**

It's important that the counselor provide counseling services in an environment where as many distractions as possible are eliminated. Plans should be made for a location and time convenient to both the counselor and the individual.

## **3. Individual or Group Sessions**

The counselor should consider whether individual or group counseling sessions should be provided. If provided within a group setting, the counselor must ensure that the individual service needs are being addressed as well.

## **4. Case Recording**

The counselor is responsible for adequate case recording for the counseling sessions. Documentation must clearly delineate the focus of the session (e.g., provide individual with information regarding IT training options; counsel individual on appropriate dress for employment, etc.), must document the impact of the counseling service (e.g., "as a result of our session, Johnny stated he understands why it's important to arrive on time") and will include any follow-up or next steps (e.g., "Johnny will research the bus routes for the area he will be job searching in and bring that information to our meeting next week").

[NOTE: For more information regarding case recording, see "Documentation" in this chapter of the VR policy manual below.](#)

## **B. The VR Counselor's Role – Case Coordination and Case Management**

1. The VR counselor serves as the primary case manager for those individuals on their caseload and is responsible for coordinating, arranging for and funding (as appropriate) the services outlined on the individual's IPE. The counselor must insure, providing for informed choice and in the appropriate mode of communication, that the individual is given the opportunity to exercise choice in the process of selecting service providers. Depending on the services outlined in the IPE, the process of providing for informed choice may vary. For example, if supported employment services are planned, allowing the individual, their family (or the individual's representative, as appropriate) to meet with prospective vendors as part of the decision making process. The counselor should provide whatever information they may have about success rates of each vendor, their experience in working with individuals who are blind, deafblind or vision impaired, etc. If college is a service, assisting the individual with information about schools that may offer the degree program they require to achieve their vocational goal.

2. While the VR counselor assumes a primary role in case coordination, the individual being served has a significant role as well. Clear roles and expectations will be defined prior to services being implemented such that each is clear as to what's required from them. For example, if the service is college, the VR counselor must make clear that they must make satisfactory progress towards their degree, will stay academically eligible and will provide their grades each semester. Scheduled appointments at least twice yearly with the counselor should be planned. The VR counselor must insure they provide authorizations to fund textbooks, room and board, tuition, etc. in a timely fashion such that it does not impact the individual's participation in the service. Referrals for DBVI services, such as Orientation and Mobility, Rehabilitation Technology, etc. will be made so as to not delay those necessary services.
3. The VR counselor, if not already done, must discuss with the individual possible comparable benefits as well as to what degree, if any, the individual will need to participate financially in funding services under their IPE.
4. The VR counselor and the individual being served should maintain contact as needed to best ensure the criteria developed in the progress measures are being met. Counseling and guidance sessions must occur at least every 90 days if not more often.
5. Services provided under a Training IPE (post-secondary training, supported employment, Unpaid Work Experiences, etc.) must be documented in the case file. The VR counselor must make sure progress reports, grades and other documented evidence of progress within the training program is provided to them on a regularly scheduled basis. Counseling and guidance sessions should focus on the specific training IPE progress measures.
6. Once the individual is employed, the VR counselor should continue to provide counseling and guidance to address any disability related needs related to the employment. O & M and rehabilitation technology may become necessary depending on the specific needs of the individual and the employment site. The individual being served and the VR counselor (as well as the supported employment provider as appropriate) should discuss job stability and establish initial timeframes for case closure. Post-employment needs should be discussed if necessary.
7. The VR counselor must make contact with the individual within the 10 day period prior to closing the case as Closed – Rehabilitated. The individual being served and the VR counselor must reach agreement that the employment is satisfactory and that the individual is doing well in the job.
8. Throughout the process the VR counselor will document any necessary amendments to the IPE.

### C. IPE Documentation

The VR counselor is responsible for maintaining case documentation for individuals on their caseload. 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. The VR counselor must enter all documentation into the appropriate page in AWARE within the Participant Module.

Services provided by DBVI staff other than the VR counselor (such as Business Relations services, Orientation and Mobility Services, etc., including VRCBVI programming) will be entered into the Service Module of AWARE by the staff member who provided the service(s). Vendor services (such as college, supported employment, etc.) are documented via authorizations within AWARE along with invoices/reports provided by the vendor. The VR counselor is responsible for any documentation regarding communication and planning with the individual as they're served by the provider and with the vendor themselves.

Required documentation time frames:

1. The VR counselor must document, at least every 90 days but more frequently as needed, any contact with the individual, including counseling sessions, evidence of progress (or lack of progress) towards the vocational goal, service referral and coordination, telephone calls, emails, text messages, etc.
2. The VR counselor must review the assessment results and document at least every 90 days for individuals in Trial Work Experiences (TWE) and provide justification if an eligibility decision has not been reached.
3. The VR counselor must document every 90 days for individuals in Services-Interrupted.

#### IPE Documentation in Actual Services

The VR counselor is required to document within Actual Services in AWARE any IPE service (or Pre-ETS service) that was planned to be provided during the quarter. 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.

Documentation in Actual Services will include those services provided directly by the VR counselor (G & C, Pre-ETS, etc.) and those services provided by other DBVI internal staff (e.g., VRCBVI, O & M, etc.). Any service that was provided via an authorization for services **does not** need to be documented in Actual Services. Guidance and counseling must be provided on a continuous basis, so this service must be documented every quarter. IPE services that were planned during the quarter but not provided will also be documented in Actual Services, with a note providing rationale or



justification as to why the planned service was not provided. The VR counselor will document all other case activities (e.g., scheduling meetings, coordinating/arranging services and other non-direct service communications, emails, phone calls, etc.) in the Case Notes datapage in AWARE. A summary of these activities do not need to be included in Actual Services.

In order to properly document the provision of planned IPE services (other than authorized services), the counselor must:

1. Document the IPE service(s) that they provided within Actual Services on an **ongoing basis as those services are provided** directly by the VR counselor throughout the quarter **OR** provide an appropriate **summary at the end of the quarter** for those IPE services provided directly by the VR counselor for the quarter; and;
2. Provide an appropriate **summary** of the IPE services provided directly throughout the quarter **by other internal DBVI service providers**.

Each actual service that is created must have a begin date and an end date that falls within that reporting quarter. The begin date would be the date (or dates) within that quarter that the Actual Services were provided, or the date prior to the end of the quarter where a summary of the Actual Services for that quarter are being documented.

VR Counselors should **not** create a new actual service in AWARE prior to the date that the actual service was provided (i.e., document what happened, not what was anticipated to happen). See the section below regarding “IPE services that were planned but not provided” for guidance when this occurs.

Actual Services summary documentation must be completed during the quarter the services were provided or no later than 10 calendar days following the end of the quarter.

Services are delineated by the Vendor of services and by the Service Provider. The VR Counselor is the service provider for G and C services and DBVI is the vendor. For Services provided by other DBVI staff, the staff member is the provider, and the vendor is DBVI (for O & M, RT, Business Relations, etc.). VRCBVI is the vendor for Center services. Outside vendor services are documented via authorizations for the service and therefore do not need to be documented in Actual Services. However, direct services provided by the VR counselor (e.g., guidance and counseling) that are related to the vendor services (but not provided by the vendor) must be documented in Actual Services.

Separate Actual Services must be established for each service category (G & C, in-house Pre-ETS, VRCBVI training, O & M, etc.) the individual received during the quarter, with a note or notes summarizing those services.

## **Actual Services - Units of Service**

When the VR counselor creates an Actual Service, the number of units for the service must be entered on the Actual Services page in "3. Service Detail". This is a required field in AWARE and will be entered in the following manner:

- The counselor must enter the number of units (hours) of service that were actually provided.
- The units may be entered as a whole number (e.g., 1.00 unit), or may be entered as a fraction (e.g., 1.50 units). However, the unit(s) must be entered in increments no less than quarter units (.25).
- The minimum number of units that may be entered is .25
- Partial units will be rolled up (e.g., a Guidance & Counseling session of 1 hour and 10 minutes becomes 1.25 units).

The VR counselor must enter the total number of units of service prior to completing the Actual Service at the end of the quarter, to include the situation where the counselor is creating a single Actual Services note but documenting multiple instances of services within the text box. For example, if Guidance and Counseling services are provided multiple times during the quarter, but only one quarterly Actual Services note is created, the number of units for that Actual Service would reflect the total number of service hours provided through the multiple sessions.

Actual Services provided directly by the VR counselor as well as services provided by other DBVI providers must include the number of units for the service(s) provided. The VR counselor is responsible for tracking the number of units per each service provision for those services they provide directly to ensure the total number of units within the Actual Services note is accurate for the quarter. Where other DBVI staff or VRCBVI is the Service Provider, the DBVI staff member who is documenting services in Service Notes in AWARE must complete a summary of services provided during the quarter, to include the total number of units of direct service provision for the quarter. The summary must be completed no later than the 20<sup>th</sup> of the final month of the quarter (September, December, March, June). In documenting the summary in Service Notes, the staff member will choose as the Category for the note, "Actual Services Summary", and in the Summary box will note, "Units for the quarter are \_\_\_\_".

Services that were planned on the individual's IPE but were not provided during the quarter require an Actual Services note documenting why the service was not provided. The number of units in this circumstance shall be .25 units.

## **Actual Services Documentation Guidance – VR Counselor Provided**

The VR counselor is responsible for a minimum of at least one (1) Actual Services note per quarter for each IPE service planned and provided during the quarter. Counselors who choose to provide a summary of services each quarter may only have one notation per quarter (one Actual Services summary note for each IPE planned service), but consideration should be given to additional summary notes as the circumstances call for it.

VR counselors who choose to document Actual Services as they occur throughout the quarter do not need to document the provision of that same service in the AWARE Case Notes layout. However, the documentation flow between case notes and Actual Services must properly align with respect to time and sequencing such that it's clear to the reader as to what happened and why.

VR counselors who choose to create Actual Services notes on an ongoing basis throughout the quarter may need to create only one (1) actual service (per each service category) during the quarter and then add Actual Services case notes (dated) within the text box. This would generally be true if the Actual Services notes are around the same or similar issue. For example, an individual for whom G & C is being provided during the quarter to address some anxiety during their first semester in college might show one actual service created with multiple Actual Services notes with dates in the text box at the bottom of the AWARE datapage. However, if there were two very different G & C issues that were addressed during the quarter, it would be more appropriate for the counselor to establish two separate Actual Services with relevant Actual Services notes placed in the appropriate text box.

Counselors who prefer to enter note(s) summarizing services in Actual Services at the end of the quarter may do so, but the summary must be sufficient to properly document the services provided. In addition to documenting a summary of services provided in Actual Services, the counselor must also document the services provided by them in case notes as they occur. Cutting and pasting a case note or notes into Actual Services is not appropriate except in the situation where the counselor has written an effective summary note in case notes.

## **Documentation in Actual Services – Other DBVI Staff Provided Services**

Services provided by internal DBVI staff (other than the VR counselor) must be documented in Service Notes within AWARE, and the VR counselor is responsible for providing a “summary” of those services. The summary note will also include any specific challenges, concerns, or issues that may have occurred during service provision. For example, an individual who repeatedly cancelled or failed to show for services, or an individual whose behavior while being served caused concern. Those documented issues would normally result in a guidance and counseling session with the individual by the counselor.

Cutting and pasting of the service notes into Actual Services is not acceptable, except in circumstances where the DBVI service provider created an effective summary note of their services. In that case, the VR counselor may cut and paste that note, but then must revise the note to ensure it becomes their summary of the services to include the elements noted above.

NOTE: For Actual Services provided by DBVI staff where a service authorization is completed as part of the referral process, the Actual Services begin date will be the date of the Service Authorization (referral date).

### **Service Detail/Outcome**

VR Counselors must document the outcome of the Actual Services at the completion of each quarter. The VR counselor will choose “Completed” for all Actual Services which were actually provided during the quarter. For any quarter in which an actual service was created but the service was not provided, the counselor will choose “Not Completed”.

During the quarter, the counselor may choose to show an actual service as “Started-Ongoing”. This would be true, for example, if Guidance and Counseling was being provided and the counselor wanted to document several sessions of G & C within a single actual service that had been created (i.e., documenting, with dates, multiple sessions within the same text box vs. creating a new actual service for each session). However, the counselor must revise the outcome to “Completed” at the end of the quarter and then create a new actual service in the next quarter.

See the section below titled, “IPE Services Planned but not Provided during the Quarter” for more information regarding service outcomes.

### **IPE Services Planned but not Provided during the Quarter**

An IPE service that was planned to occur during the quarter but for whatever reason was not provided must be documented in Actual Services in the following manner:

1. **Service did not begin but is still likely to be provided:** The counselor, *prior to the end of the quarter*, should revise the begin date to coincide with the new estimated begin date of the service and then document in Actual Services once the service actually begins.
2. **Service did not begin and will no longer be provided:** If it’s clear that the service will not be provided at all, the counselor must create an Actual Services note within that quarter, noting the circumstances as to why the service was not provided and/or is no longer required. The counselor will then show the service as, “Not Completed”.

3. **Service began in a quarter but was interrupted:** If a service has been initiated but then is **not** provided in a given quarter (with the assumption the service will begin again in future quarters and will remain on the IPE ), the counselor will document in Actual Services the reason why the service was not provided (e.g., G & C noting that “individual was hospitalized during the quarter due to illness”) and show the service as, “Not Completed” for that quarter.

*NOTE: For information regarding Actual Services documentation of Pre-Employment Transition Services and for Potentially Eligible individuals, see the Transition Documentation section in Chapter 12: Transition and Pre-Employment Transition Services, in this policy manual.*

### **Measureable Skill Gains (MSG) and Credential Attainment**

The VR counselor is required to document in AWARE Measureable Skill Gains (MSG) and Credential Attainment as they occur for the individuals they are serving.

#### **Measurable Skill Gains**

Measureable 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.

#### **Documentation of Measureable Skill Gains**

The VR counselor must document that the individual is enrolled in an education or training program. Documentation could include a copy of an enrollment record, vendor training reports, electronic records, attendance records, transcripts or report cards, employer reports noting the results of a knowledge-based exam or certification or reports demonstrating progress in attaining technical or occupational skills, case notes documenting communication with the school or training vendor, etc. The VR counselor must also maintain source documentation indicating the date of attainment of the MSG. Depending upon the type of education or training program in which a participant is enrolled, documented progress towards an MSG is defined as one of the following:

1. Achievement of at least one educational functioning level (EFL) of a individual who is receiving instruction below the postsecondary education level, as documented by a pre-and post-test of EFL gain, of awarded credits, or documentation of exiting a program below postsecondary level and enrolling in postsecondary training during a program year.

2. Attainment of a secondary school diploma or its recognized equivalent as documented by a secondary school diploma or a State recognized equivalent, including passing scores on State equivalency test, alternate diplomas, etc.
3. Achievement of a sufficient number of credit hours that shows the student is meeting the State academic requirements, as documented by a secondary or post-secondary transcript or report card. For post-secondary students, documentation for full-time students that they've earned at least 12 credits per semester or for part-time students that they earned at least 12 credits for the academic year.
4. Satisfactory or better progress towards established milestones, such as completion of On-the-Job-Training (OJT) or completion of one year of an apprenticeship program or similar milestones, from an employer or training provider, as documented by a progress report, increased pay from improved skills or performance.
5. Successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skills, as documented by the passage of an industry specific exam or documentation that trade-related benchmarks have been achieved.

**Guidance:** *Not all skill gains meet the criteria of an MSG. For example, mastering Orientation & Mobility skills, learning to use the public transportation system, learning to use JAWS, or the attainment of general skills gained as part of an IPE that not related to training and education are not considered MSG. Special Education certificate of completion or other certificates/diplomas that are not credit bearing, such as diplomas for attendance, also do not meet the criteria for measureable skill gains. Finally, skill gains through pre-employment transition services or vocational evaluation or aptitude testing are not considered measureable skill gains.*

### **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.

### **Documentation of Credential Attainment**

The VR counselor must ensure that the education or training program the individual is participating in results in a recognized postsecondary or secondary credential and can be documented and included in the Credential Attainment indicator. In order to satisfy these requirements, the VR counselor must consider the following criteria:

1. Is the training program is a state agency, institute of higher education, Indian tribe, industry/employer organization, apprenticeship agency, regulatory agency, veterans affairs, or job corps?
2. Is the credential a secondary school diploma or equivalent, an associate, bachelor's, or graduate degree, an occupational licensure or certificate, or an industry recognized credential?
3. Does the credential result in industry-wide, measureable technical or industry/occupational skills?

Examples of credentials that would be considered credential attainment are cosmetology/barber licenses, CNA licenses, CPA's, Business Enterprise Programs (BEP), registered apprenticeships occupational certificates, job corps certificates, Microsoft Certified IT professional certificate, Automotive Service Excellence (ASE), Adult Education completion, or passing an examination for a state recognized High School equivalency.

Examples of credentials that would not be considered credential attainment would be basic skills certificates, first aid or CPR certificates of completion, ServSafe food handlers certification, completion of On-The-Job training, general computer/security training, good safety practices or hygiene certificates, workforce readiness certificates (such as for completion of a resume or job-seeking skills class), or graduation or certificates from a VR comprehensive rehabilitation center.

The VR counselor must maintain source documentation that would support the credential attainment, including the date of the attainment. Source documentation could include, but is not limited to:

1. Documentation that the training program or provider meets the criteria as noted above.
2. Copies of the certificate, licensure, diploma, or other similar evidence that the credential was attained;
3. Results of an examination or other testing processes which as a result provide the individual with the credential;
4. Other documentation that would provide support and evidence that the credential was attained.

### **Scope of Services for Individuals - Individualized Plan for Employment (IPE)**

Note: For more detailed information on specific vocational rehabilitation services, go to that specific area as listed in the VR Manual Table of Contents.

## **A. Vocational Rehabilitation Services for Individuals**

Vocational rehabilitation services provided under the Vocational Rehabilitation program are any services described in an individualized plan for employment (IPE) that are necessary to assist an individual with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual, including;

1. An assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;
2. counseling and guidance, including information and support services to assist an individual in exercising informed choice;
3. referral and other services to secure needed services from other agencies through developed agreements;
4. job-related services, including job search and placement assistance, job retention services, follow up services, and follow-along services;
5. vocational and other training services, including the provision of personal and vocational adjustment services, books, tools, and other training materials, except that no training services provided at an institution of higher education shall be paid for with case service funds unless maximum efforts have been made by the VR counselor and the individual to secure grant assistance, in whole or in part, from other sources to pay for such training;
6. to the extent that financial support is not readily available from a source (such as through health insurance of the individual or through comparable services and benefits), diagnosis and treatment of physical and mental impairments, including;
  - a. corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that constitutes a substantial impediment to employment, but is of such a nature that such correction or modification may reasonably be expected to eliminate or reduce such impediment to employment within a reasonable length of time;
  - b. necessary hospitalization in connection with surgery or treatment;
  - c. prosthetic and orthotic devices;
  - d. personnel who meet State licensure laws and who are selected by the individual;
  - e. special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the treatment of individuals with end-stage renal disease; and



- f. diagnosis and treatment for mental and emotional disorders by qualified personnel who meet State licensure laws;
7. maintenance for additional costs incurred while participating in an assessment for determining eligibility and vocational rehabilitation needs or while receiving services under an individualized plan for employment;
8. transportation, including adequate training in the use of public transportation vehicles and systems, that is provided in connection with the provision of any other service described in this section and needed by the individual to achieve an employment outcome;
9. on-the-job or other related personal assistance services provided while an individual is receiving other services described in this section;
10. interpreter services provided by qualified personnel for individuals who are deaf or hard of hearing, and reader services for individuals who are determined to be blind, after an examination by qualified personnel who meet State licensure laws;
11. rehabilitation teaching services, and orientation and mobility services, for individuals who are blind;
12. occupational licenses, tools, equipment, and initial stocks and supplies;
13. technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent such resources are authorized to be provided through the statewide workforce development system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome;
14. rehabilitation technology, including telecommunications, sensory, and other technological aids and devices;
15. transition services for students with disabilities, that facilitate the transition from school to post-secondary life, such as achievement of an employment outcome in competitive integrated employment, or pre-employment transition services;
16. supported employment services;
17. customized employment;
18. encouraging qualified individuals who are eligible to receive services under this title ([34 CFR 361.48](#)) to pursue advanced training in science, technology,

- engineering, or mathematics (including computer science) field, medicine, law, or business;
19. services to the family of an individual with a disability necessary to assist the individual to achieve an employment outcome; and
  20. specific post-employment services necessary to assist an individual with a disability to, retain, regain, or advance in employment.

## **B. Prohibited VR Services**

1. Vocational and other training services, including personal and vocational adjustment training, books, tools, and other training materials may be provided by DBVI, **except** that no training or training services in an institution of higher education (universities, colleges, community or junior colleges, vocational schools, technical institutes, or hospital schools of nursing) may be paid for with case service funds unless maximum efforts have been made by the VR counselor and the individual to secure grant assistance in whole or in part from other sources to pay for that training
2. DBVI shall not (per OMB Circular A-87 revised May 10, 2004) pay entertainment expenses, including costs of amusements and social activities for individuals being served.
3. DBVI shall not for individuals being served pay (per federal OMB Circular A-87 revised May 10, 2004) bad debts, liens, or judgments; interest payments; individual's fines, court costs, and similar expenses (such as collection costs, suspended driver license reinstatement fee, etc.).
4. DBVI shall not (per [34 CFR § 361.48](#) and [34 CFR § 361.5 \(b\) \(34\)](#)) authorize home purchases, including down payment, monthly mortgage, or monthly rent. The counselor may authorize maintenance as consistent with policy to provide support for food, shelter and clothing that are in excess of normal living expenses needed to participate in a VR assessment or Individual Plan for Employment service (See Maintenance policy for more information)
5. DBVI will not make monetary loans to individuals.
6. DBVI will not authorize insurance premiums or uninsured motorist fees for motor vehicles, aircraft, hang gliders, motor boat, or personal watercraft. The individual being served, as owner, shall be responsible, regardless of their financial participation, for routine upkeep and for insuring the vehicle, aircraft, hang glider, watercraft, or boat.
7. DBVI shall not (per [34 CFR § 361.5](#)) authorize routine operating and maintenance costs of the individual's personal vehicle (such as state

inspection, decals, oil change and other routine maintenance, vehicle registration, title and tags, personal property tax, tires or tire repair).

### **C. Services Interrupted (Service-I)**

1. If an individual for any reason is unable to continue to participate in services once under an IPE (Service status), the VR counselor will make a determination if case closure is appropriate. If it's determined that the inability to continue with services is temporary, then the case will be placed in services interrupted (Service-I). This status will be used if the counselor believes that a temporary suspension of services under the IPE is a better alternative than case closure, which would require the individual to reapply for services.
2. Services interrupted can be for any reason, but typically are related to medical issues (e.g., surgery), mental health exacerbations, family emergencies, incarceration, etc.
3. The VR counselor may determine the need to place the individual in services interrupted status or the individual being served can request it. In either case, the VR counselor must communicate in writing with the individual that they are being placed in services interrupted status, the rationale for placing them in that status along with their rights to appeal.
4. The counselor shall place the case in Service – I status in AWARE when all planned services in the Individualized Plan for Employment (IPE) are interrupted.
5. A specific time frame for the interruption of services, to the degree feasible, must be documented in the case file. An individual cannot be in services interrupted for longer than 18 months.
6. The VR counselor must write a case note at least every 90 days while the individual is in services interrupted status.
7. The VR counselor will consult with the Regional Manager once the individual has been in services interrupted for 6 months to determine if case closure is appropriate at that point. Consultation must continue every 6 months until 18 months, at which point the Director of Vocational Rehabilitation and Workforce Services would be required to approve a continuation in the status.
8. When the individual returns for services, the VR counselor must document this in AWARE and place them in the appropriate status in AWARE.

## **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)

**Note:** 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\(c\)\(15\)](#).

### A. 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.

#### B. Vocational Evaluation and Skills Assessment for the VEB Program

The decision to refer an individual to the VEB program is made mutually by the individual and the vocational rehabilitation counselor based on the individual's interest, skills, abilities, aptitudes, and personal choice. It is recommended the counselor and the individual meet either in person or via telephone with the VEB Manager to discuss the evaluation process, the educational and training process as well as how managers acquire stands.

Potential candidates for the VEB program are required to participate in an evaluation at VRCBVI or have a field assessment approved by the BOB Education Coordinator, specifically for the purpose of assuring that vending service manager is the right vocational choice for the individual. Evaluation will include: 1) assessment to determine academic aptitude and achievement – 10<sup>th</sup> grade equivalency 2) an eye exam to document legal blindness; 3) an assessment of the individual's business level blindness skills 4) an assessment of the individual's performance Job Shadow at a Richmond, Virginia Vending facility for one week alongside with Vocational Specialist and the BOB Training Coordinator; 5) other assessments or relevant information as needed (examples might include but would not be limited to an audiometric assessment if the individual has a hearing impairment, or organizational skills/assistive technology assessments.) Further details for evaluation may be found in [Appendix Q](#) below in this chapter.

If individuals have deficits in any of these areas during assessment phase, DBVI will provide the training necessary to overcome the deficits. Pre-vocational training may be provided if needed.

Individuals must address deficits to ensure they have the skills and abilities

necessary to perform work tasks associated with the Virginia Enterprise for the Blind Program. When an individual is unable or chooses not to participate in training at VRCBVI to address deficits identified during the assessment phase, the VR counselor and the individual may consider training from another source that can provide comparable training. VR counselors are responsible for including documentation of the individual's participation in training related to deficits in the individual's VEB program referral packet; packets that do not include this documentation will be returned to the VR counselor.

### C. Referrals

Referrals to the Virginia Enterprise for the Blind Program (following the evaluation at VRCBVI or other comparable evaluation site) are submitted directly to the BOB Education Coordinator by the VR counselor on behalf of the individual. To facilitate timely evaluation of potential individual for the VEB program, referral packets should be submitted in a timely manner so that major extended holidays do not interfere with their progress. It is important to submit the referral packet as soon as possible after it is complete.

#### 1. Referral process

The referral is submitted by the VR counselor to the BOB Education Coordinator and includes:

- An eye examination report.
  - Medical reports as needed.
  - Pertinent contact notes.
  - Résumé.
  - A signed copy of release of the following documents:
    - A. Staffing notes.
    - B. Evaluation staffing notes.
    - C. Final report.
  - Documentation of assistive technology needs.
  - A completed [Randolph-Sheppard Referral Package Checklist](#)
2. Incomplete referrals will be returned to the VR counselor resulting in unnecessary delays for the individual. Individuals who are and are not accepted into the VEB program will be notified via mail.

### D. Security Clearance

While no clear standard exists from one state or federal facility to another, convictions for the following criminal offences would most likely preclude individuals from participating as trainees or vendors in the VEB Program:

1. Abuse or neglect of a child or other dependent person entrusted into their care
2. Child molestation
3. Forcible or statutory rape
4. Possession and sale of narcotics or other controlled drugs

5. Arson
6. Murder
7. Kidnapping
8. Robbery
9. Burglary
10. Larceny
11. Theft
12. Aggravated assault
13. Buying, receiving, or receiving stolen property
14. Embezzlement, forgery, counterfeiting
15. Fraud
16. Any felony, under ATF standards (for guards who are required to carry firearms)
17. Falsifying a personal history application

Note: If a candidate is denied security access by a state or federal facility BOB/VEB is not notified of a reason.

#### E. Selection Process

Following review of the referral packet, individuals having the necessary skills and abilities required in the VEB program participate in an interview with the BOB Education coordinator and the General Manager of Virginia Enterprise for the Blind; Proceeded with a secondary interview with the VEB Director. These interviews are designed to provide the individual and staff with the opportunity to ask questions to determine whether vending management is a good job match for the individual.

Physical stamina, computer skills (or ability to learn computer skills), and aptitude in mathematics, reading, and vocabulary are evaluated by the BOB Education Coordinator and the General Manager of Virginia Enterprise for the Blind based upon the individual's level of education, work history portion of the referral packet, and all pertinent diagnostic evaluation reports in the referral packet.

Qualified individuals will not be denied access to the VEB program; however, the length of time from application to acceptance into training may vary due to the number of training slots available at the time the individual makes application. When there are more qualified individuals than spaces in a training class, a waiting list will be maintained. Individuals will move from the waiting list to training in a first-come first-served manner.

#### F. VEB Program Training Procedures

1. The BOB Education Coordinator schedules the training and notifies the individual, VR counselor, VEB director and BOB general manager of this date. Training is provided on an individual basis and in small groups.



2. Length of Training – 23-30 weeks of intense Computer Based, classroom and OJT hybrid training. All Training times under the VEB training is based on the student's learning curve. Should the student be proficient in one area that may expedite the training, however if there are issues in another topic training may be elongated to ensure the student is proficient before moving on.

Computer based training is through Hadley School for the Blind and Visually Impaired's Forsythe Center for Employment and Entrepreneurship and the National Association of Blind Merchants and National Federation of the Blind's Entrepreneurs Initiative (NABM/NFBEI). The class room segments will be based primarily in Richmond and will have some in the field work as well. On the Job Training will depend on the course plan/ area of focus for the student and will be based anywhere within the Commonwealth.

Training is intensive and moves quickly; students who are absent from more than one week of the classroom training may be required to extend their training program due to various Federal, State building access needs, and possible housing coordination.

3. Progress Reports – Monthly written progress reports will be provided to the individual and VR counselor by the BOB Education Coordinator. VR counselors will maintain monthly contacts with individuals participating in the VEB Training program.

#### G. Authorization of Training, Goods, and Services

VR counselors must authorize training, goods, and services including:

- a. Authorization(s) - The vendor is Business Opportunities for the Blind and the Federal Identification Number is 540627094. Authorization for VR services is used for tuition, room, meals, and transportation. (See the Financial Measures chapter for information regarding fee(s))
- b. Transportation is authorized using the most inexpensive, yet reasonable, means possible. Round-trip transportation is provided from home to Richmond at the beginning of training, the completion of training, and for holiday periods. Transportation during the 20-week training period will be authorized through the VR counselor.
- c. Meals are authorized at the maximum allowable rate. Breakfast and/or lunch may be authorized if the individual is a "commuter."
- d. Housing locations will be submitted from BOB to the VR Counselor to make arrangements/payments made by the VR counselor.
- e. Authorization for incidental allowances are based on financial participation.

- f. When OJT occurs in the individual's home community, maintenance may be authorized only for the amount for which living expenses exceed those the individual incurs when they are not in training.
- g. Fees are found in the Financial Measures chapter.

Laptop computers will be purchased for all individuals participating in the VEB program. The individual and VR counselor determine the need for assistive technology or other equipment prior to the beginning of the training program. Purchase or loaning of assistive technology or other equipment will be based on individual need. Items that may facilitate a more successful training experience include, but are not limited to:

- a. Talking calculator or large print calculator
- b. Braillewriter
- c. Note-taking device
- d. Digital Recorder
- e. Closed Circuit Television (CCTV)
- f. ID Mate
- g. Talking Commercial Kitchen thermometer (Thermocouple) or large print Commercial Kitchen thermometer

#### H. Training Former Vending Managers

1. Individuals who have been licensed vendors or trainees in other states are required to undergo the same evaluation procedures as other individuals to the program. This may include pre-vocational vending manager training at VR CBVI.
  - When the individual has been a licensed vendor in another state, the student must write to their previous respective state to submit the necessary documents to the Virginia VEB Manager. The response from the state's VEB must indicate the former vending manager departed that respective program in a satisfactory manner, leaving behind no debts or revocation of the license agreement.
2. Individuals who resigned from the VEB program in Virginia:  
Individuals seeking license reinstatement must have an open VR case and participate in the referral process established for the VEB program. Reinstatement of the license to the individual by VEB/BOB may occur conditionally in certain instances including:
  - Resignation of Manager for Health Reasons – To facilitate reinstatement, the VR counselor must secure medical documentation demonstrating that the medical condition that caused the individual's resignation are no longer a barrier to the individual operating a vending facility. Additional medical information may be needed to establish the physical capability to

function in the program. The individual is required to follow the same procedures for the VEB program as others.

- Resignation of Manager for Personal Reasons - Must have resolved the personal issues before returning to the program. If the resignation and possible reinstatement is twelve (12) months or more, retraining is required.
  - Resignation of Manager for Unauthorized Debts or Theft – The VR counselor and VEB will review the DBVI internal auditor findings or police report on file with the Virginia Enterprise for the Blind program. Reinstatement will not occur if the resignation of the food manager was due to unauthorized debts or theft.
  - Resignation of Manager for Substance Abuse – To facilitate reinstatement, the VR counselor must provide documentation of successful completion in a substance abuse therapy or prevention program. If the individual has been out of the program for twelve (12) months or more, retraining is required. If an individual resigns a second time due to substance abuse, the resignation and subsequent license revocation is irrevocable. BOB may require random drug screening.
3. Current Operators Requesting Vocational Rehabilitation Services
- Successfully employed Randolph-Sheppard operators requesting VR services must apply for and be determined eligible for VR services in order to receive goods or services from the VR program.

Note: An individual is not eligible merely for equipment upgrade or equipment purchase.

### **Steps to Be in Virginia Enterprises for the Blind Program**

1. Individual and Counselor review manual requirements and steps to apply for VEB.
2. Informational Session:
 

VR Contacts Xavier Trimeiw  
 Virginia Enterprise for the Virginia Enterprise for the Blind Program Manager  
 office (804)371-3103  
 cell (804)972-4140  
[xavier.trimiew@dbvi.virginia.gov](mailto:xavier.trimiew@dbvi.virginia.gov)
3. Individual works course plan with Counselor; working on manual requirements.
4. VR Counselor sends the Education Coordinator Referral Packet.
5. Formal interview with Margeaux Egorova (BOB Training Coordinator) / Chant Connock (BOB General Manager).
6. Formal interview with Xavier Trimeiw (VEB Manager).

7. VEB/BOB Group Discussion.
8. Xavier Trimeiw sends out rejection letter or acceptance letter.
9. Sign Facility Assessment Recommendation and Agreement with candidate.
10. Candidate starts Hadley VEB Online Courses and will have a combination of Classroom, field work and on the job training (OJT). Estimated time frame of 23-25 weeks. \*
11. Sign License/ Facility Agreement.
12. Waiting Period of Agreed Facility for Availability.

\*Note: All Training times under the VEB training is based on the student's learning curve. Should the student be proficient in one area that may expedite the training, however if there are issues in another topic training may be elongated to ensure the student is proficient before moving on.

## Appendix Q

### VRCBVI EVALUATION FOR VENDING FACILITY

An initial VRCBVI Evaluation includes up to a four-week blindness skills assessment providing the candidate and the Vocational Rehabilitation Counselor with recommendations regarding the candidate's interest in and readiness to participate in the VEB Vending Facility Evaluation. Based on the results of the assessments candidates may be required to participate in vocational evaluation and blindness skills training if the candidate has deficits in any of the required areas of competency.

Potential candidates for the Randolph-Sheppard Managers Program are required to participate in an evaluation at VRCBVI. The following should be adhered to:

1. Potential candidates and counselor (optional) will engage in an information interview with the Education Coordinator for the Virginia Enterprise for the Blind Program as a clarification tool to learn more about the program
2. Determine aptitude and achievement in academics – high school equivalency required - using the WRAT – IV (or most current) testing instrument
3. Determine legal blindness – eye report within one year
4. Determine physical capacity necessary to meet Vending Manager – Job Description, Appendix R
5. Independent maintenance of all medical conditions
6. Low Vision Aid Eval. and aids purchased, if needed
7. Hearing Evaluation and aids purchased, if recommended
8. Counselor complete application to VRCBVI for Vending Facility Evaluation
9. Candidate accepted to VRCBVI Evaluation for Vending Facility
10. Candidate completes VRCBVI Evaluation for Vending Facility which includes completing business level graduation requirements of the VRCBVI training

program: Orientation and Mobility, Keyboarding/Computer, Braille (if appropriate), Personal and Home Management to include labeling and organizational skills by means that works for the individual, and Access Technology

11. Complete blindness skills training to meet business level graduation requirements (if needed)
12. Complete a site visit to the BOB training facility
13. And, other assessments or relevant information as needed (examples might include but would not be limited to interest inventories, low vision evaluation, and assistive technology assessments.) Another critical component for the evaluation and assessment process is to provide individuals with an opportunity to determine whether the Food Managers Program is the right program for them

### **Orientation and Mobility Skills**

Candidates will demonstrate independent cane travel skills in familiar and unfamiliar areas, in residential and urban areas (including DC), using all modes of public transportation with ease and confidence, locating business addresses, shopping independently using a shopping assistant. It is recommended for guide dog users go through their complete evaluation twice: once with guide dog and again with solo long cane (In the event that a guide dog is unable to perform; the candidate is able to travel to stand confidently).

### **Keyboarding (Must complete before moving into Computer)**

Candidates will demonstrate manipulation of keyboard with 95% accuracy, type 25 net words per minute, and type business and personal letters in block style, proofed, edited and modified block style letter with envelopes

### **Computer Skills (Must qualify with a minimum of 25 words-per-minute.)**

Candidate will demonstrate business level skills in Microsoft Office 2010 to include Word, Excel, Internet and E-mail, Web based applications, and PowerPoint. Candidate will demonstrate the ability to use the adaptive equipment required for his/her optimum computer use.

### **Personal and Home Management (PHM)**

Candidate will have understanding of cooking utensils and their uses, cooking terms, ability to follow and interpret recipes, plan appropriate menus. Candidate will have excellent cleaning skills for all surfaces which include sweeping, mopping, knowledge of cleaning products (residential) as well as being able to maintain safety in an independent environment

Candidate will demonstrate the ability to independently plan, budget, shop, prepare, serve, clean up, and act as host/hostess two graduation meals. The meal requirements are: must be made from scratch using no convenience foods or drink, each meal must contain 1 meat, 1 starch, 1 vegetable, 1 bread, 1 dessert, and 1 beverage. The first meal will be the formal meal with a budget of \$60.00 for 6-8 which will include table clothes and napkins which will need to be ironed before being placed on the table. Guest for this meal will be served by the host. The second meal is a buffet style meal for 15-20 people with a budget of \$100.00.

Candidate will demonstrate excellent personal grooming habits, hygiene, and business casual dress. Clothes are to be well kept and presentable.

### **Reading, Spelling, and Record Keeping Skills**

Comprehending study materials, written instructions, and his/her own study notes. Managing written materials, such as inventory records, bills, business letters, etc. 10<sup>th</sup> grade equivalency reading comprehension based on Wide Range Achievement Test – IV (most recent)

### **Mathematics**

Candidates will demonstrate the ability perform computations including subtraction, addition, multiplication, division, fractions, decimal, and percentage math skills. 10<sup>th</sup> grade equivalency based on Wide Range Achievement Test – IV (most recent)

### **Assistive Technology**

Candidates will be evaluated to determine whether specific assistive technology might be beneficial in both the evaluation and training components of the Virginia Enterprise for the Blind Program. Written Recommendations for specific assistive technology goods and services will be provided to the VRCBVI case manager and VR Field Counselor by the DBVI Rehabilitation Engineer as soon as assistive technology needs are identified in order to expedite ordering and reception of adaptive/computer equipment prior to the beginning of the vending facility manager's training. VR Field Counselors will order assistive technology costing more than \$200. Assistive Technology recommendations will be summarized during the reporting period when the equipment is recommended.

### **Vocational Evaluation**

Candidates may be recommended for vocational testing, particularly if aptitude, interest or motivation for a career in vending facilities requires further evaluation. Wide Range Achievement Test will be administered to all potential candidates. Other evaluation instruments may include the various interest inventories, verbal WAIS-R and MMPI. Though preferred, the Career Assessment Inventory is optional. Results of any testing

performed at VRCBVI will be interpreted to the candidate by VRCBVI vocational evaluators.

### **Job Readiness**

Candidates must possess the following prior to completing VRCBVI VEB Training Evaluation

- A. Professional Resume
- B. Interview skills

## **Appendix R**

### **Vending Manager Job Description**

The Virginia Enterprise for the Blind Program, also referred to as “Licensed Vendors” or “Operators”, is a self-employment position and has diverse job responsibilities on a day-to-day basis. Required functional capacities and skills required to perform the essential job functions of a vending manager include:

#### **Physical Demands:**

- Light lifting < 20 lbs. is essential for standing, sitting, and bending.
- Moderate lifting up to 50 lbs. is essential for walking and climbing.
- Ability to work for 8-12 hours standing, sitting, kneeling, and squatting.
- Uses a computer frequently to communicate for business needs, reporting, ordering, and menu planning.

#### **Emotional and Mental/Sensory Demands:**

- Work is fast paced 50% of the time and average paced 50% of the time
- Multiple priorities are essential
- Memory is essential
- Hearing is essential
- Reading is essential
- Intense customer interaction is essential
- Logic, reasoning, analyzing is essential
- Multiple stimuli is essential
- Verbal communication and written communication is essential

#### **Skills, and Characteristics for Optimum Success and Primary Responsibilities**

The Virginia Enterprise for the Blind Program is an excellent opportunity for individuals interested in an employment setting that demands independence, self-sufficiency and looking for self-employment. Individuals who are most successful in the program have several significant skills, abilities, personal traits, and characteristics—but not limited to the following:

**Skills and Characteristics Preferences:**

- Associates degree in business or previous management experience in convenience/Vending/Food Service/Retail; 2 (Two) Years
- Excellent communication, interpersonal, and problem solving skills
- Adapts well to changes
- Math skills at 10th Grade level
- Hardware and software implementation awareness
- Advance knowledge and execution of personal adaptive applications and technology (CCTV, JAWS, ZOOM TEXT...ETC)
- Intermediate knowledge and execution of excel, word, and email
- Minimum of typing 25 WPM

**Primary Responsibilities:**

- Acquires and maintains payroll services accurately
- Handles all human resource records/needs or acquires services to do so
- Apply/ register for all required government agencies to be compliant with your business (i.e. EIN, FUTA, SUTA all State Tax needs...etc.)
- Deciding your business structure (LLC, Sole Proprietor, Corporation [C or S])
- Opening a business banking account
- Purchasing worker's compensation and general liability insurance.
- Recruiting, interviews, hires, and fires all staff
- Responsible for all in house staff training of the business
- Manages all purchases for location with integrity
- Manages all payables for location
- Maintains and creates an accurate profit and loss statement
- Acquires all certificates, licensees, paper work associated with starting and maintain the business
- Maintains food safety within the business and follows the local regulatory authority requirements
- Maintains customer service relations with customers, staff, suppliers, and building hosts/representative



# Chapter 7.2

## Deafblind Services

### **Mission:**

DeafBlind Services staff provides training, consultation, assessment and technical assistance to each program of the agency to ensure that individuals who are deafblind can fully participate in the agency's programs and services.

\*NOTE: The word deafblind refers to any individual who has a combined vision and hearing loss. People who are deafblind have all types and degrees of combined vision and hearing losses. The policy lists elsewhere the types and degrees of combined vision and hearing losses that individuals who are deafblind have.

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).

Note: DBVI follows the lead of the Virginia Association of the DeafBlind, a statewide individual advocacy organization for people who are deafblind. VADB uses one word, "deafblind", to show that this is a unique disability (not deafness plus blindness or blindness plus deafness). The Virginia Deaf-Blind Project for Children and Youth with Deaf-Blindness uses "deaf-blind", a term commonly used by national organizations and federal government agencies.

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 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.

**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.

**Role and Function of DeafBlind Services Staff**

DeafBlind Services consist of a Program Director and a DeafBlind Specialist. Both:

- Provide ongoing consultation and direction to agency staff to ensure that agency programs are accessible to deafblind individuals.
- Provide consultation and technical assistance to all DBVI staff and other professionals working with individuals who are deafblind..
- Develop and/or conduct training and public information programs on DeafBlindness.
- Identify resources for training of persons serving individuals who are deafblind.
- Serve as a resource for persons needing information or technical assistance in serving individuals who are deafblind.
- Assess individuals who are deafblind to determine their needs for communication aids and specialized equipment and;
- Provide rehabilitation teachers and/or vocational rehabilitation counselors (case managers) with written results and recommendations within ten workdays of completing an assessment.

**The Program Director:**

- Recommends to other program managers needed policies and procedures when serving individuals who are deafblind.
- Acts as agency liaison with the Rehabilitation Services Administration, other government agencies and public, private and voluntary agencies.
- Develops and monitors the DeafBlind Services administrative budget.
- Monitors agency telecommunications accessibility; and
- Provides consultation, technical assistance and follow-up services for field staff and deafblind individuals living in the areas served by the Fairfax, Richmond and Norfolk regional offices, as well as the staff of and deafblind students attending the Virginia Rehabilitation Center for the Blind and Vision Impaired (VRCBVI).

**DeafBlind Specialist/Southwest Region:**

- Provides consultation, technical assistance and follow-up services for field staff and deafblind individuals living in the areas served by the Bristol, Roanoke and Staunton regional offices.

- Provides case manager with written results and recommendations of assessment via email and/or AWARE within ten workdays of completing the assessment, and;
- Functions as an interpreter for agency staff on an emergency basis, or in special situations that are approved by the DeafBlind Specialist's supervisor.

NOTE: Hereafter, the term "DeafBlind Services staff" will be used when denoting services provided by both positions. The term "DeafBlind Services Program Director" will refer to responsibilities only performed by the person in that position.

### **Referral to DeafBlind Services**

Referrals to the DeafBlind Services staff may occur at any time.

The case manager (a rehabilitation teacher, education services coordinator or vocational rehabilitation counselor) will refer an individual via email and AWARE to the appropriate DeafBlind Services staff, after the individual's case is referred to the case manager. Referrals should be completed per AWARE guidelines. Deafblind individuals can be referred to DeafBlind Services if the case manager or individual feels they can benefit from assistance related to their dual vision and hearing loss, especially in the areas of communication, technology and/or independent living. They should refer individuals to DeafBlind Services via AWARE even if they feel the only service needed is hearing aids. DeafBlind Services staff may need to get more information from audiologists and consult with the agency audiologist about hearing recommendations. Also, individuals may have additional needs that are not immediately apparent. Case managers can consult with DeafBlind Services staff to see if a person is appropriate for DeafBlind Services prior to a making a referral.

Case managers should put down either DeafBlindness as the primary disability, or code both disabilities in AWARE (e.g., Primary Disability: Blindness or Vision Impairment; Secondary Disability: Hearing Loss). This will help track individuals who may need services related to their combined vision and hearing loss. The coding will help justify any purchases of needed services and equipment (such as hearing aids).

DeafBlind Services staff will consult, when necessary, with the case manager within ten workdays of receiving the referral notification.

The DeafBlind Services staff will meet with the individual within 20 workdays. Exceptions will be noted in the individual's case file documentations through AWARE.

### **Assessment Results and Recommendations**

Within ten workdays of seeing the individual, Deafblind Services staff will provide the case manager with a written report of assessment results and recommendations via email and on AWARE.

## **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).

To schedule, reschedule or cancel interpreters or CART providers by phone:

DBVI staff can contact VDDHH at 804-662-9502 Voice or TTY, or 1-800-552-7917 Voice or TTY(toll free). Both numbers reach the VDDHH front desk.

To schedule a new interpreter or CART request by email:

Staff can go to the following link to fill out an interpreter request form: <https://vddhh.org>.

Staff can use the general interpreter request form. If they are requesting CART services, they can use the same form, but write "CART" on top of the form. Once staff fill out the form, they can send it via an email attachment to VDDHH at [isprequests@vddhh.org](mailto:isprequests@vddhh.org). VDDHH will then confirm the request and give the requestor a job number (e.g., Confirmation, DBVI 6/7/16, G1364).

To cancel or reschedule an interpreter or CART request by email:

DBVI staff need to email VDDHH at a different email address, [isprequests@vddhh.org](mailto:isprequests@vddhh.org). They need to write the cancellation or rescheduled date in the subject date: (e.g., Cancellation: DBVI 6/7/16; G1364

DBVI staff need to provide the correct billing address for the person who processes the invoice so the interpreter(s) can be paid promptly (within 30 calendar days upon receipt of the invoice).

For more information on requesting interpreters, please contact the DeafBlind Services staff and/or VDDHH staff.

## **Referral Procedures to Virginia Rehabilitation Center for the Blind and Vision Impaired (VRCBVI)**

Case managers who wish to send deafblind individuals for training at VRCBVI will first discuss each case, either individually or with the individual present, with both the individual and the DeafBlind Specialist serving the area where the individual lives. The purpose is to identify accommodations and supports the individual may need to succeed in training. Documentation of the hearing loss, vision loss, or DeafBlindness must be listed in AWARE on the disability page.

Supports individuals may need include but are not limited to:

- Working or new hearing aids

- FM devices or personal assistive listening devices that help deafblind students hear better one-on-one and/or in groups
- Sign language interpreters
- Computer assisted real time captioning (CART)
- Notetaking services

After staffing the case, the DeafBlind Specialist will email the field staff person handling the referral, saying the person is ready for training and specifying the accommodations each person needs before he or she starts training. The case manager can send this email along with the referral packet to VRCBVI staff. The DeafBlind Specialist also can send a follow up email to the case manager and VRCBVI staff. Staff can then work with the individual, case manager and DeafBlind Services staff to ensure that accommodations are provided prior to training. DeafBlind Services staff can also be available to the individual, case manager and VRCBVI staff for assistance during training.

Additionally, all referrals to VRCBVI require (at minimum) a:

- 1) VRCBVI referral form from AWARE, called a service authorization, as well as VRCBVI Referral Part Two, also from AWARE.
- 2) Recent eye report (less than one year old), and a recent medical form (less than six months old if the individual is diabetic and less than one year old for referrals for persons with other illnesses). Please refer to the VR manual, Section 10 for general referral information for all programs.
- 3) Recent hearing evaluation or audiogram (less than one year old). If the DBVI individual wishes to receive new hearing aids prior to training, the audiogram must be six months old or less. This is required by Virginia state law.

To plan for and address the accommodation needs of VRCBVI individuals in a timely manner, the case manager (vocational rehabilitation counselor or rehabilitation teacher) will need to include the following additional information in the referral packet:

- Documentation on the degree of hearing loss of the individual.
- Listing of any adaptive equipment (i.e., relating to alerting devices, assistive listening devices, current use of hearing aids, cochlear implants, telephone accommodations, etc.) that the person either currently uses or has been recommended to use.
- Interpreter Requirements (Tactile, Visual).
- Information on which devices the person will be bringing with them and which items that they will need while at VRCBVI.

- Copies of DeafBlind Services staff's assessments and recommendations.
- This information, for all referrals that have a combined vision and hearing loss, will be sent to the DeafBlind Services Program Director as well as the VRCBVI Assistant Director for Administration Services for intake review.

### **Referral Procedures to the Helen Keller National Center (HKNC)**

All potential referrals to the Helen Keller National Center (HKNC) must first be assessed by DBVI DeafBlind Services staff. Once the individual is determined feasible for services at HKNC, the vocational counselor or rehabilitation teacher (case manager) can obtain an application packet from the appropriate DeafBlind Services staff, or from the Helen Keller regional representative. If people need current information on the HKNC regional representative, they can contact DBVI DeafBlind Services staff, or find the information on the HKNC website at [www.hknc.org](http://www.hknc.org).

The deafblind individual will complete the application in conjunction with their rehabilitation teacher or vocational rehabilitation counselor whenever possible. DeafBlind Services staff can provide assistance if needed.

The case manager will then send the completed HKNC referral packet to the HKNC regional representative. The HKNC regional representative is responsible for sending the packet to the HKNC New York office. An e-mail will be sent to the appropriate DeafBlind Services staff about any DBVI individual who is being considered for and/or referred to HKNC. For example, if an individual from Richmond is being referred to HKNC, an email can be sent to the DeafBlind Program Director; if someone from Roanoke is attending HKNC, the email can be sent to the DeafBlind Specialist.

To provide continuity in services to DBVI individuals who are deafblind or have a combined vision and hearing loss, a note will be made in the HKNC referral packet or cover letter that all relevant HKNC correspondence and progress reports be copied to the appropriate DeafBlind Services staff, with the deafblind individual's permission and knowledge. (Some individuals may not want to share all information about their case with staff.) Updates on individuals can also be provided in AWARE and the appropriate DeafBlind Services staff will have access to their individuals' records.

The appropriate DeafBlind Services staff will be listed as a member of the DBVI individual's transition team to assist the individual to return to his or her home community and/or relocate to another area.

The appropriate DeafBlind Services staff will be included in case conference calls, depending on availability. The DeafBlind Services staff will be available to assist the case manager working with individuals who are returning from HKNC to transition into their communities.

DBVI individuals accepted to the HKNC program may benefit from DBVI staff traveling with them to HKNC, so they can observe and become more familiar with HKNC's programs and services. DeafBlind Services staff can make arrangements with HKNC



for DBVI staff to stay for a few days. For more information, contact Cynthia Ingraham, HKNC Regional Representative, at [Cynthia.ingraham@hknc.org](mailto:Cynthia.ingraham@hknc.org), or 240-786-6534.

## Hearing Aids

The purpose of a hearing aid is to increase the audibility of sounds (speech and non-speech) so that an individual may hear more sounds than he or she could hear and understand previously. A hearing aid does not “cure” a hearing loss and the benefits will vary among individuals. Much depends on the degree and configuration of the hearing loss, the individual’s cognitive functioning, environmental listening conditions, consistence of use and other factors. Hearing aids will not make a person’s hearing normal again. With special training, hearing aids will assist a moderately to severely hard of hearing person to discriminate and understand speech and environmental sounds.

### Procedure for Reviewing Hearing Aid Recommendations

All hearing aid recommendations for DBVI individuals received from audiologists or hearing aid providers are to be sent, along with each individual’s audiograms, to DeafBlind Services staff. It would also be helpful for the vocational rehabilitation counselor or rehabilitation teacher to add a brief sentence or two explaining what the individual's environment involves. For example, does the individual need the hearing aids for work? Will the individual be involved in many group meetings or in a noisy environment? Or will the individual mostly be at home with family and friends in a quiet listening environment? Information about the individual's listening environment will be very helpful in determining what types of aids will fit their needs.

DeafBlind Services staff will send individuals’ hearing aid recommendations and audiograms to the Department of Aging and Rehabilitative Services (DARS) agency audiologist. This person will review each recommendation to ensure that the aids are appropriate for each individual and that audiologists or hearing aid providers are charging standard rates used within DARS. Once the audiologist approves the hearing aid recommendations, the audiologist will send the recommendations to DeafBlind Services staff, who will forward them to the case managers to process. This is to ensure that DBVI is following standard procedures used for hearing aid purchases within the Department of Aging and Rehabilitative Services.

Exceptions to the policy include:

- Hearing aids and services provided through Starkey’s Hear Now Program (these are provided free except for an application fee), and
- Hearing aids and services purchased through James Madison University’s Speech, Language and Hearing Laboratory for low-income Virginia residents since these services are provided at a significantly lower fee than most hearing services.

Otological Examination:

An otological examination is for the purpose of diagnosing and treating medical conditions associated with hearing loss.

Audiological Examination:

The audiological examination assesses hearing function, the reception of sound; the need for amplification, aural therapy, and other factors related to the individual's hearing loss. If the individual requires a hearing aid, the audiologist will make this recommendation. If the individual already wears an aid, the audiologist can decide whether or not the present aid is satisfactory, or should be repaired or replaced.

Diagnostic Evaluations Required:

An audiological evaluation must be completed by a licensed audiologist in a sound-insulated booth prior to the purchase of hearing aids. An evaluation older than six months is expired and must be re-administered. An otological examination by a licensed otolaryngologist (a medical physician specializing in the treatment of diseases of the ear), is recommended if certain conditions are present in order to determine appropriate medical treatment. These conditions are:

- (1) Visible congenital or traumatic deformity of the ear
- (2) History of active drainage from the ear within the previous 90 days
- (3) History of sudden or rapidly progressive hearing loss
- (4) Acute or chronic dizziness
- (5) Unilateral hearing loss
- (6) Audiometric air-borne gap equal to or greater than 15 decibels at 550 Hz, 1000 Hz, and 2000 Hz
- (7) Visible evidence of significant cerumen or a foreign body in the ear canal, or
- (8) Pain or discomfort in the ear.

Medical professionals providing these services must participate in the Department of Aging and Rehabilitative Services procurement program.

Exceptions: All individuals 18 years and younger must be medically examined by an otolaryngologist prior to purchasing hearing aids. For individuals over the age of 18, examinations by an otolaryngologist or otologist is not necessary if a previously

diagnosed hearing problem that resulted in deformity of the ear or unilateral hearing loss has been stable.

The case manager will consult with DeafBlind Services staff prior to the audiological evaluation in order to assess the need for hearing aids. The aids should be compatible with assistive listening devices. Individuals with a combined vision and hearing loss have a reduced ability to speechread and therefore the use of assistive listening devices has proven to be very beneficial. In order for individuals to use assistive listening devices, hearing aids must have a telecoil (t-coil or t-switch). This feature is not on all hearing aids and should be requested for all individuals who have a combined vision and hearing loss.

#### Hearing Aid Evaluation:

Digital hearing aids are very flexible and can be programmed for a wide variety of hearing losses. During the hearing aid evaluation, the audiologist should determine the most appropriate style for the individual's auditory needs, keeping in mind their physical limitations. Some styles are easier to insert in the ear and maintain because they are larger and easier to handle. This is a very important consideration with individuals who have dexterity, cognitive and/or visual limitations. The audiologist may obtain additional measurements such as Loudness Discomfort Levels, Most Comfortable Levels for speech and total stimuli, and word recognition scores in quiet and noisy situations. In addition, the individual may be interviewed using a standardized questionnaire that identifies specific hearing difficulties that will be targeted for improvement with amplification.

#### Hearing Aid Purchases

When hearing aids are purchased, the following must be provided and included in the prices of the aid(s):

- Hearing aid orientation (to teach the individual proper use and care of the hearing aids)
- Follow-up progress check(s) within 30 days of fitting
- Necessary batteries
- Thirty-day trial period
- Programming adjustments for the first six months, at no charge
- Processing repairs during the manufacturer's warranty, at no charge
- In-house repairs for the first year, at no charge

If you have questions regarding otological or audiological recommendations, please consult DeafBlind Services staff.

#### Insurance Coverage for Audiological Examination and Hearing Aids:

Some insurance companies will pay for the cost of the audiological examination. Some require a referral from a medical physician (primary care physician or otologist) before they will pay. There are a few insurance companies that provide some coverage for hearing aids and this may increase in the future. Check with the individual's insurance company.

### **Case Closure**

Thirty days before the case manager (VR counselor, education services coordinator or rehabilitation teacher) closes a deafblind individual's case, the case manager will send an e-mail to the DeafBlind Services staff in their region to see if any further services are needed related to the individual's vision and hearing loss prior to closure. The DeafBlind Services staff person will review the case file in AWARE to determine if DeafBlind Services have been completed. The DeafBlind Services staff will make appropriate recommendations about what additional services the person may need within the 30-day period. All services must be completed before a case can be closed. A notation will be made in the AWARE case record if the staff is unable to make needed recommendations or close the case within the 30-day period. Case closure for any other reason should be put in the AWARE case record and DeafBlind Services staff should be notified.

A copy of the closure narrative will be e-mailed or sent to the DeafBlind Service staff person so that appropriate AWARE notations can be updated.

# Chapter 7.3

## Low Vision Services

### Introduction

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. This unique process is managed by a group of professionals with varied and specialized skills who coordinate the delivery of the services that include counseling for the individual and family, a functional vision assessment, a clinical assessment, training in the use of optical and non-optical aids, suggesting environmental modifications if necessary and providing on-site school, home and job consultations to assist the individual to use his/her remaining vision. The interdisciplinary team considers all phases of the individual's life with the ultimate goal of making life better and more efficient in spite of the severity of the visual problem.

For the individual who is being served by the vocational rehabilitation program, low vision services are targeted to support the individual's efforts to obtain, retain or advance in employment. The VR counselor provides appropriate low vision services as incorporated in the Low Vision Policies and Procedures Manual, which can be found via the DBVI Document Repository or on the agency Intranet. When serving individuals with low vision needs, the VR counselor should refer to this manual for more specific low vision policy procedure and/or contact the appropriate Low Vision Consultant for more information.

### Services

Low vision services consist of a functional assessment [Functional Vision Assessment Form](#) conducted by the VR counselor (to be documented through a narrative report), a clinical eye examination conducted by a low vision examiner and then a prescription for the appropriate optical aid(s).

Low vision aids are special optical aids that are not available in a regular office setting. They can be hand held, 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.

### Bi-Optics and Driving

Low Vision Services will provide evaluation for bi-optic systems, where appropriate, and will prescribe them as indicated in order to enhance residual vision, which could include for purposes of driving. Prior to sponsoring bi-optics for the purposes of driving for an individual, the VR counselor should insure that the service is necessary for the

individual to achieve their vocational goal. As well, the VR counselor should insure that the individual meets the minimum Department of Motor Vehicles (DMV) criteria for driving with bi-optics (<https://www.dmv.virginia.gov/drivers/medical/biopic.asp>).

VR counselors must send the recommendation for bi-optics to the appropriate Low Vision Specialist and the Regional Manager for approval to purchase.

**Case Example:** *An individual being served by VR is seeking employment following IPE services. Public transportation in their home community is limited or non-existent, which severely limits (or eliminates) employment opportunities. Low vision services are used and bi-optics is prescribed. The VR counselor determines that the provision of bi-optics for that individual, with the primary goal to allow them to drive to work, is necessary in order to achieve their vocational goal.*

### **Components of the eye examination include:**

1. A pre examination conference with Case Manager to review case history information at the time of the low vision exam.
2. A discussion with the individual to confirm individuals perceived needs and expectations.
3. A check of individual's visual acuity distance and near.
4. A check of functional visual fields by confrontation.
5. A check of individual's current prescription.
6. A routine refraction without medication.
7. A trial of appropriate lenses and aids to improve near vision with orientation.
8. A trial of appropriate aids to improve distance vision with orientation.
9. Prescription of aids.
10. Examiner and Case Manager confer to determine if the aid is to be prescribed or to be on loan before final prescription is made.
11. A review of examination results with the individual, family, and case manager, including arrangements for training after the exam.
12. Post exam discussion between Case Manager and examiner after conclusion of the exam.
13. If the low vision examiner and/or VR Counselor determine that a follow up exam is necessary, it should be scheduled at this time.

Once the functional assessment and the eye exam have been completed, the VR Counselor should use the recommendations to complete authorizations to the appropriate vendor for the procurement of the low vision aids, if there are none available in the Regional Office stock. The optical aids once received are on loan for a period of 30 days or until it is determined if the aid(s) will be kept or returned. Training on the optical aid(s) should be initiated by the VR counselor as soon as they are received.

### **Eligibility for Low Vision Services**

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

**Funding/cost**

The VR counselor will provide funding for necessary eye exams and for the optical aids themselves. Diagnostic and assessment services are not subject to financial participation; all other services associated with low vision services are.

**Other**

Should the individual's vision change or deteriorate, additional low vision assessments and examinations should be conducted. Consult with the appropriate Low Vision Consultant as needed.

# Chapter 7.4

## Orientation and Mobility Services

Orientation and Mobility (O&M) training helps those 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.

### A. **Priority for Services**

Orientation & Mobility (O&M) Specialists serve all eligible individuals receiving services within their assigned territory. 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

### B. **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.

### C. **Process for referring Individuals for O&M services**

1. The VR Counselor completes a Service Authorization for O&M Services in the AWARE Participant Module. Upon completion, the Individual will appear on the O&M caseload in NEW status. The VR Counselor notifies the O&M specialist of the referral via an email message that includes at a minimum:
  - The individual's name and
  - Specific reason(s) for the referral.
2. When an individual receiving VR services has secondary disabilities, which may impact on their participation in an O&M program, a general medical exam may be obtained by the VR Counselor (purchased if necessary) if the functional limitations posed by the secondary disability are not adequately documented in the VR Case file.

### D. **O&M Service Notes**

1. O&M - Initial Assessment Service Note (AF OM 02 (02/11/2011))
2. O&M - Training Service Note (AF OM 04 (09/28/2011))
3. O&M - Closure Service Note (AF OM 01 (09/28/2011))
4. Additional Categories of Service Notes



**E. Individualized Plan for Employment**

1. The O&M evaluation/training will be entered by the VR counselor on the IPE. O&M Specialists will maintain a more detailed plan.
2. The VR Counselor is responsible for case expenditures and will be responsible for the purchase of any O&M aids or devices, other than canes, that are recommended by the O&M Specialist. The VR Counselor will include O&M aids or devices on the individual's IPE
3. When a cane is issued to an individual receiving VR services, the O&M specialist will specify the type and length of the cane in the next narrative report he/she writes. The VR Counselor is not required to enter a cane on the IPE/service plan.

## Chapter 7.5

# Rehabilitation Technology Services

### A. Rehabilitation Technology Services Mission Statement

The goals of Rehabilitation Technology Services are to optimize employment outcomes of individuals who are vision impaired, blind or deafblind and may have multiple disabilities as well; provide technical support to DBVI and VRCBVI staff; individuals; and current or prospective employers of individuals who are vision impaired, blind or deafblind and may have multiple disabilities as well.

Rehabilitation Technology Services seeks to increase public awareness of the availability of assistive technology and its proper implementation to enhance the employability of persons with vision impairments, who are blind or deafblind and may have multiple disabilities as well. Rehabilitation Technology Services creates individualized solutions by employing the most currently available and most appropriate assistive technology, professional techniques and practices.

Rehabilitation Technology Services works cooperatively with other DBVI services and team members to empower those persons with vision impairments, who are blind or deafblind and who may have multiple disabilities to achieve their greatest possible level of independence.

### B. Rehabilitation Technology Services Staff

The Rehabilitation Technology Services staff has continued to grow and change in respect to the needs of the agency. Rehabilitation services staff include the Program Director, the Rehabilitation Technology Specialist and an Information Technology Specialist II. Refer to Rehabilitation Technology Services Manual for more information regarding the specific roles and responsibilities within the program.

### C. Rehabilitation Technology Services Overview

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. The Director of Rehabilitation Technology Services directs all assistive technology and computer related activities to insure effective **coordination of Services and Technology**. This assures that equipment and techniques employed are current and address the changing needs of the individual and that agency staff are trained in the

effective use of the assistive technology as needed. Finally, the director serves as DBVI's **technology liaison** to various committees and groups as assigned; ensuring that these groups are fully aware of the latest implementation techniques and technology. See the Rehabilitation Technology Services Manual for more specific information regarding services.

**D. 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.

**E. The Referral Process for Active Individuals served by DBVI VR**

The process for referring individuals to rehabilitation technology staff for both evaluations and all other requests for services is located in the Rehabilitation Technology Services Manual. All requests for rehab tech services will be within the AWARE system. When the VR counselor requests rehab tech services for an individual, they will need to refer them to their rehab tech specialist's caseload so that the individual will be in the system.

Refer to Rehabilitation Technology Services Manual for more detailed information regarding the referral process.

**F. The IPE and Rehabilitation Technology Services**

Rehabilitation Technology Services provided by the DBVI rehab tech specialist must be included by the counselor on the IPE (status 12 and above). Refer to Rehabilitation Technology Services Manual for more information.

**G. The Referral Process for Open Non VR Individuals and Individuals for whom their VR case has been closed**

The referral process applies to the Rehab Technology Specialists and IT Support Specialist, and how open non-VR and individuals closed by VR are handled. See the Rehabilitation Technology Services Manual for more information regarding the referral process.

**H. Guidelines for Equipment Recommendations and Individual Informed Choice**

If an individual requests a certain brand or model of computer or other device, the rehabilitation technology specialist must investigate the request to determine if there is a specific reason for the request. Refer to Rehabilitation Technology Services Manual for more information.

**I. 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. See the Rehabilitation Technology Services Manual for more information.

## Chapter 7.6

# Self-Employment Enterprise (SEE)

### 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. The benefits that the individual derives from writing a business plan are invaluable in achieving a successful business endeavor.

Prior to funding an individual's self-employment enterprise, the VR counselor should ask the individual for a feasibility study or a draft business plan. The study or plan must substantially justify the existence of a market for the goods or services that will be produced and/or sold by the small business. In addition, the individual must explain his or her substantive work role within the enterprise.

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.

### Self-Employment Enterprise (SEE) Policy and Procedure

The individual's business plan (using the form "Business Plan Outline" found in the DARS Document Repository), will be presented to the Regional Manager through the VR counselor for review and approval. The review by the Regional Manager, in concert with the VR counselor, is to ensure there is a basic understanding of the business concept that the individual is interested in pursuing, and that the individual has conducted some preliminary research and cost analysis in attending to the core areas of the Business Plan Outline format. For example, is the core purpose of the business clear? Are the products and/or services to be provided through the business clearly described? Has any market analysis been done, even if it's rudimentary or anecdotal,

as to the targeted customers of the business, etc.? If approved, the immediate supervisor will forward the business plan to the Director of Vocational Rehabilitation and Workforce Services, who will conduct their own initial review of the business plan, asking questions of the VR counselor and Regional Manager as needed. Once the business plan has been reviewed, a Screening Committee will be formed. The Director of Vocational Rehabilitation and Workforce Services serves as the chair of the screening committee, which will include the regional manager, the VR counselor, the individual being served, or any other individual(s) deemed appropriate to participate in the review and discussion of the self-employment proposal, such as a small business owner who has a similar business, local small business development program staff, etc. In most instances, participation by such individuals will be accomplished via a teleconference call.

### **Self-Employment Enterprise Screening Committee**

The role of the SEE Screening Committee is to thoroughly review the business proposal with the individual who is requesting funding support from DBVI and to make specific recommendations. From the Screening Committee, one of the following actions will be taken:

1. Approve or reject the business plan after its initial review. Approval should only occur if the committee agrees that the business plan is thorough and well researched, with no outstanding questions or concerns on the part of the committee and there is consensus to support the Self-Employment Enterprise. More typical of the process would be number 2 below with the development of a revised business plan after the committee meeting has occurred.
2. Request a revised business plan to be completed by the individual in consultation with the VR counselor. Specific comments, questions and recommendations from the screening committee regarding the business plan must be provided in order to guide the development of an effective business plan.
3. Request consultation for further study from other agency personnel or from individuals in the community.
4. Approve or reject the Self-Employment Enterprise after the revised business plan has been completed, including any additional information the committee requested or recommended, and further consultation and/or additional research has been completed.

NOTE: The screening committee may be reconvened more than once as necessary to review the individual's business plan. For example, if the initial screening committee raised specific questions or concerns regarding the plan, and the individual and their VR counselor feel they have addressed these issues, the screening committee may reconvene to review the revised business plan. The committee may at that point approve, reject or raise further questions or recommendations that they feel the business plan requires and then may convene a 3<sup>rd</sup> time to again review the individual's revised formal business plan.

There are three situations in which an SEE business plan is not required. They are when:

1. DBVI is providing VR services for the purpose of job retention for an individual who is already successfully self-employed and;
  - a. The individual is not requesting DBVI funding for the business; or
  - b. The individual is requesting funding for the business less than \$1,500; DBVI funding in this situation is restricted to supplies and/or equipment only. Regional Manager approval is required; the Regional Manager may determine at their discretion the need for an SEE business plan and SEE Screening Committee involvement.
2. The SEE does not require financial investment; i.e., the individual is pursuing self-employment but is not seeking DBVI funding but is receiving other VR services;
3. The individual is requesting financial support for a new SEE and the funding request is for \$1,500 or less. Funding is restricted to supplies and/or equipment only. Regional Manager approval is required; the Regional Manager may determine at their discretion the need for an SEE business plan and SEE Screening Committee involvement.

NOTE: For any individual seeking DBVI SEE funding in the amount of \$1500 or more or seeking SEE funding for ongoing operational expenses (rent, utilities, etc.) and/or SEE related costs other than supplies or equipment, an SEE business plan must be submitted and the VR counselor must follow SEE policy.

### **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.

There are resources available in the community to assist with developing and planning for small businesses. One important resource is Virginia's Small Business Development Center Network (VSBDC) consisting of approximately 25 centers throughout the state.

The VSBDC is a federal, state, and local partnership to help current or prospective small business owners by providing business management counseling, site location analysis, licenses and regulation information, cash flow and tax counseling information, technical assistance and training, etc. VR may pay associated fees for the prospective business owner to participate in special workshops presented by VSBDC.

If there is not a VSBDC available, the individual in consultation with the counselor, could use other community resources, such as the Small Business Administration's program, commonly called SCORE, to help in the development of the business plan.

### **IPE Development**

Once VR eligibility has been determined and the individual has expressed an interest in self-employment, the VR counselor shall begin to work with them on developing their Individualized Plan for Employment (IPE) and establishing a vocational goal. The vocational goal will not be "self-employment"; rather a goal consistent with the business enterprise, trade or profession.

The IPE will be a Guidance and Counseling plan, to include services and progress measures necessary to develop an SEE business plan as well as any other necessary services outside of the scope of the SEE. If the individual already has an IPE with a vocational goal and then wishes to pursue self-employment, the VR counselor must amend the IPE to reflect the new goal, services and progress measures necessary to develop a business plan.

Once the SEE proposal has been reviewed by the Screening Committee and the SEE has been approved, the individual's IPE must be amended to include those services and goods required to implement the SEE. In the event that the SEE is not approved, the VR counselor must amend the IPE to include a new vocational goal (as appropriate) and any necessary services (e.g., training, job placement, etc.).

### **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.

### **Scope of Services**

Once the formal business plan has been approved, the VR counselor will work with the individual to insure the IPE SEE goods and services are authorized and purchased. Goods and services received as part of an approved SEE business plan are **not** subject to DBVI's cost participation policies. The individual must be placed in Job Ready status for a minimum of six months once the business has been initiated and will then be placed in Employed status for a minimum of 90 days per policy. The VR counselor will maintain the individual in Job Ready status beyond 6 months in the event additional SEE related services are required, including any specific support needs the individual requires. As well, the VR counselor must maintain the individual in Employed status beyond the 90 days minimum if additional SEE related services and support needs emerge while in that status. The VR counselor is responsible for a comprehensive follow-up program of the individual's self-employment enterprise through which necessary guidance and counseling supports can be provided along with periodic inspections of the business, to include a review of financial records, inventory, etc.

**Guidance:** *DBVI has chosen to exempt from cost participation those VR services that DBVI has agreed to fund as part of an approved SEE business plan. However, for any other VR services that are not part of the SEE plan the VR counselor must apply cost participation policy.*

### **The VR Counselor**

The VR counselor, in developing the IPE with the individual, will ensure that the individual receives the necessary services, supports and assistance to develop their business plan (utilizing the Business Plan Outline). The counselor shall provide direct assistance and support and will provide referral and information regarding small business services they may need. The counselor will be the primary person to review



the business plan once it is completed and discuss it completely with the individual. The VR counselor and the Regional Manager will review the plan together as described earlier once the individual is satisfied with the business plan. If the Regional Manager approves, the business plan is then forwarded to the Director of Vocational Rehabilitation and Workforce Services and then, if approved, to the screening committee for action.

The VR counselor should also consider throughout the process, as with the development of any vocational goal and IPE, the individual's motivation, follow-through, perseverance, organizational skills, self-direction, etc. as the SEE process unfolds. All of these attributes, while necessary to some degree in any work setting, are critical to the success or failure of the individual's self-employment enterprise.

### **The Director of Vocational Rehabilitation and Workforce Services**

The Director of Vocational Rehabilitation and Workforce Services will interpret VR federal regulations, provide resource information to the counselor, when necessary, and coordinate the program activities with the appropriate committee members.

### **VR Case Closure**

Prior to closing an SEE case as Closed-Rehabilitated, the VR counselor must ensure the following criteria are met:

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 enterprise has sustained operations throughout the period in Employed 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 individual's business makes a net profit or has significant gross income illustrating strong sales and profit potential over time.

In addition, the VR counselor will document other indicators reflecting successful case closure, including but not limited to:

1. The SEE has resulted in a decrease in public benefits (e.g., SSI, TANF, food stamps, HUD, Medicaid).
2. The business generates enough income to eliminate SSDI; therefore the business is obviously successful and producing a livable wage.
3. 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

**Self-Employment Enterprise (SEE) Resources**

While the VR counselor can provide guidance, counseling, and referral to community resources that will assist the individual being served in the development of their business, ultimately it's the individual who bears the primary responsibility for the development of an appropriate and realistic business plan. The steps outlined below allow both the VR counselor and the individual to use a vetting process in determining whether SEE is an appropriate option.

# Chapter 7.7

## Transition Services

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

### DBVI Transition Services

The DBVI VR program serves eligible and potentially eligible transition aged students aged 14 and older and their families by providing an array of VR services that gives students 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. Based on each individual student's unique needs, DBVI transition services may include orientation and mobility, rehabilitation teaching and education services. In all cases, services provided by DBVI program staff will be included on the student's IPE.

**Guidance:** *When serving students still enrolled in secondary education the VRC is required to consider all comparable benefits first.*

*For example, it is the public school's responsibility to provide general Orientation and Mobility (O&M) services for the student. In most cases, the DBVI VR program only provides O&M for students who are still in secondary school if the services are specific and necessary to access a Pre-Employment Transition Service.*

*The VRC may need to provide additional guidance and information for the student/parent regarding ways to work with the school system in effectively requesting and advocating for necessary services.*

*For more information regarding services VR can provided a student to access Pre-Employment Transition services see Chapter 12: Transition Services and Pre-Employment Transition services.*

### **Role of DBVI Education Coordinator**

DBVI education coordinators may assist the VR counselor by:

1. Serving as the transition referral point of contact
2. Disseminating information regarding VR services, including pre-employment transition services.
3. Make referrals to the VR counselor of potentially eligible students with disabilities for the purposes of accessing pre-employment transition services.
4. Meeting with students, parents and school personnel to facilitate the involvement of the transition aged student in career development, vocational evaluation, and vocational preparation activities and curricula.
5. Working with VR counselors to develop and implement of regionally conducted career related activities.
6. Encouraging students to participate in DBVI/VRCBI Summer and Academic Work Program.

All transition services provided by DBVI program staff must be documented by the VR counselor and included in the VR case file.

### **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**.

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 \(2\)\(b\)\(4\)](#))

A list of students who are open to Education Services and who are turning 14 years of age will be sent to the Education Coordinators in each region from DBVI Headquarters. The Education Coordinator will contact families by phone to provide a basic explanation of DBVI services that may be available, to include pre-employment transition services as well as other VR services. Letters will be sent to families where contact was unable to be made advising them to contact the Education Coordinator if they are interested in VR services. Where the family/student expresses interest in applying for VR services, the Education Coordinator will initiate the referral process by providing the necessary contact information to the Regional office intake worker at which point the intake worker will contact the family/student, insure the referral form/information is completed and place the individual into referral status in AWARE. The Education Coordinator can also provide information to the intake worker if they are familiar with the family/student.

If the student or family is not interested in applying for VR services at contact, the Education Coordinator will complete a case note in AWARE indicating as such and an Activity Due will be established in AWARE to re-contact the family in a year (or whenever the family may specify, such as at age 16).

### **Application**

The application process for students in transition is the same as any other potential VR individual (See Chapter 1, Referral and Application).

### **Eligibility Determination**

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

### **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 Chapter on Transition and Pre-Employment Transition Services.

### **Case Closure**

Case closure processes and procedures for students in transition are the same as any other VR individual.

## **Chapter 7.8**

# **Virginia Industries for the Blind (VIB)**

NOTE: 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](#)

### VRCBVI Mission Statement

“The mission of VRCBVI is to prepare blind, vision impaired, and DeafBlind Virginians for employment/employability and personal independence through the integration of individualized comprehensive blindness skills and employment skills and experiences.”

### Program Introduction & Overview

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.

Blindness does not need to be a barrier to employment, nor to living a full and meaningful life. By emphasizing self-sufficiency and independence, VRCBVI strives to empower students to take charge of their own lives. In an atmosphere of open communication, teamwork, and trust, training is provided which allows persons who are blind, vision impaired, or DeafBlind to function independently, safely, and efficiently. The training program has been designed to teach students skills of blindness, provide community-based work experiences, and promote confidence-building activities, which will give students the freedom to pursue their chosen careers and interests.

Most training programs at VRCBVI are individually tailored to meet the specific needs of the student. Special programs are offered that provide specific training to groups of students with similar needs, such as the LIFE program (“Learning Independence, Feeling Empowered”) and LEAP (“Learning Excellence in Academics Program”) for transition-aged students. Other examples of special programs offered are the Senior Retreat for blind and vision impaired individuals aged 55 and older and Saturday Technology Seminars. In addition to these programs, VRCBVI regularly develops short-term programs to meet current needs on the VR caseloads, such as Take Action, Take Charge, and the Robotics and Cyber Security Academy.

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.

Effective collaboration between DBVI's field staff and VRCBVI centers around ongoing communication, planning, and a shared intentional focus on meeting the employment related needs of the students served. Such collaboration best ensures that:

1. VRCBVI's programming (both its core training and short-term work readiness programs) is meeting the needs of the students as referred to VRCBVI by the regional office staff;
2. VRCBVI's training programs are designed to meet the needs of the current and future employment market;
3. Referrals to VRCBVI are appropriate, i.e., there is a strong correlation between the training needs of the student and the programming offered by VRCBVI; and
4. Students are much more likely to succeed through an interdisciplinary team that effectively integrates multiple perspectives and differing skillsets in the provision of services.

### **VRCBVI Programs**

See also: VRCBVI Policy manual, [Appendix B - VRCBVI at a Glance: Quick Reference Sheet](#)

VRCBVI offers a core curriculum (see [Chapter 8 of the VRCBVI Policy manual, section M. VRCBVI Training – Core Curriculum](#)) which is required for all full-time residential students. The student's training team will work with the student to determine training strategies -- nonvisual, visual, or a combination of both -- that will work best to meet the individual needs of the student (see also, "Guiding Principles of Instruction" in Chapter 1 of this manual).

VRCBVI provides rehabilitation services for most students in a residential setting; training is also available to commuter students who return to their homes in the evenings and on weekends.

VRCBVI offers instruction in skills of blindness, i.e., braille, personal and home management (cooking, cleaning, organizing, labeling, and budgeting), orientation and mobility (cane travel), keyboarding, computer and access technology, adult basic education (including GED, GRE, and professional certification exam preparation, and ESL), conversations about blindness, and health education. Classes are from 8:15 AM

to 5:00 PM Monday through Friday. Students who reside in the dorm take a full schedule of classes and will have a residence to return to when VRCBVI closes at certain points throughout the year (e.g., during the summer, holidays, weather emergencies, etc.). Students who commute each day to VRCBVI can choose to attend full or part time.

Based on the student's individual needs, services include, but are not limited to:

1. Tours of the VRCBVI Campus
2. Evaluation
3. Training
4. Case Management Services
5. Vocational Services
6. Low Vision services
7. Technology Seminars
8. Summer Transition Programs for High School Students
9. Competency based training for DBVI/VRCBVI Staff

### **VRCBVI Classes and Services**

1. Orientation and Mobility (Cane Travel)
2. Access Technology
3. Keyboarding
4. Computers
5. Career Readiness
6. Employment Readiness Seminars
7. Personal and Home Management
8. Adult Basic Education
9. Braille
10. Diabetes/Health Education
11. Conversations About Blindness

The training programs at VRCBVI are geared toward building skill proficiency, promoting independence, and developing self-confidence so individuals are prepared to achieve their vocational or independent living goals. The majority of training at VRCBVI revolves around employment preparedness for individuals looking to enter into or maintain work. Classes are designed to help the student relate knowledge gained to employment:

1. **Travel skills** learned in Orientation and Mobility classes help prepare the student to make travel related decisions to get to and from work each day and move around their workplace independently;
2. **Time management and organizational/problem-solving skills** build confidence in dealing with workplace challenges;

3. For some, developing **braille skills** allows the individual to more effectively manage information and determine locations as they travel to and around their workplace (i.e., reading signage in buildings).
4. Students gain necessary **keyboarding/computer skills**, which are essential in today's workplace.

## Referral to VRCBVI

Prior to beginning training at VRCBVI, the referring VR Counselor or Rehabilitation Teacher and the VRCBVI Case Manager will discuss with the student possible items needed for training at VRCBVI. These items may include:

1. Digital recorder, slate and stylus, other note taking devices;
2. Hearing aids;
3. Low vision aids,
4. Clothing as outlined in the [Student Handbook](#), including appropriate seasonal gear and comfortable walking shoes for cane travel classes;
5. Prescription medications and adaptive medical equipment.

A comprehensive list of items to bring to VRCBVI will be sent to the student by email or mail shortly after an admission date has been determined.

The referring DBVI staff member must ensure the student has any necessary devices prior to the student beginning classes. VRCBVI is not responsible for purchasing or providing any necessary low vision aids, access technology, or other devices that the student will require in order to effectively participate in training at VRCBVI. This would include items such as a digital recorder for taking notes during class, but also may include an alerting device for use in the dormitory. It is imperative that the referring DBVI staff member ensure any necessary assessments or evaluations are completed, the technology, aid, or device is purchased, and the student has been provided adequate training for the aid or device prior to beginning training. Otherwise, the student's start date may be delayed.

Individuals who are interested in training at VRCBVI are strongly encouraged to take a tour of the facilities as a first step. The VR Counselor or Rehabilitation Teacher can help schedule a tour and/or an overnight stay.

Tours of the VRCBVI Campus are available to potential students and their family members, DBVI VR Counselors and Rehabilitation Teachers, interested stakeholders, and members of the public. Tours include the residential dormitory and provide an overview of the training programs. The VRCBVI Director may require a tour on an individual basis.

Tours are recommended for prospective students to:

1. Familiarize the student with the facilities;
2. Meet staff and other students
3. Hear about VRCBVI services, both from a staff and current student perspective;
4. Address any questions or concerns (i.e., ongoing medical conditions, such as diabetes management, or other issues that may affect training).

The referring VR Counselor and/or Rehabilitation Teacher is encouraged to attend the tour with the prospective student.

Prior to referring an individual for training at VRCBVI, the VR Counselor or Rehabilitation Teacher, in consultation with the interested individual, must review the VRCBVI Admission Criteria below in order to determine if the individual who is interested in training is an appropriate candidate. In addition to the admission criteria, the referring DBVI staff member must consider other factors (as noted below the admission criteria) that will be considered as part of the admissions review process. For example:

1. Appropriate candidates for VRCBVI training must have the necessary independence in managing their daily living activities, including management of health conditions and medication;
2. Individuals who have any prior criminal history, or who have a history of substance abuse, may need to provide evidence that this will not impact their participation in training;

The VR Counselor or Rehabilitation Teacher must also determine with the prospective student whether there are other issues or concerns that may impact the decision to apply for services at VRCBVI. For example, are there secondary disability issues (traumatic brain injury, mental health, diabetes, etc.) that must be considered? Has necessary information been gathered regarding these and other possible service needs that would affect training?

Guidance and counseling with the individual prior to referral is an important step to ensure that the referring DBVI staff member is able to provide all necessary information as part of the application process, and that the individual has made an informed choice to pursue training at VRCBVI. A staffing with VRCBVI management regarding the individual prior to application is a best practice, particularly if there are any specific concerns, either on the part of the referring staff member or of the individual.

### **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;

In addition to the Admission Criteria above, VRCBVI will review other considerations as part of the admission process. These include, but are not limited to:

- Is the individual able to ambulate independently (i.e., on their own, using a wheelchair, etc.) or with the assistance of personal attendant services?
- Is the individual able to perform activities of daily living (such as toileting, hygiene, dressing, and feeding) independently or with personal attendant services?
- Does the individual have the physical stamina to participate in training (i.e., stamina to maintain participation in training activities for a typical work day)
- Is the individual able to independently manage health and medication (i.e., without assistance or supervision)? *NOTE: The Health Educator must be consulted if this is an issue, as training services may be provided in the individual's home community such that they are able to participate at VRCBVI following completion of the training.*
- Does the individual have stable health to participate in training? (i.e., no chronic health issues that will prohibit regular participation in training activities; no periodic/acute health issues that might interrupt programming on an excessive basis).
- Is there any evidence of current or past behavior that could jeopardize the health, safety, or rehabilitation program of self or others at VRCBVI?
- Referrals of individuals who have any recent history of substance abuse or dependence must demonstrate evidence that they have been abstinent for an extended period of time (minimum of 6 months), or have documented evidence of having recently completed intensive outpatient (or inpatient) substance abuse treatment and/or active participation in a substance abuse aftercare program or a substance abuse support program (such as a twelve-step program).

**Guidance:** *As a residential program providing training within a congregant setting, factors such as those listed above can have significant impact on the success of the student, as well as potentially affecting others. As such, it is important that the referring DBVI staff consult with VRCBVI staff as part of the application process to best ensure the individual's participation at VRCBVI be a successful one.*

### **Additional Considerations – Admissions Process**

1. Policy regarding referrals of individuals with any history of a criminal offense (self-report, criminal background check, information from courts, correctional institutions, etc.) is as follows:
  - a. Individuals who are registered sex offenders may not be referred for residential services at VRCBVI ([Virginia State Police Sex Offender Registry](#)).
  - b. Information regarding any criminal history, including but not limited to results from a criminal background check (CBC), will be reviewed by the VR counselor with the Regional Manager to determine what information, if any, may be relevant to share with VRCBVI Admissions Team. Consultation with the Director of Workforce and Vocational Rehabilitation Services is recommended as needed.
  - c. The CBC report shall not be shared with VRCBVI staff; a summary of any criminal offense information, to include but not limited to the CBC report, that is relevant to the VRCBVI admissions process will be shared, either in writing to be included with the VRCBVI admissions application and/or through a staffing process.
  - d. It is highly recommended that the VR Counselor communicate any relevant criminal history directly to the VRCBVI Director prior to initiating the application process. The involvement of the Regional Manager and/or the Director of Workforce and Vocational Rehabilitation services is recommended, as well.

**Guidance:** *That an applicant has a criminal history does not preclude admission to VRCBVI; each application will be reviewed on a case-by-case basis. However, if an individual does have a criminal history that is considered relevant for admission to a residential program, it is imperative that VRCBVI has all necessary information prior to making a determination regarding admission. A best practice is for the referring DBVI staff member to staff the case with VRCBVI during the admissions process in order to address the specific concerns that may arise. In some cases, VRCBVI may offer an individual the opportunity to receive VRCBVI services as a commuter student if that is a feasible alternative.*

There are other factors that VRCBVI may not be able to evaluate effectively as part of the admissions process, but historically have been strong indicators of successful participation. These include:

1. Willingness to regularly and actively participate in all scheduled classes and activities;
2. Ability to transfer and apply skills learned from one setting to another;
3. Ability to live cooperatively in an adult residential setting (if the student will be residential)
4. Ability and willingness to comply and conform to VRCBVI policies and procedures as set forth in the [Student Handbook](#).

**Guidance:** *The referring DBVI staff member should determine prior to referral to VRCBVI if any of these factors are of concern. Discussion with VRCBVI regarding these factors prior to referral would be appropriate to best ensure a successful referral process.*

### Application for VRCBVI Services

VR Counselors or Rehabilitation Teachers seeking admission for individuals on their caseloads to participate in training at VRCBVI are required to complete an application packet. With the assistance of the individual interested in attending VRCBVI, the VR Counselor or Rehabilitation Teacher completes and submits an application packet to VRCBVI on behalf of the applicant.

1. The **application packet** includes the following:
  - Service Authorization in AWARE to VRCBVI
  - VRCBVI Referral Part 2
  - Eye Report (within one year)
  - Health Checklist – General Medical Examination Form (within one year)

Steps in the application for admissions process:

1. Application Packet (as described above),
2. Application review,
3. Admission decision,
4. Notification of admission decision to the applicant and referring VR Counselor or Rehabilitation Teacher, and,
5. The pre-admission phone call.

The VRCBVI application packet will include the following information:

**VRCBVI APPLICATION PACKET CHECKLIST**

The following information will be provided by the referring VR Counselor or Rehabilitation Teacher:

1. Service authorization completed in AWARE with VRCBVI procedure code(s) selected for the service/program selected. There are six VRCBVI procedure codes that you will use. The most common one to use will be S6018 VRCBVI Evaluation/Training; however, the other five codes will be used for the specific services listed. VRCBVI Special Programs is to be used for any program that VRCBVI offers outside of their normal services listed below:

S6018 VRCBVI Evaluation/Training  
S6030 VRCBVI Special Programs  
S6031 VRCBVI Health Education Consult  
S6032 VRCBVI Technology Training

PREETS7 VRCBVI LEAP Services PreETS  
PREETS8 VRCBVI LIFE Services PreETS

2. VRCBVI Referral Part 2 in AWARE with all items/questions answered.
3. Eye report with best-corrected visual acuity and visual fields dated within one year of the VRCBVI application.
4. DBVI health checklist/general medical examination form completed and signed by a physician dated within one year of VRCBVI application. Must include a list of all current medications. Please see medication management criteria in Admission Criteria of VRCBVI Policy Manual.
5. If applicant meets the criteria for DeafBlind services, the individual must be referred to DeafBlind services prior to submitting application to VRCBVI (per DeafBlind Services Policy and Procedures Directive DS-PPD-15-12, dated June 2, 2015)
6. The complete application packet (including the AWARE Service Authorization, VRCBVI Referral Part 2, eye report, and health checklist/general medical examination form) must be scanned and emailed to the Assistant Director of Administration. NOTE: Only complete applications will be accepted for admission review; incomplete applications will delay consideration.
7. Any information, including appropriate documentation regarding any additional non-vision related disabilities (as appropriate) or history. This may include pertinent documented medical or health concerns, psychiatric and/or psychological reports, etc. The reports must be recent (within 60 days) noting stability and compliance with any prescribed medications.



8. For individuals who have had a brain injury (including traumatic, stroke, etc.) a neuropsychological evaluation (within 2 years) is needed, and the case will be staffed as a team with the Assistant Director for Instruction and the DARS Brain Injury Specialist.
9. For individuals with any criminal history, see [Admission Criteria – Additional Considerations](#).
10. Any additional documentation upon request (e.g., documentation that references secondary disabilities, but does not provide information as to the functional limitations that may impact services at VRCBVI may require more information).

## 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.

### A. Coordinated Program Guidelines

1. An individual's services may be coordinated between VR and RT, based on the individual's specific needs regardless of the individual's vocational goal.
2. When serving individuals through a coordinated program, the Rehabilitation Teacher will, at the request of the VR Counselor, evaluate the individual's needs and potential to benefit from coordinated services between the two programs. If it is determined by the VR Counselor and Rehabilitation Teacher that the individual requires rehabilitation teaching in order to accomplish the vocational goal on the individual's IPE, the VR Counselor will add rehabilitation teaching goods and services to the individual's IPE; the VR Counselor will secure the individual's signature if the provision of RT services require a substantial amendment to the original IPE.
3. The VR Counselor will purchase supplies and equipment for individuals participating in a coordinated case when rehabilitation teaching is provided as part of the individual's IPE.

### B. Reasons for Referral to the Coordinated Program

Either the VR Counselor or RT may refer an individual to either program. An individual may be referred for the following reasons:

1. **Initial Evaluation:** To evaluate the rehabilitation teaching needs of the individual receiving VR services or to determine eligibility for VR Services. The initial evaluation is to be completed in 30 days with a written assessment inventory by the Rehabilitation Teacher. The Rehabilitation Teacher and the VR Counselor will collaborate to decide whether the individual would benefit in terms of an employment outcome from coordination of VR and RT services following the evaluation. During the evaluation (up to 30 days), the rehabilitation teacher will also charge his/her time to general VR funds.
2. **Training in the Home:** Rehabilitation teaching services provided to an individual receiving VR services will be completed within six months. This training may proceed or follow attendance at VR CBVI, following physical restoration or provision of other VR services.
3. **VR CBVI Services:** The VR counselor and rehabilitation teacher will jointly staff the cases of individuals that may need the various services offered by VR CBVI.
4. **Physical Restoration:** RT services may be needed to help the individual function more independently, if the individual does not have vision restored following surgery and/or eye treatment

### **C. VR Responsibilities**

1. The VR counselor will refer applicants or individuals receiving VR services to RT when an evaluation or training is needed to determine VR eligibility or prepare the individual for work.
2. The VR counselor will staff the individual's plan for training with the teacher.
3. The VR Counselor, along with the individual, will develop or amend the individual's IPE is to include services that will be coordinated with RT.
4. The VR Counselor will keep the Rehabilitation Teacher updated on any change in the individual's IPE vocational goal or any other major changes, as needed.

### **D. RT Responsibilities**

1. The Rehabilitation Teacher will staff the individual's plan for training with VR.
2. The Rehabilitation Teacher will provide the instruction in keeping with the vocational goal in the individual's IPE. Instruction will be provided on a concentrated schedule. Extensions of training beyond six months must be approved by the VR Counselor. Special supplies and equipment purchases for an individual must be approved and authorized by the VR Counselor and must be directly related to the vocational goal. Rehabilitation Teachers will submit their recommendations for supplies and special equipment in writing to the VR Counselor. Upon receipt of supplies and special equipment, a notation will be made by the teacher on the RT Service Plan indicating the item has been received and the date received.
3. The teacher will do a narrative report every three months.
4. The teacher will indicate by the fifth month if the extended evaluation or training will be completed at the end of six months or if a continuation is needed.
5. The Rehabilitation Teacher will outline in detail on the RT service plan the services that are to be provided.

**E. Scope of Services Specific to each Program**

The scope of serviced provided to individuals who are receiving VR and RT services through a coordinated case are based on the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. These services may include, but not be limited to:

1. Vocational Rehabilitation
  - a. Functional vision assessment for the individuals receiving VR Services
  - b. Low Vision Services for individuals receiving rehabilitation services
  - c. Service to family members
  - d. Information: sources to secure adaptive aids and appliances
  - e. Information and referral to community resources including but not limited to Centers for Independent Living, the Department Social Services, the Department of Behavior Health and Developmental Services, Intellectual Disability Services, housing services, the Department of Medical Assistance Services, and, the Department of Aging and Rehabilitative Services.
  - f. Vocational counseling, guidance, and referral
2. Rehabilitation Teaching
  - a. Assessment for adaptive/coping skills
  - b. Instruction in activities of daily living
  - c. Instruction in communication skills including, but not limited to reading, writing of Braille, script, typing, and use of appropriate electronic equipment.
  - d. Orientation skills training
  - e. Instruction in homemaking
  - f. Therapeutic crafts and leisure-time activities
  - g. Services to family members
  - h. Information; sources to secure adaptive aids and appliances
  - i. Information and referral to community resources such as food stamps, senior citizen's centers, etc.
  - j. Counseling, guidance, and referral.

# 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)). The VR counselor who has case management responsibilities for the student in their home community retains that responsibility while the student attends VSDB.

### A. 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.

### B. The VR Counselor's Responsibilities are:

1. To provide VR services to all eligible VSDB students on their caseload
2. To assist the residential school counselor in obtaining necessary VR documentation.
3. Actively participate with the VSDB counselor in identifying and obtaining summer work and other training or transition opportunities in the student's home area.
4. Provide and/or coordinate all necessary and appropriate VR transition services to VSDB students on their caseload, to include as appropriate pre-employment transition services.

# Chapter 7.12

## Business Relations Services

### Business Relations Unit Overview

The Business Relations Unit has responsibility to work with employers to identify their human resource needs in order to facilitate competitive integrated employment opportunities and career exploration opportunities for eligible DBVI individuals, including students and youth with disabilities who are receiving vocational rehabilitation 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 within the Business Relations Unit are assigned to each of the six DBVI Regional offices. They will represent and advocate for the individuals served by the Regional offices by identifying employers and federal contractors, attending the Society of Human Resource Management and Economic Development meetings, Chamber of Commerce meetings, Industrial Round Tables; through networking 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). Additionally, the Business Relations Specialists will initiate distribution of employer outreach letters, review various recruiting websites, and partner with Business Services/Solutions teams through the workforce development statewide system.

### A. Business Relations Unit Services

The Business Relations Specialists have as a primary responsibility to create competitive, integrated employment opportunities for those individuals they represent. Services include:

1. Business development within assigned Regional office areas that will lead to recruitment through DBVI, interviews, work experiences, informational interviews, situational assessments and hires. Identification of appropriate business opportunities based on employment goals and needs of individuals served.
2. Providing disability awareness and sensitivity training to employers, as well as other disability related employer incentives.
3. Job Development support for individuals referred for business relations services. The Business Relations Specialist will identify and develop

potential employers and positions consistent with the skills, interests, aptitudes, previous work experience, education and capabilities of the individual receiving business relations services, as well considering the impact of their disability.

4. Counseling and guidance related to the development of job seeking skills for individuals referred for business relations services, including interviewing skills, development of resumes, job applications, and other job seeking services.
5. Providing support to students and youths with disabilities through consultation and staffing with the VR counselors, development and implementation of workshops (job readiness, work-based experiences, career development, job seeking skills, etc.), and assistance with the development and implementation of Pre-Employment Transition Services.
6. Providing consultation and staffing support to VR counselors related to individuals who may require job coaching training services, supported employment and/or customized employment services. Partner with employment services organizations as appropriate to assist with business and job development needs of individuals receiving those services.
7. Consultation and staffing with Regional office VR counselors regarding individuals who are being served and/or referred to the Business Relations Unit.
8. Providing the assigned Regional Office with local employment opportunities that are relevant to the vocational goals of the individuals served within the DBVI Regional office.
9. Providing VR counselors with local and statewide labor market information (LMI) to assist with the development of realistic and appropriate IPE vocational goals.
10. Assist with the development of work-based experiences, including volunteer, paid and Unpaid Work Experiences (UWE), On-The-Job Training (OJT), situational assessments, informational interviewing, job shadowing, community based experiences and apprenticeships.
11. Assist with the development and implementation of job seeking skills and job support groups.
12. Provide job retention services as needed.
13. Other business relations services as needed

**Guidance:** *The Business Relations Specialists are a primary source of employment related service support to the VR counselor. While the Business Relations Specialist has primary responsibility for the services identified above, there is a shared responsibility to insure services are effective. Ongoing communication and planning, with clear delineation of roles, responsibilities and expectations between the Business Relations Specialist, the VR counselor and the individual being served is critical to success. Regular staffing and consultation processes should be developed in each office to best insure effective shared planning.*

### **Referral Process for Business Relations Services**

1. Prior to referral, an effective practice is for the VR counselor to consult with the Business Relations Specialist. This would normally be an informal, short consultation about the potential referral as the first step to determine if referral for business relations services is appropriate. This step would be particularly important if the VR counselor has concerns or significant questions about the appropriateness of the referral.
2. Formal staffing: The VR counselor and the Business Relations Specialist should staff all potential referrals and through this process agree who should be referred. Discussion regarding the specific business relations services needed by the referral should be held at this time. If agreed a referral is appropriate, the VR counselor would issue a Service Authorization in AWARE for business relations services. The counselor should insure the Business Relations Specialist is aware the referral is coming and if necessary send an email alerting them to the referral.
3. The Business Relations Specialist and the VR counselor should discuss and agree on a Service Plan within AWARE for the individual being referred. This plan will designate the type of case the referral will be and total services that are needed as well as the responsible party for each item identified.
4. Service Items are added to the Service Plan in AWARE to designate those services required of the Business Relations Specialist. Once the Service Plan is written the Business Relations Specialist will add items to the Service Plan to identify individual services needed.
5. If the VR counselor needs job retention services for an individual, they should discuss the specific individual and their needs as soon as possible with the Business Relations Specialist. The VR counselor should complete the referral process as above but the Business Relations Specialist will initiate services as soon as possible to prevent job loss.
6. Where SE services are being planned or provided and consultation or involvement in the case is anticipated, the VR counselor should staff these



individuals with the Business Relations Specialist and follow the referral process as needed.

## Schedule A/Federal Hiring Authority

### Overview

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.

### Targeted Disabilities

These are the most severe disabilities including blindness, deafness, partial and full paralysis, missing extremities, dwarfism, epilepsy, intellectual disabilities, and psychiatric disabilities. Individuals with these disabilities typically have the greatest difficulty finding employment. As a matter of policy, the federal government has a special emphasis on recruiting, hiring, and retaining people with targeted disabilities.

**Guidance:** *The Federal Government's Standard Form 256 (see link below) provides more information regarding how "severe disabilities" is defined and for what disabilities Schedule A is targeted. As a rule of thumb, an individual who has been determined by VR through the eligibility process to be either an individual with a Severe Disability (SD) or Most Significantly Disabled (MSD) should meet the criteria "severe disability" for Schedule A purposes.*

### Documentation for Schedule A Hiring Authority

1. In order to be eligible for employment through the Schedule A non-competitive process, documentation of the disability is required. Such documentation is used

to verify that the individual being hired is indeed a person with an intellectual disability, severe physical disability, or psychiatric disability. This documentation must be provided to the hiring agency before an individual can be hired. Documentation of eligibility for employment under Schedule A can be obtained from a licensed medical professional (e.g., a physician or other medical professional certified by a state, the District of Columbia, or a U.S. territory to practice medicine); a licensed vocational rehabilitation specialist (i.e., state or private); or any Federal agency, state agency, or agency of the District of Columbia or a U.S. territory that issues or provides disability benefits.

2. In addition, upon hiring, the individual with a disability or the agency Human Resource office should complete the [Standard Form 256 \(PDF file\)](#). The SF-256 includes the legal definition of disability and lists various disabilities, including several that are considered targeted disabilities.

### **Standard Form 256 (Definitions related to Blindness or Vision Impairment)**

1. Targeted/Severe Disabilities

Vision: 21-Blind (inability to read ordinary size print, not correctable by glasses, or no usable vision, beyond light perception)

7. Other Disabilities

Vision Conditions: 22-Visual Impairments (e.g., tunnel or monocular vision or blind in one eye)

### **Referral Process for Schedule A**

1. The VR counselor should provide the individual with a Schedule A letter. The assigned Business Relations Specialist can assist with this as needed.
2. The individual will need to complete a federal resume.
3. The individual may apply through USA Jobs through the competitive federal hiring process or through the non-competitive Schedule A Hiring Authority.

### **Schedule A Hiring Tips**

1. Identify Your Possible Job Titles/Series
  - Learn more about the Federal Occupation Series: [https://help.usajobs.gov/index.php/Federal\\_Occupations](https://help.usajobs.gov/index.php/Federal_Occupations)
  - List by College Major: [https://help.usajobs.gov/index.php/Federal\\_Occupations\\_by\\_College\\_Major](https://help.usajobs.gov/index.php/Federal_Occupations_by_College_Major)
2. Identify Your Possible GS Level
  - Guidelines:
    1. GS 2 = High school graduation or equivalent

2. GS 3 = One academic year above high school
  3. GS 4 = Two academic years above high school OR
  4. 90+ Associate's degree
  5. GS 5 = Four academic years above high school leading to a
  6. bachelor's Degree OR a Bachelor's degree
  7. GS 7 = Bachelor's degree with Superior Academic Achievement
  8. for two grade interval positions OR 1 academic year of graduate education (or law school, as specified in qualification standards or individual occupational requirements)
- Salary Table for Washington, DC/Baltimore Area with Locality Pay:  
<https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/16Tables/html/DCB.aspx>
3. Scanned Schedule A Letter
    - Be sure it's on leader head and signed
    - See OPM's Sample Schedule A Letters:  
<https://www.opm.gov/policy-data-oversight/disability-employment/getting-a-job/sampleschedaletters.pdf>
  4. Review and Understand the Job Announcement
    - Develop a checklist of items to include in your resume based on the following areas of the job announcement:
      1. Who May Apply – sometimes announcements are only open to internal agency employees.
      2. Duties – list of responsibilities that are core to the job.
      3. How to Apply – process you need to follow to complete the application,
      4. Specialized Skills – if you don't meet these skills, you are not qualified.
      5. How You Will Be Evaluated
      6. Required Documents – checklist of items that must be uploaded and included with your application (e.g. transcript, writing sample, etc.).
      7. Questionnaire – replaces KSA essays.
        - a. Print and complete on paper and then enter answers on line.
        - b. Use the questions/answers as a checklist of items that must be included in your resume.
  5. Create a Detailed Federal Resume using item #4 above.
    - Also see the USA Jobs Resource Center for additional tips:  
[https://help.usajobs.gov/index.php/Main\\_Page](https://help.usajobs.gov/index.php/Main_Page)
  6. Apply on line and via Agency Selective Placement Coordinator:  
<https://www.opm.gov/policy-data-oversight/disability-employment/selective-placement-program-coordinator/>

7. Review the Resume for Typos, Grammar and Spelling

- Summary of Skills at the Top
- Chronological Order
- Include Salary/Hourly Wages (estimates are fine)
- Use quantifiable descriptions that highlight impact/results of your work – see USA Jobs Resource Center: <https://help.usajobs.gov/index.php/Tips> for more specific tips and guidance.
- Include Awards and Honors
- Include Training and Education

## 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. For many individuals with disabilities being served through vocational rehabilitation, the opportunity to participate in academic training can be the key to meaningful employment or advancement in the same..

The VR counselor shall insure during the development of the Individualized Plan for Employment (IPE) that the agreed upon vocational goal is one that does consider their unique strengths, abilities and interests and one which, as appropriate, offers a career pathway, which could include advancement in employment. At the same time, the vocational goal should be one that is realistic. Should an individual's agreed upon vocational goal be one that may require post-secondary education or other skill-based training in order to achieve that goal, the VR counselor shall insure that the following policies and procedures are followed.

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

#### 1. Necessary to Achieve the Vocational Goal

Prior to sponsoring an individual in any post-secondary training or educational program, the VR counselor must determine what additional training or education the individual's vocational goal requires. The counselor should compare the job qualifications of the vocational goal to the individual's current education level, transferable skills, and abilities. If the vocational goal requires certain certifications, licensing, examinations, degrees, or other qualifications that would be achieved through a training or academic program then that training or academic program would be considered vocationally necessary (e.g., CNA, teacher, etc.).

If the individual already meets the qualifications for the vocational goal then post-secondary training is not appropriate. However, if an individual meets the basic qualifications but their education, training or certifications are old or outdated, it would be appropriate to consider providing the necessary training or education to update their skills and credentials. Additionally, even if the individual meets the basic employment qualifications (e.g., bachelor's degree for teacher) but is not competitive in that particular labor market without additional training or education the VR counselor must consider sponsoring post-secondary training or

education. Finally, an individual who has been determined eligible for VR services and has established a vocational goal that is advancement in their employment would be appropriate for post-secondary education or training if those services were required to reach their vocational goal.

**Guidance:** *The VR counselor should utilize labor market information from resources such as the Virginia Workforce Connection or through their Business Relations Specialist to determine the necessary qualifications pertaining to a specific vocational goal. Additionally, to the extent feasible, the VR counselor will require the individual being served to conduct necessary research regarding the necessary job qualifications regarding their vocational goal. Finally, the VR counselor will consider the local job market and whether or not the individual may need to relocate once school or training has been completed. For example, an individual who lives in a very rural area pursuing a degree where no jobs exist in their community should be counseled on that issue prior to sponsoring the academic program.*

## 2. Aptitude and Ability to be successful in Post-Secondary Training or Education

Prior to sponsoring an individual in a post-secondary training or academic program, the VR counselor must appropriately assess the individual's likelihood of success within such a program. Generally, the best predictor of academic success is previous academic success, so a review of the individual's high school grades, any post-secondary classes, college boards or SAT scores, etc. A vocational evaluation or other assessment may also provide necessary information regarding the individual's potential for success.

Other factors to be considered would be the individual's motivation, organizational skills, time management, demonstrated follow-through, etc.

Finally, if the individual received accommodations, such as through assistive technology within the classroom, the VR counselor must ensure similar accommodations and supports will be available in the post-secondary environment. The counselor must also consider if the post-secondary needs will be different than within the high school and if so new assessments may be necessary.

## 3. Trial Semester or Course

In determining the vocational goal of an individual, specifically one that would require post-secondary training or education to meet that goal, the VR counselor may have reasonable concerns regarding the individual's ability to succeed in a post-secondary program. In that situation, one option available is to provide a trial semester or course(s). In this case, the VR counselor would work with the individual to determine what course or courses might be taken on a trial basis as an assessment of the feasibility for the vocational goal and the services required to achieve that goal. In this situation, the counselor would normally only sponsor one or two classes and utilize the community college system or a Virginia public college if one was within the community

of residence. No meals, housing or other maintenance services would be provided as part of the assessment other than those services necessary for the individual to participate in the service (e.g., transportation to the campus). Sponsorship of tuition and fees as a trial semester (maximum of 6 credits) shall be exempt from cost participation by the student.

#### 4. Gap Year

Individuals with disabilities who have graduated from high school and are taking a “gap year” or “gap semester” before entering post-secondary education or training may be eligible for Pre-Employment Transition Services provided that the VR counselor can ensure that the following documentation has been received and maintained in the individual’s case record:

- a. Documentation that the individual with a disability graduated from secondary education;
- b. Documentation that the individual with a disability has been accepted into a post-secondary institution or program;
- c. Documentation of the individual with a disability intends or confirms that they have accepted the invitation to enter the post-secondary program; and,
- d. Documentation that the individual with a disability has been informed by the post-secondary institution or program that their “seat” or “spot” is being held for them.

NOTE: 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 Training

DBVI will sponsor college/university academic training when college training is necessary to support the individual’s vocational goal. In certain instances and when approved by the Regional Manager, DBVI may consider sponsoring remedial course work that is required in order for a student to participate in college/university training.

#### A. Selecting and Applying for Admission to a College Program

1. Written documentation of the individual’s ability to succeed in a post-secondary academic setting is required to support DBVI sponsorship of college training. Documentation may include high school records, aptitude and achievement test scores, college preparatory program results, college-board scores, previous college transcripts, and statements of the individual’s motivation. VR Counselors may include documentation of other factors as needed.
2. The VR counselor will:

- a. Begin to work with students who are potentially college bound as early as possible, but ideally no later than their junior year of high school. For students whose cases are not opened with VR until their senior year or students who come to VR post High School and are interested in pursuing college, the VR counselor will insure adequate time is spent to properly develop an IPE and to determine if college is an appropriate service. The VR counselor will provide vocational guidance and counseling to assist individuals in selecting a college or university based on:
  - i. The degree program that will best prepare the individual to accomplish their vocational goal as specified in their IPE.
  - ii. Whether the college or university can meet the individual's accommodations needs including reader services, testing, housing, assistive technology, transportation, or other specialized accommodations.
- b. Insure that the individual is provided with necessary informed choice in terms of developing the vocational goal, determining necessary services, participation in cost of services (if any) and determining which college or university they may wish to attend.

## **B. College and University Training**

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 provided 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.

Regional Manager approval is required for the VR counselor to sponsor room and/or board for a student attending a school within their community of residence. Justification and approval must be documented in AWARE and the Regional Manager will notify the Director of Vocational Rehabilitation and Workforce Services of the exception. Sponsorship for room and board will be based on the Cost of Attendance (COA) for the school the student will attend.

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. For example, if the vocational goal is Accountant, the training would consist of a Bachelor's Degree and any necessary professional credentials, not a Master's Degree.

With approval from the Regional Manager, a Post-Graduate degree program will be sponsored when it is determined that the degree is necessary for the student to achieve their approved IPE vocational goal. In approving that request, the Regional Manager, in consultation with the VR counselor, will consider:

- a. The individual's past employment experience (i.e., does the individual have any work experience, paid or unpaid, in the field for which they are seeking the advanced degree).
- b. The individual's past educational achievements which demonstrate a strong likelihood of success at the post-graduate level; and;
- c. The individual meets the basic employment qualifications but there is strong evidence that they are not competitive in that particular labor market without a post-graduate degree.

NOTE: The VR counselor must provide documented justification for requesting approval to sponsor post-graduate work in situations where the individual has no viable work experience in that field.

In circumstances where a student already has achieved a Bachelor's or Post-Graduate degree, funding of any additional post-secondary coursework (including coursework towards another degree, certificate or other industry credential) is only permissible if:

- a. Disability factors preclude employment given their current degree or certificate; or
- b. Additional post-secondary courses are deemed a necessary service to update current skills, meet industry educational or certification requirements and improve employment opportunities.

Justification and approval must be documented in AWARE and the Regional Manager must notify the Director of Vocational Rehabilitation and Workforce Services of the approval.

6. **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.
7. **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.

- C. Academic Requirements: In sponsoring students in a college or university program, the VR counselor must insure the individual is making satisfactory progress towards their vocational goal. DBVI has established specific time frames for program completion for full and part-time students.
1. Full-time students:
    - a. To be considered full-time in bachelor or associate degree programs, students must take 12 credit hours per semester.
    - b. DBVI requires full-time bachelor degree students to complete required coursework in no more than nine semesters. Regional Manager approval is required for sponsorship of summer semesters or extensions of the nine semester requirement. The Regional Manager will consider whether disability or medical issues are a factor, if there has been a change in the vocational goal or academic program or if the academic program requires a summer class (e.g., the student was not able to take a particular class in the spring semester but needs that class in order to take the next one in sequence in the fall).
    - c. Full-time associates degree students in two-year college programs must complete required coursework in five semesters. Regional Manager approval is required for sponsorship of summer semesters or extension of the five semester requirement.
    - d. Students must consult with their VR counselor if the student's credit hours drop below full-time student status or if they change their course of study. A change in their course of study that would require an amendment to the individual's IPE (vocational goal and/or services) requires the approval of the VR counselor.
    - e. Full-time students may receive sponsorship of tuition, books, fees, housing, maintenance (including room or board costs), transportation, personal incidentals, and other approved costs commensurate with their participation in cost of services based on financial need.
  2. Part-Time students:
    - a. Students who take fewer than 12 credit hours per semester will be considered part-time students.
    - b. DBVI requires part-time bachelor degree students to complete their required coursework in no more than seven years.
    - c. Part-time associate degree students must complete their required coursework in no more than 3.5 years.
    - d. Students must consult with their VR counselor if their credit hours drop below full-time student status or if they change their course of study. A change in their course of study that would require an amendment to the individual's IPE (vocational goal and/or services) requires the approval of the VR counselor.
    - e. Part-time students may receive sponsorship of tuition, books, fees, transportation, or other approved costs commensurate with their participation in cost of services based on financial need. Costs associated

with housing, personal incidentals and maintenance (including meal or board costs) will not be sponsored for part-time students.

**Guidance:** *There may be situations where a student may begin the semester as a full-time student but for various reasons need to drop to part-time status in that semester, and/or perhaps the following semester as well. This could be due to disability issues, illness or other medical issues/emergencies, family concerns, academic issues with a specific class, etc. For a student who may need to temporarily (no more than two consecutive semesters) reduce their course load such that they are no longer a full-time student, the VR counselor may consider requesting a policy exception to allow for continued maintenance costs if they feel such a request is justified. See [Chapter 1.2, Policy Exceptions](#), for more information and process.*

### 3. 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.

4. Grade Point Average
  - a. DBVI will sponsor full and part-time college/university/graduate students who maintain good academic standing (minimum grade point average of 2.0 for undergraduates; 3.0 for graduate studies) at the institution in which they are enrolled.
  - b. DBVI will not sponsor classes from which the student has either withdrawn or they are required to retake due to their previous failing of the class unless approved by the Regional Manager and the Director of Vocational Rehabilitation and Workforce Services.

#### **D. Family Assistance**

1. 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:
  - a. The student is at least age 24 or has completed an undergraduate degree and is less than 24;
  - b. The student is less than age 24 but is married or have been maintaining their own household independent of their family;
2. 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.

NOTE: Students who meet either criteria "a" or "b" above are determined to be "independent" for FAFSA purposes and do not need to enter parent financial information on the FAFSA form.

#### **E. Student Participation in Cost of Services**

The VR counselor must complete the VR Financial Participation in Cost Services form for any individual for whom post-secondary training is planned as a service on their Individualized Plan for Employment (IPE), including individuals who are receiving SSA benefits. The VR Financial Participation in Cost Services form must be reviewed and updated with any necessary changes on an annual basis. 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 means 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. The cost of participation for students in summer school will be determined as follows:
  - a. Students who have had their annual EFC fully applied towards the cost of participation during the previous fall and spring semesters have met their cost participation obligation for the academic year. No further cost participation will be required for summer sessions.
  - b. Students who have not had their annual EFC fully applied towards their required cost of participation during the academic year prior to the summer sessions will have 25% of their annual EFC applied towards their cost of participation for summer sessions.
  - c. Students who have not attended any semesters for the academic year but will be attending summer school will have 25% of their annual EFC applied towards their cost of participation.

4. College developmental or non-credit courses which are required to be taken prior to admission to college (typically a community college requirement) shall be exempt from cost-participation.

#### **F. Comparable Benefits and Other Financial Assistance**

The VR counselor shall apply all available comparable benefits prior to sponsorship of any educational expenses. 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.

1. Federal regulations require that the student must make maximum efforts to secure other funding for higher education before VR funds are used. The VR counselor must coordinate DBVI sponsorship with other funding the individual receives (such as Pell Grants and the EFC) to insure the student does not receive an over awarding of financial aid. DBVI requires that all college bound students apply for Federal Student Aid and other public or private scholarships and grants; the VR Counselor will assist the student in identifying financial aid options.
  - a. 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](http://www.fafsa.gov)).
  - b. DBVI will not sponsor college expenses for students who have not completed and submitted the FAFSA.
  - c. The student must provide to the VR counselor a copy of the Student Aid Report (SAR) once it has been received. The SAR must be provided as early as possible before the beginning of the academic year (or semester if beginning school mid-year), but no later than 90 days prior. The SAR determines the amount, if any, of the Pell Grant award as well as the EFC. Students are expected to demonstrate a good faith effort in providing the VR counselor with the SAR within the required time frame. The VR counselor will document communication with the student regarding the required SAR, including documentation of any issues or problems that may cause a delay. Failure by the student to provide the SAR to the VR counselor could result in DBVI not providing sponsorship.
  - d. Students are required to accept Federal Student Aid Grants and scholarships and use those funds toward the cost of necessary educational expenses.

- e. Students are required to provide DBVI with the financial aid award letter from the college/university the student plans to attend. DBVI will determine the amount of financial sponsorship of academic training based on the college/university financial aid award letter, the Expected Family Contribution, application of any comparable benefits, the established COA and the application of VR policies identified in section G of this policy.
- f. Loans: Students are not required to apply for or accept student loans. DBVI does not consider loans (either subsidized student loans or unsubsidized loans, such as PLUS loans) as comparable benefits. However, acceptance of loans by the student may impact DBVI sponsorship if all or part of a loan is used to pay for the EFC. The VR counselor shall provide the student (and family as appropriate) information and resources to ensure a full understanding of the consequences of accepting loans ([Federal Student Aid Information](#)).
  - i. Subsidized loans are need-based and are considered as financial aid. They are offered either at the federal maximum level (e.g., \$5,500 for a Freshman) or at an amount to address any remaining unmet financial need, whichever is less. Student acceptance of a subsidized loan will not reduce DBVI sponsorship.
  - ii. Unsubsidized loans (Federal Department of Education) are not need-based. The loan amount can be up to the full COA minus any other financial aid, including any subsidized loans taken. When a student accepts an unsubsidized loan, the VR counselor must determine what portion of the unsubsidized loan is being used towards the EFC and reduce DBVI sponsorship accordingly. This is determined by subtracting from the COA the EFC to determine the unmet financial need for the student. If the financial aid available to the student consisting of scholarships, grants, work-study, etc., and unsubsidized loans is greater than the unmet financial need, DBVI would reduce sponsorship by the difference between the financial aid total and the unmet need.
  - iii. Students who are receiving SSI and/or SSDI do not participate in the cost of services, so in addition to their EFC being \$0, all loans (subsidized or unsubsidized) that are taken have no impact DBVI's sponsorship of the student's educational expenses.

**Guidance:** *A student may or may not be offered a subsidized loan depending on their financial situation. If a student is offered a subsidized loan, taking the loan will not impact DBVI's sponsorship but student's will have to pay it back once they are out of school. In some cases, particularly where the student is attending a higher cost private school, the student has to take the loan regardless of DBVI's funding since there may still be unmet need. Students should be counseled to always take*



*a subsidized loan first if they need it before considering an unsubsidized loan (although they may need both).*

*Taking an unsubsidized loan can impact DBVI's sponsorship of the student's expenses. If an unsubsidized loan is offered, and the student needs the funds (in addition to other funds and DBVI sponsorship) to offset school costs, the VR counselor must determine if those loan funds are being used to pay all or part of the EFC versus paying for unmet need. Since applying the EFC is part of DBVI's participation in the cost of services policy for educational expenses, the VR counselor must ensure that DBVI funds are not being authorized to sponsor the student's EFC.*

*In the following examples, the DBVI approved COA is \$20,000, the EFC is \$10,000 and the student has grants and scholarships totaling \$5,000.*

*Example 1: The student's unmet financial need is \$10,000 (\$20,000 COA - \$10,000 EFC). The VR counselor applies the \$5,000 in comparable benefits, leaving an unmet need of \$5,000. If the student takes the subsidized loan of \$5,000, but takes no other loans, the VR counselor could sponsor \$5,000 because the loan is not considered a comparable benefit.*

*Example 2: The student's unmet financial need is again \$10,000. The VR counselor applies the \$5,000 in comparable benefits, leaving an unmet need of \$5,000. The student is not offered a subsidized loan and so takes an unsubsidized loan of \$5,000. The total financial aid of scholarships, grants, etc. plus the unsubsidized loan is only \$10,000, which is not greater than the unmet financial need. Because the loan is funding unmet need, not the EFC, the VR counselor would not reduce funding and could sponsor \$5,000.*

*Example 3: The student's unmet financial need is \$10,000. The VR counselor applies the \$5,000 in comparable benefits, leaving an unmet need of \$5,000. The student is offered a subsidized loan of \$5,000, which they take, but they also take an unsubsidized loan of \$10,000. Total financial aid (including the unsubsidized loan, but not the subsidized loan) in this case is \$15,000 with an unmet need of \$10,000, so the difference is \$5,000 which is being used to pay part of the EFC. The VR counselor must reduce DBVI sponsorship by \$5,000; DBVI sponsorship is \$0.*

*Example 4: The student is receiving SSI. Therefore, the COA of \$20,000 is not reduced by the EFC (\$10,000) so the EFC becomes \$0, leaving an unmet financial need of \$20,000. The VR counselor applies the \$5,000 in comparable benefits, with a remaining unmet need of \$15,000. The student is offered a subsidized loan of \$5,000, which they take, and they also take an unsubsidized loan of \$5,000. Because the student is an SSI recipient any loans they take are not considered in determining DBVI's sponsorship. The VR counselor can only deduct the comparable benefits in this case (\$5,000), so DBVI sponsorship would be \$15,000.*

- g. 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 VR counselor must counsel the student that work-study is a comparable benefit. The VR Counselor must also counsel the student that other work-based experiences (such as unpaid or paid work experiences) in which the student could participate would not impact DBVI sponsorship.
- h. Title IV of the Higher Education Act states that in order to receive a grant, loan, or any work assistance, a student must not owe a refund on funds previously received or be in default on any Federal student loan ([20 U.S.C. Section 1091 \(a\) \(3\)](#)). There may be occasions when it would be a true hardship for a student to repay the loan. Students who default on any Federal student loans are required to clear their default status prior to DBVI sponsorship of academic programs unless an undue hardship can be documented by the student and the VR Counselor obtains approval from the Director of Vocational Rehabilitation and Workforce Services. An "undue hardship" is defined as a student who has limited or no financial resources available and cannot work out a satisfactory repayment agreement with the lender. In this instance, VR assistance may be appropriate. Examples of "undue hardships" may be situations where the individual's disability or other medical issues have impacted the individual's ability to earn sufficient income to pay the loan back. The VR counselor must document the approval by the Director of Vocational Rehabilitation and Workforce Services in the case narrative.
- i. VR Counselors must document the student's application for and acceptance of all comparable benefits.
- j. 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.

NOTE: Schools may refer to the Virginia Tuition Assistance Grant (VTAG) in various ways other than specifically as VTAG. The link below provides a list of schools eligible for VTAG. Check with the specific school to determine if the VTAG is available for students and how they refer to it at that specific school

(<http://www.schev.edu/docs/default-source/tuition-aid-section/financial-aid/vtagfactsheet.pdf?sfvrsn=4>)

- k. 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.
- l. 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.
- m. A 529 plan is a tax-advantaged investment vehicle which is designed to encourage saving for the future higher education expenses of a designated beneficiary. A number of states offer 529 plans, including Virginia ([Virginia 529](#)). Investment funds from a 529 plan may only be used for educational purposes. Most public and private colleges and universities as well as most vocational, technical and graduate schools accept 529 plan funds. Funds from a 529 plan may be used for higher education purposes anywhere in the country; that is, a beneficiary who has a Virginia 529 plan may apply those funds for higher education outside of Virginia. Likewise, funds from a 529 plan outside of Virginia may be used at a Virginia school. DBVI does not consider funds from a 529 plan as a comparable benefit.
- n. 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.
- o. 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/>.

## A. Scope of Services

Individuals who have an approved IPE requiring the service of college or university training may be required to participate in the cost of services. The VR counselor, through the informed choice process, should ensure that while students may attend the college/university of their choice, the maximum amount that DBVI will sponsor may not cover all of the associated costs for that school and that other sources of funding may be required.

**Guidance:** *Per Federal VR regulations, the VR counselor must consider all possible comparable benefits as a first step in determining DBVI's level of post-secondary school sponsorship. However, the student may also have access to numerous other funding options to assist with costs associated with college. While the VR counselor must require the student to utilize any comparable benefits first, the student may also choose to access funds from a variety of sources such as grants, scholarships, student and/or parent loans, trust funds, and the like. While all are not considered to be comparable benefits (such as loans), if these funds are used to contribute to the cost of attendance they may impact DBVI's sponsorship. The VR counselor must work with the student and/or family to ensure DBVI is not authorizing funds unnecessarily and leading to an over-award situation.*

### 1. Tuition.

- a. For public, in-state colleges and universities, the VR counselor, after considering comparable benefits and the student's EFC, will use the COA as established by the university or college and provided on the SAR for the purpose of determining agency sponsorship for tuition. The VR counselor will be responsible for determining the correct amount of tuition to be authorized. In order to continue to receive academic sponsorship from DBVI, students must demonstrate their good academic (minimum grade-point average of 2.0 for undergraduate; 3.0 for graduate school) by providing their VR Counselor with a copy of their grades at the end of each semester and by demonstrating satisfactory progress towards achieving their vocational goal (i.e., active ongoing communication and planning with the VR counselor; participating in vocational activities such as paid and/or unpaid /work experiences per their IPE, etc.).
- b. For private and out-of-state colleges and universities, the VR counselor must use the COA established for the public, in-state school closest to the school the student is attending. Where there is appropriate justification that attending a private or out-of-state school is necessary to support the individual's vocational goal, the VR counselor may sponsor the established tuition rate per the COA for the private or out-of-state college or university. Justification could include reasons related to the individual's disability, that the degree program to support the individual's goal is only available at the private or out-of-state school, or other relevant rationale. Students will be responsible for any remaining cost of tuition after the

maximum tuition allowances have been paid by DBVI. The VR counselor will be responsible for determining the correct amount of tuition to be authorized. In order to continue to receive academic sponsorship from DBVI, students must demonstrate good academic standing (minimum grade-point average of 2.0; 3.0 for graduate school) by providing to their VR Counselor a copy of their grades at the end of each semester and by demonstrating satisfactory progress towards achieving their vocational goal (i.e., active ongoing communication and planning with the VR counselor; participating in vocational activities such as paid and/or unpaid/work experiences per their IPE, etc.).

**Guidance:** *The VR counselor can sponsor the full tuition for students attending Virginia public schools after subtracting any comparable benefits (such as Pell Grants, scholarships, etc.) and after consideration of the individual's EFC. For students who have elected to attend a Virginia private school or who have elected to go to an out-of-state school, the VR counselor shall follow the policies previously stated. In all cases where the private or out of state school tuition is less than the Virginia public school DBVI will sponsor the lesser cost.*

*Students who have been approved by the VR counselor to attend a Virginia private school or an out of state school will have those tuition costs fully funded (per the school's established COA minus comparable benefits and after considering the EFC. Justification for either could be (but not limited to) disability related or factors (such as specialized disability support services at the school), the school program required to meet the student's vocational goal is not available at a Virginia public school, or any other factors the VR counselor believes is appropriate justification. The VR counselor will consult with the Regional Manager prior to approving a private Virginia school or an out of state school.*

*Example 1: Student has a vocational goal of teacher. Multiple public Virginia schools offer both undergraduate and graduate degrees that would support this goal. However, the individual chooses to go to Liberty University, a private school. The VR counselor would pay the tuition of the closest public Virginia school.*

*Example 2: Student has a vocational goal in which the degree that is required is not available at any of Virginia's public or private schools. The student elects an out of state school which does have the necessary academic program. The VR counselor will sponsor the full tuition costs for that out of state school.*

2. **Mandatory Fees:** Colleges and Universities typically charge mandatory fees in addition to tuition. In all cases where DBVI is sponsoring college, DBVI will pay the established fees for that school. For example, a student elects to attend a Virginia public school, the VR counselor would pay the fees associated with that school. Should the student elect to attend a private or out of state school, the VR counselor will pay tuition consistent policy but will also pay the fees established by the private or out of state institution.

3. Housing: If a student elects to live on campus at a state college/university (outside their community of residence), after determining comparable benefits and considering the student's EFC, DBVI will sponsor housing costs per the school's established COA. The VR counselor may pay a higher housing rate if there is appropriate justification, such as disability specific reasons, the student requires a personal care attendant while attending school, technology needs, or similar rationale. If the student elects to live off-campus (where on-campus housing is available), DBVI will sponsor housing costs per the school's established COA for on-campus housing or at the community rate, whichever is less.

If the student elects to attend a private college or an out-of-state school, after determining comparable benefits and considering the EFC, DBVI will sponsor housing at the established COA for the Virginia public school closest to the school the student is attending. If the student elects to live in off-campus housing, the amount provided for rent would not be in excess of the established COA housing rate of the closest state-supported institution. For students who are approved to attend a private or out-of-state school the established housing rate per the school's COA may be sponsored by the VR counselor.

When a student has to obtain off-campus housing because on-campus housing is not available, after determining comparable benefits and considering the EFC, DBVI will sponsor the community rate starting payment at the beginning of the month that the semester starts and through the remainder of the month in which a semester ends. All other maintenance cost such as meals and incidentals will be sponsored only during the dates in which the college is actually in session. See [Chapter 11.4, Maintenance](#), as well as guidance at the end of this section for more information.

Community rate is defined as an average cost of housing for the community in and around the school. This would typically be the rate for a one bedroom apartment. The VR counselor (or the student) should survey the rates in that community (minimum of 3) to determine the appropriate community rate.

DBVI will not sponsor housing and maintenance for a student attending college in his/her community of residence unless there are justifiable factors requiring the individual to live on campus or in off-campus housing. Factors to be considered could include the student being unable to access a local transportation option or the transportation option causes undue hardship for the student (e.g., a student who lives in an area where para-transit is unreliable or unavailable or the bus route takes an inordinate amount of time). Disability factors should be considered as well. In all circumstances, Regional Manager approval is required for students to reside on campus when the college of their choice is in their home community. Housing costs for

students attending summer school may be sponsored by the VR counselor only if the student has been approved to attend by the Regional Manager. Housing costs will not be sponsored for students attending a school within their community of residence unless justified and approved by the Regional Manager. Students who live off-campus because on-campus housing is not available will be sponsored at the community rate, with payments starting at the beginning of the month the summer session starts and through the remainder of the month that the summer session ends. Students who choose to live off-campus for the summer, where summer housing through the school is available, will be sponsored at the school COA for summer housing.

4. Meals: DBVI will not sponsor meals if the student elects to attend a school in their community of residence unless meal sponsorship is justified by factors noted in section B.3. Community of Residence in this chapter. In that case, DBVI will pay for a meal plan consistent with the established COA for the school the student is attending. For a student who is approved to attend a state college/university (outside their community of residence), after determining comparable benefits and considering the student's EFC, DBVI will sponsor meal plans per the established COA for the school the student is attending.

For students who elect to attend a private school or out-of-state institution (not justified by academic program, disability, or other relevant factors), DBVI will pay the meal rate as established per the COA for the Virginia public college/university closest to the private in-state school that the student is attending.

The VR counselor may approve a meal plan for a student that is of higher cost than the established COA rate for the school if justified. See Guidance below.

**Guidance:** *Factors that could justify a higher cost meal plan (more meals per week) could include dietary restrictions, disability issues (such as diabetes, etc.) and other relevant issues. For example, the student may live off-campus but have limited access to transportation to purchase food for meal preparation, thus requiring a meal plan more consistent with a student who is living on-campus. A student with diabetes will have dietary restrictions as well as a need to eat more frequently to maintain blood sugar levels; thus a plan allowing for more meals per week may be justifiable.*

5. Transportation: The VR counselor may provide transportation to individuals, using the most inexpensive means available, from home to school and return at the beginning of the semester, at the completion of a semester, for school breaks and for holiday periods (generally costs for 3 round trips per semester). When necessary, DBVI will pay either local bus fare from the student's residence to and from classes or its equivalent if riding with someone else. Where public transportation is unavailable the VR Counselor may sponsor transportation up to

the highest state mileage rate. No cab fares will be provided except under unusual and exceptional circumstances which must be documented in the student's VR case file. Other exceptions must be approved and documented by the Regional Manager.

6. **Reader Service:** Reader services may be provided by DBVI utilizing the established hourly rate. The student and VR Counselor must first determine whether or not the college provides reader services. The results must be documented on the IPE under the Comparable Benefits section. It is not necessary to get written notification from the college when it does not provide reader services. The maximum amount authorized is 400 hours an academic year for full-time students. The maximum for a summer session is 150 hours. Reader service assistance will be prorated if fewer hours are carried than those considered full-time. Graduate school students may need additional hours. The VR Counselor must document the justification for authorizing additional hours in the students VR case file. See [Chapter 17.1, Tuition, Fees and Other Allowances](#), for current rates.
7. **Books and Supplies:** DBVI has established a maximum amount for books and supplies per semester and summer session. The VR counselor must use the actual cost for books and supplies if less than the maximum amount. However, this amount can be supplemented if needed but must be documented in the case file with justification as to why additional funds were needed. See [Chapter 17.1, Tuition, Fees and Other Allowances](#), for current maximums.
8. **Computers:** Because the vast majority of computers used by individual' participating in post-secondary training will be purchased with assistive technology or will have assistive technology installed, DBVI has determined that the cost of the computer and associated AT components will be treated as a disability related cost. The VR counselor will not include the cost of a computer as an educational expense but will include it with any other disability related service costs (such as reader services, interpreting, etc.).
9. **Incidental Allowance:** Personal incidentals or other miscellaneous costs will be sponsored only for those students who must leave their home area for college training. Incidental costs are only those costs that are related to the individual's participation in the VR program. Routine, non-VR related costs such as clothing (other than required by the school), toiletries, etc. that would be incurred by the individual whether or not they were participating in the VR program will not be sponsored by the VR counselor. See [Chapter 17.1, Tuition, Fees and Other Allowances](#), for current allowances.
10. **Equipment:** Necessary equipment may be purchased to allow the students to participate in the college program. See [Chapter 11.5, Occupational Licenses, Tools and Equipment](#), for additional information regarding equipment and



[Chapter 11, Other Goods and Services](#), for information related to equipment (not adaptive) or assistive technology/adaptive equipment.

11. Remedial/Developmental Courses: Remedial/developmental college courses may be provided if the course is required by the college or it is needed to assist the student to upgrade his/her academic skills in order to continue in an approved college curriculum. The VR counselor will consult with the Regional Manager before approving remedial or development courses. NOTE: the VR counselor may sponsor the student's participation in a remedial or developmental course as an assessment to determine if college is a feasible consideration for the student.
12. Out-of-State Colleges: For DBVI to sponsor a student to attend a college outside of the State of Virginia the VR counselor must insure that the college is on the Out-of-State Approved College List (See DARS Training and Facilities Manual, Volume III). If the college does not appear on this list, the counselor must submit a request to the Director of Vocational Rehabilitation and Workforce Services, who will determine if the school is properly accredited and will submit to DARS to be added to the approved list.

**Guidance:** *Maintenance costs associated with the student's participation in college (housing, transportation, meals, etc.) will only be provided to the extent that these costs are directly related to the individual's participation in VR services. Routine, everyday living expenses are incurred by the student regardless of their participation in the VR program will not be sponsored by VR funds. For example, clothing, toiletries, and other routine everyday costs unrelated to the student's participation in the VR program would not be sponsored. Clothing required for the student to participate in a training program (work boots, for example) could be sponsored by the VR counselor. Consultation with the Regional Manager is recommended if it is unclear whether certain maintenance costs should be provided by DBVI.*

*Additionally, DBVI may provide Services to Families in some specific situations when services are required in order for the eligible individual to participate in VR services. For example, an individual who is married with children may need to relocate in order to attend college. In that situation, the family would likely move with the individual and so there may be costs associated with the individual's participation in VR services (e.g., day care for children, rental deposits, higher housing costs, etc.). Regional Manager approval is required prior to the authorization of any services to families and consultation with the Director of Vocational Rehabilitation and Workforce Services is strongly encouraged.*

## **B. Maximum Allowances for Students to Attend Professional School**

Professional school generally refers to the following areas:

1. Law school
2. Schools of Medicine

3. Dentistry
4. Pharmacy

Regional Manager approval is required for sponsorship of post-graduate school; approval by the Director of Vocational Rehabilitation and Workforce Services is additionally required for sponsorship of professional schools. The VR Counselor and Regional Manager must justify support for funding a student at a professional school per the [post-graduate school policies in this chapter](#).

- C. **Veterinary Medicine:** Virginia Tech is the only Virginia school with this program. For the most current and up-to-date information visit the website [www.bursar.vt.edu](http://www.bursar.vt.edu).

**D. DBVI VR Counselor case management for Students in College**

Students who are attending college, vocational training or specialized secondary school training will be served by the VR counselor in their home communities. The VR counselor in the home community will coordinate all services, including those that may need to be provided onsite wherever the student is participating. See the [General Memorandum DS-GM-10-08](#) (August 16, 2010) for more information.

**E. Terms and Conditions (DBVI-04-037)**

DBVI requires that students agree to and sign the [Terms and Conditions for DBVI Sponsored College Students \(DBVI-04-037A\)](#) in order to receive DBVI sponsorship for college/university training. DBVI also requires that the VR Counselor review the Terms and Conditions with the student annually and that the student and the VR Counselor sign off on the form annually. When necessary, the student's parent/guardian must sign the form annually as well. The Terms and Conditions form must be returned to the VR Counselor no later than 30 days prior to the beginning of the academic year. The VR Counselor must document the review and acquisition of signatures and maintain the annual original in the student's case file. Failure to comply with the terms and conditions as set forth in the form will constitute grounds for termination of college financial sponsorship by DBVI.

**F. Dual Enrollment**

The Virginia Community College System (VCCS), through their Dual Enrollment program, offers high school students the opportunity to enroll in college coursework while still in High School. Courses are taught by full or part-time faculty who meet VCCS credentialing requirements and credit for dual enrollment course is generally accepted at all Virginia private and public colleges. Students must meet the Dual Enrollment eligibility criteria, which can be found at the [VCCS](#) site. Tuition is charged at the same rate as for any other Virginia resident attending a community college. However, the student may have some or all of the tuition paid for by the public school system, depending on the locality. Generally the student is responsible for any college fees separate from tuition.

The VR counselor will initiate planning with students who are enrolled in the Dual Enrollment program in the same way they would plan for any other high school student for whom college is being considered. Prior to consideration of sponsorship of any portion of the tuition costs the VR Counselor must ensure that student has an IPE with a vocational goal that requires college in order to meet that goal.

Where tuition is fully funded by the local school system, the VR counselor shall not sponsor any tuition costs because the school system is a comparable benefit in this instance. However, the VR counselor may consider sponsorship for that portion of tuition not otherwise funded and for any college fees the student is required to pay. Dual enrollment students are not considered to be “regular students” as defined by the Department of Education and, as such, are ineligible for federal financial aid. Therefore, college funding policies, including cost participation for students in college, do not apply. The VR counselor shall apply DBVI’s cost participation policy, using the VR Financial Participation in Cost Services Form, and other applicable sponsorship policies regarding sponsorship of any dual enrollment expenses.

The VR counselor must contact the appropriate [VCCS Dual Enrollment contact](#) for more specific information on the Dual Enrollment program for that locality.

### **G. Comprehensive Transition and Post-Secondary Programs (CTP)**

A **comprehensive transition and post-secondary program (CTP)** is offered by a college or career school and approved by the U.S. Department of Education. The program is designed to support students with intellectual disabilities who want to continue academic, career, and independent living instruction to prepare for gainful employment.

Per the U.S. Department of Education, a CTP program for students with intellectual disabilities means a degree, certificate, or non-degree program that:

- is offered by a college or career school and approved by the U.S. Department of Education;
- is designed to support students with intellectual disabilities who want to continue academic, career, and independent living instruction to prepare for gainful employment;
- offers academic advising and a structured curriculum; and
- requires students with intellectual disabilities to participate, for at least half of the program, in
  - regular enrollment in credit-bearing courses with nondisabled students,
  - auditing or participating (with nondisabled students) in courses for which the student does not receive regular academic credit,
  - enrollment in noncredit-bearing, non-degree courses with nondisabled students, or

- internships or work-based training with nondisabled individuals.

### **Students with Intellectual Disabilities**

Students with intellectual disabilities are those who have cognitive disabilities and received special education in secondary school. Examples of intellectual disabilities can include: Down syndrome, autism and developmental disabilities.

### **Students with Intellectual Disabilities and Financial Aid**

Students with intellectual disabilities may receive federal financial aid if they:

- are enrolled or accepted for enrollment in a comprehensive transition and postsecondary (CTP) program for students with intellectual disabilities at an institution of higher education (a college or career school) that participates in the federal student aid programs;
- are maintaining satisfactory academic progress; and
- meet the basic federal student aid eligibility requirements, except that they are not required to have a high school diploma or GED and are not required to be pursuing a degree or certificate.

### **DBVI Sponsorship of CTP Programs**

Individuals with intellectual disabilities may be eligible for DBVI VR services if they are blind, deafblind, or have a vision impairment and meet VR eligibility criteria. The individual may also be eligible for VR services through the Virginia Department for Aging and Rehabilitative Services (DARS). Per DBVI VR policy (Chapter 1.3: Reciprocal Services between Virginia Vocational Rehabilitation Agencies), "DBVI shall refer to DARS, all individuals who have a disability other than blindness, vision impairment, or Deaf Blindness that results in substantial impediment to competitive integrated employment, including students and youth with disabilities and those students who may be potentially eligible."

If the individual is eligible for VR services with DBVI and DARS, the VR counselor shall follow applicable VR policy regarding jointly serving individuals between the two VR agencies. Sponsorship of any expenses associated with a CTP program must be reviewed and approved by the Regional Manager and by the Director of Vocational Rehabilitation and Workforce Services.

## **H. 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.). However, the VR counselor would only include in the individual's IPE those planned services and costs for each year.

## **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.

The “Factors to consider prior to sponsoring post-secondary education or training” in the beginning of this chapter should be reviewed by the VR counselor prior to sponsoring an individual in post-secondary training.

The counselor will ensure that the training services are only provided by approved vendors. Purchase of vocational and other training services will be based on financial need. Vocational and/or other training services must be consistent with the individual’s vocational goal established on the IPE. The VR counselor should not expend VR funds for training or training services for any post-secondary training program unless maximum efforts have been made to secure comparable benefits. Many technical and vocational training schools participate in the federal student loan program and so the same policies apply as for students entering college. The counselor will document in the individual’s AWARE case notes that maximum efforts has been made to secure comparable benefits.

### **Training Program Implementation**

When the counselor develops the Training program, guidance and counseling is the only other substantial service required to be entered on the IPE. Job placement may be entered either at program development or at the time the individual is job ready, and placement activities that are needed have been identified.

#### **A. The Training Program**

A training program may be written when:

1. The individual's employment status is unemployed, unstable, marginal, grossly underemployed, or advancement in employment is the goal;
2. The individual to be served lacks a marketable job skill; and
3. The training has been deemed vocationally necessary (i.e., the training program is required in order for the individual to compete successfully for employment in the area of their vocational goal)
4. The individual has demonstrated potential to successfully complete the school training program and achieve employment (e.g., previous educational history, work experience and/or results of a vocational evaluation)

Training services must conform to the regulations in the DBVI and DRS Facility Manuals, Volume III (approved vendor, financial need, etc.).

### **Establishment of a New Training Vendor**

If the provider of training is not listed in the Training and Facilities Manual, approval will have to be obtained before utilizing the vendor. Provide the Director of Vocational Rehabilitation and Workforce Services the following information, in order to initiate the approval process through DARS.

1. Name and address of the service provider (vendor);
2. Name and telephone number of contact person;
3. Federal identification number (if available);
4. Fee to be charged;
5. Course/service description; and
6. Information regarding licenses, accreditation etc.
7. Rationale for request to establish the provider as a vendor (training service not available in area; expertise in training individuals who are blind or vision impaired, etc.)

The Director of Vocational Rehabilitation and Workforce Services will notify the VR counselor when the vendor has been approved.

#### **B. VR Counselor's Role**

The counselor is responsible for maintaining close contact with the individual and vendor(s) when training services are provided. Case Notes shall include date of contact and pertinent information secured by the contact(s) with a minimum of one Plan Review annually using the AWARE New Plan Review datapage. The following material will guide the counselor in assuming responsibility for training cases:

1. Determine date that services were initiated or completed in Training and record date(s) on the AWARE Plan datapage.
2. Counseling and guidance services will be provided to the individual with emphasis on satisfactory progress and completion of the training program.
3. Prior to the initiation of a training program, a report system should be considered. The progress of the individual will be reviewed by the use of the report system as established, i.e., report cards, VRCBVI progress reports, or other monthly training progress reports. The counselor must inform each individual being served that he/she is required to secure and mail a copy of his/her grades immediately following each grading period to the VR counselor.
4. When an individual is not making satisfactory progress in a training program, the counselor and individual will need to meet to discuss the lack of progress. Adjustments to the program will be made as warranted. A failure on the part of the individual being served to participate effectively with the VR counselor in reviewing their progress and/or making necessary modifications to their training program could lead to a suspension or termination of support from DBVI.
5. The VR counselor will process correct and appropriate bills from the vendor. Bills for books will be itemized and will be processed upon receipt of the bill.

6. NOTE: When bills are for tuition, maintenance, or fees provided by state-owned and operated colleges, payment will be made by use of an AWARE Vendor Authorization and the attached Interagency Transfer Invoice (IAT) submitted by the college. When a state-owned college has a privately operated bookstore, bills for books will be paid by the use of an AWARE Vendor Authorization. Private colleges and private training programs will also use the AWARE Vendor Authorization process.

#### **A. 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. The training institution selected must be on DRS's approved list (refer to DRS Training and Facilities Manual -Volume III). When a training institution must be used which is not on the approved list, approval may be granted by requesting individual consideration from the Director of Vocational Rehabilitation and Workforce Services.
3. Correspondence Study  
Vocational correspondence study is not practical in most cases. The limitations in equipment and training materials and in the opportunity to practice a skill, with prompt correction of errors by an instructor, make it difficult for an individual to satisfactorily prepare for employment by this method. When this training is used, the counselor must determine that the individual: (a) is intensely interested in the chosen field of work; (b) has the necessary aptitude based on results from standardized tests or past performance in the academic field; (c) has adequate time to devote to the study of the course; and (d) has demonstrated ability to work alone. These conditions must be documented on the AWARE Plan Review datapage. For college type of correspondence training, fees will be determined by the rate charged by the institution.

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. DBVI will pay for each lesson completed by the individual, or the institution may bill the agency at the end of a fixed period for the lessons completed during that period. Under no circumstances will payment be made in advance, but a reasonable enrollment fee may be paid, as well as any necessary charges for books and training materials at the time supplied.

Under no circumstances will the agency pay any time payment or delayed payment rate of tuition.

## **B. Training Costs**

### **1. Tuition/Course Cost**

Where the VR counselor has agreed to support a student within an approved training program (other than college) they shall sponsor the full fees established by training program after consideration of comparable benefits and the student's participation in the cost of services.

### **2. Housing Cost**

Where the VR counselor has agreed to support a student within an approved training program (other than college) that is not within the student's community of residence DBVI's maximum housing allowance will be the community rate. Justifiable factors for the VR counselor to support a training program outside of the student's community (or to support housing for a student for a program within the student's community) can be found in the college section of this policy. Consultation with the Regional Manager prior to approving housing should occur.

### **3. Meals**

Where the VR counselor has agreed to support a student within an approved training program (other than college) they may sponsor meal costs per the maximum allowances allowed by DBVI (Financial Measures chapter).

### **4. Incidentals Allowance**

Personal incidental costs may be approved by the VR counselor as appropriate per the maximum allowance found in the Financial Measures chapter.

### **5. Clothing allowance**

The VR counselor may approve clothing costs required by the training program (e.g., uniforms). Maximum allowance is found in the Financial Measures chapter.

### **6. Tools and Equipment**

Tools and equipment required by the approved training program may be purchased by the VR counselor. See the chapter Occupational Licenses, Tools, and Equipment for policy and procedure regarding purchasing tools and equipment. The VR counselor should follow agency policy to insure appropriate assessment and recommendations prior to purchasing assistive technology and/or adaptive equipment necessary to support the student in the training program.

### **7. Reader Services**

See College section in this chapter for Reader Services allowances

### **8. Transportation**



See the College section in this chapter for Transportation allowances

9. Mandatory Fees

Where the VR counselor is sponsoring a student in a training program any mandatory fees established by that program will be sponsored after consideration of comparable benefits and the student's participation in the cost of services.

10. Required Textbooks and Supplies

DBVI has a maximum amount of financial assistance for required textbooks and supplies (pencils, paper, etc.). See the chapter on Financial Measures for allowable fees.

11. Required Training Materials

Required training materials may be provided by DBVI after consideration of comparable benefits and the students participation in the cost of services.

12. High Cost Training Programs (excluding colleges/universities)

Prior to sponsoring a student in any training program or course that costs more than \$1,000 a month the VR counselor should consult with the Regional Manager. Justification for utilizing the program must be documented in an AWARE Case Note.

### **Documentation Requirements**

A. Actions Required

1. Add needed services as required to the IPE;
2. Or add substantial amendments by creating a New Plan or clone the current Plan, send IPE to individual.
3. Record appropriate information in AWARE Case Notes or on a New Plan Review datapage;
4. Complete and distribute AWARE Vendor/Direct Authorization(s) to all appropriate parties, including the individual when requested;
5. Process bills after verifying they are correct; and
6. Secure grades or progress reports as specified in the IPE.

B. In Status Over 12 Months

Cases should not remain in Training over 12 months. Exception to this is in various training programs that generally require more than one year to complete (i.e., college training, etc.).

## Chapter 9

# Supported Employment and Customized Employment

### Supported Employment (SE) Program - Definitions

*Supported Employment means* 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.

(NOTE: While the definition above includes the phrase “customized employment” this doesn’t mean that customized employment is also supported employment. Rather, it means that competitive integrated employment may include customized employment. Supported employment and Customized Employment requires the individual being served to be one who has been determined as meeting the criteria for Most Significantly Disabled (MSD). For more information regarding customized employment, see the end of this chapter).

*Extended services means 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;

In addition to the 4 criteria above, 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 within the criteria below:

5. 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 (i.e., must meet the definition of youth with a disability and has met the criteria for an individual with MSD – see Guidance below).

**Guidance:** *The VR counselor is required to identify who will be providing extended services on the IPE when supported employment services are being provided. Funding for these services in Virginia typically comes through Long-Term Extended Support Services (LTESS) which is budgeted and made available to the Employment Services Organizations (ESO's) in Virginia who provide SE services. Other funding sources include the CSB's, Medicaid or other public or private funding sources. Should no funding source be available for an individual being served through SE services, DBVI can provide extended services to a youth with a disability for up to 4 years or until they reach age 25. However, given extended services funding is typically available, the VR counselor must seek approval from the Director of Vocational Rehabilitation and Workforce Services prior to authorizing for these services.*

*Ongoing Support Services* means 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:
  - a. Any particularized assessment needed to supplement the comprehensive assessment of rehabilitation needs;
  - b. The provision of skilled job trainers who accompany the individual for intensive job skill training at the work site;
  - c. Job development and placement;

- d. Social skills training;
- e. Regular observation or supervision of the individual;
- f. 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;
- g. Facilitation of natural supports at the worksite;
- h. Any other service identified in the scope of rehabilitation services described in [34 CFR part 361](#); and
- i. Any service similar to the foregoing services.

*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 is not within 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 6 months, if the VR counselor determines that the individual is making progress towards the goal of competitive, integrated employment with Regional Manager's approval they may maintain an open case for an additional 6 months (total not to exceed 12 months) to that individual with the goal of competitive, integrated employment. If at the end of 6 months (or 12 months with approval) the individual has achieved competitive, integrated employment and has reached stability then the VR counselor should insure extended support services are in place and appropriately providing support to the individual and at 90 days from stability may close the case as Closed – Rehabilitated. However, 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)).

**Guidance:** *Supported employment requires that the individual be employed in competitive integrated employment. However, if SE service are provided for 24 months and the individual is employed in a non-competitive but integrated employment setting the VR counselor may maintain an open case on a short-term basis as they work towards competitive integrated employment. Thus, in limited circumstances, individuals in supported employment may not have achieved employment that satisfies all the criteria of "competitive integrated employment" initially since they will be earning non-competitive wages on a short-term basis. This very narrow exception is the only instance in which the statute permits that all criteria of "competitive integrated employment" need not be satisfied for an individual to achieve an employment outcome. However, even under this narrow exception, the expectation is that, after a short period of time (short-term basis-6 months), the individual will achieve competitive integrated employment in supported employment.*

*It should be noted that the individual must be employed within an integrated setting but may be compensated at non-competitive wages for this short term basis (either below minimum wage for the locality or below the prevailing wage for that position). Employment within a non-integrated setting (for example, the VIB facilities in Richmond or Charlottesville) on a short-term basis would not be consistent with this policy.*

### **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.

NOTE: See Chapter on Order of Selection and Disability Criteria for definition of Most Significant Disability

### **Transition Students and Supported Employment (SE) Services**

Transition aged students who meet the criteria for Supported Employment (SE) services may receive these services (including necessary assessments and job development services) in the final semester of their Individual Educational Program (IEP). DBVI will coordinate SE with the student, their parents as required, and the school system in which the student is enrolled as needed. If the VR counselor wishes to provide SE services prior to the final semester, Regional Manager approval is required.

### **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.

**Guidance:** *Supported Employment services can be provided for individuals who have been determined eligible for VR services and have met the criteria for Most Significantly Disabled (MSD). This includes those individuals who have been determined by the VR counselor as an individual with a most significant disability and also meet the definition of a youth with a disability (see Transition chapter for definition). Additionally, though, DBVI is required to expend 50% of its supported employment allotment for youth with disabilities who are also determined as meeting the criteria for MSD.*

### **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.

**Guidance:** *While an individual is receiving SE services it’s likely they’ll be receiving other VR services as well (rehab technology, low vision aids, tutoring services, etc.). The VR counselor should only use the federal supported*

*employment funds for those specific SE services identified above; use general case service funds for all other VR service.*

## **B. Extended Service Phase (not applicable for Job Coaching Training Services (JCTS) - see section at end of chapter)**

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.

Extended services funding for ongoing support is available from several sources:

1. DBVI does have some limited State General Funds (cost code 454) which are used for expenditures related to the purchase of ongoing support services.
2. Some individuals may have been approved for Medicaid Waiver funding through the local Community Services Board (CSB) which can be used for extended services funding.
3. Each ESO in Virginia has budgeted Long Term Extended Services Support funds (LTESS) which can be used. Under certain circumstances, federal Supported Employment funds may be used if approved for youth with disabilities who meet the eligibility definition for SE services. (See Transition chapter regarding Extended Services for Youth with Disabilities for more information).

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. The VR counselor should authorize enough hours to allow for the extended services funding to be put into place. Once the funding for extended services is in place, the ESO job coach will provide the necessary ongoing support services (see ongoing support services above). Note through ongoing support services the job coach should have a minimum of two monthly follow-up meetings on or off the individual's job site as determined in consultation with the individual being served. The purpose of follow-along services is to promote job retention and maintain employment stability and to monitor, coordinate and provide the services needed for the individual to maintain employment.

## **Supported Employment Policy and Procedure**

### **A. Referral and Eligibility Determination**



Individuals referred for VR services for whom supported employment may be indicated should go through the normal eligibility process. For those individuals determined to be eligible for VR services and have met the criteria for Most Significantly Disabled (MSD), the VR counselor should determine with the individual, through an informed choice process and throughout the development of their Individualized Plan for Employment (IPE) if supported employment services, or customized employment services, may be necessary.

Individuals who have been determined eligible following Trial Work Experiences will likely require supported employment services to become successfully employed. As well, those individuals with most significant disabilities who have little or no work experience, intermittent employment experience due to the severity of their disability, intensive and individualized job development, placement and training once employed, and/or those who will require ongoing support services following employment should be strongly considered for SE services.

### **B. Comprehensive Assessment of Rehabilitation Needs**

The VR counselor should consider information obtained through the referral and eligibility determination process in order to determine:

1. If supported employment services are appropriate and necessary; and
2. The nature and scope of the supported employment services

Should additional assessment information be required (which is typically the case), the VR counselor should utilize other assessment process, particularly Situational Assessment, in order to gather the necessary information prior to initiating SE services. In addition to situational assessment, other assessment and evaluation services such be considered such as vocational evaluation, rehabilitation technology, low vision and any other necessary assessments prior to initiating SE services. The VR counselor should insure that prior to implementing any situational assessments or other SE services that these areas have been addressed such that the individual can effectively participate in those services. For example, an individual who requires low vision aids should be assessed and those aids should be provided such that they can make effective use of SE services. It's strongly recommended that prior to initiating supported employment services that benefits counseling be considered if the individual is receiving benefits.

**Guidance:** *It's strongly recommended that the VR counselor consult with the Business Relations Specialist prior to initiating a supported employment program. They can be an asset to the assessment process as well as throughout SE services. They can provide information regarding labor market information, provide consultation to the counselor regarding the individual's work skills and deficits, as well as provide consultation to the counselor as they develop the individual's vocational goal. They can also assist in identifying potential employment sites for situational assessments as well as for*

*employment itself. Additionally, through the staffing process the Business Relations specialist can assist the VR counselor in determining if SE services are necessary and appropriate (can the individual be served by the Business Relations Specialist or is SE a necessary service?) and to the degree they can participate in the provision of those services (e.g., business development).*

**Guidance:** *During this assessment process, the VR counselor should insure that any work readiness or career development needs have been identified and a plan has been developed to address those issues. While SE services, and the supports they provide, may be the most appropriate service for an individual with a most significant disability, there may be a need to provide complementary services (e.g., low vision, O & M and rehabilitation technology services) prior to or concurrent with SE services and/or there may be a need to provide services to address other work readiness needs prior to SE services. For example, an individual who requires pre-employment services to insure they have the necessary soft skills and work habits to be successful on the job is not a candidate for SE services until those services have been provided.*

### **Situational Assessment**

In a Situational Assessment (SA) the individual is provided the opportunity to work within a community based competitive integrated setting for the purpose of completing a variety of work tasks. The ESO employment specialist or job coach oversees the work and observes the individual's work performance (productivity, quality of work, following directions, etc.) as well as behavioral observations (on-task behavior, interpersonal interactions, etc.).

The situational assessment is established by the ESO employment specialist in consultation with the individual being served and the VR counselor. The assessment site should ideally be an employment site within the community and should be a competitive integrated site. In some cases, the SA may be provided in a site that is not as competitive integrated site but to the maximum extent possible the site should be a competitive integrated site. Situational assessments can be provided prior to the development of the IPE and should be completed at that point where the SA is a key element of determining an appropriate vocational goal. However, SA services can also be provided if the individual is in Service status. Federal SE funds should be used to sponsor the situational assessment.

Situational assessments may involve one or more sites in the community depending on the needs of the individual. For example, an individual who is unsure of their employment goal may be assessed within more than one setting to provide them with an opportunity to make a more informed choice as to their vocational goal.

The primary purpose of the SA is to allow the employment specialist and the individual being served to gather necessary information to be used by the VR counselor and the individual in developing and implementing an IPE with SE as a primary service. That is, what are the specific work skills, aptitudes and other strengths the individual has and

what are the specific disability related areas that SE services will need to address. The information to be gathered should include:

1. Key barriers to employment that SE services may need to address
2. The specific types and level of support required
3. Determining the feasibility for SE services
4. Job duty restrictions and possible job modifications that will be necessary
5. Information to assist in identifying a realistic and appropriate vocational goal
6. The need for rehabilitation technology and/or accommodations
7. Work productivity and work behaviors
8. Ability to learn new tasks and/or maintain that learning over time
9. Work tolerance, including maintaining productivity over an extended period of time as well as lifting, standing, stooping, etc. tolerances
10. Work behaviors related to response to supervision, interaction with coworkers, etc.
11. Transportation needs
12. Communication skills (both expressive and receptive)

The VR counselor should consult with the employment services specialist to determine the number of recommended assessment hours for the individual needing a situational assessment. Situational assessments generally average between 12 and 16 hours but may be extended based on the individual's unique needs, including if multiple SA sites are going to be established. Following the SA, the employment services specialist should provide to the VR counselor a written situational assessment report

### **C. Supported Employment Individualized Plan for Employment**

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

1. Identify "Supported Employment" (check the box) under the plan type on the AWARE Plan datapage;
2. Specify the supported employment services to be provided by the VR counselor;
3. Specify the expected extended services needed, which may include natural supports;
4. Identify the source of extended services or, to the extent that it is not possible to identify the source of extended services at the time the IPE is developed, include a description of the basis for concluding that there is a reasonable expectation that those sources will become available;
5. Provide for periodic monitoring to ensure that the individual is making satisfactory progress toward meeting the weekly work requirement established in the IPE by the time of transition to extended services;
6. Provide for the coordination of services provided under the IPE; if the individual is still in a secondary school, evidence that the IPE is coordinated with the IEP and relevant school staff.

7. To the extent that job skills training is provided, identify that the training will be provided on site; and
8. Include placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of individuals with the most significant disabilities.

NOTE: Federal regulations require that the VR counselor provide assurance that on-going support services will be provided in a supported employment case on the IPE. When the counselor prints out the signature page of the IPE that page will include a section for the counselor to note that extended services will be required and the counselor should indicate (if known) who the provider will be.

**Guidance:** *If at the time of IPE development the VR counselor does not know who the extended services provider will be, the counselor should note "Provider TBD" (to be determined) and note "DBVI SE Follow-along funding" (which will become the backup option if no other source is found). If the VR counselor does intend at plan development to utilize DBVI's extended services funds (or at any point it's determined that DBVI's funds will need to be utilized), the VR counselor should notify the Director of Vocational Rehabilitation and Workforce Services to insure funds will be available before SE services are initiated.*

#### D. Supported Employment Implementation of Services

##### Informed Choice

Prior to initiating SE services, the VR counselor and the individual being served (or their representative, as appropriate) must choose an Employment Services Organization (ESO) vendor who will provide the services. The VR counselor shall insure that the decision as to which vendor will be chosen is provided through an informed choice process. Information regarding vendors should be provided in an appropriate format and through the individual's preferred communication mode and should include the vendor's experience in working with various disabilities, success rate, and any other factors that may assist in the decision making process. Allowing the individual the opportunity to meet and interview vendors is one way to insure informed choice has been provided.

NOTE: For more information related to informed choice and preferred communication mode, see the **Informed Choice** chapter in the manual.

##### Role of the VR Counselor

The VR counselor has a critical role in the provision of SE services. While SE services are directly provided by the ESO employment services specialist, the VR counselor has responsibility for ongoing guidance and counseling with the individuals being served as well as the coordination of SE services.

## **VR Counselor Role with Employment Specialist**

Supported employment services cannot be successful without an effective working relationship between the individual being served, the VR counselor and the employment specialist. In particular, the VR counselor and the employment specialist must communicate on an ongoing basis regarding the progress of SE services as well as additional services the individual may require.

The VR counselor has primary responsibility for providing the necessary funding of SE job development and Placement and Training services leading to employment, job site training and employment stability. The counselor should communicate regularly with the employment services specialist to receive updates regarding the progression of services, any barriers or issues, the participation of the individual being served, and to insure the provision of any complementary VR services (e.g., transportation, low vision aids, rehabilitation technology, etc.).

The VR counselor should maintain on going communication with the employment services specialist and the individual being served throughout the process of services. Should issues arise during the provision of SE services, the VR counselor should meet with the employment services specialist, the individual being served, family, and others relevant to the case to insure an effective plan of action is in place.

**Guidance:** *Throughout the SE process, the VR counselor should maintain an ongoing guidance and counseling relationship with the individual, outside and in addition to any meetings involving the employment services specialist. Too often in the SE process the VR counselor will allow the employment services specialist to become the surrogate counselor and the relationship between the individual being served and the VR counselor can be lost. In addition, the counselor should make every effort to visit the individual on the job to ensure that services are appropriate and that the individual and employer are satisfied.*

## **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.

In some cases, the VR counselor may initially use JCTS funds to provide services and then determine that supported employment is necessary. In those cases, the VR counselor should document the need for SE in AWARE and authorize under SE funds

as well as insure that extended support services will be available. Justification for the need for SE services should be clearly documented in AWARE.

Job Coach Training Services can be provided to individuals who have not met the criteria for Most Significantly Disabled (MSD) as SE services requires. However, it's strongly recommended that prior to providing JCTS services the VR counselor consult with the Business Relations Specialist.

The VR Counselor should refer to the previous policies regarding supported employment when providing JCTS. However, as noted there will be no "handoff" to an extended services provider for ongoing supports. As such, an extended services provider is not required on the IPE, the case will not be noted as SE in AWARE, and general VR case service funds must be used versus SE funds.

### **Supported Employment (SE) and Job Coaching Training Services (JCTS) Authorization Procedures**

The VR counselor must provide the employment services specialist with written authorization in order to provide services. No JCTS or SE services can be provided without written authorization. Authorizations should be provided on a monthly cycle such that a new authorization is created at the beginning of each month. The employment services specialist should provide a written report and invoice for services provided during the previous month.

The number of hours for SE or JCTS per month will vary from individual to individual. However, in general authorizations should fall within the guidelines below:

1. Situational Assessment: 12 to 16 hours (may be more depending on number of assessment sites)
2. Job Development: 10 to 15 hours for initial month with monitoring of how the hours are utilized. Generally 10 hours per month after that. The VR counselor should consult with the Regional Manager once job development services have been provided without success for a period of 90 days.
3. Placement and Training: Hours to be authorized are individualized and specific to job site needs as well. In some cases, the employment services specialist may require 40 hours of support for the first week or two (for full-time employment). When the number of hours authorized has reached 150 hours the VR counselor should consult with the Regional Manager.
4. Supported Employment funds should be used for SE services whenever those funds are available; general case service (VR) funds should be used for any other VR services (including JCTS) and may be used for SE services when supported employment funds are no longer available.

NOTE: The VR counselor must ensure they are using the appropriate Service Item (S/I) Code whether providing Job Coaching Training Services (JCTS) or Supported Employment (SE) services. The S/I code for Situational Assessment will be the same

for either JCTS or as part of a supported employment program. For individuals receiving job development services as part of a supported employment program, the counselor must use the appropriate SE Job Development S/I code, "Supported Employment Job Development", and will use "JCTS Job Development" services for a non-supported employment program. The proper code should be included on the IPE and used at authorization. If the VR counselor determines follow-along supports will be required after the IPE was developed and services implemented, they must revise the IPE to reflect SE services and use the appropriate SI code for SE services both on the plan and authorization.

### **SE and JCTS authorization monthly process**

Note: If the VR counselor is authorizing supported employment services using Title VI (SE) funds, the date of the authorization must be at or after the Employment Start date found in AWARE.

1. A determination is made to provide job coaching services (either SE or JCTS). The VR counselor will determine with the individual being served and the employment services specialist on how many hours to be provided via an initial authorization for services.
2. The VR counselor should receive requests for necessary SE or JCTS hours each month by the 25<sup>th</sup> of each month (request for authorization of services). The request must be in writing and can be communicated via email.
3. The request for authorization should include a brief summary of services provided, a request for any additional hours to provide services along with a brief justification of the hours requested.
4. The VR counselor shall respond in writing to the request (which can be by email but must be in writing – no verbal authorizations are permitted) and provide an authorization for services by the first the month.
5. The employment services specialist should provide a written report for services provided and hours used to the VR counselor no later than the 10<sup>th</sup> of the month.
6. Any unused hours from the previous authorization should be cancelled.
7. If in reviewing the monthly report the VR counselor has any concerns or questions regarding the progress of services they should communicate with the employment services specialist as soon as possible with plans initiated to address any issues.

### **Role of the Employment Services Specialist**

The employment services specialist is responsible for the provision of SE and JCTS services, including situational assessment (if utilized), job development, placement and training and ongoing supports following employment stability.

Job Development;

1. Identifies potential job opportunities consistent with the individual vocational goal
2. May provide assistance with travel training or coordinates with Orientation and Mobility services
3. Insures individual has an active role consistent with their abilities in job search efforts
4. Counsels them on job seeking skills. Provides assistance with resume development and completion of job applications as necessary
5. Contacts potential employers and advocates/represents individual for possible employment. Insures potential employment sites are accessible and consistent with individual's skills, experience and abilities
6. Assesses level and type of supervision and supports available at the job
7. Assesses transportation requirements and insures individual can get to job site
8. Assesses job responsibilities, production requirements, and degree of independence in the position
9. Insures work schedule, environment and hours are consistent with individual's preferences
10. Communicates regularly with VR counselor regarding service progress; requests necessary hours for services in a timely manner with appropriate justifications

#### Placement and Training;

1. Assists individual with employment interview
2. Insures appropriate job site orientation is provided as needed.
3. Assures the following criteria are addressed:
  - a. appropriateness of placement
  - b. competitive, integrated setting
  - c. hours of work consistent with vocational goal
  - d. any necessary job site accommodations in place
  - e. off-site support services (e.g., transportation, family support, etc.)
4. Provides the individual with necessary job site supports and training
5. Communicates regularly with VR counselor, providing training updates and progress towards job stability. Requests necessary hours for service in a timely manner with appropriate justification

#### **Employment Stability**

The goal of supported employment is competitive integrated employment. While supports for the individual will continue, there should be a point where employment can be determined to be stable and the support needs have leveled off. That is, support is at a "maintenance" level.



Once the individual begins their job (employment start), the VR counselor shall document the employment start date in AWARE in the Employment datapage. For supported employment programs only, the counselor must leave the stability date (Stable Date) blank until stability is achieved. The individual will then remain in service status, but with an employment start date (Service – E). When employment stability is achieved (See “Criteria for Assessment Employment Stability” below), the VR counselor will note the “Stable Date” in the Employment datapage. This will place the individual in Employed Status within AWARE and funding will shift from time limited services (provided by the VR counselor) to the extended services phase (funding provided either through DBVI state funds or other funding sources).

Stability is not defined as a point in time. Rather, stability should be seen as a period of time (generally about 30 days) during which job site intervention and supports are still being provided but have been at a consistent level for a period of time.

NOTE: For JCTS cases (no SE services), the individual must meet the criteria for employment stability in the same way as an SE case prior to placing the individual in Employed status. The case would then be closed per case closure policy and procedure following a minimum of 90 days in employed status.

### **Criteria for Assessing Employment Stability**

1. Job site supports have leveled off and are at maintenance level. For example, during the first month of employment the individual was receiving 15 to 20 hours of weekly support. However, by the end of month three for the past 30 days the number of hours of support has been 2 hours weekly.
2. The individual is satisfied with the job and the employer reports satisfaction with the individuals work.
3. Specific job task training has been completed and individual is performing job duties at an acceptable level of productivity and quality
4. Work behaviors are consistent. On task behavior is at an acceptable level with supports as needed.
5. Any necessary job accommodations, rehabilitation technology or other necessary services are in place
6. Transportation and other ancillary service needs that may affect employment have been addressed

**Guidance:** *The VR counselor, the employment services specialist and the individual being served should begin to communicate regarding job stability as soon as the individual becomes employed. Depending on the level of support the individual needs, job requirements, other factors such as transportation or rehabilitation technology, stability could occur within 60 to 90 days of employment but it could also be many months before stability is reached. The amount of support needed should not necessarily be the determining factor for stability. For example, an individual may become stable in their employment but still require a high degree of regular support. The key is the degree to which the support needs are consistent. That is, the*

*employment services specialist may still need to provide weekly support to an individual but if the timing of the support and the number of hours is consistent (and other stability criteria have been met), then employment is stable.*

**Guidance:** *If placement and training continues for a number of months and there appears to be limited progress, if any, towards job stability, the VR counselor should consider if the job site is an appropriate one for the individual. While it may be difficult to end employment and begin job development again, the VR counselor needs to appropriately assess what's in the best interests of the individual in this process.*

### **Transition to Extended Services (Not applicable to JCTS)**

Prior to transitioning to extended support services (ongoing supports), the VR counselor must insure the funding for extended employment is in place. The VR counselor should also coordinate with the employment services specialist such that there is no interruption of support services during the transition. It may be necessary for the counselor to provide funding for a transition month even if the stability criteria has been met such that the extended services funding can in place. Once extended services funding has begun, neither VR nor SE funds may be used (except as noted for youth with disabilities at the beginning of the chapter).

If either CSB funds or LTESS funds are going to be used for extended services, the CSB case manager or the employment services specialist (regarding LTESS funds) will coordinate with the VR counselor to establish the timing for when those entities will assume responsibility for funding. See section below if DBVI state funds are to be used for extended services.

### **Case Closure**

An individual's VR case cannot be closed as a SE case unless the following criteria are met:

1. The individual has been in Employed status for a minimum of 90 days;
2. The individual's employment is consistent with competitive, integrated employment;
3. The individual is receiving extended support services (ongoing support services) ; or
4. The individual has worked within an integrated, but not competitive work setting, on a short-term basis (6 to 12 months) but now is employed within a competitive, integrated setting, has been in employed status for a minimum of 90 days and is receiving extend support services.

**Guidance:** *Individuals who have received SE services and are employed within an integrated, but not competitive work setting may be closed as Closed-Other if the VR counselor does not believe they will progress such that they can achieve a competitive wage (even after a short-term basis) or if the individual requests that their case be*

*closed at that time. If the VR counselor believes they will be able to attain competitive, integrated employment with the short-term basis, then the VR case should remain open. If the individual is able to increase their wages to a competitive level within that work setting than the VR counselor should insure stable employment is attained for a minimum of 30 days once they are receiving competitive wages. At that point, they should be put in Employed status, monitored for a minimum of 90 days post stability, insure that ongoing support services are in place and close the case as Closed-Rehab.*

Prior to case closure, The VR counselor will ensure that arrangements are in place for the employment services specialist to continue regular contacts with the individual or as appropriate the individual's parents, guardians, other representatives, other professionals, and informed advisors in order to reinforce and maintain the job placement following case closure. Releases of information are required.

### **General Fund Cases Transfer at Closure in SE (only those DBVI is sponsoring in extended services)**

1. The VR counselor completes the form Supported Employment Extended Services , Memorandum of Understanding between the Department for the Blind and Vision Impaired and Vendor of Supported Employment, has it signed by the ESO, and sends (or has it scanned and emailed) to the Director of Vocational Rehabilitation and Workforce Services (copy to DBVI HQ administrative staff) for review, approval and signature
2. Once the Director of Vocational Rehabilitation and Workforce Services approves the MOU, the administrative staff at DBVI HQ will submit the signed MOU to the ESO vendor and request information regarding hours that need to be authorized for a quarterly authorization.
3. When the ESO vendor provides administrative staff with the hours that are required, that information is provided to the Director of Vocational Rehabilitation and Workforce Services for review and approval. At that point the signed authorization is sent to the vendor.

NOTE: This initial authorization for extended services shall not exceed a six-month period and must never extend beyond the last day of the State fiscal year.

4. DBVI is invoiced by the ESO vendor and administrative staff reviews the invoice for accuracy and hours used to insure they are within the authorized amount. At that point the invoice is submitted to the Director of Vocational Rehabilitation and Workforce Services for review and approval.
5. Once approved, the invoice is submitted to fiscal for payment processing.
6. When the individual is ready to be closed in Closed Rehabilitated Status in AWARE, the VR counselor will email the Director of Vocational Rehabilitation and Workforce Services to inform them. Subsequent authorizations for extended support services will be issued by the VR administrative support

- staff on behalf of the Director of Vocational Rehabilitation and Workforce Services who will become the case manager of record for the individual.
7. The VR counselor should complete necessary closure documentation in AWARE. (Note: the extended services charged to General Funds (454) do not have to be entered on the IPE but must be documented in an AWARE case note).
  8. After successful case closure in AWARE, the VR counselor notifies the ESO vendor that bills and the corresponding monthly reports for extended services must be submitted to the Director of Vocational Rehabilitation and Workforce Services and the VR administrative support staff in HQ.

### **Memorandum of Understanding (MOU)--Signature Requirements**

The commitment for funding for extended services is established by the receipt of appropriate and authorized signatures. The VR counselor will be responsible for obtaining signatures on the Supported Employment Extended Services MOU (Supported Employment Extended Services , Memorandum of Understanding between the Department for the Blind and Vision Impaired and Vendor of Supported Employment; Rev. 11/16). The Director of Vocational Rehabilitation and Workforce Services will be the signee for DBVI once they approve the use of DBVI's extended services funds. The MOU will be filed in the individual's permanent case folder and a copy sent to the Director of Vocational Rehabilitation and Workforce Services.

### **Supported Employment Documentation**

The VR counselor will document as appropriate communication between the individual, the employment services specialist and the counselor. Information justifying the rationale for using SE services should be documented in AWARE. Case coordination, planning meetings, guidance and counseling should also be documented. Employment information and information related to employment stability should be documented.

### **Situational Assessment Report**

The situational assessment report should provide information to the VR counselor that should provide an effective summary of the areas the SA was intended to address. The report should include information about the employment sites utilized, the number of hours of the assessment, information regarding productivity, work behaviors, interpersonal and communication strengths and issues as well as any other pertinent observations by the employment services specialist.

In addition to the employment services specialist's observations of the above areas, specific recommendations should be included regarding the individual's employment goal (if appropriate), the nature and intensity of job site supports that may be required, the individual's response to supports during the assessment and other information necessary for the VR counselor to develop an effective plan for to utilize SE services. Finally, the report should provide the VR counselor with a specific recommendation if SE services are necessary and appropriate for the individual as well as some gauge as

to the time frame that may be required to successfully place the individual in employment.

### **Job Development Report**

The job development report should provide the VR counselor with information related to job development activities the employment services specialist is conducting on behalf of the individual being served through supported employment. The report should document those activities such as the names and types of employers contacted, hours spent on job development activities, any job seeking skills services provided, to include resume development and applications, practice interviewing, etc. The report should also note any behavioral observations; for example, is the individual actively participating/following through with possible interviews or employer contacts as required. The report should note any ancillary issues, such as transportation issues, child care, medical or mental health concerns, etc., that are potential barriers to employment. If the individual was interviewed or hired during the month, the report should provide the VR counselor with the name and location of the employer, the hours per week they would be working, position title, work duties along with any specific requests or need for accommodations, rehabilitation technology, O & M training, need for low vision aids, etc.

The report should include any requests for additional hours along with a justification as to how those hours will be used in job development (or how hours will be used for placement and training).

### **Placement and Training Report**

The placement and training report should document the employment services specialist's job site support of the individual once employed. This would include level of intervention (as a percentage of hours worked), type of supports being provided, progress made during the month, intervention strategies, behavioral observations and any other ancillary issues relevant to or impacting employment stability.

The report should include any requests for additional hours along with a justification as to how those hours will be used for job site support. The report should also provide the VR counselor with a reasonable time frame as to a "fading" schedule; that is, how will supports be reduced over time such that employment stability is reached. The report should provide the VR counselor with the necessary information indicating employment stability has been achieved when it occurs.

## **Customized employment**

*Customized employment means* 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
  - 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.

### **Supported Employment versus Customized Employment**

1. **Assessment:** Supported Employment typically involves a review of traditional assessment reports and the use of situational assessments on various job sites in order to better assess the vocational strengths and needs of the individual prior to job development services. Customized Employment, on the other hand, involves a much more comprehensive Discovery process, with the goal of gathering more significant information about the individual through interviews and observational assessments in a variety of settings, not just employment sites.
2. **Job Development:** Supported Employment traditionally involves a demand-side approach (employer focused), meaning the job coach is pursuing employment opportunities based on business that have posted job opportunities. In Customized Employment, the individual being served is the primary focus, and

along with an extensive evaluation of the business's needs, a position is negotiated for the individual, leading to a win for the individual and the employer.

- 3. Job Training and Support:** The job coach in supported employment is responsible for providing targeted task training to the individual and ongoing support once they're stable on the job. During Customized Employment, while similar job specific training and on-going supports are part of the model, because of the extensive discovery and job negotiation process the training and support needs of the individual may not be as significant.

**Guidance:** *The term "job carving" is often used in referring to a potential element of Supported Employment services, and many will view Customized Employment as essentially just a job carving model. While there may be situations in implementing Customized Employment in which it could appear to be just an exercise in job carving, the model involves much more than that. The extensive discovery process, business assessment, and job negotiation essentially should lead to the development of a job that doesn't currently exist within the business. Job negotiation could involve "carving" tasks or elements from a current position within the business, but it equally involves other elements as well, including the work environment, interaction with coworkers or the public, the work schedule, etc.*

**Customized Employment Example:** *An individual with a Most Significant Disability due to vision loss has been unsuccessful in securing employment. Additionally, the individual has a mental health diagnosis of Anxiety, Depression and has been diagnosed as ADHD. Through the Discovery process, it's identified that the individual has a High School degree but no real work experience or specific work skills. It's also determined that they don't do well with the pressure of multiple tasks, they're not interested in having significant interaction with the public or customers, and a noisy or busy work environment is too distracting for them to stay productive. However, the individual's family notes they can be a hard worker, often assisting with house cleaning or other chores around the house, and that they love animals, particularly dogs, and will always volunteer to take the family dog out for walks.*

*The Customized Employment Specialist identifies a small veterinary office that is accessible through public transportation to the individual. In meeting with the employer and assessing the business needs, it's determined that due an increase in business, staff at the office are required to spend much more time dealing with customers, assisting the Veterinarians, answering the phone, and handling paperwork. As such, the tasks of cleaning the cages and walking the dogs has fallen off. Through negotiation, the CE Employment Specialist and the employer agree that a new job can be created to just clean the cages and walk the dogs. The job involves little or no customer contact, and the hours are negotiated such that the individual will come in before customers arrive and she will primarily be working alone in the back area of the Veterinary office.*

## **Essential Elements of Customized Employment**

1. Discovery process to determine the employment seeker's strengths, needs, and interests.
2. Presumption that all individuals can work;
3. Individualization: The employment relationship is individualized, not a group placement;
4. Individual may be represented by VR staff or may represent themselves;
5. Integrated work setting;
6. Negotiation of job duties: Job duties are set as a result of negotiation with employers;
7. Negotiated pay of minimum wage or greater;
8. Facilitates mutually beneficial employment relationship;
9. May include Customized Self-Employment.

### **Customized Employment Phases**

There are four (4) primary phases in the Customized Employment model, as well as an initial consultation meeting:

- Customized Employment Consultation and Service Identification meeting
- Complete the Discovery Process
- Customized Employment Planning
- Customized Job Development and Negotiation
- Customized Employment Supports

### **Customized Employment Documentation and Progress Reporting**

The Employment Services Organizations (ESO) providing Customized Employment services for DBVI are expected to provide written reports at the conclusion of each of the phases identified above. More specific documentation requirements are noted below. Additionally, the ESO's will communicate with the VR counselor through email, phone, or scheduled meetings to ensure regular progress updates and plan reviews.

### **Customized Employment Discovery Process**

The WIOA definition of Customized Employment requires that an individualized determination be made of the individual's strengths, needs, and interests for the individual and that such employment meets the needs of the individual as well as the business needs of the employer. The "Discovery" process as part of Customized Employment is designed to replace traditional assessment processes and reports, with an emphasis on a comprehensive assessment of the individual's strengths, needs, interests, as well as any limitations or challenges the individual may have. The CE discovery process should include interviews with the individual as well as family members and others who may contribute to the assessment; observations of the individual in a variety of situations or settings; and a records review that focuses on the strengths and assets of the individual versus a deficit-based review.



## **Documentation of the Discovery Process**

The discovery report will be:

- A comprehensive, narrative document, which is primarily descriptive vs. evaluative, including use of strategies such as interviewing, observation, participation with the individual, and records review
- Details the asset-based features of the individual
- Guides the plan for customizing a job description for the individual
- Sufficiently captures the individual's strengths, needs, and interests as well as any specific challenges that may impact employment
- Includes recommendations for planning purposes, including whether Customized Employment is recommended

## **Customized Employment Plan (Job Search Planning)**

The CE plan must articulate the individual's goals and establishes a clear plan and direction for CE services. The CE plan must reflect the customized goal of the individual, and will follow logically from the discovery process. Essential elements of a Customized Plan will include:

- A planning meeting which must be held in a timely manner following the Discovery process;
- Targeted engagement with the individual in all aspects of developing the plan, with whatever assistance from others is required, and will be facilitated by the individual to the degree feasible;
- Participation by those who know the individual, both personally and professionally, including the CE Job Developer (Business Relations Specialist, Employment Specialist, etc.), who will be representing the individual with employers;
- With appropriate releases, the Discovery document will be shared with all those participating in the plan development;
- The development of a list of job tasks that are consistent with the individual's strengths per the Discovery document;
- The development of key employment parameters, such as the work environment, work hours/schedule, interpersonal requirements, etc.
- The development of a list of possible employers, as specific as possible, in order to establish a clear job development plan.

## **Documentation of the Customized Employment Plan**

The CE Employment Plan will include the elements listed above, resulting in a written plan that will guide the Job Development and Negotiation phase (below). There is no specific or required template for the CE Employment Plan. An example of a CE Employment Plan template from Marc Gold & Associates includes:

- A listing of the “Characteristics of an Ideal Job”, including;
  - Conditions of Employment
  - Employment Interests
  - Skills/Experiences
- Contributions to Employment (personality characteristics, skills, experiences, credentials, recommendations);
- Types of job tasks;
- Ideal jobs;
- A list of potential employers

### **Job Development and Negotiation**

The CE job developer is responsible for representing the individual to employers. The job developer must be able to articulate the principles of Customized Employment, to effectively represent the assets of the individual they’re serving, and to negotiate with the individual and employer to create a “mutually beneficial” employment situation.

Essential elements of employment development, including the role and responsibilities of the job developer, include:

- The primary customer of the job developer is the individual seeking employment;
- The job developer and the individual must jointly identify the key strengths of the individual and the key employment related features, such as pay, work schedule, etc.;
- The job developer must prepare a presentation to employers in order to appropriately communicate the principles of CE;
- The job developer must utilize their network of contacts, including those who participated in plan development;
- The job developer must avoid the traditional approach of employer development, which focuses on identifying current job openings, versus identifying employers with whom a customized employment opportunity may exist;
- In addition to understanding the strengths of the individual, the job developer must develop strategies to effectively understand the employer’s business from the perspective of determining ways in which a customized job may benefit the employer;
- Development of a customized job description with the employer, with input from the individual;
- Development of a support plan for the individual.

### **Documentation of Job Development and Job Negotiation**

The Job Development report must effectively document the employer development efforts consistent with the CE plan. That is, documentation of those employers who have been contacted, results of any employer assessments and/or negotiations, issues or concerns that have occurred during job development, and any need to revise the CE plan based on the job development results.

Once a job opportunity has been secured through job negotiation, the report must provide specific information regarding the employer, work schedule, wages and benefits, specific job responsibilities and tasks, etc.

Job development reports must be provided on a monthly basis, with phone calls and/or emails during the month to ensure effective ongoing communication regarding service progress.

### **Post-Employment Support Plan**

The job developer is responsible for ensuring the development and implementation of a support plan that serves both the individual and the employer. Essential elements of the Post-Employment Plan include:

- Maintaining close contact with both the individual and the employer during job training to resolve any problems, work behavior concerns, and to evaluate performance;
- Providing any necessary task specific training on-site
- Maintain any necessary employment records;
- Renegotiate, as needed, with the employer regarding tasks and/or additional responsibilities;
- Participate in problem-solving processes with the employer and the individual;
- Monitoring the impact of the employment on the individual's benefits.

### **Documentation Post-Employment Support Plan**

The CE Employment Specialist is responsible for the development of an individualized plan to include the elements identified above. A report will be provided at the conclusion of this phase, documenting the supports that have been provided, any issues or concerns and how they have been addressed, and any specific recommendations.

## **Customized Employment Policy and Procedure**

### **Eligibility for Customized Employment**

Eligibility for Customized Employment is consistent with the criteria for Supported Employment. That is:

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, 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.

In addition to the above, the VR counselor must consider individuals “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.”

NOTE: See Chapter on Order of Selection and Disability Criteria for definition of Most Significant Disability

As noted before, Customized Employment is included in the definition of Supported Employment; thus the criteria for both services is very much the same. However, a determination to use Customized Employment services should not start with attempts at Supported Employment and then moving to Customized Employment if those efforts are unsuccessful. Individuals for whom Customized Employment may be the most appropriate service versus Supported Employment could include:

1. Individuals, particularly youth with disabilities (which includes students with disabilities) for whom a much more intensive/comprehensive initial assessment process may be necessary (Discovery) in order to identify skills, interests, challenges due to their disabling condition, etc.
2. Individuals for whom standardized assessment processes (such as vocational evaluation, interest surveys, etc.) have not been successful in identifying potential areas of interest. Individuals who either appear to have no specific job interest areas or their expressed areas of interests are seemingly unrealistic (rocket scientist, professional athlete, etc.). These individuals may benefit from the very different approach in Discovery to identifying/targeting an area of interest.
3. Individuals for whom their disability specific limitations create significant challenges in securing employment through the standard demand-side process. For example, someone who requires a very specific work environment in order to be successful, or someone with very limited skill sets thus creating significant challenges in seeking employment.

## **Referral Process**

As a first step in the referral process, the VR counselor will staff the individual with the Business Relations Specialist (BRS) to assist in determining if

Customized Employment is appropriate and to make them aware of the individual since BRS can be part of the team in serving the individual in CE services. The Regional Manager may be a participant in the staffing process as well. If there's agreement that Customized Employment is an appropriate service for the individual, approval from the Director of Vocational Rehabilitation and Workforce Services is required. The VR counselor must provide basic background information regarding the individual and justification for why CE is being considered as part of the approval process.

Once approved, the VR counselor will determine an appropriate vendor in their area to provide Customized Employment Services. Customized Employment services may only be provided by approved Employment Services Organizations who are also approved to provide Customized Employment ([DARS approved vendors – Training and Facilities Manual](#)). Similar to referring an individual for Supported Employment, the VR counselor should consider the degree to which the ESO has experience in working with individuals who are blind, deafblind, or who have vision loss.

### **CE Service Delivery Process**

Customized Employment services must be provided to individuals who are being served through an Individualized Plan for Employment (IPE). The Plan must be identified as a Supported Employment plan.

As noted above, the Customized Employment service delivery process occurs in five phases, beginning with the initial consultation. The VR counselor will authorize consistent with the approved flat rate for only one phase at a time. As services within a phase are completed, and the VR counselor has received required documentation/reports, they will authorize for the next phase. Consultation with the Regional Manager is strongly encouraged throughout the service delivery process.

In circumstances where there are issues or concerns associated with the services within any phase, the VR counselor will work with the ESO, their Regional Manager, the individual being served, the BRS, and any other individuals (family, other stakeholders) to resolve the issues before moving forward.

### **Customized Employment Funding**

As an SE service, Customized Employment may be funded using Title VI Supported Employment funds once the individual who is being served is employed (Customized Employment Job Supports). For all other phases, or if

Title VI funds are unavailable, general VR (Title I) funds must be used. Once the final phase has been completed, DBVI no longer funds CE services.

### **Case Closure**

Once the individual is employed and the ESO has completed the final phase (Customized Employment Job Supports), the VR counselor will maintain the individual as an open case for a minimum of 90 days. If the individual continues to be successfully employed at that point, the VR counselor may close the individual, applying all elements of case closure policy.

### **Ongoing Support Services**

Through the use of Customized Employment services, the final phase (Post-Employment Supports) will be the development of an individualized support plan to best ensure the individual will be able to maintain their employment. As such, the traditional use of Ongoing Support Services (e.g., LTESS funds) will not be necessary. However, if it is determined that the individual does require additional targeted support services above and beyond the supports provided in the Post-Employment Support plan, the ESO may determine the need to utilize LTESS funds or another source of ongoing support funds.

# Chapter 10

## Training Programs and Services (Non-Academic Training)

This chapter contains policy and procedure related to 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, it's important for the VR counselor to understand when 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.

**NOTE:** The DBVI paid work experience program utilizes a staffing agency which becomes the employer of record. The employer for which the individual is working is not the employer. Because under the paid work experience program the individual is an employee, they are not a trainee per the discussion below. Individuals being sponsored in On-the-job Training (OJT) are employed by the employer they are working for, and so are also not trainees. However, individuals who are volunteering or are involved in Unpaid Work Experiences are not employees as long as the criteria below is followed.

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

This fact sheet provides general information to help determine whether interns must be paid the minimum wage and overtime under the Fair Labor Standards Act for the services that they provide to “for-profit” private sector employers.

**NOTE:** While the DOL Fact Sheet that follows uses the term “internships”, DBVI has chosen to use the term “paid or unpaid work experiences” in lieu of internships. All of the information contained in the DOL fact sheet referencing internships applies to DBVI sponsored paid and unpaid work experiences as referenced throughout the VR policy manual.

### Background

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 would suggest 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) 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.

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.

- A. OJT is a sound vocational option when the individual and their VR Counselor determine that training on the job in the area of the individual's vocational interest will assist in their preparation to enter into employment.
  1. OJT is most frequently used as a means for the individual to obtain a job based on their vocational goal in a setting where the employer hires the individual at the beginning of the training period.
  2. Students or youth under the age of 18 must have the approval of a parent before participating in an OJT.
- B. In order to provide an OJT, certain requirements or policies apply:
  1. Individuals participating in an OJT must have been determined eligible. OJT shall not be used as an assessment or evaluation of an individual's ability to benefit from vocational rehabilitation services.
  2. OJT shall only be authorized when it has been identified as necessary for the individual to achieve an employment outcome.
  3. OJT shall only be authorized as part of the individual's IPE.
  4. OJT must be provided in a competitive integrated setting.
  5. The VR Counselor and employer shall complete the [OJT Contract](#)
- C. Case movement.
  1. While participating in an OJT, the individual will remain in service status.
  2. An individual's VR case will be moved into employed status only after the VR Counselor has ceased payment of tuition to the employer. Individuals must be working 90 days following the end of training before the VR Counselor can close the individual's VR case.
- D. Tuition:
  1. Tuition may be paid to an employer who is collaborating with DBVI to provide an individual with an OJT. OJT will not typically extend beyond three months unless the individual requires additional training in order to

secure employment. In all circumstances, tuition for OJT will not exceed beyond 12 months. The tuition rate may extend up to 100% of the trainee's wages. The VR Counselor shall attempt to negotiate a tuition rate that decreases over time with the expectation that the trainee's work productivity and performance improves over time.

2. In order to receive the tuition payment, a training plan will be developed in partnership with the individual entering into the OJT, the VR counselor, and employer prior to the signing of the OJT contract. The plan will identify the specific training needed, and the number of hours of training to be provided. This training plan will then be used to negotiate the OJT wages reimbursement rate and the length of training needed.
3. The VR Counselor shall not approve payment of the authorized tuition until the monthly training progress has been signed by the employer and an invoice is received. The [Training Progress Report](#) is located in the DBVI Document Repository. The invoice can be on company letterhead or other format selected by the employer and includes gross wage, dates and number of hours worked, and an original signature (or scanned signature and emailed) from the person who supervises or oversees the individual participating in training.
4. Once employment becomes stable and the training period has ended, the VR Counselor shall cease payment of tuition and the individual's case shall be moved into employment status. The individual's VR case may be closed as a successful employment outcome after 90 days following the end of the OJT.
5. If VR Counselors or other staff receive inquiries from the employer about how to treat tuition payments for taxes, they shall advise the employer to consult his or her tax advisor.

#### E. Trainee Responsibilities

1. As a condition of receiving OJT, the individual shall:
  - i. Follow the policies, procedures, and business practice established by the employer for all other employees.
  - ii. Make satisfactory progress in training and complete the training as scheduled.
  - iii. Consult with the VR Counselor to review monthly training progress reports, attendance, progress toward completion of the training program, changes in financial status, and other issues pertaining to work and participation in the OJT.
  - iv. Cooperate with the employer and VR Counselor to address any issue or concern that arises from participation in the OJT.
  - v. Provide written informed consent for the employer and the VR Counselor to share necessary information regarding accommodations, progress made in the OJT, and information regarding the individual's disability as it relates to potential functional limitations that may post barriers for the individual on the job site.

## F. Support Services

1. Individuals in an OJT may be provided with other vocational rehabilitation services that are necessary to facilitate the individual to participate in the OJT. Considering agency policies and procedures regarding participation in cost of services these services may include but not be limited to:
  - i. VR services that could include technology tutoring, orientation and mobility services, guidance and counseling, job support and retention services
  - ii. Transportation
  - iii. Maintenance
  - iv. Clothing including uniforms that are not traditionally provided by the employer to other employees.
  - v. Training materials that are not traditionally provided by the employer to other employees

**Guidance:** *While typically job coaching services would not be provided in concert with an OJT, the VR counselor may consider that service if it becomes a necessary support to insure employment success from the OJT. Consultation with the Regional Manager is recommended as well as consultation with the Business Relations Specialist.*

## 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. In order to best ensure appropriate professional boundary issues are maintained, it is DBVI's policy that:

10. No individual will be placed in a work experience setting where a co-worker relationship would (or potentially could) exist with their VR counselor and/or other DBVI staff who are (or could be) providing services to them.
11. The individual will not have access to personal and confidential information of DBVI staff.

12. The individual will not have access to personal and confidential information of others that DBVI serves, except as necessary within the specific responsibilities of their position

**Guidance:** *In order for the VR counselor to have an appropriate counseling relationship with the individuals they serve, professional boundaries must be maintained. An individual placed as a receptionist for the Regional Office in which their VR counselor is housed will necessarily become a co-worker with the staff in the Regional Office. The professional relationship then becomes a dual one – as an individual being served and as a co-worker. An individual who is being served by VRCBVI and then is placed as a trainee within the Center may not only create boundary issues with Center staff but now has moved from a student relationship with other students to a staff relationship with some of those same students. The VR counselor must ensure if DBVI is to become the work setting that these and other ethical considerations are fully considered.*

## **Paid Work Experience Training**

DBVI has established a paid work experience service through partnerships with staffing agencies in Virginia. Regional offices should check with the Director of Business and Corporate Initiatives or the Business Relations Specialist assigned to your office for specific information regarding the staffing agency serving your area.

The Business Relations Specialist has the lead role in developing and managing the paid work experience, but the work experience site (employer) can be developed by the individual being served or their family, the VR counselor, the Business Relations Specialist or others. 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. The VR counselor must ensure the individual participating in a paid work experience understands that the work experience site employer has no obligation to hire the individual and the employer, or DBVI, may terminate the work experience at any time with 15 days' notice.

## **Paid Work Experience Policies**

- A. 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.

NOTE: Participation in a paid work experience 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 (Pre-ETS). See the Transition chapter for more information regarding the definition of a student with a disability and pre-employment transition services.

#### B. Time Limit

1. 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.

#### C. Referral Process

1. The VR counselor shall staff any potential paid work experience candidates with the Business Relations Specialist. If it's determined the individual may be an appropriate candidate, the Business Relations Specialist will meet with the individual, either by themselves or with the VR counselor.
2. A potential work experience site is developed with the Business Relations Specialist assuming the lead role. The employer should be willing to host the individual prior to formalizing the work experience with the staffing agency.
3. The VR counselor or the Business Relations Specialist completes the staffing agency's application paperwork (this may vary from staffing agency to staffing agency).
4. The DBVI [Paid Work Experience Contract](#) (Staffing Agency) is completed and signed by the DBVI VR counselor and the staffing agency representative.
5. The Business Relations Specialist obtains a job description from the work experience site and provides that to the staffing agency and the VR counselor.
6. A starting date for the work experience to begin is established.

#### D. Fees

1. 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.
2. DBVI staff shall not pay tuition or other training fees to the work experience site employer for providing the work experience opportunity.
- E. Comparable Services and Benefits
- I. The VR counselor must make every effort to obtain comparable services and benefits available to the individual from all other programs.
- F. 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.
  4. Meals during the work day
- G. Training Materials
1. 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.
- H. Supported Employment and Job Coaching Training Services
1. 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.
- I. Multiple Paid Work Experiences



1. Multiple paid work experiences are permitted as needed. The VR counselor should consult with the Regional Manager before approving multiple paid work experiences.
- J. Liability
1. The individual is considered an employee of the staffing agency and so all liability, including Workman's Compensation, is through the staffing agency.
- K. 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. If the VR counselor determines that a paid work experience is the most appropriate service to assist the individual in achieving their vocational goal then a paid work experience may be used to conduct vocational exploration. It would not be appropriate to develop multiple work experience sites for this purpose, however. .
  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.
- L. 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.
- M. 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.

N. Procedures

1. The VR counselor must receive from the work experience site employer a [Training Progress Report](#) prior to paying any invoices from the staffing agency.

## 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. See the Transition chapter for more information regarding the definition of a student with a disability and 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 work day

**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.
- M. Procedures
1. The VR counselor shall complete the [Unpaid Work Experience Enrollment](#) form in the DBVI Document Repository. Additionally, the counselor shall

- obtain a preliminary copy of the job description from the employer-trainer and maintain it with the UWE Enrollment form in the case record.
2. The [Unpaid Work Experience](#) Enrollment must be signed by all parties prior to the beginning of the work experience program. This agreement sets forth the provisions by which the services are provided.

The VR counselor shall require the vendor to submit the [Training Progress Report](#)

## 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. Procedures

The [Tutorial Services Contract](#) (702-90517-) must be completed on every tutorial vendor. It must be signed by the vendor (contractor) and the deputy commissioner - services delivery. This contract sets forth the provisions under which services are provided.

The [Attachment A \(DBVI-04-129\)](#) must be completed in conjunction with the Tutorial Services Contract. Complete all the appropriate sections of Attachment A that apply to tutorial services as follows:

1. Check the Tutorial Services Contract in Section A.
2. Complete the appropriate questions in Section B.
3. Complete the training outline on the academic or vocational tutorial subject(s) to be authorized. Then, list the hours assigned to each activity.
4. Complete Section E.
5. Complete Section G, if necessary.
6. Complete Section H, signature lines.

Tutorial training fees are based on the following:

1. Category of academics
2. Tutorial and/or teaching experience
3. Seventy-five (75%) percent of the local union scale or the prevailing non-union rate

When a qualified tutor cannot be obtained through the applied use of the rate schedule, then after securing several offers from qualified tutors, the lowest per hour rate or the community prevailing rate may be accepted for the Department for the Blind and Vision Impaired's use.

Agreements must not exceed \$2,000 annually. The provisions of the [Virginia Public Procurement Act](#) apply to all tutorial contracts.

Fees for vocational tutorial services by a tradesman or instructor will be based on

seventy-five (75%) percent of the local union scale or the prevailing non-union rates in the community, whichever is less.

**B. 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.

**C. 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

NOTE: For more detailed information regarding Rehabilitation Technology services and the Technology Tutor Network, please see the Rehabilitation Technology manual in the DBVI Document Repository or contact the Program Director for Rehabilitation Technology services.

### DBVI Technology Tutor Network

#### A. 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.

#### B. Procedures

The Provision of Services Agreement\* must be completed for every tutorial vendor. It must be signed by the vendor (contractor) and the Program Director – Rehabilitation Technology Services. This contract sets forth the provisions under which services are provided. Attachment A\* and the Service Provider Form\* must be completed in conjunction with the Provision of Services Agreement.

#### C. Technology Training Guidelines

It is the policy of the Department for the Blind and Vision Impaired (DBVI) to establish minimum requirements for technology service providers with whom the DBVI contracts to provide technology training to individuals.

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
3. Application and Approval:  
Individuals seeking to provide on-site technology training may apply by submitting an application\* to the DBVI TTN. The application packet must contain:
    - a. a description of the adaptive devices or software products on which the applicant is seeking approval
    - b. a description of the operating and application programs the applicant can teach
    - c. three letters of recommendation describing the applicant's ability to teach
  4. Proficiency Interview  
A proficiency interview with a representative of the TTN will be given to determine the applicant's technical expertise. References will be required regarding the applicant's teaching experience and skills. See "D. Tutor Qualifications." If the TTN representative approves an applicant, the Director of Rehabilitation Technology Services will forward the individual's name and pertinent information to DARS to initiate the necessary paperwork to get the applicant placed on the DARS approved vendor list. The director will send to the field the approved list of vendors.
  5. Retaining Approved Status:  
Approved status is limited to the specific devices or systems on which the tutor has qualified. DBVI retains the right to terminate the services of a tutor if the student or the case manager indicates the need for DBVI action (and the need is verified), or if the tutor is unable to meet the expectations outlined in these guidelines. DARS will be notified when DBVI terminates a vendor to trigger the removal of the individual from the approved vendor list.
  6. Confidentiality:  
The prospective tutor must provide assurances that student information will be used only for the purposes of fulfilling the responsibilities of on-site training and that student information will not be released to any other individual, agency, or organization.
  7. Training Reports:  
All TTN Training Reports\* must be in the format required by DBVI and are due to the case manager no later than 15 days after training is completed. Payment will not be made until the final report is submitted to the hiring case

manager. An initial report and a final report are required. The number of progress reports is left to the discretion of the case manager.

8. **Monitoring:**

The case manager monitors the work being done by the tutor. If a pattern of unsatisfactory work develops, such as student complaints, failed goals, unreliability, etc. the case manager notifies the program director. The program director then contacts the students or case managers who lodged complaints and document their responses. Further action involves contact with the tutor and then taking appropriate action (i.e. develop a plan to meet the concerns, probationary time period, termination from the tutor network). Consistent unsatisfactory performance will result in termination of the tutor's approved status.

**D. 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

**J. 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 curricula or set of lesson plans detailing what will be taught and outlining class objectives at the time of planning.

#### **G. Training Plans, Tutoring Arrangements, Reporting, Payment**

1. The case manager will:
  - a. Obtain the name of the tutor on the DBVI Technology Tutor Network list (maintained by the Director of Rehabilitation Technology Services) and initiate contact with the tutor
  - b. Inform the tutor of the nature of requested training, the proposed training site, and number of hours allowable for training
  - c. Determine the tutor's availability for the assignment
  - d. Provide student contact information
  - e. Write the authorization for the purchase of service
2. The tutor will:
  - a. Contact the student to discuss training needs and set up a training schedule
  - b. Inform the case manager of the student's training schedule and of any issues that came up during the student/tutor contact
  - c. Adequately prepare for initial training to ensure that training time is used effectively and productively
  - d. Provide one-to-one training at the agreed upon training site
  - e. Submit an initial training report documenting what the tutor found on the first visit and the setup and schedule for subsequent training. Interim progress reports may be required at the discretion of the case manager. The final training report and payment invoice must be submitted to DBVI within 15 days of training completion.
3. The prospective student and the case manager will:
  - a. Prepare a training plan (skills lists for various devices and software products are available)
  - b. Determine together the number of hours needed for the training (training time estimates are available)
4. Increases to Allowable Hours:

It is the responsibility of the tutor to negotiate extensions to allowable training hours with the case manager in advance. Hours not authorized in advance by the case manager are not billable.
5. Charges and Payments:
  - a. Statewide, excluding northern Virginia, the hourly rate for regular technology tutoring, such as in a residence or at school is \$55 per hour.

- b. The northern Virginia rate is \$65 per hour for all individuals who are served out of the Fairfax Regional Office (regardless of where the individual lives).
- c. Statewide, excluding northern Virginia, the hourly rate for business technology tutoring, which involves tutoring in a business facility or at a place of employment is \$70 per hour. This is a \$15 per hour increase over regular tutoring because of the additional responsibility and complexity of the assignment.
- d. In northern Virginia, the hourly rate for business technology tutoring, which involves tutoring in a business facility or at a place of employment is \$80 per hour. This is a \$15 per hour increase over regular tutoring because of the additional responsibility and complexity of the assignment.
- e. For the entire state, there will be an additional \$25 per hour of travel (does not include tutoring time), above and beyond mileage, for travel 100 miles or over round trip. If an assignment is 60 miles away, for a round trip total of 120 miles, at a travel time of 2.5 hours, there would be the additional reimbursement of \$62.50 ( $2.5 \text{ hours} \times \$25 = \$62.50$ ).
- f. For the entire state, the gas mileage rate is set for the tutor network at .50 per mile (regardless of current state rate).
- g. Lodging and meal reimbursement, according to STR, if training requires overnight stay
- h. Payments are made, following receipt of the bill and training report from the tutor, in accordance with the allowable fees and after approval by the case manager. Invoice forms are available from the case managers.
- i. Payment may be made to the tutors through check, credit card, or electronic deposits.

# Chapter 10.5

## Work Adjustment Training

Work adjustment training (WAT) is an appropriate service if it is needed to enable the individual to achieve employment in a competitive integrated work setting. 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.

This training is traditionally available from Employment Services Organizations (ESO's). See the ESO Rate Sheet in the DARS Training and Facilities Manual to determine which ESO's are approved to provide Work Adjustment Training and their rates. Only ESO's approved by DARS to provide WAT services may be used. If an ESO wishes to become approved for WAT services they must modify their vendor agreement with DARS before the VR counselor can approve WAT services.

Frequently Work Adjustment Training is provided within a non-integrated facility setting, although others may provide WAT services in a community setting. Some ESO's, such as Goodwill Industries, may provide WAT services within their retail stores. In any case, to the extent possible, 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. Services provided solely in a non-competitive, non-integrated setting may provide some basic information (such as reliability in coming to work, basic interpersonal skills, etc.) but the VR counselor should be wary of transferring information collected from that setting to a competitive, integrated setting.

Prior to participation in a Work Adjustment Training program the individual should have an Individualized Plan for Employment (IPE). The VR counselor should complete the necessary ESO application for WAT, insure appropriate consent to release information forms are completed and signed by the individual and provide requested information regarding the individual to the ESO at referral. A best practice would be to staff the case with the ESO WAT staff to insure the staff have a clear idea of the specific issues to be addressed. The VR counselor should complete an authorization in AWARE and send to the ESO prior to the service being initiated.

The VR counselor should insure a process in in place such that the ESO providing WAT services will complete monthly progress reports on the individual being served. This report should include these recommended comments on:

1. The identification of the individual's specific barriers to employment
2. The work and behavioral objectives addressed during the month and the achieved results
3. The overall assessment of individual progress (accumulated to date)
4. Recommendations

B. Tuition

The ESO rates for Work Adjustment Training are found in the DARS Training and Facilities Manual.

C. 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.

D. 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

NOTE: DBVI has a cooperative agreement with the Department for Aging and Rehabilitative Services (DARS). Through that agreement, DARS agrees to provide DBVI individuals with equal access to services at WWRC including evaluation, vocational training, medical services, life skills, and residential services. However, 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.

Prior to referring and authorizing for services at WWRC, consultation and review with the Regional Manager is required.

### WWRC Admissions

WWRC accepts applications of any individual with a disability for whom WWRC services are appropriate. The DBVI VR counselor should contact the Admissions Department directly prior to making a referral. .

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

This chapter contains other goods and services that the VR counselor may provide under an Individualized Plan for Employment (IPE). Individuals may receive these goods and services when they have been determined necessary for the individual to achieve an employment outcome. The VR counselor should document that the individual cannot achieve their vocational goal without these other goods and services. 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's 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.

When considering the purchase of assistive technology, the counselor should use judgment as to whether the request for the equipment is appropriate. In making this decision, the following questions should be answered:

- a. Is the equipment necessary in order for the individual to meet their IPE employment goal?
- b. Are there any alternative means which would be more effective in enabling the individual to accomplish the task?
- c. Does the individual have the skills (or the ability to acquire the skills with proper training and instruction) to use the equipment?

When the above questions result in a favorable consideration to purchase the assistive technology, the following factor(s) must be considered and documented by the VR counselor:

1. The employer, with just cause, will not purchase the equipment.
2. The training facility does not have the appropriate equipment and is unable to provide it.

#### **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 to 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

**A. 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

**B. 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 individual must be a family member as defined above.
  - c. The VR counselor must consider the individual's participation in the cost of services when providing services to an individual's family members.
  - d. Services to family members must comply with agency, state, or federal regulations that are applicable to the provision of services to the individual.
  - e. Services to family members must be directly related to the provision of services to the individual.
  - f. 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.

- C. The VR counselor will document any service provided to the individual's family members on the individual's IPE and case record.



**Guidance:** *The VR counselor may encounter situations where the required VR services for an individual necessarily involves that individual's family members. This is most likely to be the case where the individual is married and/or has dependent children. For example, an individual who needs to relocate to another community to attend college or a training program for a significant period of time and thus will need to move their family along with themselves. The VR counselor should carefully evaluate the real cost of the individual's VR services. That is, what additional costs do the individual and their family incur versus routine, costs unrelated to participation in the VR program? The VR counselor should only authorize those services that are direct costs as a result of the individual's participation in the VR program. Additionally, if the individual and their family do relocate, while there may be transitional costs related to the move, once they have established themselves the VR counselor needs to determine what costs have now become routine, everyday costs in the new community versus ongoing costs directly related to participation in the VR program. The counselor is encouraged to consult with the Regional Manager in these situations.*

# 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. Refer to the chapter on Agency Services, DeafBlind Services for a complete discussion of interpreter services.
  - 3. The VR Counselor must document the provision of interpreter services to deafblind individuals in AWARE.
  - 4. The VR counselor must complete an AWARE Vendor Authorization for all 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.**

The following are examples of expenses that would meet the definition of maintenance.

*Example 1: The cost of a uniform or other suitable clothing that is required for an individual's job placement or job-seeking activities.*

*Example 2: The cost of short-term shelter that is required in order for an individual to participate in assessment activities or vocational training at a site that is not within commuting distance of an individual's home.*

*Example 3: The initial one-time costs, such as a security deposit or charges for the initiation of utilities that are required in order for an individual to relocate for a job placement.*

Examples of expenses that would **not** justify maintenance support:

*Example 1: Purchasing clothing for an individual who is participating in a training program and requests support due to clothing that is old, outdated or worn out (these are normal living expenses that are not costs as a direct result of participating in the training program)*

*Example 2: Paying for cable TV, cell phones or similar services, even if DBVI is providing rent support as part of maintenance.*

*Example 3: Providing rent support while the individual is attending college or post-secondary training where there is no evidence that there are excess costs for this area due to participating in the VR program.*

**Guidance:** *The VR Counselor must consider maintenance only in situations where the individual is experiencing costs that are both directly related to their participation in the VR program and that are in excess of normal living expenses. For example, an individual is paying \$800/month rent in their home community but is now attending*

*college outside of that community. Rent for a similar home they had in the community near the school is also \$800/month (or less). In that situation, maintenance would not be appropriate. However, if the individual was employed in their home community and those funds paid the rent but now because they're in training they're no longer employed, maintenance would be appropriate. Or if the individual was living at home with family and therefore had no rental costs, then maintenance would be appropriate to provide support in the community near the school.*

## **A. Maintenance**

1. Maintenance includes room, board, clothing, and incidentals and may be provided to individuals during any stage of the rehabilitation process.
2. DBVI will provide funding for maintenance for individuals only when other resources are not available. 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 the following:
  - a. Clothing: DBVI will provide clothing only when that clothing (such as a uniform, clothing specifically needed for a job, etc.) is necessary in order for the individual to achieve their vocational goal. The VR counselor and individual being served must attempt to secure clothing from other sources prior to DBVI purchasing. Clothing costs that are not an additional cost as part of participating in the VR program (e.g., replacing worn clothing) should not be funded by the VR counselor.
  - b. Incidental Allowance: Individuals may receive an incidental allowance when receiving vocational training away from his/her home area. The incidental allowance is subject to the cost of participating in VR services. The incidental allowance shall not exceed the DBVI rate. See the chapter on Financial Measures for more information.
  - c. The individual may receive maintenance payments while seeking employment. Maintenance may be paid for job services.
  - d. Training: The maximum amount DBVI will sponsor for room and board when the individual is in a training institution shall not exceed the published room and board rates charged by the institution or the actual costs (whichever is less). For more information related to individuals attending private colleges or universities, see the College and Other Post-Secondary Training chapter. Other maintenance items required by the institution may be provided at the rates set for this service by the institution.
  - e. While Living at Home: DBVI will authorize maintenance for individuals residing at home only when the individual's expenses exceed what they would normally be due to the individual's participation in a rehabilitation program.

- f. Deposits: DBVI may pay utility or rent deposits. A deposit must not be paid more than once for any one service for an individual during the rehabilitation process.
5. Document the arrangements for the provision of maintenance services on the IPE and in an AWARE case note if needed. Authorization is required for all maintenance services.

**Guidance:** *Maintenance is often provided in conjunction with post-secondary training or college. Maintenance costs associated with the student's participation in training or college (housing, transportation, meals, etc.) should only be provided to the extent that these costs are directly related to VR services. Routine, everyday living expenses that would be incurred by the student regardless of their participation in the VR program should not be paid for by VR funds. For example, clothing, toiletries, and other routine everyday costs unrelated to the student's participation in the VR program would not be funded. Clothing required for the student to participate in a training program (work boots, for example) could be funded by the VR counselor. Consultation with the Regional Manager is recommended if it's unclear whether certain maintenance costs should be provided by DBVI.*

*Additionally, DBVI may provide Services to Families in some specific situations when such services are required in order for the individual to participate in their VR services. For example, an individual who's married with children may need to relocate in order to attend college. In that situation, the family would likely move with the individual and so there may be costs associated with their participation in VR services (e.g., day care for children, rental deposits, higher housing costs, etc.). Regional Manager approval is required prior to the authorization of any services to families and consultation with the Director of Vocational Rehabilitation and Workforce Services is strongly encouraged.*

### **Gift Card Purchase Policy Using SPCC Card**

The VR counselor may purchase gift cards as needed to support or augment a substantial service or services being provided to the individual. Gift cards or Fuel cards are defined as a pre-paid or funded card (debit card) used for a specific purpose (purchase of a maintenance service).

#### **Allowable Usage:**

1. Transportation: Fuel cards (ex. Sheetz, Wawa); Ride sharing (ex. Uber, Lyft).  
Monthly maximum: \$300
2. Food: Direct store card (ex. Kroger, Food Lion, Sheetz, WaWa, 7 Eleven, Subway, Walmart, etc.). Monthly maximum: \$500
3. Clothing: Direct store card (ex. J. C. Penney, Kohl's, Walmart, Target, etc.).  
Monthly maximum: \$300

4. Assistive Technology: iTunes; Google play. Monthly maximum: \$250

*Applications used for testing assistive technology and for purchase of mobile applications for clients*

Purchase of bankcards (ex. Visa, MasterCard, AMEX, Discover, etc.) is not allowed.

The purchase of gift cards for use by an individual is considered to be a maintenance service; the purchase must be justified and documented consistent with VR maintenance policy. Gift cards may not be purchased as a stand-alone service. Credits, rebates and/or discounts associated with gift cards or store purchases should be netted against the purchase or applied to the next purchase.

Gift cards will only be purchased in circumstances where there is a recurring or ongoing need to provide a maintenance service and/or where the service need is best met by the purchase of a gift card. For example, on going transportation needs that allow the individual to attend job interviews as they're scheduled is best met through the purchase of a fuel or transportation card. Individuals who may require a bus or train ticket for the individual to return home from training, however, is a very specific, one time only maintenance service for which a gift card purchase would not be appropriate.

The purchase and use of gift cards is limited to the period during which the substantial service is being provided to the individual (service begin and end date). The gift cards are to be purchased for a maximum period of one month at a time. Additional cards may be purchased over multiple months if the service the card is supporting continues. For example, an individual who is attending college and has an ongoing maintenance support need that would best be met through gift cards could have cards purchased in one month increments as long as they are attending college.

The VR counselor will purchase gift cards that are the most cost effective and efficient. Fees associated with the purchase of the cards will be avoided whenever feasible. The specific type of card purchased will be one that best meets the service need. For example, if transportation is being provided as a maintenance service, the gift card or cards that are purchased would be one that is specific to transportation (e.g., taxi service, Uber/Lyft, etc.).

Monthly caps apply as identified above in the "Allowable Usage" section. Purchasing policies will apply. The VR counselor is responsible for ensuring the individual is using the cards appropriately and consistent with the purpose of the card.

### **Gift Card Management**

Each Regional Office may have only two (2) authorized cardholders to purchase gift cards and the cardholders must be updated every six months. No VISA or MasterCard gift cards are allowed.

1. Gift cards may only be purchased for one (1) month of goods/services for an individual at one time
2. Authorizations (AWARE) must be done prior to or within one day of purchase
  - a. Authorization should be completed by someone other than purchaser unless there is an email request from counselor or other authorized party, if applicable
3. The VR Counselor must have a completed and signed "Client Receipt of Gift Card"
4. A gift card log ("Gift Card Log") is to be maintained on a monthly (SPCC billing period) basis and contain the following information: Individual's name; card number; date of purchase; dollar amount; purchase location; purchaser; signature at distribution of card
5. Gift Cards are to remain in a secure and locked area until distribution

The individual receiving a gift card is required to sign the "Client Receipt of Gift Card" letter acknowledging receipt of the gift card. The individual must sign a new letter every time a gift card is provided to the individual.

The VR counselor must ensure the "Client Receipt of Gift Card" is fully completed, to include:

1. The name of the fuel or gift card (e.g., Sheetz, etc.);
2. The card number;
3. The PIN number (if the card requires one);
4. The dollar amount of the card;
5. The specific service and VR purpose that the gift card is to be used for;
6. The period of time (dates) the gift card is to be used (no more than one month).

The VR counselor will ensure the receipt section of the Client Receipt of Gift Card is completed, to include:

1. The card number;
2. The dollar amount of the card;
3. The individual's name (if not already populated by AWARE)

The individual who is receiving the gift card must sign and date the letter, acknowledging receipt of the gift card. The gift card shall not be provided to the individual until the signed receipt is returned to the VR Counselor. The signed letter will be retained by the VR counselor in the individual's file.

### **Documentation and Records Retention**

Documents Required for SPCC Reconciliation:

1. Receipt of purchase

2. Authorization (AWARE) and/or eVA purchase order/confirming order
3. "Client Receipt of Gift Card"
4. "Gift Card Log"

#### Records Retention:

DBVI gift card documents will be stored in a the individual's paper file. Records are to be retained according to the Library of Virginia's retention policy.

#### **Pre-Employment Transition Services and Maintenance**

**Guidance:** *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.** For example, the VR counselor may use the reserve fund to purchase clothing (e.g., black slacks and white shirt) the student will require to participate in the work-based learning experience if that clothing is required for all employees. However, if the work-based learning experience **did not require** a uniform or specific clothing but the student lacked appropriate clothing to participate the student would need to be an open VR case under an IPE in order for the VR counselor to purchase clothing. This clothing could not be purchased using the Pre-ETS reserve funds.*



## Chapter 11.5

# Occupational Licenses, Tools and Equipment

Tools and Equipment may be sponsored by the VR counselor if they are deemed necessary for the individual to achieve their vocational goal. For more information about when to consider purchasing tools and equipment, see the chapter in the VR manual consistent with the primary service being provided (e.g., if tools are necessary for the individual's participation in a training program, see the chapter College and Post-Secondary Training). For policy and procedure regarding purchasing tools and equipment (other than Assistive Technology or Adaptive Technology or Equipment), the VR counselor should see chapter [VII.B of the RT/IL manual](#) found in the DBVI Document Repository.

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. DBVI will provide tools and equipment for individuals when they are required for the individual to achieve their vocational goal.
- F. 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. The counselor must document the comparable benefits search in the individual's AWARE case notes. The counselor must document provision of services on the individual's AWARE Plan.

## Donation of Equipment

Individuals being served by the Vocational Rehabilitation program who have received equipment from DBVI may have that equipment donated to them under the conditions noted below (per [Agency Policy 502](#)):

Note: Equipment costing under \$500 is automatically donated when the customer receives it; no additional paperwork is required but the VR counselor should document this in AWARE.

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.

**Procedures:**

1. For the purpose of audit and management, DBVI shall maintain information about purchases for individuals receiving services in the AWARE authorization screens for at least three years after the monetary value of the equipment or device reaches \$0.
2. Assistive technology and other occupational equipment costing \$500 to \$4999.99 will be tracked in the regional office:
  - a. Once assistive technology or other occupational equipment is delivered to the regional office by the vendor, an administrative staff member will affix a DBVI asset/property tag onto the item.
  - b. The administrative staff will enter the tag number along with the name of the piece of equipment, model, and serial number into the Client Inventory Spreadsheet.
  - c. The VR Counselor or Rehabilitation Teacher explains the [Equipment Agreement/Receipt and Release form](#), obtains the individual's signature on the form as well as signing themselves, and files the form in the individual's file. The individual is provided with a signed copy of the form for their personal records.
  - d. When DBVI donates the equipment to the individual, the date of donation is added to the Client Inventory Spreadsheet.
3. For assistive technology and other occupational equipment costing \$5000 and higher:
  - a. The VR Counselor or Rehabilitation Teacher explains the [Equipment Agreement/Receipt and Release form](#), obtains the individual's signature on the form as well as signing themselves, and files the form in the individual's file. The individual is provided with a signed copy for the form for their personal records.
  - b. DBVI will adhere to policies pertaining to asset inventory and tracking as described in CAPP Topic 30105.
  - c. When DBVI donates the equipment to the individual, the date of donation is added to the Client Inventory Spreadsheet.

# Chapter 11.6

## Personal Assistance Services

### Personal Assistance Services (PAS)

*Personal assistance services* means a range of services, including, among other things, training in managing, supervising, and directing personal assistance services, provided by one or more persons, that are:

- 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. Funds are also limited, and may not be available after closure from VR. 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. In Virginia, there are two PAS options administered through the Department of Aging and Rehabilitative Services. The Consumer Directed PAS model which requires that the individual receiving PAS manages their services and directs their personal assistant. The second model, Agency Managed PAS uses an agency to coordinate the PAS services; the Agency Managed model is only used when the individual receiving the service does not have the ability to manage their own care.
- H. When considering PAS as a VR service option, the VR Counselor must evaluate the individual's ability to manage a personal assistant using the Consumer Directed model. This means that the individual possesses the skill and ability to manage and direct the personal assistant including the ability to hire and fire the assistant. Other critical areas of ability include the individual's ability to complete record keeping in order for the attendant to be paid on a timely basis. \
- I. 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.
- J. 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).
- K. An individual may receive PAS if services are needed to access vocational rehabilitation services under a written plan for Trial Work Experiences. \
- L. 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.
- M. 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](#))).

- N. 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.
- O. 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.

## **PAS Procedures**

### **A. Assessments and Annual Re-assessments:**

1. Individuals who may need PAS services in order to participate in VR services must participate in a PAS assessment. The DBVI VR counselor will write an authorization for the PAS assessment using DARS as the vendor. The authorization will be sent to the VR PAS Coordinator at the DARS central office. The VR PAS Coordinator will make arrangements for the assessment to be conducted by an approved PAS provider at the individual's home area. Once the assessment has been completed, the VR PAS Coordinator will calculate the number of hours the individual has been determined to need based on assessment and other findings. The VR PAS Coordinator will provide the VR Counselor with a copy of the assessment and will discuss recommendations as needed. Based on the assessment and input from the VR PAS Coordinator, the VR Counselor will give the final approval regarding the number of PAS hours the individual requires to participate in VR services.
  - a. The VR PAS Coordinator shall perform annual re-assessments. If there is an indication of an increase or decrease in the individual's functional limitations and PAS hours needed, the VR PAS Coordinator shall authorize an in-person re-assessment. The re-assessment may be handwritten on the most recent Uniform Assessment Instrument (UAI) and a new PAS Addendum shall be completed.
2. Services:
  - a. PAS services must be included on the individual's IPE. Provision of PAS services is based on the PAS assessment. If and when the VR PAS Coordinator recommends PAS and if the counselor agrees to sponsor the services, PAS will be entered on the IPE. DARS will be identified as the vendor on the IPE and the authorization for PAS will be sent to the VR PAS Coordinator at the DARS central office.
  - b. The PAS provider (personal assistant) will bill DARS for the service using a DARS approved timesheet. Payment from DBVI will be made quarterly to DARS via an Interagency Transfer (IAT) for the services authorized.

The VR Counselor may request to review time sheets submitted by personal assistants if needed for case files.

3. Case Closure:
  - a. The DBVI VR Counselor must notify the VR PAS Coordinator 30 days prior to case closure. The notification will be sent in writing or via e-mail. If PAS services will continue to be required, the VR Counselor and the individual receiving the service both have responsibility to research other PAS options, such as the State- funded PAS program.



# Chapter 11.7

## Physical and Mental Restoration Services

***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.

## Physical and Mental Restoration Services

### Program Implementation

All physical restoration cases, except those that are clearly ineligible, must be staffed with the Regional Manager prior to moving the case to Eligibility and Plan Development or above. 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 a physical or mental condition.

Physical or mental restoration services are not provided as a sole service for a physical or mental restoration case. There must be an identifiable need for at least one other substantial vocational rehabilitation service. The Vocational Rehabilitation program is not to accept a case merely to pay medical bills.

Specific individual functional limitations must be related directly to the individual's ability to achieve their vocational goal. Limitations such as glare problems, cannot read, cannot drive, problem with depth perception, etc., need to be tied directly to the IPE goal.

A physical or mental restoration referral must go through the eligibility and program planning process. Such processes necessarily take time for an appropriate review of the individual's disability documentation and to develop their IPE. The individual's desire for immediate surgery (e.g., cataract surgery) would not pre-empt the necessary eligibility determination and IPE development process.

#### A. Physical Restoration Considerations

##### 1. Long-Term Medical Cases

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. For example, the individual at VRCBVI is injured in the dorm over the weekend and must go to the emergency room. Except for a medical emergency, VR must approve in advance the medical care for an inter-current illness. While VR may assist with inter-current illness (acute conditions), major medical conditions is not the responsibility of VR.

## 4. Comparable Benefits

In providing physical or mental restoration services, comparable services and benefits must be identified, explored, and utilized. The exploration and utilization of those comparable services and benefits must be properly documented on the IPE. 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. The name and address of the insurance company and the policy number will be recorded ~~on the~~ in AWARE and on the VR [Financial Participation in Cost Services form \(DBVI-70-006\)](#). The individual will be instructed to present the insurance policy or policy number to the hospital/surgeon/physician prior to receiving services.

When medical services are available through any other funding source, the hospital/surgeon/physician will be advised on the AWARE Vendor Authorization that collection from other sources should be made prior to billing the Department. The AWARE Vendor Authorization advises that VR will pay only the difference between benefits paid, if any, and the established fees or rates of DBVI.

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**

### **C. General Services**

The following substantial and support services may be provided in Physical and Mental Restoration. The cost of participation in VR services by the individual is required when VR funds are provided in items 6-10.

1. Counseling and guidance;
2. Diagnostic services, as necessary;
3. Interpreter services for the deafblind;
4. Translator services;
5. Rehabilitation technology services;
6. Physical restoration services;
7. Maintenance
8. Transportation;
9. Telecommunications, sensory, and other technological aids and devices (other than AT an Adaptive Equipment or Technology); and
10. Other appropriate DBVI services.

### **D. 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).

## **Documentation Requirements**

### **A. Actions Required**

1. Complete required amendments, reviews, or add services needed on the IPE documents and record as necessary on the AWARE Case Notes.
2. Complete and distribute Vendor and Direct Authorizations required to appropriate parties, including the individual.
3. Process bills for payment after verifying they are correct.
4. Determine the individual's available comparable benefits, i.e., Medicaid, Medicare, etc.
5. Obtain needed reports for inclusion in the individual's case file, such as medical specialty exam and postoperative report. There must be documentation in the case file of the visual acuity following surgery.

### **B. Determination of Fee**

Allowable fees for medical services are recorded in the DARS Services Reference Manual, which is maintained by DARS on the Intranet. The fee limit/amount is to be documented on the AWARE Plan and Vendor Authorization.

### **C. Payment of Bills - Medical Services**

The counselor will not approve payment for any invoice for medical services until a determination is made as to what other resources (Medicaid and Medicare insurance) will pay.

### **D. Guidelines for Services in Physical and Mental Restoration**

The following services may be provided, as necessary, subject to the conditions already noted in this section and the limitations established in the material that follows:

#### **1. Individual Consideration Fee (IC)**

In cases where there is no established fee for a medical service within the DARS Service Reference Manual, the Regional Office should contact the individual's physician in order to establish the Medicare rate for that service. The VR counselor may then authorize up to that fee. Should there be any questions regarding this, the VR counselor should consult with their Regional Manager or the Director of Vocational Rehabilitation and Workforce Services.

**2. Establishment of Medical Fees (No Procedure Listed in the DARS Services Reference Manual)**

For a determination of fees where no procedure is listed in the DARS Services Reference Manual, the VR counselor should send the CPT (Current Procedural Terminology) code and/or medical report (if already done) to the individual's physician in order to determine what the Medicare fee(s) would be. The VR counselor would authorize consistent with the Medicare rate. If this process is not feasible or an option, consult with the Director of Vocational Rehabilitation and Workforce Services.

**3. Anesthetization Fee**

When the cost for the administration of an anesthetic is not included in the hospital per diem rate (Anesthesiology, Volume II, Services Reference Manual), the fee will be 30% of the surgical fee or the established minimum amount. The administration of fluids, including blood, which are incident to the surgery are included in the aforesaid fee, as well as the customary preoperative examinations.

**4. Consultation**

When needed for diagnosis, and upon the recommendation of the examining specialist, another specialist may be brought in on a consultative basis and paid according to the amounts listed in the DARS Services Reference Manual, for the particular specialist's examination.

**5. Hospitalization for Treatment**

Hospitalization for surgical or medical treatment requires the recommendation by the proper specialist and prior review and approval by the Director of Vocational Rehabilitation and Workforce Services. The VR counselor should not authorize for services prior to approval.

- a. The original authorization for hospitalization treatment is limited to five days.
- b. When hospitalization is to extend beyond the original five days authorized, it must be approved by the VR counselor and documented in the AWARE case notes.

**6. Medical and Surgical Treatments****a. Medical Treatment**

DBVI may pay for medical treatment in accordance with the DARS Services Reference Manual. Consultation with the Regional Manager as to the suitability and appropriateness of the recommended treatment for vocational rehabilitation purposes is recommended. Review and approval by the Director of Vocational Rehabilitation and Workforce Services should occur as needed.

**b. Surgical Treatment**

Payments may be made for surgical operations, preoperative care, and postoperative care. Payments will be made at rates specified in

the DARS fee schedule. All surgical fees include 15 calendar days of routine postoperative care. Any special care, or care beyond 15 days, may be paid for in accordance with the DARS Services Reference Manual.

#### **7. Medication**

Medication is not to be purchased when the individual has a pre-existing condition such as diabetes, epilepsy, etc. There is one exception: If the individual needs the medication and VR is his/her only temporary means of securing the medication. Under these circumstances, only purchase up to a 30-day supply.

Medication can be purchased for up to 90 days when the individual has an inter-current illness or a newly diagnosed medical condition and other VR services are provided such as guidance and counseling and placement.

The cost of medication must always be less or equal to the amount allowed by Medicaid. The counselor will adhere to the following procedures when certain actions take place in purchasing medication:

- a. When the counselor requests a price for a medication from a vendor (prior to writing the authorization), he/she must inform the service provider that DBVI will not exceed the amount allowed by Medicaid.
- b. When an authorization is written to purchase medication, always include and highlight the statement on the AWARE Vendor Authorization: "For the purchases of medication, only charge no more than the average wholesale price, plus the dispensing fee in order to comply with the federal maximum cost and mandatory Virginia Voluntary Formulary."
- c. When the individual contacts the pharmacy for a price, the counselor must inform the individual that he/she must notify the pharmacy that the fee must not exceed the Medicaid allowable fee.

#### **8. Special Nurses**

DBVI may provide nursing services by a registered nurse or a licensed practical nurse only when requested by the attending physician.

#### **E. In Status over Nine Months**

Cases should not remain in Physical and Mental Restoration for more than nine months without recording an explanation in an AWARE case note.

# Chapter 11.8

## Post-Employment Services

*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 (PES)

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. Post-employment services are intended to be short-term, discrete services. Therefore, services should not involve an extended period of time and do not involve major new services.

Projecting the need for post-employment services is included in the individual's Individualized Plan for Employment. However, it is often not known at IPE development what PES services may be needed if any. Therefore, it is much more often the case that the need for PES would become evident just prior to the case being closed as successfully rehabilitated.

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

If an individual needs post-employment services but DBVI has already reported the individual as having exited the VR program, the individual must apply and be determined eligible for the VR program, work with the VR Counselor to develop and sign a new IPE, and begin receiving services under that IPE.

**Guidance:** *The performance indicators set forth in Section 116 of WIOA changed how VR agencies operationalize the provision and reporting of post-employment services. Once a VR service record (case) is closed and the participant has "exited" the VR program for purposes of the performance accountability system, there is no mechanism for this individual to become a VR "participant" again, unless the individual again satisfies "participant" requirements.*

*There is one caveat, if DBVI has not yet submitted the quarterly RSA-911 federal report for the period during which the exit occurred, the participant's service record may be reopened in AWARE to amend the participant's IPE to include the provision of post-employment services. The RSA 911 is due 45 days after the end of each quarter.*



*Example: A participant's VR service record was closed after the individual achieved an employment outcome and exited the program on July 15. July 15 occurs during the first quarter (July 1 – September 30) of the Program Year so DBVI would not yet have reported the participant as exiting the VR program. If the individual and the VR Counselor identify the need for post-employment services at any point during the first quarter before the RSA-911 report is submitted to RSA (no later than November 15), the service record can be reopened in AWARE, the IPE amended and the necessary Post-employment services provided. In this situation, the individual would still meet the definition of a "participant" because the individual's "exit" has not yet been reported to RSA.*

### **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 case record can be closed successfully rehabilitated and the participant is reported as "exited from the VR program."

### **Post-Employment Services Policy**

1. Individuals may receive post-employment services when the services are necessary in order for the individual to maintain or regain employment after achieving an employment outcome, but before the individual is reported as having exited the VR program.
2. Post-employment services cannot be provided to individuals on an indefinite basis.
3. The VR counselor should identify the need for post-employment services at IPE development (if known).
4. The VR counselor should assess the need for post-employment services prior to case closure.
5. Supported employment or Job Coaching Training Services may be provided as a post-employment service. For example, if the individual is assuming new or additional responsibilities and requires job coaching services to learn them.
6. Post-employment services are required to be included on the IPE.
7. Post-employment services closure – see Closure chapter.

**Guidance:** *There are situations where the individual is satisfactorily employed but there are additional VR services that have been planned or are required. Regarding how to make the decision to plan for PES, the individual should be stable in employment in a position consistent with their IPE goal (or they've agreed to change the goal to the position they're employed in) for a minimum of 90 days. If that criterion is met, then the VR counselor needs to determine if the remaining VR service need meets the basic criteria for PES.*

*Generally, in this situation the service-need (while necessary to support the vocational goal) is typically a clearly identifiable, short-term service that will assist the individual within their employment situation. For example, the individual may be performing effectively on the job but will be able to assume additional responsibilities once additional AT has been made available and the individual is trained on its use (job advancement). Or perhaps travel training to the specific job site will be provided once it can be scheduled but in the meantime the individual's family is transporting him to work. In both of these cases it would be appropriate to amend the IPE to include post-employment services as identified.*

*If there are substantial or comprehensive VR services still required that have a significant bearing on the individual's ability to meet their current job requirements the services do not meet the definition of PES. The VR counselor in this case should insure those services are provided and the employment meets the criteria for successful case closure.*

# 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.
- D. The VR counselor must not exceed the Virginia mileage reimbursement rate when authorizing transportation by private vehicle; however, every effort should be made to negotiate a lower mileage rate (for example, actual cost of gas for trip).
- E. The VR counselor may sponsor transportation services for an individual who is employed for only 30 days, unless in the provision of post-employment services. For college and other post-secondary training see that chapter for more detailed information regarding transportation services.
- F. Counselors will document the arrangement for the provision of transportation on the IPE and prepare an AWARE Vendor Authorization in advance of the transportation service being provided.

## 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 (see the Financial Measures chapter).
6. The counselor will document the provision of these services on the individual's IPE.

For more information regarding Rehabilitation Teaching and Orientation and Mobility, see the Agency Services chapter.

# 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 newly defined terms of a “student with a disability” and “youth with a disability” and new 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. Furthermore, 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\(b\)](#). Finally, 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, taking into account the student's preferences and interests, and must include instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services must promote or facilitate the achievement of the employment outcome identified in the student's Individualized Plan for Employment (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)

**Guidance:** *The definition of a student with a disability is inclusive of secondary students who are homeschooled, as well as students in other non-traditional secondary educational programs. For the purposes of the definition of a student with a disability, examples of other recognized education programs may include but are not limited to licensed/accredited psychiatric residential treatment facilities, private day programs, and other state-operated programs as defined in State Regulation 8VAC20-81-10. However, once the student reaches age 22, unless they are still receiving services under IDEA and not older than the maximum age established by the Virginia Department of Education, they no longer meet the definition of a student with a disability. For example, a student with an IEP becomes 22 years old during their senior year of high school; Virginia allows that student to continue to complete their final year of high school under the IPE even though they are older than 21. The definition of a student with a disability is critical because it defines the population who can receive Pre-employment Transition Services.*

**Guidance:** *Individuals who are in post-secondary academic programs and who are under the age of 22 are considered students with disabilities and as such as eligible for pre-employment transition services. Individuals who are in an academic program that provides a recognized credential of education may satisfy the term “in an educational setting” (e.g., a nursing program or CNA program) and therefore students in those programs would be considered a “student with a disability”. However, programs provided within an Employment Services Organization (such as Work Adjustment Training) or programs such as Project Search would not be considered an educational setting for the purposes of satisfying the definition of a student with a disability.*

**A 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.

**Guidance:** *To be clear, a youth with a disability includes anyone who is also a student with a disability, because anyone who meets the definition of a student will also meet the definition of a youth (younger than 24). However, once a student leaves school, they are no longer a student but are still considered a youth with a disability until they reach the age of 25. A student with a disability is eligible for Pre-employment Transition*

*Services; a youth with a disability, who is not a student, is not eligible for Pre-employment Transition Services.*

## **Transition Services**

The DBVI VR counselor serving students and youths with disabilities is responsible for the coordination of 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.

NOTE: For information related to pre-employment transition services, see section below.

**Guidance:** *Transition services is a “coordinated set of activities for students designed within an outcome oriented process promoting movement from school to post-school activities”. Transition services can be provided to all students and youth, regardless of whether their case is open to VR or not and may be provided individually or within a group setting. The VR counselor, in working with students and youth with disabilities, has the responsibility to provide services such as those listed above, providing the student, youth and/or family with the information they need to make informed choices regarding services, including VR services, that will best enable them to achieve the post-school outcome that is their goal. However, transition services are not intended to be individualized services. For example, the VR counselor may provide for a group information regarding careers, class tours of universities and vocational training programs, employer or business site visits to learn about career opportunities, etc., but would not provide targeted/individualized career exploration services as a transition service.*

*Pre-employment transition services can be provided for students with disabilities (see pre-employment transition services section below), either individually or in a group setting, but those services must target the needs of the individual. For those students (or youth) who have been determined eligible for VR services or are under an IPE, the VR counselor can provide the full array of VR services, including pre-employment transition services, that will assist them in achieving their employment goal.*

*Additionally, transition services are not limited to those individuals who are still in school since section 103(b)(7) of the Act includes youth with disabilities between the ages of 14-24 who may or may not be enrolled in secondary education*

### **Role of Education Coordinator**

DBVI education coordinators may assist the VR counselor by:

1. Serving as the transition referral point of contact
2. Disseminating information regarding VR services, including pre-employment transition services.
3. Make referrals to the VR counselor of potentially eligible students and youth with disabilities for the purposes of accessing pre-employment transition services
4. Meeting with students and youth with disabilities, parents and school personnel to facilitate the involvement of the transition aged student in career

- development, vocational evaluation, and vocational preparation activities and curricula.
5. Working with VR counselors to develop and implement of regionally conducted Career related activities.
  6. Encouraging students and youth to participate in DBVI/VRCBI Summer and Academic Work Program.

NOTE: All transition services provided by DBVI program staff must be documented by the VR counselor and included in the VR case file.

## 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\(a\)](#))

NOTE: A "student with a disability" who has been accepted into a post-secondary education program or institution and has graduated is considered to be "enrolled in a recognized education program" and thus can still receive Pre-Employment Transition services during the summer between high school and college.

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". For those students who may be taking a "gap year or semester", the VR counselor must ensure the following documentation has been received if Pre-Employment Transition services are to be provided:

1. Documentation that the individual with a disability graduated from secondary education;
2. Documentation that the individual with a disability has been accepted into a post-secondary education institution or program;
3. Documentation of the individual with a disability's intention or confirmation that they had accepted the invitation to enter the post-secondary program;
4. Documentation that the individual with a disability has been informed by the institution that their "seat" or "spot" is being held for them.

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. For example, job exploration counseling provided in group settings may include the presentation of general local labor market composition and information, administration of vocational interest inventories, and instruction regarding self-advocacy and self-determination. On the other hand, job exploration counseling provided on an individual basis might include discussion of the student's vocational interest inventory results and discussion of local labor market information that applies to those interests. The manner in which pre-employment transition services are delivered (e.g., either in a group setting or on an individual basis) depends on the amount of information the VR counselor has available regarding the students with disabilities being served. As a student progresses through the VR process by applying, and being determined eligible, for VR services, the VR counselor will have the information necessary to provide individually tailored services that address the student's particular disability-related and vocational needs. This aspect of pre-employment transition services, the fact that they can be either generalized or individualized, further highlights the continuum of services available under the VR program.

DBVI can provide pre-employment transition services to any student who is blind, deaf-blind or is vision impaired and 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's 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.

Note: A student with a disability who is in another state but who is moving to Virginia and will be a student with a disability in Virginia is eligible to receive pre-employment transition services as long as they can provide documented evidence of "presence" in Virginia and are available to participate in pre-employment transition services. For additional guidance regarding how the VR counselor shall document presence in Virginia see *Chapter 4: Eligibility, Section I (Prohibited Factors)*.

Note: Pre-ETS services, since they are essentially exploratory in nature, would logically fall into the category of evaluation or assessment services, thus not requiring cost participation on the part of the student being served.

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

The following are required 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. 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.

### **Examples of Pre-Employment Transition Services**

Examples of the five “required” activities and how they may be provided in either a group or individualized setting include, but are not limited to, the following:

1. General job exploration counseling may be provided in a classroom or community setting and include information regarding in-demand industry sectors and occupations, as well as non-traditional employment, labor market composition, administration of vocational interest inventories, and identification of career pathways of interest to the students. Job exploration counseling provided on an individual basis might be provided in school or the community and include discussion of the student’s vocational interest inventory results, in-demand occupations, career

pathways, and local labor market information that applies to those particular interests.

2. Work-based learning experiences in a group setting may include coordinating a school-based program of job training and informational interviews to research employers, work-site tours to learn about necessary job skills, job shadowing, or mentoring opportunities in the community. Work-based learning experiences on an individual basis could include work experiences to explore the student's area of interest through paid and unpaid work experiences, apprenticeships (not including pre-apprenticeships and Registered Apprenticeships), short-term employment, fellowships, or on-the-job trainings located in the community. These services are those that would be most beneficial to an individual in the early stages of employment exploration during the transition process from school to post-school activities, including employment. Should a student need more individualized services (e.g. job coaching, orientation and mobility training, travel expenses, uniforms or assistive technology), he or she would need to apply and be determined eligible for vocational rehabilitation services and develop and have an approved individualized plan for employment.
3. Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education in a group setting may include information on course offerings, career options, the types of academic and occupational training needed to succeed in the workplace, and postsecondary opportunities associated with career fields or pathways. This information may also be provided on an individual basis and may include advising students and parents or representatives on academic curricula, college application and admissions processes, completing the Free Application for Federal Student Aid (FAFSA), and resources that may be used to support individual student success in education and training, which could include disability support services.
4. Workplace readiness training may include programming to develop social skills and independent living, such as communication and interpersonal skills, financial literacy, orientation and mobility skills, job-seeking skills, understanding employer expectations for punctuality and performance, as well as other "soft" skills necessary for employment. These services may include instruction, as well as opportunities to acquire and apply knowledge. These services may be provided in a generalized manner in a classroom setting or be tailored to an individual's needs in a training program provided in an educational or community setting.
5. Instruction in self-advocacy in a group setting may include generalized classroom lessons in which students learn about their rights, responsibilities, and how to request accommodations or services and supports needed during the transition from secondary to postsecondary

education and employment. During these lessons, students may share their thoughts, concerns, and needs, in order to prepare them for peer mentoring opportunities with individuals working in their area(s) of interest. Further individual opportunities may be arranged for students to conduct informational interviews or mentor with educational staff such as principals, nurses, teachers, or office staff; or they may mentor with individuals employed by or volunteering for employers, boards, associations, or organizations in integrated community settings. Students may also participate in youth leadership activities offered in educational or community settings.

**Guidance:** *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.** For example, the VR counselor may use the reserve fund to purchase clothing (e.g., black slacks and white shirt) the student will require to participate in the work-based learning experience if that clothing is required for all employees. However, if the work-based learning experience **did not require** a uniform or specific clothing but the student lacked appropriate clothing to participate the student would need to be an open VR case under an IPE in order for the VR counselor to purchase clothing. This clothing can be purchased using the Pre-ETS reserve funds.*

For questions regarding whether any specific group or individualized pre-employment transition services or other vocational rehabilitation services may be funded from the reserve funds please check with your Regional Manager or the Director of Vocational Rehabilitation and Workforce Services.

### **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. Insuring 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 includes:

- (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.

For example, screen reading software programs could be purchased to enable an individual who is blind to access information on a computer during a work-based learning experience. As another example, for an individual who is deaf, interpreter services or video-based telecommunication products could be purchased to ensure access to information in activities related to job exploration counseling or other pre-employment transition services. It is important to note that the screen reader software for individuals who are blind or visually-impaired, not the computer on which it is installed, meets the definition of "auxiliary aids and services" for purposes of the ADA and section 504 of the Rehabilitation Act and, as such, could be paid with funds reserved for the provision of pre-employment transition services. Computers and other electronic devices are addressed below.

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

**Guidance:** *If the student requires a “disability related service” in order to access a required pre-employment transition service (Pre-ETS), that service may be sponsored using the reserved Pre-ETS funds. For example, the cost of travel training or O & M services that are required to allow the student to participate in a Work-Based Learning Experience could be sponsored with Pre-ETS funds.*

*If an eligible student requires transportation costs (such as a taxi cab) or maintenance (such as a uniform) to participate in a Pre-ETS service this could not be funded with Pre-ETS funds. Similarly, electronic devices including rehabilitation technology that does not meet the definition of an auxiliary aid, could be provided and paid out of Pre-ETS funds if that services was necessary to participate in Pre-ETS. Another example is if an eligible student requires coaching services to participate in work based learning experiences this service could be funded with Pre-ETS funds.*

See the Pre-ETS section on the WINTAC site, particularly the FAQ section, for more specific information (<http://www.wintac.org/topic-areas/pre-employment-transition-services/faqs#q1>).

### **Referral Process for Students and Youth with Disabilities**

WIOA encourages a referral process for students and youth 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 and youth 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.

1. Outreach to students and youth with disabilities, to include outreach to and engagement of parents (or, as appropriate, the representatives of the student or youth 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 and potentially eligible individuals, including but not limited to Pre-Employment Transition Services.
2. For referral purposes, DBVI regional offices contain VR counselors who have a mixed caseload of adults and students with disabilities, but some regional offices also have VR counselors who have only a caseload of students and youth with disabilities (dedicated transition caseload). A ***dedicated transition caseload*** is defined as one that is comprised of:
  - a. Students with disabilities and;
  - b. Individuals who were students with disabilities but are now a youth with disabilities (have exited school but are not older than age 24) and;
  - c. Any individuals for whom it's been determined by Regional Manager approval to be maintained on that caseload

## **B. Referral Process (Transition)**

1. While an individual may be referred for vocational rehabilitation services from a number of different sources (as noted above), DBVI's Education Services Program staff (Education Coordinators) provide consultation, technical assistance, and training for families, early intervention staff, and public school staff who teach blind infants and children who are blind or visually impaired. They are responsible for collaborating and coordinating with the local school systems to assist students who are blind, vision impaired or deafblind participate equitably in school and begin to prepare for employment. As such, they are typically involved with the vast majority of students and youth who may be eligible for and benefit from the agency's vocational rehabilitation program.

The Education Coordinators in each regional office receive information on a regular basis alerting them to students and youth who are turning 14 years old (as a general practice this is the minimum age DBVI provides VR services). They are responsible for contacting those students' families and provide them with information regarding DBVI's vocational rehabilitation program, including Pre-Employment Transition Services.

Should the family be interested in gathering more information regarding VR services and/or having the student apply for services, the Education Coordinator will provide necessary contact information to the regional office intake worker within five (5) working days. The intake worker will then contact the VR counselor (VR counselor with a mixed caseload or a dedicated transition counselor, as appropriate) and implement the referral process outlined in policy above for all other referrals.

Should the VR counselor, other regional office staff or any other DBVI staff be contacted by a Teacher for the Vision Impaired or other school personnel, families, other public or private agencies or programs regarding a student or youth with a disability they should be referred to the regional Education Coordinator who will then provide information as noted above regarding VR services and will coordinate with the regional intake worker as appropriate.

### **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: (Per [34 CFR 361.41\(b\)\(2\)](#))

1. Has;
  - a. completed and signed an agency application form;
  - b. completed a common intake application form in a One-Stop center requesting vocational rehabilitation services; or
  - c. otherwise requested VR services from DBVI;
2. Has 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 potential individual (See Chapter 4, Eligibility).

1. Age and Residence Requirements for Students and Youth who are referred to DBVI

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. As a practice, DBVI generally does not provide vocational rehabilitation services to individuals under the age of 14.

## 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 insure 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. It may be a specific goal, such as a Web designer, or a broader goal, such as medical practitioner. 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.

Note: For students with disabilities who are receiving pre-employment transition services (Pre-ETS) prior to a determination of eligibility for VR services, once the student is determined eligible and an IPE is developed any pre-employment transition services they are receiving as well as any planned Pre-ETS services should be included on their IPE.

**Guidance:** *By permitting the individualized plan for employment for a student or youth with a disability to include a projected, or generally described, rather than a specific employment goal, it's recognized that some students and youth with disabilities, particularly those of a younger age, may not have formulated a specific employment goal when they begin the VR process. As a result, the VR counselor may find it necessary to amend the individualized plan for employment to reflect career exploration consistent with vocational growth and development and the resulting evolution in the student's or youth's employment goal. However, VR agencies should continue to work with students and youth who have identified a specific employment goal, especially those who are older, to develop individualized plans for employment that contain a specific goal. For students and youth who have yet to identify a specific employment goal, this change would remove the need for these frequent amendments. However, the inclusion of a projected employment goal in the individualized plan for employment would not eliminate the responsibility of the VR counselor and student to amend the individualized plan for employment and the VR services needed to achieve that goal as the employment goal changes.*

**Guidance:** *For students and youth with disabilities, many will have little or no viable work history. While the VR counselor must consider the individual's career interests and informed choice, it's equally important to determine the degree to which those interests coincide with the individual's strengths, resources, capabilities and so on. For students in particular, counseling and guidance should be provided towards the development of a viable vocational goal that recognizes, even with post-secondary education or training, that their entrée into employment will likely be at the entry level for their chosen occupation and in some cases entry-level employment of any kind may be the most appropriate first step. Pre-employment transition services, including a work-based learning experience, can be a valuable asset in assisting the student and the VR counselor in determining an appropriate vocational goal.*

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.

VR counselors will attend IEP meetings especially for students who have reached their junior year in high school or those who need strong agency/school support to ensure coordination between the IPE and IEP. VR counselors are responsible for establishing contact with students, parents, and the local school system to determine when IEP meetings are occurring. In some situations, VR counselors will be able to coordinate IPE development and annual reviews around normal IEP meeting.

Service provision including purchase of goods and services for students in transition follow the same policies and procedures as any other eligible individuals.

## Dual Enrollment

NOTE: The Virginia Community College System (VCCS), through their **Dual Enrollment** program, offers high school students the opportunity to enroll in college coursework while still in High School. Courses are taught by full or part-time faculty who meet VCCS credentialing requirements and credit for dual enrollment course is

generally accepted at all Virginia private and public colleges. Students must meet the Dual Enrollment eligibility criteria, which can be found at the [VCCS](#) site. See *Chapter 8: College and Other Post-Secondary training for more information related to Dual Enrollment*.

### **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. The VR counselor should insure the IPE is developed no later than the fall of the student's senior year or, if possible, prior to the end of their junior year such that the identified assistive technology can be ordered at that time.

### **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). DBVI will coordinate SE services with the student, their parents as required, and the school system in which the student is enrolled as needed. SE services may be provided prior to the final semester with approval from the Regional Manager.

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* means 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.

**Guidance:** *The VR counselor is required to identify who will be providing extended services on the IPE when supported employment services are being provided. Funding for these services in Virginia may come through Long-Term Extended Support Services (LTESS) which is budgeted and made available to the Employment Services Organizations (ESO's) in Virginia who provide SE services and DBVI has state funds available for extended services. Other funding sources include the CSB's, Medicaid or other public or private funding sources. Should no funding source be available for an individual being served through SE services, DBVI can use their VR funds (different than their extended services state funds) to provide extended services to a youth with a disability for up to 4 years or until they reach age 25. However, given extended services funding is typically available, the VR counselor must seek approval from the Director of Vocational Rehabilitation and Workforce Services prior to authorizing for these services from VR funds. See the Supported Employment and Customized Employment chapter for more information regarding extended and ongoing support services.*

### **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.

However, throughout the transition period, both the school and the VR agency have responsibility for transition services. DBVI has developed interagency agreements with the Department of Education that attempts to define responsibilities between DBVI and the local school system. However, these agreements don't always provide clear criteria as to which entity may bear responsibility for funding services. In those situations, the VR counselor should consult with their Regional Manager and the Director of Services for Children and Youth.

### **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 5 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 5 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.

**Guidance:** *Transition services can be provided to any student or youth with a disability, regardless of whether they have been determined eligible for services and regardless of whether or not they may be in a closed category under Order of Selection (OOS). As noted above, however, these are generalized and basic services, not targeted individualized services as one would have under an IPE.*

*Students who are receiving pre-employment transition services must have any or all of the 5 required pre-employment transition services continued to completion if and when*

*they are determined eligible for VR services and assigned to a closed category under OOS. This is true even if only one required service was begun prior to assignment in the OOS category; the student is still eligible to receive any or all of the remaining pre-employment transition services until completion. However, a student with a disability is not exempt from the relevant OOS policies otherwise and so if they are assigned to a closed category their IPE cannot be developed and no individualized VR services can be provided. Additionally, should a student be determined eligible and assigned to a priority category (and pre-employment transition services have not yet been initiated) then those services cannot be provided.*

### **Documentation of Transition Services (including the provision of Pre-ETS)**

1. Transition services and activities, including pre-employment transition services, for students and youth with disabilities must be documented in AWARE. Documentation requirements for pre-employment transition services would include:
  - a. Date of Birth
  - b. Race
  - c. Student start date
  - d. Pre-employment transition services provided
  - e. Expenditures
  - f. Documentation that the individual is a Student with a Disability (see No. 4 below)
  
2. The VR counselor should insure they are choosing the proper Service Item code in AWARE when providing pre-employment transition services. If unsure about whether or not a service to an individual should be coded as pre-employment transition services consult with the Regional Manager
  
3. Students with disabilities who have not applied for VR services (potentially eligible) but who are receiving pre-employment transition services should be entered in AWARE to insure they are documented as recipients of VR services per AWARE procedures.
  
4. Prior to providing students with disabilities pre-employment transition services (potentially eligible) the VR counselor should insure documentation that the individual is a student with a disability. Documentation could include:
  - a. Copy of Student's IEP
  - b. SSA Award letter
  - c. Psychological or other report documenting disability
  - d. Progress note in AWARE indicating they had reviewed the student's school record indicating the individual is a student with a disability; noting a staffing with school personnel indicating a disability; counselor observation of the disability, etc.
  - e. Other documentation of the student's disability (e.g., documentation of a diagnosis or disability determination or documentation relating to 504 accommodation)

*NOTE: Although much less documentation is required with respect to students with disabilities who are receiving pre-employment transition services prior to applying or being determined eligible for VR services (potentially eligible), some basic documentation is necessary to ensure that: (1) these students indeed have a disability and, thus, are "potentially eligible" for VR services; and (2) DBVI has sufficient information necessary to complete required RSA reporting and satisfy performance accountability requirements under WIOA. To that end, the data elements required for a "potentially eligible" student with a disability includes: a social security number (if available), date of birth, race (required if student is in elementary or secondary education), ethnicity (required if student is in elementary or secondary education), student's disability, start date of pre-employment transition services and the pre-employment transition services provided, including the type of provider and amount expended for the service. The verifying documentation must be maintained in the individual's case file.*

### **Documentation of Pre-Employment Transition Services in Actual Services**

DBVI is required to offer pre-employment transition services (Pre-ETS) to all students with disabilities "known" to the agency, including students who have applied for VR services as well as potentially eligible students (PE). The VR counselor will document the direct provision of Pre-ETS services in Actual Services in AWARE, including those Pre-ETS services provided to individuals who are being served as Potentially Eligible. The VR counselor must begin to provide at least one (1) required Pre-ETS service for any student with a disability who is being served as Potentially Eligible (PE).

DBVI staff other than the VR counselor providing Pre-ETS services (e.g., VRCBVI) will document the provision of Pre-ETS in the Service Module of AWARE. The VR counselor will summarize those services in Actual Services.

Coordination, case management, scheduling, and other services related to Pre-ETS but not the direct provision of a Pre-ETS service will be documented in the Case Notes datapage in AWARE.

The counselor must document the provision of Pre-ETS to clients in Actual Services in the following manner:

1. **Students with Disabilities being served under an IPE:** Documentation requirements for Pre-ETS is the same as for any other service. That is, Pre-ETS services should be included on the IPE with estimated start dates and then documented as they occur. Pre-ETS services that were planned but not provided would be documented consistent with the guidance regarding other VR services.
2. **Potentially Eligible (PE) & Open in VR with no IPE:** Pre-ETS services that are provided must be documented in Actual Services consistent with guidance for other services. However, because the individual is not under an IPE, there will

be no estimated start dates for the Pre-ETS service. Therefore, if the counselor has planned to provide a Pre-ETS service but the service did not occur, documentation would occur in case notes, not in Actual Services.

For all students with a disability who are in plan status, the VR counselor will include at least one of the five required Pre-ETS services on the individual's IPE and will begin to provide one or more Pre-ETS services within the plan's time frame. Additional Pre-ETS services will only be added to the IPE when it's clear that the service(s) will actually be provided within the planned dates on the IPE (usually no more than 1 year).

The begin date for each service in Actual Services should be per the actual time frame that the service was provided in any given quarter. For example, if career exploration of post-secondary options is to be provided during the summer prior to their senior year, then the Actual Services begin date must reflect the actual date the services began, with the end date being the end of the quarter. If the provision of services crosses over two quarters (e.g., two or three counseling sessions with the student with a begin date of June 3 and continuing until August 3), Actual Services documentation would show a begin date of June 3 and an end date of June 30, with new Actual Services documentation beginning on July 1 and ending on September 30.

In some cases the VR counselor (or another DBVI staff) may provide more than one Pre-ETS service during a G & C meeting or during the provision of other services. For example, the counselor may engage in discussion with the student about self-advocacy during the same session they are discuss post-secondary options. The counselor should establish Actual Services for both self-advocacy and post-secondary options and summarize the services accordingly.

The VR counselor does not need to document in Actual Services any Pre-ETS service that was not actually provided during any given quarter. Additionally, the counselor must not establish an Actual Service for any planned in-house Pre-ETS service until it's certain the service will be provided or is already being provided in the quarter.

Pre-ETS services provided by a vendor must not be documented by the counselor in Actual Services as those services are documented by authorizations in AWARE. However, Pre-ETS services provided directly to the individual by the VR counselor regarding the vended service must be documented as a Pre-ETS service in Actual Services.

For example, a student is working with The Choice Group on finding a work based learning opportunity. The student expresses some anxiety regarding this and the VR counselor meets with the student. Since the counselor is directly providing guidance and counseling services regarding a work-based learning experience, this will be documented in Actual Services as an in-house Pre-ETS service versus a G & C service. As well, if the Business Relations Specialist provides direct assistance to the student in identifying potential work based learning opportunities, that service would be

documented in the Service Module by the Business Relations Specialist and summarized in Actual Services by the VR counselor.

NOTE: Once the VR Counselor has established a Pre-ETS Actual Service (e.g., work-based learning experience), they are responsible for summarizing not only the Pre-ETS services they provided during the quarter, but also the Pre-ETS service provided by other DBVI staff. In the example above, the Business Relations Specialist would document the work-based service they provided to the student in the Service Module. The VR counselor would then summarize the work of the BRS in Actual Services and would also document their direct Pre-ETS guidance and counseling service. Both the services provided by the BRS and provided by the VR counselor would be documented in Actual Services as the Pre-ETS service “work-based learning experience”.

### **Documentation of Coordination of Pre-ETS Services**

There is likely to be necessary arrangement and coordination services regarding Pre-ETS. For example, a referral to The Choice Group, meetings and/or emails with the student for scheduling purposes, etc. These coordinating activities should be documented in the Case Notes datapage of AWARE, not in Actual Services, since they are not direct services provided to the student by the VR counselor or by other DBVI staff. Some of this activity (referral to The Choice Group for example) will also have authorizations attached to the service which provides the documentation of the service in AWARE and therefore need not be documented in Actual Services by the VR counselor.

The VR counselor, though, may be primarily coordinating the service but could also be providing a direct Pre-ETS service. For example, the counselor has a discussion with the student about a referral to The Choice Group for Pre-ETS services, explaining the services they would provide, addressing any concerns, questions or issues the student expresses. While this discussion is about Pre-ETS, the counselor is not actually providing Pre-ETS so should be documented in case notes, not as an Actual Service.

However, if the session included more specific guidance and counseling (e.g., counseling regarding the type of work environment the student would prefer, work activities they are interested in, etc.), this should be documented in Actual Services as a Pre-ETS work-based learning experience. As a reminder, the counselor is not documenting in Actual Services those Pre-ETS services provided by The Choice Group; only those Pre-ETS services provided directly by the VR counselor or by other DBVI staff.

# Chapter 13

## Job Ready and Employment Start

### Placement

#### A. 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 (supported employment, services from the Business Relations Specialist, JCTS, etc.).

#### B. Philosophy of Job Placement

Job placement is of the utmost importance and will require close and continuing involvement between the VR counselor, the individual receiving services and the provider of services (as appropriate). Occupational opportunities can be located through marketing and employer activities developed by the individual being served, by the VR counselor and/or the Business Relations Specialist. It's critical that the VR counselor and the individual being served appropriately and realistically assess the individual's choice, previous work experience (if any), previous education and training, work skills and disability concerns to insure an appropriate job match as opportunities are developed.

#### C. 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.

See the chapter IPE Development chapter for more detailed information regarding the formation of the vocational goal and the Individualized Plan for Employment (IPE).

#### **D. 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.

#### **E. 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.

#### **F. 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.

## 2. **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 insure 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



### 3. **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.

### 4. **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.

### 5. **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.

### 6. **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.

**Guidance:** *As noted, the individual's active participation in their placement process is critical to success. The VR counselor should stay actively engaged with the individual throughout the process, using regular guidance and counseling sessions as needed. Should there be any concerns or issues during the placement process either on the part of the counselor or the individual being served, efforts should be made to address those quickly. Should these concerns continue with a direct impact on the placement process, job placement efforts may need to be discontinued until those issues are addressed. This could include concerns from the individual regarding a lack of adequate progress in finding a job or concerns from the Business Relations Specialist or VR counselor if the individual is not participating as actively as needed. The key to a successful placement process is that expectations for all parties involved are clearly delineated at the beginning of the process with specific timeframes developed to evaluate progress on the placement plan.*

## **B. 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. NOTE: Employment at the VIB facilities in Charlottesville and Richmond is not considered competitive integrated employment.
2. **Homemaker and Unpaid Family Worker** are no longer considered successful VR outcomes.
3. **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.
4. **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.
5. **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.

## **Services**

### **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.

### **Documentation Requirements**

- A. Actions Required
  1. Complete amendments or add services, such as job search activities, on the AWARE IPE service plan;
  2. Secure bids when tools or equipment are provided, and complete the [\*\*Equipment Agreement/Receipt and Release Form\*\*](#) found in the AWARE Letters Catalog or the DBVI Document Repository.
  3. Distribute AWARE Vendor Authorization(s) and other required agency forms as required to appropriate parties, including the individual;
  4. Process any outstanding service bills; and
  5. Change status by completing the all required documentation in AWARE.

### **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 (Primary Employment in AWARE). Individuals in Employed Status may continue to receive VR services as appropriate (e.g., transportation or maintenance). For individuals who are not receiving Supported Employment services, once the individual has begun their employment, the VR counselor shall note the "Employment Start " date in AWARE and will also note

the “Stable Date”. The Employment Start date and the Stable Date shall be the same date. This will place the individual into Employed Status in AWARE. Once an individual is in Employed Status, the VR counselor must monitor the individual in the job for a minimum of 90 days in order to resolve any issues that may arise prior to closure.

NOTE: For policy regarding Employed Status for individuals receiving supported employment services, see [“Employment Stability”](#) in Chapter 9: Supported Employment and Customized Employment

## 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. VR Employment Start Report

This report is located in AWARE as the New Employment datapage. It must contain:

- a. The name of employer, job title and a brief description of the job the individual is entering;
- b. Weekly earnings;
- c. Explain how the job was located/acquired;
- d. Explain why the job seems suitable for the individual;

- e. Explain any problems which the individual may be having on the job (ability to do the job tasks, work with others, transportation, housing, etc.) and what is being done to resolve any problems;
- f. If the job obtained constitutes a major change in the individual's vocational goal, explain why; and
- g. Mention any outstanding bills.

#### 4. 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.

Should the individual decide to continue in employment, the counselor will record in AWARE:

- a. Results of the guidance and counseling session, to include the individual's rationale for maintaining the job and the counselor's concerns;
- b. That the individual has elected to stay on the job; and
- c. That the individual was informed that additional vocational rehabilitation services may be requested by the individual in the event the job does not result in successful case closure.

Note: If the individual does accept a position inconsistent with their vocational goal (regardless of whether the VR counselor believes the position is appropriate or not) the counselor may place the individual in Employed Status assuming the individual is willing to amend their vocational goal in their IPE.

#### 5. 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 insure 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 7-11.

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

### **Documentation Requirements**

#### **A. Actions Required**

1. Complete amendments or add services on AWARE IPE Service Plan;
2. Distribute AWARE Vendor Authorization(s) and other required agency forms;
3. Process for payment outstanding service bills;
4. Complete the [AWARE Equipment Agreement/Receipt and Release form](#) found in the AWARE Letters Catalog or the DBVI Document Repository when tools or equipment are provided; and;
5. Complete the AWARE New Employment datapage to enter case into Employment Start.
6. Ensure necessary documentation of employment start is in the individual's file. Documentation could include:
  - a. Pay stub identifying the individual's start date.
  - b. If the individual is self-employed, supporting documentation of the date that the individual began receiving income from the business enterprise.
  - c. Verification received from employer documenting the employment start date in the individual's file to include the date of the verification, copy of an email, fax, letter, or similar documented evidence.

- d. If no supporting documentation is available, the VR counselor will develop a progress note in AWARE indicating that verification of an employment start date was received with justification as to why other supporting documentation was not provided by employer or individual.

NOTE: The VR counselor may use the “VR Employment Start” letter found in AWARE letters to assist them in acquiring the necessary supporting documentation of the individual’s employment if that documentation is not available through other means. While use of the letter is not required, the letter does provide documentation of the VR counselor’s attempts to collect source documentation of 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 insure 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.

NOTE: The VR counselor is required to insure that the individual has been in employed status for a minimum of 90 days in order to insure employment stability. In cases where the individual becomes successfully employed in a position consistent with their vocational goal the 90 day period is clear. However, there are circumstances where the individual may change jobs during the 90 days, the positions may or may not be consistent with their vocational goal, employment may not be "continuous" during the 90 days (e.g., a week or 2 gap between jobs), etc.

In the circumstance where the individual becomes employed in a position consistent with their vocational goal (or they agree to amend their goal) and then begins a new job with a new employer with similar responsibilities and duties as the first, the VR counselor is not required to begin a new 90 day period as long as the employment is stable, is continuous (no gap longer than one week) and no other VR services are required. For example, an individual takes a stocking job at Target and then moves to a similar position at Kohl's. However, in the case where the individual becomes employed in one type of position and then becomes employed during the 90 days in a position which is not similar to the first, then the VR counselor is required to initiate a new 90 day period to insure employment stability. The VR counselor should consult with the Regional Manager for those situations where the policy above is not clear.

NOTE: if the individual's primary employment is not consistent with their IPE vocational goal, an amendment to the IPE is required prior to closing the case as Closed – Rehabilitated. The VR counselor must complete the section in the AWARE Closed-

Rehab letter sent to the individual at case closure indicating the reason for the change in employment and will need to amend the current IPE as well. The individual must sign the amended IPE prior to case closure.

**Guidance:** *In order to close as case as Closed-Rehabilitated, the VR counselor must be able to document that VR services under their IPE “contributed to the employment outcome”. In the situation where an individual is employed at the time of application, receives VR services under an IPE and maintains the same employment at case closure, the VR counselor may be able to close the case as Closed-Rehabilitated under certain conditions. The counselor must be able to document that the services provided had a positive impact on the individual’s employment situation. For example, the individual’s work hours increased; their productivity or quality of work increased with assistive technology or low vision aids; they improved in their overall performance as a result of the services, etc. It’s not enough to say that services were provided (even significant services) unless the counselor can document how the services directly assisted the individual in their current employment.*

*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

**Guidance:** *Individuals who become employed through a staffing agency or in other temporary work (if consistent with their vocational goal) may be considered as an employment outcome if the individual, as part of informed choice, indicates a desire to continue with temporary work (either through a staffing agency or to continue with a long-term temporary assignment). The VR counselor, though, as part of case closure needs to insure the stability of employment and so should insure that the temporary work will lead to stable employment, even if it's a series of temporary assignments.*

**Guidance:** *The VR counselor should insure when the individual is employed that the job is consistent with their vocational goal at which point the counselor may begin the 90 day period. However, if the employment they've achieved is not consistent with their goal, but the individual expresses an interest to maintain that employment (versus employment consistent with their goal), then the VR counselor should request of the individual to amend their IPE to establish a vocational goal consistent with the current employment. The VR counselor cannot close a case as Closed-Rehabilitated in this situation unless the IPE goal is amended.*

*Individuals who become employed in a position inconsistent with their vocational goal but do not wish to amend their IPE and still require VR services to achieve employment consistent with their goal should continue to receive those necessary VR services to achieve their goal.*

### **Case Closure Process (Closed-Rehabilitated)**

In order to insure that the above criteria for Closed-Rehabilitated are met and that the VR counselor and the individual are in agreement (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](#)).

If the VR counselor is unable to make personal contact, contact with someone else who can verify the necessary information is appropriate (i.e., job coach, family member, etc.). The VR counselor should document in AWARE the information necessary for successful case closure and who the contact was with if not the individual being served. If direct contact with the individual is not successful (no response from individual) the case cannot be closed successfully until the VR counselor can verify successful employment.

**Guidance:** *There are cases where VR services have clearly contributed to the individual's employment but the VR counselor is unable to make contact with them as per policy. A best practice at application for VR services is to collect from the individual multiple options for contacting them – cell phone number, home phone, email address, etc., as well as contact information for family members who may be in contact with the individual. However, in the event no contact can be made, the VR counselor may be able to establish if they have maintained employment through verification of employment (e.g., VEC). If verification of consistent employment of 90 days or longer is obtained the VR counselor should consult with their Regional Manager to determine if the case can be closed successfully.*

The VR counselor has responsibility for properly documenting case closure for the individual. The case closure process consists of:

1. Completing in AWARE the necessary case closure information on the AWARE Closure page. Insure in AWARE documentation appropriately justifies that VR services were provided after IPE development that enabled the individual to achieve the employment outcome.
2. Verification of weekly earnings at employment will be documented by one or more of the following:
  - a. Unemployment Insurance (UI) wage match, Federal employment records, or military employment records that verify the hourly wage rate (not aggregated for the quarter).
  - b. Pay stub identifying the individual's hourly wage rate or annual salary.
  - c. Income earned from commission in sales or other similar positions.
  - d. Documented wage information provided by the local Workforce Services center, a supported employment vendor, or other programs the individual is involved in with income-based eligibility requirements (e.g., TANF, SNAP, etc.).
  - e. Verification received from employer and documented in case service record, to include the date of verification or copy of email, fax, or letter.
  - f. If the individual is self-employed, worksheets or other documentation from the individual verifying their income received and the hours worked in a typical work week;
  - g. If no other supporting documentation is available, the VR counselor will note how wage information was determined in progress notes in AWARE, to include the date verification was received and justification for individual or employer not providing formal documentation.
3. Updating all case notes and any other required documentation in AWARE. Insure any Service notes are updated and complete.
4. Sending the individual the Closed-Rehab letter from AWARE and a copy of the Consumer Satisfaction Survey with a self-addressed stamped envelope. Noting in the letter if the employment is different than the IPE vocational goal and the reason for the change.
5. Insuring there are no outstanding authorizations in AWARE.

6. Insuring any AWARE Service Authorizations are closed.
7. Documenting contact with the individual or others within 10 days of case closure.
8. Send the [Equipment Agreement/Receipt and Release form](#) as appropriate.
9. For individuals who received supported employment services, insure the box in the AWARE closure page regarding the individual requiring ongoing support services at closure is completed and SE box on the AWARE Plan page is checked.
10. For SSI/SSDI closures, staff at DBVI Headquarters will pursue verification of benefits in order to receive SSA reimbursement funds for those circumstances where the individual has become successfully employed and has reached SGA (substantial gainful activity) per SSA guidelines. At case closure, the VR counselor should insure SSI/SSDI status is correct in AWARE closure page.
11. IPE has been amended if primary employment is different than IPE vocational goal and individual has signed amended IPE. Amend the IPE to remove any planned services in the IPE that were not provided.

### **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* 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 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.

Please see Chapter 11.8 Post-Employment Services for additional information.

### **Self-Employment Enterprise Case Closure**

Once the self-employment enterprise has been approved, the VR counselor should work with the individual to insure 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;

**Guidance:** *An individual who becomes employed in a position that is not determined to be a competitive integrated setting must be closed as “Other”. There are a number of employment opportunities that are specifically targeted for individuals with disabilities (e.g., AbilityOne contracts) and employment programs operated typically by ESO’s (Enclaves, Mobile Work Crews, etc.). There are also private employers who have chosen to establish businesses where specific positions are targeted to be filled by persons with disabilities. RSA has specifically commented on some of these situations, noting “Entities that are set up specifically for the purpose of providing employment to individuals with disabilities will likely not satisfy the definition’s criteria” (for competitive integrated employment). The VR counselor should consult with the Regional Manager and/or the Director of Vocational Rehabilitation and Workforce Services in these cases to determine if a competitive integrated employment situation exists in determining how to close the case.*

## **Closed-Other Policy**

### **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. See Eligibility chapter regarding Trial Work Experience (Application T) for more information.

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 and place them in Eligible status in AWARE. 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 AWARE VR 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. The VR counselor shall document in AWARE case notes the justification for case closure and note the reason in the VR Notice of Case Closure Letter sent to the individual at case closure.

## 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)

The VR counselor must appropriately document the reason for case closure, including any progress reports, counselor observations, results of guidance and counseling sessions, evaluations, assessments and any other information that led to the decision to close the case. The VR counselor should send to the individual the VR Notice of Case Closure Letter prior to case closure. Case documentation should include appropriate justification and rationale for case closure, including evidence of attempts by the VR counselor to meet the individual's VR needs. This is particularly important where the individual and the VR counselor do not agree on the decision to close the case. For example, for an individual who is failing to actively participate or follow-through on their responsibilities as agreed to, the VR counselor should document attempts to provide guidance and counseling to address the issues as well as documentation of meetings with the individual, their family or representative demonstrating the attempts to provide services.

**Guidance:** *While the individual may have an IPE (and vocational goal) that the VR counselor agreed to, the counselor may determine during the process of providing VR services that the identified goal and/or services are not realistic or appropriate. For example, an individual may have a vocational goal to be a teacher, with IPE services including college in order to achieve that goal. Subsequently it may be determined that the individual is not able to achieve that goal. That is, they are not demonstrating necessary progress in school or other disability related issues become evident that*

*would prevent achievement of the IPE goal. The VR counselor in that situation should, through guidance and counseling, address this issue with the individual and in the process the counselor may determine that the IPE goal needs to be amended (e.g., teacher's aide versus teacher). If the individual does not agree with this recommendation, and is unwilling to participate in VR services to identify a new more appropriate goal, the VR counselor may need to close that individual's case given their failure to cooperate or participate in services. In these situations, it's imperative that the VR counselor document their rationale for coming to the decision to amend the IPE (lack of progress towards goal, poor grades, etc.), document their attempts to engage the individual in career exploration in order to develop a new goal, and ultimately document the case closure process.*

### **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.

NOTE: Prior to closing an individual as Closed-Other due to the significance of their disability, the VR counselor must receive prior approval from the Regional Manager.

NOTE: Placing the individual back into Application status (Application-T; Trial Work) is not an option in AWARE. The realistic work experiences should be provided in the status the individual is in currently.

### **Appeals (see Appeals chapter 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. The case closure process consists of:

1. Completing in AWARE the necessary case closure information on the AWARE Closure page. Choose the most appropriate reason for case closure.
2. Updating all case notes and any other required documentation in AWARE. Insure any Service notes are updated and complete.
3. Sending the individual the relevant case closure letter (VR Notice of Ineligibility or VR Notice of Case Closure) in AWARE. Check all reasons that apply regarding the reason for case closure. Make sure, though, that the reason for closure checked in AWARE is also checked/noted in the letter. If the individual received services under an Individualized Plan for Employment (IPE) include a copy of the Consumer Satisfaction Survey with the closure letter and a self-addressed stamped envelope.
4. Insuring there are no outstanding AWARE authorizations.
5. Insuring any AWARE Service Authorizations are closed.
6. Send the [Equipment Agreement/Receipt and Release form](#) as appropriate.
7. Insure the IPE is amended to remove any planned services in the IPE that were not provided.
8. Schedule required follow-up reviews for individuals closed due to disability too severe/unable to benefit, for individuals who are closed in extended employment (non-integrated settings) and for individuals who are closed but are employed in sub-minimum wage positions.

### **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;

*Guidance: For an individual who is closed from Application status, the 30 day case consultation response time may mean the case will remain in Application status beyond the 60 days required to determine eligibility. In this situation, this is acceptable.*

## **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.

## **Closed Case Filing and Disposal**

1. Closed cases should be maintained in the regional office for a period of 3 years at which point the case is sent to Richmond headquarters and maintained there for an additional 7 years (to insure any possible SSA reimbursement).
2. Headquarters staff are responsible for disposal of the case record per the Library of Virginia requirements after 10 years.
3. The case record in AWARE is retained.

## **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 and will be developed shortly. Contact the Director of Vocational Rehabilitation and Workforce Services for more information or questions.**

# 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).

**Guidance:** *All references to individuals "applying for or receiving VR services" includes those individuals who are "potentially eligible" students with disabilities and who are "recipients" of Pre-employment Transition Services.*

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.

Note: Per RSA guidance, while the priority category assignment is an appealable determination, the decision by DBVI to implement an Order of Selection by closing one or more priority categories is not an appealable determination.

### **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 60<sup>th</sup> 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 make a decision 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

The following 3 sections of Chapter 17 (Financial Measures) provide information for DBVI staff regarding:

- 17.1: Allowable tuition and other fees for services;
- 17.2: Comparable benefits and Services; and
- 17.3: Financial determination policies and guidelines.
- 17.4: Vendor Approval process
- 17.5: Liability

Some of the allowable fees will be located on the intranet in the DARS Training and Facilities Manual or the DARS Services Reference Manual. In other cases, DBVI has established its own allowable fees for various services. In either case, those allowable fees may change over time so the VR counselor should insure they verify the correct allowable fees in sponsoring services.

Additionally, in Chapter 17.3, the VR counselor should be aware that the tables that are included in that chapter (Normal Living Requirements and Exemptions for Living Expenses) are updated annually.

# Chapter 17.1

## Tuition, Fees, and Other Allowances

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](#))

This chapter addresses tuition, fees, and other allowances that are established to provide uniformity to the provision of services in consideration of the individual's participation in the cost of services.

### All Training Programs

1. Incidentals Allowance:
  - a. Week \$25 (2/12)
2. Clothing allowance \$250 (9/06)
3. Reader allowance \$7.25 hour (09/09)
4. Transportation:
  - a. Must use public transportation Community rate
  - b. Paratransit transportation, where available Community rate
  - c. Private cars (per mile), negotiate rate not to exceed the allowable State mileage rate
5. Room and Board Community rate:
  - a. Exceptions:
    - i. VRCBVI rate
    - ii. College rate
6. Housing Community rate:
  - a. Exceptions:
    - i. College rate
7. Meals:
  - a. Per week \$175 (01/12)
  - b. Per day \$25 (01/12)
  - c. Breakfast and/or lunch \$7.50 per meal
  - d. Dinner \$10
  - e. Exceptions:
    - i. College rate

8. On-site technology training (tutor network) \$45 per hour - \$55 per hour in Northern Virginia (see chapter on Training Programs and Services (Non-Academic) or the Rehabilitation Technology Manual for more information).

### **College Program**

For maximum allowances for undergraduate and graduate tuition please refer to the DRS Training and Facilities Manual or see the chapter on College and Other Post-Secondary Training.

1. Reader service (\$7.25 per hour):
  - a. 400 hours an academic year \$2,900 (09/09)
  - b. 150 hours at summer session \$1,087.50 (09/09)
2. Books and supplies:
  - a. Per semester \$600 (01/12)
  - b. Per summer school per three-hour course \$160 (01/12)

### **Vending Stand Manager's Program**

1. Tuition (weekly) \$550.50
2. Room Only (weekly) Community Rate
3. Meals (weekly) \$175
4. Transportation (weekly) Community Rate
5. Incidentals (weekly) \$21

### **Virginia Industries for the Blind (VIB)**

1. Tuition will no longer be required for individuals participating in training for entry-level positions at VIB.
2. Based on availability of onsite supervision by VIB staff, upon request, situational assessment or work evaluation opportunities may be provided by VIB at no cost.
3. Based on availability of onsite supervision by VIB staff, upon request, situation assessment or work evaluation opportunities may be provided with the support of a job coach.

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

1. Meals: Breakfast - \$3.50; Lunch - \$5.00; Dinner -\$5.00

### **Interpreter Fees**

1. Fees are paid according to the certification level of the interpreter;
2. Separate rates have been established for courtroom interpreting (contact VDDHH); and
3. Interpreter fees are located in the DRS Services Reference Manual, Volume II.

### **Translator Fees**

Fees should be established on an individual basis starting with the established interpreter rates. Use the Community rate.

# Chapter 17.2

## Comparable Services and Benefits

**Comparable services and benefits** means 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.

**Guidance:** *In cases where individuals have been offered employment and adaptive aids or assistive technology may be required, the employer is a potential source of some or all of the costs. While it can be argued that these aids, devices or AT are a "reasonable accommodation" and as such the employer assumes some or all responsibility, DBVI does not want to jeopardize the hire nor delay the employment start if the employer is not willing to assist with costs. However, in many cases the employer is willing to fund the necessary accommodations or at least share the cost. The VR counselor and/or the Business Relations Specialist should make a point of raising this question prior to the individual beginning employment.*

Note: 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.

The VR services for which comparable services and benefits must be considered are:

- a. Physical restoration and treatment;
- b. Maintenance;
- c. Tuition for college and vocational training programs;
- d. Occupational licenses, tools, equipment, and initial stocks and supplies; and
- e. Transportation.

Comparable benefits DO NOT need to be considered for VR services for the following:

- a. Assessment to determine eligibility and priority for services;
- b. Assessment to determine vocational rehabilitation needs;
- c. Counseling and guidance;
- d. Personal and vocational adjustment;
- e. Job placement; and
- f. Rehabilitation technology.

It is the policy of Vocational Rehabilitation of the Virginia Department for the Blind and Vision Impaired to make maximum use of the individual's "comparable benefits" to meet the costs of the individual's Vocational Rehabilitation programs. Utilization of comparable services and benefits is mandatory.

### **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 listed above. For example, an individual who is an SSI/SSDI recipient who is a college student still



must apply through FAFSA. Should any Pell Grant funds be available those funds must be used as a "comparable benefit".

#### A. **Medicare**

The Medicare program is a federal health insurance program for people 65 or older and certain disabled people (including those who are receiving SSDI). It is operated by the Health Care Financing Administration of the U. S. Department of Health and Human Services. Social Security Administration offices across the country take applications for Medicare and provide general information about the program. An individual must apply for Medicare before he/she can receive it.

There are two parts to the Medicare program: Hospital Insurance (Part A) helps pay for in-patient hospital care, some inpatient care in a skilled nursing facility, home health care, and hospice care. Medical Insurance (Part B) helps pay for medically necessary doctor services, out-patient physical therapy and speech pathology services, cataract glasses, and other medical services and laboratory tests. It covers certain prescribed purchases or rental of medical equipment.

##### 1. Deductible, Coinsurance, and VR

Medicare is first payee. VR will be financially responsible for only those services not covered by Medicare or Medicare allowable fee. The payment cannot exceed those fees established in the DARS Service/Item Reference Manual, Volume II. VR cannot make payment until after the physician's office, hospital, outpatient clinic/office, or the individual/patient have sent a Medicare payment verification (EOB – Explanation of Benefits) to the counselor.

##### 2. Intraocular Lenses

In most instances, Medicare pays for intraocular lenses in outpatient hospital services and at the Ambulatory Surgical Centers. Part A pays for these lenses when inpatient hospital services are provided. VR will not pay for intraocular lenses when the lenses are included in the Medicare allowable charges.

##### 3. Assignment

When the physician or other service provider accepts assignment, the medical insurance payment is directly received from Medicare. By law, the service provider who accepts assignment can only claim the deductible, coinsurance (20 percent of allowable fee), and services not covered by Medicare. The difference(s) between the bill charges and Medicare allowed charges cannot be billed to the patient or any other third party (VR). However, the service provider can charge for any services that Medicare does not cover.

##### 4. VR Authorizations under Medicare

When VR services are authorized under Medicare, Part B, the counselor

will authorize up to 20 percent of the established fee in the DARS Service/Item Reference Manual, Vol. II. If the Medicare payment to the service provider exceeds the DARS allowable fee, DBVI will not make any additional payment. If the payment is less than the allowable DARS fee, DBVI may pay the difference up to 20 percent of that fee.

## **B. Medicaid**

The Medical Assistance Program (Medicaid) was established under Title XIX of the Federal Social Security Act to enable states to provide medical care for public assistance recipients and medically-needy persons; i.e., persons of low income who can meet their maintenance needs but have insufficient income to provide the cost of medical care. The program is financed by state and federal funds.

Virginia law provides that the Medicaid Program be administered by the State Department of MEDICAL ASSISTANCE SERVICES (DMAS). Determination of eligibility for medical assistance and the provision of related social services are the responsibility of local departments of social services under the supervision of the State Department of Social Services.

The groups of individuals to which VR may sometime provide services and who are eligible for Medicaid are: welfare recipients other than GR (General Relief) and SSI recipients (some exceptions: category-related, medically-needy persons and recipients of auxiliary grants). The Medical Assistance Program (Medicaid) coverage would equal or exceed the amount specified in the VR Fee Schedule (DARS's Services/Item Reference Manual, Vol. II). VR cannot pay a vendor who already has accepted Medicaid funds.

Medicaid is first payee for VR individuals. Providers that enroll as Medicaid providers agree to accept Medicaid payment as payment in full. Therefore, Medicaid covered services cannot be authorized for individuals being served by VR. VR will not pay for medical services when the individual is a Medicaid recipient. Therefore, the individual must use a service provider that accepts Medicaid. Authorizations can be issued for a VR individual who has a pending Medicaid application if the medical services needed require immediate attention.

1. The Medicaid "Spend-Down" - Individuals and their immediate families who otherwise meet the eligibility requirements, but who have income in excess of the established amount, are ordinarily ineligible for medical assistance at the time of application (an exception may be the person in a nursing home); but may become eligible if the excess is insufficient to meet the total cost of needed medical care, and such excess has been incurred or applied to the cost of medical care.
2. Spend-down Deductions - Only those medical expenses that are the obligation of an applicant or members of the Medicaid family unit are deducted from the spend-down amount. Medical expenses covered by

Medicare or other medical insurance are not obligations of the individual or family unit members.

3. Retroactive Eligibility – An individual being served by VR can request coverage of unpaid medical bills for a Medicaid covered service within three months (90 days) from the date of entitlement. Entitlement begins the first day of the month in which the service was received, provided all eligibility factors were met during those months.

**C. Private Medical Insurance**

VR requires that an individual's medical insurance claim (such as Anthem) be settled before VR pays. VR will pay the difference between the amount specified in the DARS Service/Item Reference Manual, Volume II, and the amount which the insurance paid (assuming that the insurance payment was less than the amount allowable in the DARS Services/Item Reference Manual, Volume II). If the insurance paid an amount equal to or greater than the amount specified in the VR Fee Schedule, then VR cannot pay anything. Of course, VR can pay for necessary goods or services not covered by the individual's insurance.

**D. Pell Grant**

Pell Grant funds are available to economically eligible individuals attending approved:

1. Colleges;
2. Community/junior colleges;
3. Vocational schools;
4. Technical institutes;
5. Hospital schools of nursing; and
6. Other select post-high school institutions.

See the chapter on College and Post-Secondary Training for additional information on this subject.

**E. Other Grants and Scholarships**

Individuals enrolled in institutions of higher learning are also required to apply for whatever grants or scholarships may be available. This is especially important in the case of graduate students who are ineligible for the Pell Grant. Title IV of the Higher Education Act states that in order to receive a grant, loan, or any work assistance, a student must not owe a refund on funds previously received or be in default on any student loan (20 U.S.C. Section 1091 (a)(3)). Therefore, an individual who has defaulted on a student loan should make every effort to clear the default status before seeking VR sponsorship for higher education. See the chapter on College and Post-Secondary Training more information regarding hardship situations and student loan status.

**F. Monetary Merit Awards**

Monetary merit awards are those awards provided by civic, professional, social, or

community organizations. These awards will not be considered a comparable benefit.

**G. Other Sources of Comparable Benefits**

In addition to the most common categories of comparable benefits mentioned above, the following is a listing of comparable benefit programs for which some VR individuals may be eligible. The VR counselor should be knowledgeable about comparable benefit programs and utilize them whenever possible in his/her casework.

1. State and local hospitalization funds;
2. Workers' Compensation;
3. Community mental health services;
4. Veterans Administration;
5. W.I.O.A/Workforce Services Centers; and
6. Virginia Employment Commission (VEC) Programs.

# Chapter 17.3

## 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)

**Guidance:** *Individuals who receives SSDI Survivor Benefits or Family Benefits are not exempt from consumer financial participation as SSI and SSDI beneficiaries are. However, an adult (at least 18 years of age) who was disabled before the age 22 and is receiving SSDI benefits through SSA's Child Disability Benefits Program (parent is deceased or starts receiving retirement or disability benefits) is exempt from cost participation. Consult with the Regional Manager or the Director of Vocational Rehabilitation and Workforce Services if there are questions.*

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.**

**Guidance:** *Per 34 CFR 361.54 above, DBVI cannot require individuals who are receiving SSI or SSDI to participate in the cost of their VR services. The VR counselor should determine what costs the individual may be incurring as a result of participating in VR services but at the same time should not provide funding for every day, routine personal expenses unrelated to VR participation. See Guidance in the College and Post-Secondary Training regarding Maintenance costs for more information.*

NOTE: For VR policy specific to student participation in the cost of services regarding educational expenses, see [Chapter 8: College and Other Post-Secondary Training](#).

### **Completion of the VR Financial Participation in Cost Services Form**

The VR [Financial Participation in Cost Services Form](#) must be completed prior to the provision of cost services that are not exempt from cost participation. Accordingly, the financial form shall be completed:

1. At the time of development of the Individualized Plan for Employment (IPE) if there are planned cost services that are non-exempt from cost participation, or;
2. At the point at which non-exempt cost services on the individual's IPE are being planned as an amendment to the original IPE, or;
3. At any other point prior to the provision of non-exempt cost services.

The Financial Determination Statement must also be completed for SSI/SSDI recipients even though they are exempt from participating in the cost of services.

It is the policy of DBVI that the VR [Financial Participation in Cost Services Form](#) will be reviewed and updated annually by the VR counselor for all individuals for whom a financial form was initially completed (including SSA beneficiaries). Individuals are required to provide DBVI a copy of their most recent federal income tax return form 1040 (either their own or any return on which they are claimed as a dependent) for the previous year (or for any given year in which financial participation is being considered) as well as other documentation including a pay stub for a working person or SSA benefits statements or other proof of the amount for recipients of SSI/SSDI (e.g., bank statement showing receipt of SSI/SSDI payment). Such documentation shall be maintained in the individual's case file.

### **Determination of Number of Persons Depending on Income (Family Size)**

#### **A. Family Unit (Household):**

1. The basic family unit consists of one or more adults and children, if any, related by blood, marriage, or adoption, and living in the same household. The family unit includes family members, temporarily absent from the household, for whom the family claims financial responsibility for tax purposes

- (i.e., individuals who have been claimed as a dependent on someone else's income tax return).
- B. For individuals who are claimed as a dependent on someone's else's income tax return, the VR counselor should consider all individuals in the family unit (household) in determining the number of persons dependent on income in reviewing the Normal Living Requirements chart and for the purposes of determining income and assets.
  - C. Individuals who are 18 years or older (Age of Majority) and are not claimed by someone else as a dependent on their tax return should be considered a family of one.
  - D. Individuals who are 18 years or older and are maintaining their own household independent of their family;
    - 1. Should be considered a family of one if they are not claimed as a dependent on someone else's income tax return;
    - 2. Should be considered a family unit if they are claimed on their spouse's income tax form
  - E. Single students who have been residing within their parent's home are considered part of the family unit 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;
  - F. 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.
  - G. Recipients of SSI or SSDI shall be considered to be a family of one.
  - H. Economic Need: An Economic Need determination has been established by DBVI because of its limited resources. The provision of VR services, based on economic need, requires a thorough examination of the individual's ability to participate in the cost of services and other comparable benefits. When the individual is dependent on the family income, this income shall be considered.

### **General Discussion**

Certain services required to determine eligibility, the nature and scope of VR services, and to assist with developing an individual's vocational goal and services do not require consideration of financial need. Other goods and services do require consideration of financial need and potential participation in cost of services.



**A. VR Services**

VR services that require consideration of financial need and an individual's participation in the cost of services:

1. Physical restoration;
2. Maintenance after an IPE has been developed (other than as related to a diagnostic service);
3. Tuition or training fees;
4. Housing/Room & Board
5. Books and supplies;
6. Equipment (except for adaptive equipment);
7. Transportation (except incidental to diagnostic services);
8. Personal incidentals during training;
9. Occupational licenses, tools, equipment, initial stock and supplies
10. Telecommunication services (other than AT or adaptive equipment)
11. Low vision training services (except diagnostic services and training provided by DBVI staff);
12. Other services, such as services to family members;
13. Other goods and services not otherwise noted as exempt (for SEE, see chapter 7.6)

VR services which **do not require** the consideration of financial needs:

1. Diagnostic and evaluation services;
2. Counseling, guidance, and referral;
3. Prevocational training (including pre-vocational transition services);
4. Job placement and follow-up;
5. Orientation and mobility services;
6. Reader services;
7. Interpreter services for individuals who are deafblind or individuals who do not speak English;
8. Rehabilitation technology services including Assistive Technology and adaptive equipment (including low vision aids);
9. All evaluation and training programs at VRCBVI;
10. Work Evaluation or Situational Assessments (one month or 160 hours);
11. Community Evaluation Training Program with Rehabilitation Teaching;
12. Work Experience for Adults;
13. Work Adjustment Training;
14. On-the-Job Training;
15. Supported Employment Services;
16. Job Coach Training Services;
17. Customized Employment Services;
18. Pre-employment transition services
19. Personal Assistance Services; and
20. Any other services not otherwise noted and provided by DBVI staff

**B. Allowable Deductions**

The only deductions to be considered are medical and current in-school tuition for eligible individuals and other family members.

1. **Medical:** Examples of medical conditions which need continuous treatment are diabetes and seizure disorder. Other instances of allowed medical expenses are for acute medical conditions or traumas in which an additional burden is placed upon the family income and resources. Expenses for a catastrophic illness would also be an allowable medical expense. Unusual dental expenses, such as oral surgery or the fitting and maintenance of dental braces, retainers, etc., are also allowable expenses. Routine co-payments or hospitalization insurance premiums are not an allowable medical expense.
2. **Educational:** The cost of tuition and/or related expenses for individuals or family members currently in school or a training facility are considered allowable deductions. These expenses could range from tuition in a private school to a special training center for an individual with a disability member of the family. Ancillary costs, such as transportation, which relate to training or special supplies, are also allowable, as long as the costs pertain to the family member.

#### C. **Real Property**

Real property will not be a consideration for financial need. Income level from real property, however, such as rental fees or income from crops raised, etc., will be included as earned income on the VR Financial Participation in Cost Services Form.

#### D. **Normal Living Requirements**

The Normal Living Requirements will be used with the VR [Financial Participation in Cost Services Form](#) to determine the individual's participation in cost of services. Normal Living Requirements are based on median income for a four-person family provided by the Bureau of the Census as published in the Federal Register for the Low income Home Energy Assistance Program (LIHEAP). The median income for a four-person family is multiplied by percentages to adjust for family size. Percentages are found in F of this same section.

#### E. **Verification of Income**

The VR counselor should obtain documentation of income as well as other financial assets in order to verify that the financial information received from the individual being served (or their family) is accurate. Pay stubs, most recent income tax returns (total income, not Adjusted Gross Income), and bank, credit union or stocks and bonds statements are viable sources of documentation for verification purposes. DBVI staff will obtain documentation of income:

1. When completing the VR Financial Participation in Cost Services form with the individual for the first time;

2. When updating the annual VR Financial Participation in Cost Services form with the individual participating in the VR services; and,
3. When an individual's financial circumstance has changed and the VR Financial Participation in Cost Services form must be updated prior to the annual update required for the VR program.

**Guidance:** *The intent is to capture the individual's financial situation, understanding that it's not a static environment. The VR counselor should use reasonable judgement in these situations with the underlying goal of balancing DBVI's need to implement an economic needs test but also being fair to the people we serve. For example, an individual may have \$5,000 in their bank today but significantly less a week later after paying rent and bills. An average daily balance in that case would more accurately reflect their assets. Or an individual may have a pay stub showing gross wages of \$3,000 per month, but if that job is seasonal their true monthly income (on an annualized basis) may be much less. The VR counselor should consider these factors in completing the financial form.*

### **Authorization of Services (Application of Financial Participation Policy)**

NOTE: For VR policy specific to student participation in the cost of services regarding educational expenses, see [Chapter 8: College and Other Post-Secondary Training](#).

While DBVI has elected to establish policies regarding financial participation, federal regulations require that the established policies do not lead to costs to the individual being served that are so high as to effectively deny them a necessary service. As such, the following financial participation guidelines should be followed when services are authorized:

1. The Financial Determination/Redetermination Form will determine if an individual is required to participate in the cost of their VR services and if so, what their monthly contribution will be.
2. The individual is expected to contribute their monthly amount in any month when VR cost services are provided.
3. To the maximum extent feasible, the VR counselor should authorize services to minimize the financial impact on the individual. Therefore;
  - a. Services that would be considered as being directly associated with each other and/or are complementary to a primary service should be treated as essentially a single service when applying financial participation policy. For example, if the VR counselor is sponsoring training there may be associated costs, such as supplies, uniforms, transportation and other maintenance services, all of which would be directly associated with the primary training service. The individual would only be required to contribute per the multiple authorizations as if it was a single service authorization in a month.
  - b. Where multiple services are being authorized that are not associated with each other or complementary to a primary service, the VR counselor

should authorize services such that cost VR services are being provided over a limited number of months, combining services within one month as much as possible.

- c. Trade, business schools or other training programs that charge a one-time tuition cost would require the individual to participate only per the one-time payment.
- d. Maintenance, transportation, housing or personal incidental costs which may be provided monthly would typically be associated with a primary service (such as training, OJT, UWE, etc.). Even if the primary service is exempt from financial participation (such as OJT), the VR counselor should still treat any other non-exempt services (such as transportation or maintenance) as associated or complementary services and therefore treat them as a single service.

## Completion of Financial Determination/Redetermination Form

### Financial Tables- Revised May 2022 to reflect Federal Fiscal Year 2022 Normal Living Requirements: Based on 100% of Annual Median Income

Number of Persons Depending on Income	Monthly Amounts	Annual Amounts
1	\$4,721	\$56,657
2	\$6,174	\$74,090
3	\$7,627	\$91,522
4	\$9,080	\$108,955
5	\$10,532	\$126,388
6	\$11,985	\$143,820
7	\$12,257	\$147,089
8	\$12,530	\$150,358

The Virginia Median Family Income for a four-person family for FFY 2022 is \$108,955 and is taken from the U.S. Department of Health and Human Services Administration for Children and Families, Low Income Home Energy Assistance Program (LIHEAP).

In accordance with 45 CFR 96.85, to adjust for different sizes of households, 60 percent of a state's estimated median income for a four person family (\$65,373 in VA) is multiplied by the following percentages to adjust for household size for **Low Income Home Energy Assistance Program (LIHEAP)**: 52 percent for one person, 68 percent for two persons, 84 percent for three persons, 100 percent for four persons, 116 percent for five persons, and 132 percent for six persons. For each additional household member above six persons, add 3 percentage points to the percentage for a six-person household (132 percent), and multiply the new percentage by the State's estimated median income for a four-person household

### Exemptions for Liquid Assets- Revised May 2022 to reflect Federal Fiscal Year 2022

The allowable liquid assets are based on 50 percent of annual median income in table above.

Number in Family	Amount
1	\$28,328
2	\$37,045
3	\$45,761
4	\$54,478
5	\$63,194
6	\$71,910
7	\$73,545
8	\$75,179

## Instructions for Completion of DBVI-70-006 VR Financial Participation in Cost Services Form

The individual program responsibilities for the initial Determination/Redetermination statement form are as follows:

### A. Initial Determination

#### 1. New referral:

The program worker who completes the VR [Financial Participation in Cost Services Form](#) (DBVI-70-006) is responsible for completing the following sections for his/her program:

- a. RT/IL and VR: Sections A, B, C, D, E, F, and G

#### 2. Re-referral:

The program worker who completes the VR [Financial Participation in Cost Services Form](#) (DBVI-70-006) is responsible for completing the following sections:

RT/IL and VR: Sections A, B, C, D, E, F, and G

#### 3. Annual Redetermination

The program worker who completes VR [Financial Participation in Cost Services Form](#) (DBVI-70-006) for the annual redetermination update is responsible for completing the following sections:

- a. IL/ RT and VR: Sections A, B, C, D, E, F, and G;

## DEMOGRAPHIC

Name: Enter the first, middle initial, and last name. Do not use "nicknames."

Address: Enter complete current address.

AWARE Participant Number: Enter the regional office assigned number

## SECTION A. MEMBERS OF FAMILY UNIT:

1. Enter all members of the family unit living in the home (or list only the individual if they are considered a family of one), listing the individual's name first. Include age, relationship to the individual and gross monthly income of each family member. List only that portion of the gross income which is actively contributed in support of the family unit. **Recipients of SSI/SSDI are considered a family of one; names of and income from family members is not required.**
2. State the source(s) of the monthly income under "Source Gross Monthly Income." Sources to be included are: 1) Wages (total from the income section of the individual's most recently filed federal form 1040 divided by 12 or pay stub for a working person), 2) Social Security Disability Income (SSDI) (as verified by the individuals SSA statement or other proof of the benefit being received), 3) Supplemental Security Income (SSI) (as verified by the individuals SSA statement or other proof of the benefit being received), 4) Old Age Survivors Insurance (OASI), and 5) Other. "Other" includes, but is not limited to, net income from business or farm, railroad retirement, unemployment compensation,

pensions, annuities, interest, dividends, net rental income, Workers' Compensation, alimony, child support, and veteran's disability.

3. Column Six in the "Source Gross Monthly Income" should include the sum of columns one through five for each family member listed.

### **SECTION B. TOTAL SUM OF ALL GROSS MONTHLY INCOME:**

Enter the amounts recorded in column six in Section A.

NOTE: For SSI/SSDI recipients, depending on the amount of their benefit, the Excel form may generate an amount in G6 indicating the individual should be participating in the cost of services. SSI/SSDI recipients are not required to participate in the cost of services so that number should be ignored.

### **SECTION C. HOSPITALIZATION**

NOTE: While SSI/SSDI recipients are exempt from financial participation, Medicare or Medicaid is a comparable benefit which the VR counselor should consider. If the individual is receiving Medicare or Medicaid, provide that information in this section of the form.

1. Enter the name of the company and the policy number of all medical insurance policies from which the individual may receive benefits
2. If the individual is eligible for Medicare or Medicaid, check the appropriate insurance program and enter the insurance number. If the individual is also eligible for Medicare, Part B, check the block
3. List in the "Other Comparable Benefits" section other benefits that the individual may be receiving, i.e., Pell Grant, CHAMPUS benefits, and Veteran's benefits other than income maintenance.

### **SECTION D. LIQUID ASSETS AND ALLOWANCE**

List the total amount of liquid assets and allowances for the family unit (of self if a family of one) shown in Section A (except for SSI/SSDI beneficiaries). IRAs and other deferred annuities are not considered liquid assets for economic need. Funds held for minors in trust funds by social service agencies or families/guardians are not to be considered liquid assets until released to the individual upon attainment of age of majority or per the fund designation.

1. Cash: Enter the total amount of all cash (including checking accounts).
2. Bank Deposits: Enter the total amount of savings accounts and certificates of deposit (CDs).
3. Stocks/Bonds: Enter the total amount of estimated cash value of all stocks and bonds.
4. Other: Enter the total amount of gifts, inheritance, or escrow accounts.
5. Total Liquid Assets: Enter the sum of D.1 through D.4.

**SECTION D.6 AND D.7 ARE NOT APPLICABLE TO INTAKE WORKERS. HOWEVER, THEY MUST BE COMPLETED BY THE APPROPRIATE PROGRAM WORKER.**

1. Standard Allowance: Enter the amount of allowed exemption for liquid assets based on the total number of members in the family unit.
2. Surplus: Subtract line D.6 from D.5 and enter the difference. If D.7 is zero or less, the individual meets income need standards for liquid assets. If D.7 is greater than zero, further determination is necessary in Section G, Eligibility Determination.

**SECTION E. MONTHLY INCOME AND ALLOWANCE:**

Monthly Income from Section B: Enter the total amount from Section B.

1. Standard Allowance: Enter the amount of the Normal Living Requirements allowance for the total family unit.
2. Exceptional Allowance: These allowances are more fully explained in the Financial Determination Guide section
  - a. Medical Debts: Unusual individual or family expenses
  - b. Educational/Individual: Current educational expenses
  - c. Educational/Family: Current educational expenses for a family member
3. Total of E.2 thru E.3c: Enter the sum of the Standard Allowance and Exceptional Allowance.
4. Surplus/Difference: Subtract E.4 from E.1 and enter the surplus or difference in E.5
5. If E5 is zero or less, the individual does not participate in cost of services.

**SECTION F. FINANCIAL VERIFICATION**

If the applicant, parent, or guardian renders requested financial information and signs the form, put a check mark in the first block. However, if the applicant, parent, or guardian chooses not to disclose financial information, put a check in the second block.

1. Date: Enter the date the individual signs SECTION F, FINANCIAL VERIFICATION. The redetermination is to be done one year from this date.
2. Applicant Signature: The applicant is to sign on the applicant signature line. The parent or guardian must sign for a minor child.
3. If the required signature is not given, the worker collecting the information is to write a statement to this effect on the applicant signature line.
4. Worker Signature: The worker collecting the financial information is to sign on the worker signature line.

**SECTION G. INDIVIDUAL'S PARTICIPATION IN THE COST OF SERVICES**

The program staff completes Section G to determine the individual's participation in the cost of services after all relevant financial information has been obtained. The worker is to date and sign the form when he/she completes Section G. Instructions follow:

1. If the individual is not required to participate in the cost of services, check the first box at G.1. The worker is to enter the date and sign in the first worker signature space at G7.



- a. If the individual is responsible to participate in whole or in part in the cost, check second box at G.1 and proceed to complete G2 through G6. The worker is to enter the date, have the individual sign in the individual's signature space at G 7.
2. In completing G.2, use twelve (12) months for services.
3. Liquid Assets and Allowance: If D.7 is greater than zero, divide that amount by G.2 to determine G.3 monthly contribution to rehabilitation plan.
4. Monthly Income and Allowance: Enter the total from the E.5 monthly contribution line (G.4).
5. If Liquid Assets and Allowance exceed Zero AND Monthly Income and Allowance Exceed Zero, then enter the total from G.3 in the first space and enter G.4 in the second space. Put the total of G.3 plus G.4 in the third space (G.5).
6. If Liquid Assets and Allowance Exceeds Zero AND Monthly Income and Allowance is Zero Or Less, then enter the total from G.3 in the first space and enter the total for G.4 in the second space. Subtract G.4 from G.3. If the difference is a surplus, check monthly contribution and enter the surplus. If the difference is a minus, check that the individual does not participate in cost of services. After all computations are done, the individual will be in one of the following situations: "Individual is required to participate in the cost of services" or "Individual is not required to participate in the cost of services." Check the appropriate box at G1.
7. Signature lines: Individual signatures are explained on the form. The program worker signs and dates the form when the financial participation determination has been completed.

# Chapter 17.4

## Vendor Approval Process

DBVI VR counselors should utilize the DARS Training and Facilities manual to determine if a training vendor, an Employment Services Organization (ESO) or a college or university is an approved vendor.

Approved vendors can be found within the AWARE vendor search process. If the VR counselor requires a new vendor to be established, the VR counselor should follow the processes below:

### Training Vendors

If the provider of training is not listed in the Training and Facilities Manual, approval will have to be obtained before utilizing the vendor. Provide the Director of Vocational Rehabilitation and Workforce Services the following information, in order to initiate the approval process through DARS.

1. Name and address of the service provider (vendor);
2. Name and telephone number of contact person;
3. Federal identification number (if available);
4. Fee to be charged;
5. Course/service description; and
6. Information regarding licenses, accreditation etc.
7. Rationale for request to establish the provider as a vendor (training service not available in area; expertise in training individuals who are blind or vision impaired, etc.)

The Director of Vocational Rehabilitation and Workforce Services will notify the VR counselor when the vendor has been approved.

### Other Vendors (non-training)

#### Vendor Request Policy

DBVI staff shall submit all new and updated requests to vendors in the DARS fiscal system to [VendorRequests@dars.virginia.gov](mailto:VendorRequests@dars.virginia.gov). When requesting a new vendor, please specify in the subject line of your email, "Please Add New Vendor". In your email, please provide the required information on the vendor (Vendor name, Tax Id number/SSN, address, phone, fax, and contact name).

**New vendor creations/updates/changes will require a completed W-9 signed by the vendor.**

The Commonwealth Vendor Group (CVG) has provided a [W-9 Substitute Form](#) for vendors to fill out in order for DOA to add the vendor to Cardinal. Vendors will no longer be setup without a W-9.

If the vendor's information needs to be updated or modified, DBVI staff should include the vendor name and vendor number in the subject line. For example, Star Inc. V# 123456. If the request involves requesting a change of a vendor's name or tax id number, staff must attach their updated W-9 reflecting this change.

Fiscal Vendor Staff will respond to all requests within 48-hours. Vendor Staff submit the requests to CVG or to eVA. Vendor requests submitted to CVG may take up to five business days to process; however, a request may be processed within one business day if expedited. Vendor requests submitted to eVA may take from four to 10 days to process, depending on the type of change. Some changes to vendor information in eVA require the assistance of the vendor, which adds processing time. Additions and changes to vendors in AWARE will take 2 hours to hit the AWARE system.

Prior to submitting a vendor request (either new vendor or modification of vendor information) staff should check the [Vendor Inquiry](#) first to see if a vendor number already exists to avoid duplicate requests. Questions or concerns should be addressed to [Accounts Payable](#).

# Chapter 17.5

## 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.

### B. Procedure

Once the VR counselor becomes aware of personal injury or property damage involving an individual receiving services, including those individuals who are participating in assessments or evaluations to determine eligibility, regardless of whether DBVI liability is real or perceived, the VR counselor shall:

1. Immediately notify regional manager, the Director of Vocational Rehabilitation and Workforce Services, and the Deputy Commissioner for Services. This notification can initially be via phone call and must be followed up in writing via e-mail and documented in a case note.
2. Send a completed Vocational Rehabilitation Accident-Incident Report Form (found in DARS Document Repository) to the Deputy Commissioner (or other appropriate staff at HQ) on the same day as the VR Counselor received notification of an incident.
3. Within 3 business days, the Deputy Commissioner (or other staff at HQ) shall notify the Division of Risk Management, as appropriate, to initiate a claim and obtain a claim number, and shall provide the assigned claim number to the counselor.
4. The VR counselor shall use the assigned claim number on all future correspondence

## 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 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 time-frame) 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, taking into account the student's preferences and interests, and must include instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services must promote or facilitate the achievement of the employment outcome identified in the student's Individualized Plan for Employment (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.

## APPENDIX II: POLICY APPROVAL REQUIREMENTS

### Approval Requirements

Approval levels for authorization of case service funds:

	Single Transaction	Case Authorization Up to
Rehabilitation Counselor:	\$2,500	\$25,000
Regional Manager:	Unlimited	\$50,000
Senior Manager:	Unlimited	\$75,000
Director of VR and Workforce Services	Unlimited	Unlimited

Purchases for individual clients not processed through AWARE shall be made in eVA using the P0 Category: X02-APSPM Exclusion - Exempt.

Manager approvals shall be documented on the authorization in the "Other Comments" box along with the manager's initials. Through Memorandum of Understanding, the Virginia Department for Aging and Rehabilitative Services (DARS) provides procurement services to VDBVI and VRCBVI. In order to facilitate their role, the Chief Procurement Officer and/or assigned buyers have been designated as "Approver 1" for each Buysense Organization. This role is intended to provide additional assurance that agency purchase orders are in compliance with policy. Buyers may also create a purchase requisition on behalf of VDBVI and VRCBVI that will flow through the pre-established approval chain.

The services identified below in each chapter require pre-approval as noted prior to the service being sponsored by the VR counselor.

### Chapter 1.2 Policy Exception

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).

Approved requests for an exception to policy shall be documented within the individual's AWARE case file.

## Chapter 2: Disability Criteria and Order of Selection

Scope of Services for All Applicants When DBVI is under Order of Selection:

### Job Retention – Order of Selection

As provided by the Code of Federal Regulations (34 CFR 361.36), DBVI has elected to serve eligible individuals outside of the Order of Selection if they have an “immediate need” for VR services to maintain employment. [If the VR counselor determines that the individual meets the criteria for services outside of OOS in order to maintain their current employment, they must seek approval from the Regional Manager.](#) If the Regional Manager approves, they will forward the recommendation to the Director of Vocational Rehabilitation and Workforce Services for approval to move the individual from Delayed Status such that job retention services may be provided.

## Chapter 3: Informed Choice and Individual Confidentiality

### Judicial Orders

i. DBVI staff shall not respond directly to any judicial order without [approval of and guidance from a representative from the Commissioner’s Office.](#)

### Human Research requests

iii. [The audit, evaluation or research may also be subject to pre-approval by a Human Research Review Committee](#) (per § 32.1-162.16 of the Code of Virginia, and State Regulation 22 VAC 30-40-10).

### Revising/deleting case documentation

b. Information in the case file for which the VR counselor was the author may be amended at any point by the counselor, either by editing the original case note or drafting a new note referencing the information that needs to be changed. [If they determine they need to purge information in the case file \(e.g., delete a case note\), approval from the Regional Manager is required.](#)

## Chapter 4: Eligibility

[Waiver of Eligibility Determination Deadline:](#) An extension for time to determine eligibility beyond the federally required 60 days must be approved by the Regional Manager and must be agreed to by the applicant prior to the 60 day eligibility determination requirement.

[Medical Services:](#) Counselors must seek consultation from the individual’s primary medical provider ([General Medical Examination](#) form) regarding any other disabling condition that impact the rehabilitation process as identified on the [Health Checklist](#).

## **Chapter 5: Individualized Plan for Employment (IPE) Development**

IPE written more than 90 days: If the individual and counselor require additional time to determine a vocational goal, the counselor must document that the individual agrees to an extension, establish a time frame for developing the IPE and receive approval from the regional manager. The Regional Manager must give the counselor approval to extend IPE development every 90 days thereafter.

## **Chapter 7.6: Self-Employment Enterprise (SEE)**

Self-Employment Enterprise (SEE) Policy and Procedure: The individual's business plan will be presented to the Regional Manager through the VR counselor for review and approval. If approved, the immediate supervisor will forward the business plan to the Director of Vocational Rehabilitation and Workforce Services, who will conduct their own initial review of the business plan.

Screening Committee: Once the business plan has been reviewed, a Screening Committee will be formed. The Director of Vocational Rehabilitation and Workforce Services serves as the chair of the screening committee.

Funding: 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.

SEE business plan: In some circumstances, an SEE business plan is not required. Regional Manager approval is required.

## **Chapter 8: College and Post-Secondary training**

Community of Residence: Regional Manager approval is required for the VR counselor to sponsor room and/or board for a student attending a school within their community of residence. The Regional Manager will notify the Director of Vocational Rehabilitation and Workforce Services of the exception.

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).

Summer semesters and Extensions of Semester Requirements: Regional Manager approval is required for sponsorship of summer semesters or extensions of semester requirements (full or part-time students).

Federal Student Loan Default: Approval by the Director of Vocational Rehabilitation and Workforce Services is required prior to sponsorship of students who default on any Federal student loans and have been unable to clear their default status.

[Services to Families](#): Regional Manager approval is required prior to the authorization of any services to families and consultation with the Director of Vocational Rehabilitation and Workforce Services is strongly encouraged.

[DBVI sponsorship of Post-Graduate School/Additional Degree or Certificate](#): Approval from the Regional Manager and notification of the approval to the Director of Vocational Rehabilitation and Workforce Services is required.

## **Chapter 9: Supported Employment and Customized Employment**

[Extended Services Funding/Youth with a Disability](#): Extended services may be sponsored for a youth with a disability should no funding source be available. The VR counselor must seek approval from the Director of Vocational Rehabilitation and Workforce Services prior to authorizing for these services.

[Supported Employment \(SE\) services](#): Transition aged students who meet the criteria for Supported Employment (SE) services may receive these services in the final semester of their Individual Educational Program (IEP) with approval from the Regional Manager.

[DBVI Supported Employment Extended Services Funds](#): The completed , Memorandum of Understanding between the Department for the Blind and Vision Impaired and Vendor of Supported Employment must be approved by the Director of Vocational Rehabilitation and Workforce Services. Invoices for extended services using these funds must be reviewed and approved by the Director of Vocational Rehabilitation and Workforce Services.

## **Chapter 10.1: On-The-Job training (OJT)**

[On-The-Job Training \(OJT\)](#) - Students or youth under the age of 18: Must have the approval of a parent before participating in an OJT.

## **Chapter 10.2: Paid and Unpaid Work Experiences**

[Paid/Unpaid Work Experiences - Time Limits](#): Time periods for paid and/or unpaid work experiences can be extended with approval from the Regional Manager.

## **Chapter 11.4: Maintenance**

[Services to Families](#): Regional Manager approval is required prior to the authorization of any services to families and consultation with the Director of Vocational Rehabilitation and Workforce Services is strongly encouraged.

## **Chapter 11.7: Physical and Mental Restoration**

**Hospitalization for Treatment:** Hospitalization for surgical or medical treatment requires the recommendation by the proper specialist and prior [review and approval by the Director of Vocational Rehabilitation and Workforce Services](#).

**Medical and Surgical Treatments:** DBVI may pay for medical treatment in accordance with the DARS Services Reference Manual. Consultation with the Regional Manager is as to the suitability and appropriateness of the recommended treatment for vocational rehabilitation purposes is recommended. [Review and approval by the Director of Vocational Rehabilitation and Workforce Services](#) should occur as needed.

#### **Chapter 14: Closure**

[Closed – Other due to significance of disability:](#) Prior to closing an individual as Closed-Other due to the significance of their disability, the VR counselor must receive prior approval from the Regional Manager.

#### **Chapter 16: Appeals**

[Use of Mediation:](#) The Mediation agreement shall (per agency mandate) require Director of Vocational Rehabilitation and Workforce Services or Deputy Commissioner for Services pre-approval.

#### **Chapter 17.4: Vendor Approval Process**

[Establishment of a New Training Vendor:](#) If the provider of training is not listed in the Training and Facilities Manual, approval will have to be obtained from the Director of Vocational Rehabilitation and Workforce Services.





## Credential Attainment Guide for State VR Agencies

**Credential Attainment** means individuals 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.

An individual who has attained a secondary school diploma or its recognized equivalent is included only if the individual 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.

### Recognized Postsecondary Credentials

**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/baccalaureate degree, as well as graduate degrees for purposes of the VR program.

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.

### Things to Remember regarding Credential Attainment

Special Rule for Students in Secondary Education/Recognized Equivalents: 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.

Recognized Education Programs Leading Toward a Credential: A recognized education or training program needs to be included on the IPE in order to document the credential earned, including Secondary School Diploma or Recognized Equivalent.

Aligning with WIOA Core Programs: Though it is not required to align all WIOA policies, SVRAs may benefit from partnering with other WIOA core programs on policies/procedures and supporting documentation requirements for the Credential Attainment Indicator.

**General Skill Certificates Do Not Meet the Definition of a Credential:** Certificates must recognize technical or industry/occupational skills for the specific industry/occupation rather than general skills related to safety, hygiene, etc., even if such general skills certificates are broadly required to qualify for entry-level employment or advancement in employment.

### **Credential Checklist**

Answering “YES” to all of these questions provides reasonable assurance that the education or training program results in a recognized postsecondary or secondary credential and can be documented and included in the Credential Attainment indicator.

### **Postsecondary Credentials**

Is the training program offered by one of these types of organizations and institutions that award postsecondary credentials?

- State Agency
- Institute of Higher Education
- Indian Tribe
- Industry/ Employer Organization
- Apprenticeship Agency
- Regulatory Agency
- Veterans Affairs
- Job Corps

Is the credential one of the WIOA types of acceptable credentials?

- Secondary School Diploma/Equivalent
- Associate Degree
- Bachelor Degree
- Graduate Degree (VR)
- Occupational Licensure/Certificate
- Occupational Certification
- Other Industry/ Occupational

Have you verified the credential results in industry-wide, measurable technical or industry/occupational skills, rather than general skills certificate (examples below), that **DO NOT** count?

- General Computer/security
- Good safety practices
- Good hygiene practices
- Workforce Development Boards/work readiness certificates
- VR Training & Comprehensive Rehab Centers

Are you confident that the training is not excluded from the indicator?

- On-the-Job-Training
- Customized Training

### **Secondary Credentials – Diplomas or Equivalent**

- Is the secondary school diploma recognized by the Virginia Department of Education?
- Is the secondary school equivalency certification recognized by the Virginia Department of Education and does it signify that requirements for high school education have been completed?

Is the secondary diploma, alternative diploma and/or recognized equivalent shown by one of the following examples?

- Equivalency exam with passing scores
- Diploma or state-recognized equivalent (credit bearing)
- Passing competency based exam/assessment
- College credit

Can you verify that the secondary education program is **NOT**:

- A Special Education - Certificate of Completion through IDEA
- Other certificates/diplomas of completion or attendance, not credit bearing and consistent with state academic standards

## **Credential Attainment - Examples that DO count**

### **Secondary**

#### **ESEA/ESSA (High School Diploma)**

- Every Student Succeeds Act High School Graduation Rate Non-regulatory Guidance (Resource for ESEA/ESSA);  
<https://www2.ed.gov/policy/elsec/leg/essa/essagraterateguidance.pdf>

#### **College Credit**

- Community college high school completion programs
- Adult education completion

#### **Pass competency-based exam and/or assessment**

- State recognized high school equivalency exam
- General Education Development

### **Post-Secondary**

#### **Occupational License**

- Cosmetology/Barbering License

- Certified Nursing Assistant (CNA) License
- Certified Public Accountant (CPA) License
- Business Enterprise Program (BEP)

### **Occupational Certificates/Certifications**

- Registered Apprenticeship Occupational Certificates
- Career and Technical Education (CTE)/Job Corps Certificates
- Microsoft Certified IT Professional (MCITP)
- Certified Welder or Automotive Service Excellence (ASE)

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## **Credential Attainment - Examples that DO NOT count**

### **General computer and security**

- Microsoft Office Specialist (proficiency in word, PPT, Excel)
- General computer/network security certificates

### **Good safety practices**

- Occupational Safety and Health Administration (OSHA)10
- MSHA –Mine Safety and Health Administration
- Industry-specific safety certificate (e.g., construction or transportation)

### **Good hygiene and health practices**

- ServSafe Food Handlers Certification
- Food Safety Manager and Training Certifications
- First Aid, CPR, other general health practice Certifications

### **On-the-Job Training & Customized Training**

- Agency-sponsored OJT with a specific employer
- Employer driven training programs (e.g., CVS, Walgreens, Sephora)

### **Workforce Development Boards (WDBs)**

- Work and Career Readiness Certificates
- Other general training certificates (e.g., Resume Building)

### **VR Training & Comprehensive Rehab Centers**

- Education/training programs (work adjustment, social skills training, work readiness training programs, etc.) offered by Comprehensive Rehabilitation Centers (e.g., WWRC, VRCBVI, Helen Keller, etc.) that result in a certificate of

completion would **not** count as credential attainment. Vocational training provided by a comprehensive rehabilitation center resulting in a recognized post-secondary credential (e.g., cosmetology license) could meet the definition of credential attainment.

- Completion of Orientation and Mobility Training

### **Comprehensive Transition Programs**

Completion of a Comprehensive Transition Program (e.g., Think College) may count as credential attainment if it results in a recognized post-secondary credential. The VR counselor should consult with the Regional Manager and Director of Vocational Rehabilitation and Workforce Services.

## Measurable Skill Gains Guide for State VR Agencies

Measurable Skill Gains (MSG) is used to measure interim progress of participants who are enrolled in education/training services for a specified reporting period. It is intended to capture progressions through services based on program purposes and participant needs. It is not exit based; MSGs are earned and reported on open cases, during the quarter and program year they are achieved.

### Types of Measurable Skill Gains

Depending upon the type of education or training program in which a participant is enrolled, documented progress is defined as one of the following:

1. Documented achievement of at least one educational functioning level (EFL) of a participant who is receiving instruction below the postsecondary education level;
2. Documented attainment of a secondary school diploma or its recognized equivalent;
3. Secondary/postsecondary transcript or report card for a sufficient number of credit hours showing the participant is meeting the State's academic standards;
4. Satisfactory or better progress report towards established milestones, such as completion of On-the-Job-Training (OJT) or completion of one year of an apprenticeship program, from an employer/training provider who is providing training; or
5. Successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks, such as knowledge-based exams.

### Things to Remember regarding Measureable Skill Gains (MSG)

Education/Training Programs on the IPE: If the VR individual is enrolled in an education/training program that leads to a recognized secondary/postsecondary credential or employment, this program should be identified on the individual's IPE.

OJT and Customized Employment: OJTs and Customized Employment are included in the MSG Indicator because they lead to employment.

Pre-Employment Transition Services: Pre-employment transition services **do not** generally align with MSGs. Pre-employment transition services provide general career exploration activities to students with disabilities that do not lead to a recognized postsecondary credential or employment.

## Measureable Skill Gains (MSG) Guide

Answering “YES” to the questions below provides reasonable assurance that the MSG can be documented and included in the Measurable Skill Gains indicator.

### Students below Post-Secondary

#### **Educational Functioning Level (EFL)**

- Is there documentation of a pre-and post-test of EFL gain? Or;
- Is there documentation of awarded credits for an adult high school program? Or;
- Is there documentation of exiting a program below postsecondary level and enrolling in postsecondary training during a program year?

#### **Secondary Diploma or Recognized Equivalent**

- Is there documentation of a secondary school diploma? Or;
- Is there documentation of a State recognized equivalent, including passing scores on State equivalency test, alternate diplomas, etc.?

### Students in Secondary and Post-Secondary

#### **Transcript/Report Card**

- Secondary Education: Is there documentation of one semester showing achievement of the State units' academic standards?
- Postsecondary Education: Is there documentation for Full-time students earning 12 hours per semester? Or;
- Part-time students earning 12 hours over two completed semesters during a 12-month period?

### Employer and Training Providers

#### **Satisfactory or Better Progress Report**

- Is there documentation of satisfactory or better progress report from the employer or training provider? Examples might include:
  - Milestones for mastery of job skills
  - Steps to complete an OJT or apprenticeship program
  - Increased pay from improved skills or performance
- Skills must be technical or industry/occupational, not general work skills

### Training and On The Job

#### **Passage of an Exam**

- Is the passage of the exam required for a particular occupation? Or;
- Is the passage of the exam required to show progress in attaining technical or occupational skills as evidenced by trade-related benchmarks?

### Measureable Skill Gains (MSG) - Examples that DO Count

**Educational Functioning Level (EFL):** Skill gains, credits related to reading, writing, math, English proficiency; National reporting System for Adult Education ([www.nrsweb.org](http://www.nrsweb.org)); (e.g., CASA, BEST, TABE/CLAS-E, GAIN, MAPT)

**Secondary Diploma or Recognized Equivalent:** Secondary School Diploma/State recognized equivalent (passing scores on State equivalency test, alternate diplomas).

**Secondary & Postsecondary Transcript or Report Card:** Transcript or Report Card from public secondary and postsecondary education programs; remedial training/coursework required for the completion of a training program or that are necessary in order to gain competitive integrated employment

**Satisfactory or Better Progress Report:** Completion of an OJT and documented skills attained for the specific employment; yearly (or designated time frame) progression in a registered apprenticeship program; documented milestones through a Customized Training program; mastering required job skills, increased pay or performance resulting from newly acquired skills (e.g., CVS, Walgreens)

**Passage of an Exam:** Exam in a Registered Apprenticeship, Employer Required Knowledge-Based Exam, Industry or Occupational Competency Assessments (e.g., HVAC, Accounting Specialist, Plumbing); completion test necessary to obtain a credential (e.g., CPA, CRCC Barber/Cosmetology, Pharmacy Tech Certification)

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### Measureable Skill Gains (MSG) - Examples that DO NOT Count

**Educational Functioning Level (EFL):** Pre/Post-tests demonstrating mastery of O & M skills; yearly progression in secondary education; general skills gained as part of the IPE for activities that do not relate to training and education

**Secondary Diploma or Recognized Equivalent:** Special Education Certificate of Completion; other certificate/diplomas of completion or attendance (**not** credit bearing or consistent with state academic standards).

**Secondary/Postsecondary Transcript/Report Card:** Yearly progression in Special Education towards a Certificate of Completion; yearly/semester progression in a non-credit bearing Comprehensive Transition Program (CTP).

**Satisfactory or Better Progress Report:** Transportation skill attainment (e.g., mastering use of public transportation); documented attainment of Microsoft Office skills in JAWS; skills attained through Pre-Employment Transition Services.

**Passage of an Exam:** Employer-specific testing (e.g., interest inventories and hiring assessments); Vocational Evaluation Assessments and Aptitude Tests.