

Policy Manual—January, 2019

Department of Rehabilitation Services (DORS) Bureau of Education and Services for the Blind (BESB) Vocational Rehabilitation Program (VR)

Contents

CHAPTER 1 - GENERAL INFORMATION.....	8
Section 1. - Bureau of Education and Services for the Blind	8
a) Affirmative Action	8
b) BESB Mission Statement	8
Section 2. - Vocational Rehabilitation Services.....	9
a) Administration of Vocational Rehabilitation Services ...	9
b) State Rehabilitation Council	10
CHAPTER 2 - GENERAL POLICIES	17
Section 1. - Client Assistance Program (CAP).....	17
Section 2. - Case Record of Services	19
Section 3. - Case Recording	24
Section 4. - Civil Rights.....	27
Section 5. - Comparable Services and Benefits	28
a) Requirements	28
b) Exemptions:	29
c) Provision of Services:	29
Section 6. - Confidentiality and Availability of Case Record	
.....	30
a) General Provisions	30

b) State Program Use.....	31
c) Release to Applicants and Recipients of Services	32
d) Release for Audit, Evaluation, and Research	33
e) Release to Other Programs or Authorities	34
f) Access to Records.....	35
Section 7. - Informed Choice	36
Section 8. - Order of Selection	39
a) Requirements and Implementation	39
d) Referral Services	46
Section 9. - Purchase of Services	49
Section 10. - Review of Determinations Made by Personnel of the Vocational Rehabilitation Program	50
a) Impartial Due Process Hearings.....	52
b) Mediation	54
c) Informal Dispute Resolution	56
d) Civil Action	56
Section 11. - Rights and Responsibilities	57
Section 12. - Scope of Vocational Rehabilitation Services	60
a) Pre-Employment Transition Services	60
b) Services Provided to Individuals who have Applied For or Been Determined Eligible for Vocational Rehabilitation Services.....	63
c) Services Provided to Groups of Individuals	68
CHAPTER 3 - CASE PROCESSING POLICIES.....	73
Section 1. - Vocational Rehabilitation Status System.....	73

a) Status Summaries.....	73
b) Time in Status	80
Section 2. - Authorization of and Payment for Services	82
Section 3. - Assignment of Clients.....	83
Section 4. - Referral and Application for Services	83
a) Referral (Status 00)	83
b) Applicant (Status 02)	84
Section 5. - Assessment for Determining Eligibility and Priority for Services (Status 02-10).....	86
a) Eligibility Requirements	86
b) Presumption of Benefit	89
c) Presumption of Eligibility for Social Security Beneficiaries	90
d) Achievement of an Employment Outcome.....	90
e) Review and Assessment of Data for Eligibility Determination	91
f) Data for Determination of Priority for Services Under an Order of Selection	92
Section 6. - Trial Work Experiences for Individuals with Significant Disabilities (Status 06).....	93
Section 7. - Case Closure Without an Eligibility Determination (Status 08)	94
a) Client Unavailable or Declines Participation.....	94
b) Ineligible for Services.....	95
Section 8. - Eligibility (Status 10)	97

Section 9. - Planning and Individualized Plan for Employment (IPE) Development (Status 10 - 12).....	97
a) Assessment to Determine the Vocational Rehabilitation Needs for Eligible Individuals	98
b) Options for Developing an Individualized Plan for Employment.....	98
c) Required Process	100
d) Timeline for Developing the Individualized Plan for Employment.....	102
e) Data for Preparing the Individualized Plan for Employment.....	103
f) Content of the Individualized Plan for Employment....	104
g) Supported Employment Requirements	106
h) Post-Employment Services	107
i) Coordination of Services for Students with Disabilities 	107
j) Scope of Vocational Rehabilitation Services for Individuals with Disabilities:	108
k) Services for Individuals Who have Applied For or Been Determined Eligible for Vocational Rehabilitation Services 	111
l) Availability of Comparable Services and Benefits	115
m) Exempt Services	116
n) Periodic Review of the Individualized Plan for Employment.....	117
o) Subsequent Determinations of Ineligibility	118

Section 10. - Provision of Vocational Rehabilitation Services (Status 18).....	119
a) Vocational Counseling and Guidance	120
b) Referral Services	120
c) Physical Restoration	121
d) Vocational and Other Training Services.....	123
e) Other Goods and Services	146
Section 11. - Employed (Status 22)	182
Section 12. - Vocational Rehabilitation Services Interrupted (Status 24)	184
Section 13. - Case Inactivation (Status 08, 26, 28, 30, 36 and 40).....	184
a) Closing Case Records	184
b) Case Inactivation for Reasons of Ineligibility (Status 08, 28, and 30).....	185
c) Other Reasons for Case Inactivation (Status 08, 28, and 30)	188
d) Case Inactivation After Achieving Employment Outcome (Status 26)	192
e) Closing Cases from Post-Employment Services (Status 34, 36 or 40).....	202
f) Closing Cases for Individuals from Underserved Populations (Status 08, 28 and 30).....	203
Section 14. - Post-Employment Services (Status 32).....	203
Section 15. - Semi-Annual and Annual Review of Individuals in Extended Employment and other Employment Under	

Special Certificate Provisions of the Fair Labor Standards Act.....	205
Section 16. - Subminimum Wage Requirements	206
a) Documentation Requirements	206
b) Vocational Rehabilitation Program Responsibilities Prior to Youth with Disabilities Starting Subminimum Wage Employment	208
c) Local Educational Agency Responsibilities Prior to Youth with Disabilities Starting Subminimum Wage Employment.....	211
d) Vocational Rehabilitation Program Responsibilities to Individuals with Disabilities During Subminimum Wage Employment.....	213
e) Review of Documentation	216
CHAPTER 4 - ADMINISTRATIVE AND EMPLOYEE RESPONSIBILITIES.....	217
Section 1. - General Information	217
Section 2. - Lobbying	217
Section 3. - Debarment, Suspension, and Other Matters..	218
Section 4. - Drug-Free Workplace	219
Section 5. - Cooperative Agreements and Memoranda of Understanding	220
Section 6. - Comprehensive System of Personnel Development	221
Section 7. - Reversion to Donor	223
Section 8. – Services to Individuals from Underserved Populations	223

**Section 9. – Electronic Communications and Use of Social
Media with Clients of the Bureau 225**

CHAPTER 1 - GENERAL INFORMATION

Section 1. - Bureau of Education and Services for the Blind (BESB)

a) Affirmative Action

The Connecticut Bureau of Education and Services for the Blind (Bureau), within the Department of Rehabilitation Services (agency) is an affirmative action employer and strongly supports all state, federal and Constitutional mandates and complies with all policies established by the Department of Rehabilitation Services pursuant to these mandates, laws and regulations.

b) BESB Mission Statement

The State of Connecticut Department of Rehabilitation Services (DORS), Bureau of Education and Services for the Blind (BESB) is responsible for initiating, coordinating, and implementing the education and training of Connecticut's children who are blind or visually impaired in order to maintain their academic, physical, emotional, and social progress at age-level, grade level or diagnosed ability level. BESB serves Connecticut's adults who are legally blind through ongoing educational, vocational, and living skills programs in order to empower them to achieve employment success in their chosen profession and to enhance their self-sufficiency.

Section 2. - Vocational Rehabilitation Services

a) Administration of Vocational Rehabilitation Services

The Vocational Rehabilitation Program is one of four major Programs within the Bureau of Education and Services for the Blind and is responsible for administering the vocational rehabilitation program for individuals in the State of Connecticut who are legally blind. All services will be provided in accordance with the appropriate federal and state statutes and the Bureau's State Plan for Vocational Rehabilitation for individuals who are legally blind as described and included in the Unified State Plan for Connecticut's implementation of the Workforce Innovation and Opportunity Act (WIOA). The Bureau is organizationally located within the Department of Rehabilitation Services.

The General Statutes of Connecticut, Chapter 174, Sec. 10-294a defines blindness for the purpose of delineation of responsibilities of the agency as follows: (a) Central visual acuity which does not exceed 20/200 in the better eye with corrective lenses; or, (b) Limitation in the fields of vision such that the widest diameter of the visual fields subtends an angle no greater than 20 degrees.

Clients who are not blind at referral but have a progressive condition, which will lead to blindness in a short period of time, may be accepted for services. Additionally, children who are or were served by the Bureau's Children's Services Program on or after January 1, 2010 and who meet the statutory definition of visually impaired (central visual acuity that does not exceed 20/70 in the better eye with correcting lenses) may be served by the Bureau's Vocational Rehabilitation Program.

b) State Rehabilitation Council

(1) Appointment

(A) The members of the Council must be appointed by the Governor.

(B) The Governor must select members of the Council after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities. In selecting members, the Governor must consider, to the greatest extent practicable, the extent to which minority populations are represented on the Council.

(2) Composition

(A) The Council must be composed of at least 15 members, including ----

(i) At least one representative of the Statewide Independent Living Council, who must be the chairperson or other designee of the Statewide Independent Living Council;

(ii) At least one representative of a parent training and information center established pursuant to section 682(a) of the Individuals with Disabilities Education Act;

(iii) At least one representative of the Client Assistance Program, who must be the director of, or other individual recommended by the Client Assistance Program;

(iv) At least one qualified vocational rehabilitation counselor with knowledge of and experience with vocational rehabilitation programs for individuals

who are blind, who serves as an ex officio, nonvoting member of the Council if employed by the Bureau;

(v) At least one representative of community rehabilitation program service providers;

(vi) Four representatives of business, industry, and labor;

(vii) Representatives of disability groups of and for individuals who are blind, including at least one representative of an individual who is blind, has multiple disabilities, and has difficulty representing himself or herself or is unable due to disabilities to represent himself or herself.

(viii) Current or former applicants for, or recipients of, vocational rehabilitation services;

(ix) One representative from the Section 121 - American Indian Vocational Rehabilitation Services Project in the State;

(x) At least one representative of the State educational agency responsible for the public education of students with disabilities who are eligible to receive services from the Bureau and part B of the Individuals with Disabilities Education Act;

(xi) At least one representative of the State workforce development board;

(xii) The director of the Bureau as an ex officio, nonvoting member of the Council, and

(xiii) At least one representative of a disability advocacy group representing individuals who are blind.

(B) Employees of the Bureau may serve only as nonvoting members of the Council.

(3) Majority

(A) A majority of the Council members must be individuals who are blind and are not employed by the Bureau.

(4) Chairperson

(A) The chairperson must be selected by the members of the Council from among the voting members of the Council, subject to the veto power of the Governor.

(5) Terms of appointment

(A) Each member of the Council must be appointed for a term of no more than three years, and each member of the Council, other than a representative identified in subsection (b)(2)(A)(iii) or (b)(2)(A)(ix) of this section, may serve for no more than two consecutive full terms.

(B) A member appointed to fill a vacancy occurring prior to the end of the term for which the predecessor was appointed must be appointed for the remainder of the predecessor's term.

(6) Vacancies

(A) A vacancy in the membership of the Council must be filled in the same manner as the original appointment, except the Governor may delegate the authority to fill that vacancy to the remaining members of the Council after making the original appointment.

(B) No vacancy affects the power of the remaining members to execute the duties of the Council.

(7) Conflict of Interest

(A) No member of the Council may cast a vote on any matter that would provide direct financial

benefit to the member or the member's organization or otherwise give the appearance of a conflict of interest under State law.

(8) Functions

(A) The Council must, after consulting with the State workforce development board—

(i) Review, analyze, and advise the Bureau regarding the performance of the Bureau's responsibilities, particularly responsibilities related to—

(I) Eligibility, including order of selection;

(II) The extent, scope, and effectiveness of services provided; and

(III) Functions performed by State agencies that affect or potentially affect the ability of individuals with disabilities in achieving employment outcomes;

(B) In partnership with the Bureau—

(i) Develop, agree to, and review State goals and priorities; and

(ii) Evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Secretary of Education;

(C) Advise the Bureau and the Agency regarding activities carried out to assist in the preparation of the vocational rehabilitation services portion of the Unified or Combined State Plan and amendments to the plan, applications, reports, needs assessments, and evaluations;

(D) To the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with—

(i) The functions performed by the Bureau and the agency;

(ii) The vocational rehabilitation services provided by State agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities under the Rehabilitation Act, as amended; and

(iii) The employment outcomes achieved by eligible individuals receiving services through the Bureau, including the availability of health and other employment benefits in connection with those employment outcomes;

(E) Prepare and submit to the Governor and to the Secretary of Education no later than 90 days after the end of the Federal fiscal year an annual report on the status of vocational rehabilitation programs operated within the State and make the report available to the public through appropriate modes of communication;

(F) To avoid duplication of efforts and enhance the number of individuals served, coordinate activities with the activities of other councils within the State, including the Statewide Independent Living Council, the advisory panel established under section 612(a)(21) of the Individuals with Disabilities Education Act, the State Developmental Disabilities Planning Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act, the State mental health planning council established under section 1914(a) of the Public Health Service Act, and the State workforce development board, and with the activities of entities carrying out programs under the Assistive Technology Act of 1998;

(G) Provide for coordination and the establishment of working relationships between the Bureau and

the Agency and the Statewide Independent Living Council and centers for independent living within the State; and

(H) Perform other comparable functions, consistent with the purpose of the Rehabilitation Act, as amended, as the Council determines to be appropriate, that are comparable to the other functions performed by the Council.

(9) Resources

(A) The Council, in conjunction with the Bureau, must prepare a plan for the provision of resources, including staff and other personnel that may be necessary and sufficient for the Council to carry out its functions.

(B) The resource plan must, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

(C) Any disagreements between the Bureau and the Council regarding the amount of resources necessary to carry out the functions of the Council must be resolved by the Governor.

(D) The Council must, consistent with State law, supervise and evaluate the staff and personnel that are necessary to carry out its functions.

(E) Those staff and personnel that are assisting the Council in carrying out its functions may not be assigned duties by the Bureau or any other agency or office of the State that would create a conflict of interest.

(10) Meetings

(A) The Council must convene at least four meetings a year in locations determined by the Council to be necessary to conduct Council

business. The meetings must be publicly announced, open, and accessible to the general public, including individuals with disabilities, unless there is a valid reason for an executive session; and

(B) Conduct forums or hearings, as appropriate, that are publicly announced, open, and accessible to the public, including individuals with disabilities.

(11) Compensation

(A) Funds appropriated under title I of the Rehabilitation Act, as amended, except funds to carry out sections 112 and 121 of the Rehabilitation Act, as amended, may be used to compensate and reimburse the expenses of Council members in accordance with section 105(g) of the Rehabilitation Act, as amended.

CHAPTER 2 - GENERAL POLICIES

Section 1. - Client Assistance Program (CAP)

A Client Assistance Program (CAP) was established by the Rehabilitation Act Amendments of 1984. Persons eligible for assistance under this program are those who are receiving or seeking services under the Rehabilitation Act of 1973, as amended, as well as individuals who are seeking or receiving Pre-Employment Transition Services. CAP services are free of charge.

CAP provides information and referral, as well as assistance in pursuing legal, administrative, and other available remedies to insure rights under the Rehabilitation Act as amended in Title IV of the Workforce Innovation and Opportunity Act.

The Vocational Rehabilitation Counselor shall remind applicants/clients of the Client Assistance Program at any time in the rehabilitation process when it is felt that the person can benefit from the services offered by CAP which are outlined below:

- a) Help applicants/clients to understand rehabilitation services**
- b) Advise applicants/clients of all benefits available to them through rehabilitation programs, related Federal and State assistance programs, and their respective rights and responsibilities.**
- c) Assist applicants/clients in their relationships with projects, programs, and facilities.**

d) Mediate disputes between applicants/clients and the Bureau prior to any other action.

e) Help applicants/clients in pursuing legal, administrative, and other available remedies.

f) Advise state and other agencies of identified systemic problem areas in the delivery of rehabilitation services to individuals with disabilities and suggest methods and means to improve Bureau performance.

g) Assist or advise Vocational Rehabilitation Counselors in providing services to clients.

All clients must be informed of services available from CAP at each of the following stages in the Vocational Rehabilitation process:

a) Application/Initial Interview

b) When assigned to an Order of Selection (OOS) Category if the Vocational Rehabilitation Program is operating under an Order of Selection.

c) IPE Development

d) Closure

e) Whenever vocational rehabilitation services for an individual are reduced, suspended, or terminated.

Section 2. - Case Record of Services

The Vocational Rehabilitation Program is required to maintain for each applicant or eligible individual a record of services that includes, to the extent pertinent, the following documentation:

- a) If an applicant has been determined to be an eligible individual, documentation supporting that determination.**

- b) If an applicant or eligible individual receiving services under an Individualized Plan for Employment has been determined to be ineligible, documentation supporting that determination.**

- c) Documentation supporting the determination that an individual has a significant disability or a most significant disability.**

- d) Documentation that describes the justification for closing an applicant's or eligible individual's record of services if that closure is based on reasons other than ineligibility, including, as appropriate, documentation indicating that the Bureau has satisfied the requirements of closure without an eligibility decision.**

- e) If an individual with a significant disability requires an exploration of their abilities, capabilities, and capacity to perform in realistic work situations through the use of trial work experiences to determine whether the individual is an eligible individual, documentation supporting the need for, and the plan relating to that exploration, and documentation**

regarding the periodic assessments carried out during the trial work experiences.

f) The Individualized Plan for Employment (IPE) and any amendments to the IPE.

g) Documentation describing the extent to which the applicant or eligible individual exercised informed choice regarding the provision of assessment services and the extent to which the eligible individual exercised informed choice in the development of the Individualized Plan for Employment with respect to the selection of the specific employment outcome, the specific vocational rehabilitation services needed to achieve the employment outcome, the entity to provide the services, the employment setting, the settings in which the services will be provided, and the methods to procure the services.

h) In the event that an individual's IPE provides for vocational rehabilitation services in a non-integrated setting, a justification to support the need for the non-integrated setting.

i) In the event that an individual obtains competitive employment, verification that the individual is compensated at or above the minimum wage and that the individual's wages and level of benefits are not less than that customarily paid by the employer for the same or similar work performed by non-disabled individuals.

j) In the event an individual achieves an employment outcome in which the individual is compensated in accordance with section 14(c) of the Fair Labor Standards Act or the Bureau closes the record of services of an individual in extended employment on the basis that the

individual is unable to achieve an employment outcome in a competitive and integrated setting, or that an eligible individual through informed choice chooses to remain in extended employment, documentation of the results of semi-annual and annual reviews, including the individual's input into those reviews, and of the individual's or, if appropriate, the individual's representative's acknowledgment that those reviews were conducted.

k) Documentation concerning any action or decision resulting from a request by an individual for review of a determination made by Bureau personnel.

l) In the event that an applicant or eligible individual requests that documentation in the record of services be amended and the documentation is not amended, documentation of the request.

m) In the event an individual is referred to another program through the Bureau's information and referral system, including other components of the statewide workforce development system, documentation on the nature and scope of services provided by the Bureau to the individual and on the referral itself.

n) In the event an individual's record of service is closed due to the achievement of an employment outcome, documentation that demonstrates the services provided under the individual's Individualized Plan for Employment contributed to the achievement of the employment outcome.

o) In the event an individual's record of service is closed due to the achievement of an employment outcome, documentation verifying that the requirements for such a closure have been satisfied.

The Bureau, in consultation with the State Rehabilitation Council, determines the type of documentation to maintain for each applicant and eligible individual in order to meet these requirements.

The Bureau will maintain an electronic case file which documents a record of services for each client that includes, to the extent pertinent, the above documentation. Additionally, a paper file shall be maintained for each applicant and eligible individual that contains original copies of documents with client or authorized representative signatures, and other forms as prescribed by federal and state requirements.

Case Folders

All vocational rehabilitation documentation and case recordings will be maintained in the electronic case management system. To the extent that paper documentation is retained for a client, it shall be organized in a four-way folder. The Bureau will maintain all case files in a secure location.

Case Record Filing Procedures

To the extent that paper documentation existed prior to the implementation of a computerized case management system, and to the extent that Policy requires the retention of original documents with client or authorized representative signatures, such documentation shall be organized as noted below in a four-way folder: Note that specific reports from providers may not be applicable to all situations:

Section 1 - Medical Data

- 1. Low Vision Report**
- 2. Ophthalmological Report**
- 3. General Medical Report**
- 4. Hospital Data**
- 5. Audiological Report**
- 6. Psychiatric Reports (NOT psychological)**

Section 2 - Case History and Rehabilitation Plan

- 1. Case Narratives (pre-Computerized System)**
- 2. Annual Review (pre-Computerized System)**
- 3. IPE Amendment(s)**
- 4. IPE**
- 5. Certificate of Eligibility**

Section 3 - Survey Data, Psychological, Educational, etc.

- 1. Intake Survey (top of Section 3)**
- 2. Comparable Benefits Checklist (immediately below Intake for pre-Computerized System)**
- 3. Resume**
- 4. The following to be filed chronologically:**
 - a. Grades**
 - b. Financial Aid Form**
 - c. All Referrals**
 - d. Psychological**
 - e. All Training Reports**
 - f. Social Service Intake**

Section 4 - Correspondence and Contracts

- 1. ALL Authorized Expenditure Cost sheets (immediately on top)**
- 2. Closure Letter (immediately below cost sheets)**
- 3. The following to be filed chronologically:**
 - a. Request for Low Vision Aids**
 - b. Release forms**
 - c. Letters**

- d. Authorizations**
- e. Equipment transfers, etc.**
- 4. SSA-1407 (on the bottom)**

All paper case file documentation shall be maintained for periods of time that are stipulated in federal and state records retention rules and regulations and shall only be destroyed in a manner consistent with these requirements.

Section 3. - Case Recording

Case recording is a very important responsibility of Vocational Rehabilitation Counselors. Case recording is written documentation of the professional work a Rehabilitation Counselor is doing and should be the best exhibit of that work. Good case recording should show that the rehabilitation process has been covered completely for each client. The narrative recording should be a running account of the development and progress of a case from referral to closure. This record should include the Counselor's appraisal and analysis of diagnostic materials; client needs; conferences with consultants, former and prospective employers; content, results and plans for future counseling interviews; arrangements made for securing information on, and induction into, treatment, training, etc.; and case status classification changes. These should be in chronological order with the date of each entry recorded. Since case recording serves as a record of activities related to the vocational rehabilitation process, the Counselor should have at least one case narrative entry every six months.

As a minimum, the electronic case record should contain:

a) Referral information.

b) A scanned copy of the signed application or other document requesting Vocational Rehabilitation services with the original signed copy retained in the paper file.

c) Documentation that the individual has been advised of the confidentiality of all information pertaining to his or her case and the release of information on the basis of informed, written consent, and the opportunity for a review of determinations made by personnel of the Bureau.

d) Documentation supporting the determination that an individual has a significant disability or a most significant disability.

e) Documentation supporting eligibility determinations or the need for trial work experiences (with supports if needed), and the nature and scope of services to be provided during the trial work experience.

f) Documentation of the periodic assessment of individual's progress during trial work periods.

g) Documentation specifying reasons for ineligibility (02-08) and documentation for a review of ineligibility not later than 12 months after this determination.

h) A scanned copy of the IPE, and any amendments to the IPE, with documentation supporting the development of the employment goal and the nature and scope of services included in the individual's IPE and, for students with disabilities who are receiving special education services, the student's IEP. A paper copy of the IPE and any amendments

with original client or authorized representative signature will be retained in the paper case folder.

i) Data concerning an individual's eligibility for comparable benefits under any other program.

j) When physical or mental restoration services are provided, documentation of the provision of such services.

k) Documentation supporting any decision to provide services to family members.

l) In the event that an individual's IPE provides for services in a non-integrated setting, a justification for that non-integrated setting.

m) Documentation of the periodic reviews and evaluations of progress toward achieving the employment goal.

n) In the event that an individual obtains competitive employment, verification that the individual is compensated at or above the minimum wage of the state or locality where the client is employed and that the individual's wages and level of benefits are not less than that customarily paid by the employer for the same or similar work performed by non-disabled individuals.

o) Documentation of any plans for the provision of Post-Employment services, the basis on which the plans were developed, and a description of services provided and outcomes achieved.

p) Documentation as to the reason and justification for case closure.

q) Documentation of any reviews of a determination that an individual was no longer capable of achieving an employment outcome.

r) Documentation concerning any action and decision resulting from a request by an individual for review of a determination made by personnel of the Bureau.

Section 4. - Civil Rights

The provision of Bureau services shall be based solely on eligibility criteria established in law and regulations.

The following factors cannot be used in determining eligibility for services, provision of services, or priority for services under an order of selection of eligible individuals.

a) Any duration of residency requirement, provided the individual is present in the State;

b) Race, color, religious creed, age, sex, marital status, national origin, ancestry, intellectual disability, physical disability, past or present history of mental disability, learning disability, sexual orientation, gender identity or expression, civil union status, genetic information, or prior conviction of a crime;

c) Source of referral;

d) Type of expected employment outcome;

e) The need for specific services except for specific

services and equipment to maintain employment for individuals who do not meet the priority for services under an order of selection;

f) Anticipated cost of services required by an individual; or

g) The income level of an individual or an individual's family.

Section 5. - Comparable Services and Benefits

a) Requirements

Prior to providing an accommodation or auxiliary aid or service or any vocational rehabilitation services to an eligible individual or to members of the individual's family, the Bureau's assigned Vocational Rehabilitation Counselor must determine whether comparable services and benefits exist under any other program and whether those services and benefits are available to the individual unless such a determination would interrupt or delay:

(1) The progress of the individual toward achieving the employment outcome identified in the Individualized Plan for Employment;

(2) An immediate job placement; or

(3) The provision of vocational rehabilitation services to any individual who is determined to be at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional.

b) Exemptions:

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

(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.

(4) Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services.

(5) Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices.

(6) Post-Employment services.

c) Provision of Services:

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 Bureau must use those comparable services or benefits to meet, in whole or part, the costs of the vocational rehabilitation services.

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 Bureau must provide vocational rehabilitation services until those comparable services and benefits become available.

Section 6. - Confidentiality and Availability of Case Record Information

a) General Provisions

(1) The agency and Bureau protects and secures current and stored personal information on clients. Data is only released when governed by a written agreement between the Bureau and receiving entity.

(2) All applicants and recipients of services and, as appropriate, those individuals' representatives, service providers, cooperating agencies, and interested persons shall be informed through appropriate modes of communication of the confidentiality of personal information and the conditions for accessing and releasing this information.

(3) All applicants and recipients of services or their representatives shall be informed about the Bureau's

need to collect personal information and the policies governing its use, including—

(A) Identification of the authority under which information is collected;

(B) Explanation of the principal purposes for which the Bureau intends to use or release the information;

(C) Explanation of whether providing requested information to the Bureau is mandatory or voluntary and the effects of not providing requested information;

(D) Identification of those situations in which the Bureau requires or does not require informed written consent of the individual before information may be released; and

(E) Identification of other agencies to which information is routinely released;

(4) An explanation of Bureau's policies and procedures affecting personal information will be provided to each individual in that individual's native language or through the appropriate mode of communication; and

(5) These policies and procedures provide no fewer protections for individuals than State laws and regulations provide.

b) State Program Use

(1) All personal information in the possession of the agency or the Bureau shall only be used for the purposes directly connected with the administration of the vocational rehabilitation program. Information containing identifiable personal information will not be

shared with advisory or other bodies that do not have official responsibility for administration of the program. In the administration of the program, the Bureau may obtain personal information from service providers and cooperating agencies under assurances that the information may not be further divulged, except as provided under subsections (c), (d), and (e) of this section.

c) Release to Applicants and Recipients of Services

(1) Except as provided in paragraphs (c)(2) and (c)(3) of this subsection, if requested in writing by an applicant or recipient of services, the Bureau will make all requested information in that individual's record of services accessible to and must release the information to the individual or the individual's representative in a timely manner.

(2) Medical, psychological, or other information that the Bureau determines may be harmful to the individual may not be released 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, in which case the information must be released to the court appointed representative.

(3) If personal information has been obtained from another agency or organization, it may be released only by, or under the conditions established by, the other agency or organization.

(4) An applicant or recipient of services who believes that information in the individual's record of services is inaccurate or misleading may request that the Bureau amend the information. If the information is not amended, the request for an amendment must be documented in the record of services.

d) Release for Audit, Evaluation, and Research

(1) Personal information may be released to an organization, agency, or individual engaged in audit, evaluation, or research 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 applicants and recipients of services and only if, in accordance with a written agreement, the organization, agency, or individual assures that—

- (A) The information will be used only for the purposes for which it is being provided;**
- (B) The information will be released only to persons officially connected with the audit, evaluation, or research;**
- (C) The information will not be released to the involved individual;**
- (D) The information will be managed in a manner to safeguard confidentiality; and**
- (E) The final product will not reveal any personal identifying information without the informed written consent of the involved individual or the individual's representative.**

e) Release to Other Programs or Authorities

(1) Upon receiving the informed written consent of the individual or, if appropriate, the individual's representative, the Bureau may release personal information to another agency or organization, in accordance with a written agreement, for its program purposes only to the extent that the information may be released to the involved individual or the individual's representative and only to the extent that the other agency or organization demonstrates that the information requested is necessary for its program.

(2) Medical or psychological information that the Bureau determines may be harmful to the individual may be released if the other agency or organization assures the Bureau that the information will be used only for the purpose for which it is being provided and will not be further released to the individual.

(3) The Bureau will release personal information if required by Federal law or regulations.

(4) The Bureau will release personal information in response to investigations in connection with law enforcement, fraud, or abuse, unless expressly prohibited by Federal or State laws or regulations, and in response to an order issued by a judge, magistrate, or other authorized judicial officer.

(5) The Bureau will release personal information in order to protect the individual or others if the individual poses a threat to his or her safety or to the safety of others.

f) Access to Records

(1) All applicants and recipients of services and, as appropriate, those individuals' representatives, has the right to:

(A) Request in writing an appointment to review the Vocational Rehabilitation case record with such appointment scheduled within ten (10) working days after receipt of a written request;

(B) Have copied (at cost) any part of the record with copies to be furnished within five (5) working days after receipt of a written request;

(C) Challenge the content of the record and request deletion or change with written notice of Vocational Rehabilitation action on such request to be furnished within ten (10) working days.

(2) Clients must be advised of their right to appeal any denial of release of records. Furthermore:

(A) An official of the Bureau shall be present at all inspections. This person will interpret the record, if appropriate.

(B) A record shall be kept of the people who have seen the case record. The client, or the client's representative must sign the review form.

(C) Medical, psychological and optometric reports, may be reviewed, however copies will be furnished only with the written permission of the medical or mental health professional, or optometrist. Medical, psychological, or other information that the Bureau determines may be harmful to the individual may not be reviewed by, or released 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.

(D) The client or the client's representative has the right to request and receive a copy, at cost, of any or all parts of their records. This copy will be furnished within five business days after receipt of a written request (or, as applicable, within five business days after written approval is obtained from the medical or mental health professional, or optometrist to release their report). A charge may be made, based upon the prevailing rate for photocopying services but may be waived in cases of financial hardship or if the number of pages requested is 10 or fewer. Individualized Plans for Employment and any Amendments to the plan shall be provided at no cost to the client or authorized representative.

Section 7. - Informed Choice

The Vocational Rehabilitation Program shall inform each applicant, and recipient of services (including students with disabilities who are making the transition from programs under the responsibility of an educational agency to programs under the responsibility of the Bureau and including youth with disabilities), 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 or other disabilities who require assistance in exercising informed choice throughout the vocational rehabilitation process.

Vocational Rehabilitation Counselors shall assist applicants and recipients of services in exercising informed choice:

(a) In decisions related to the provision of assessment services;

(b) For eligible individuals or, as appropriate, the individuals' representatives, in acquiring information that enables them to exercise informed choice in the development of their individualized plans for employment with respect to the selection of the:

(1) Employment outcome;

(2) Specific vocational rehabilitation services needed to achieve the employment outcome;

(3) Entity that will provide the services;

(4) Employment setting and the settings in which the services will be provided; and

(5) Methods available for procuring the services; and

(6) Ensuring that the availability and scope of informed choice is consistent with the obligations of the Bureau.

In assisting an applicant and eligible individual in exercising informed choice during the assessment for determining eligibility and vocational rehabilitation needs and during development of the Individualized Plan for Employment, the Vocational Rehabilitation Counselor will provide the individual or the individual's representative, or assist the individual or the individual's representative in acquiring, information necessary to make an informed choice about the specific vocational rehabilitation services, including the

providers of those services, that are needed to achieve the individual's employment outcome. This information will include, at a minimum, information relating to the:

- a) Cost, accessibility, and duration of potential services;**
- b) Consumer satisfaction with those services to the extent that information relating to consumer satisfaction is available;**
- c) Qualifications of potential service providers;**
- d) Types of services offered by the potential providers;**
- e) Degree to which services are provided in integrated settings; and**
- f) Outcomes achieved by individuals working with service providers, to the extent that such information is available.**

In providing or assisting the individual or the individual's representative in acquiring this information the Vocational Rehabilitation Counselor may use, but is not limited to, the following methods or sources of information:

- a) Lists of services and service providers.**
- b) Periodic consumer satisfaction surveys and reports.**
- c) Referrals to other consumers, consumer groups, or disability advisory councils qualified to discuss the services or service providers.**
- d) Relevant accreditation, certification, or other information relating to the qualifications of service providers.**

e) Opportunities for individuals to visit or experience various work and service provider settings.

The Bureau shall work with the Bureau of Organizational Support of DORS to explore options for developing and implementing flexible procurement policies and methods that facilitate the provision of vocational rehabilitation services and that afford recipients of services meaningful choices among the methods used to procure vocational rehabilitation services.

Section 8. - Order of Selection

a) Requirements and Implementation

When funding projections indicate that the Vocational Rehabilitation Program cannot provide services to all eligible individuals, in addition to all students with disabilities who are receiving Pre-Employment Transition Services prior to being determined eligible for vocational rehabilitation services, Federal Law requires the Program to establish an order to be followed for selecting eligible individuals to whom vocational rehabilitation services shall be provided on the basis of serving first, individuals with the most significant disabilities.

Individuals who were receiving Pre-Employment Transition Services as a student with a disability prior to being determined eligible for vocational rehabilitation services, eligible individuals who require specific services or equipment to maintain employment, or those individuals who

have already begun receiving services under an Individualized Plan for Employment prior to the effective date of the Bureau's order of selection, shall not be impacted by a decision of the Bureau to enter into an order of selection and shall continue to receive services as required for pre-employment transition planning or as outlined in the Individualized Plan for Employment or subsequent amendments.

Prior to implementing an order of selection, the State Director shall notify the State Rehabilitation Council, the Commissioner of the Department of Rehabilitation Services and the Advisory Board, for their consideration and recommendations. A duly noticed public comment period and public hearing that allows for input on any proposed modification(s) to the applicable section of the Unified State Plan or Bureau policies to address the projected funding shortfall shall be provided. Should no alternatives be identified to ensure adequate funding to remedy the projected shortfall, the order of selection shall be implemented.

b) Priority for Services Categories

An order of selection consists of priority for services categories to which eligible individuals are assigned based on the significance of their disability. Under an order of selection, individuals with the most significant disabilities have the highest priority for the provision of vocational rehabilitation services. Every individual within each specific priority for services category must be served before individuals in the next priority for services category can be provided with services. In the event there is insufficient funding to serve all individuals within the same priority for services category, the date of eligibility for vocational

rehabilitation services shall be used as the criteria for offering services in chronological order to individuals within the applicable priority for services category as funding becomes available.

For eligible individuals who are not subject to the order of selection due to the need to receive specific services or equipment to maintain current employment, should that employment end, the eligible individual's case record of services must be inactivated and the individual shall be subject to the order of selection criteria under a new application for vocational rehabilitation services.

Listed below, in the order of highest priority first, are the three categories of priority for services.

(1) Priority for Services Category 1: Individual with a most significant disability

An individual with a most significant disability is defined as an individual—

- (A) Who has a significant physical or mental impairment which seriously limits four or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;**
- (B) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and**
- (C) Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary**

dysfunction, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, intellectual disability, specific learning disability, end stage renal disease, or 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.

(2) Priority for Services Category 2: Individual with a significant disability

An individual with a significant disability is defined as an individual –

- (A) Who has a significant physical or mental impairment which seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;**
- (B) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and**
- (C) Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including**

paraplegia and quadriplegia), sickle cell anemia, intellectual disability, specific learning disability, end stage renal disease, or 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.

(3) Priority for Services Category 3: Individual with a disability

An individual with a disability is defined as an individual—

- (A) Who has a physical or mental impairment which for such individual constitutes or results in a substantial impediment to employment; and**
- (B) Who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.**

c) Functional Capacity Categories

The degree of significance of disability is directly related to the number of functional capacity categories that are seriously limited by the presence of a disability.

The functional capacity categories are:

- (1) Mobility - Physical and psychological ability to move about from place to place inside and outside the home compared to people with unaffected mobility. This includes travel to and from usual destinations in the community for activities of daily living, training, or work.**

Serious limitations in this category include any of the following:

- (A) The individual requires physical assistance from others to travel safely;**
- (B) The individual's range of travel is severely limited;**
- (C) The individual requires modifications, mobility aids, adaptive technology, or other accommodations in order to travel independently.**

(2) Self-Care - Ability to manage self or living environment, as they affect an individual's ability to participate in training or work related activities. This includes an individual's management of any special health and safety needs which exist.

Serious limitations in this category include any of the following:

- (A) The individual is dependent upon devices or the services of others to complete self-care activities;**
- (B) The individual requires assistance on the job or at training locations for personal care needs;**
- (C) The individual requires monitoring to ensure that self-care needs are met.**

(3) Self-Direction - Ability to independently plan, initiate, problem solve, organize and carry out goal-directed activities related to self-care, socialization, recreation, and work.

Serious limitations in this category include any of the following:

- (A) The individual requires intensive supervision and direction in order to begin or follow through on completing tasks;**

- (B) The individual requires monitoring to maintain appropriate behavior and to make safe and logical decisions;**
- (C) The individual exhibits substantial confusion and disorientation to their surroundings.**

(4) Work Skills - Ability to carry out specific tasks required for job functions and capacity to benefit from training in the necessary skills.

Serious limitations in this category include any of the following:

- (A) The individual is unable to independently identify logical steps necessary to complete multi-step work tasks;**
- (B) The individual requires ongoing training and monitoring to retain instructions for completing routine assignments;**
- (C) The individual's productivity is below the competitive standards required for the work assignments.**

(5) Interpersonal Skills - Ability to establish and maintain personal, family and community relationships and the actual/potential impact on job performance and security.

Serious limitations in this category include any of the following:

- (A) The individual has difficulty establishing and maintaining relationships with others;**
- (B) The individual exhibits behaviors that are disruptive to others;**
- (C) The individual requires close supervision to maintain appropriate interactions with other individuals.**

(6) Communication - Ability to effectively exchange information via writing, speaking, listening, sign language or other adaptive methods. Limitations may occur because of physical, emotional or cognitive impairments.

Serious limitations in this category include any of the following:

- (A) The individual is unable to communicate verbally or in writing with others;**
- (B) The individual is dependent upon alternative modes of communication or adaptive devices to be understood by others;**
- (C) The individual cannot independently express or exchange ideas or have a discussion that is coherent to others.**

(7) Work Tolerance – Capacity to sustain physical, cognitive and/or psychological demands of a job.

Serious limitations in this category include any of the following:

- (A) The individual is unable to perform work activity due to physical, psychological or cognitive limitations;**
- (B) The individual requires modifications to the work environment in order to have endurance to finish the scheduled work shift;**
- (C) The individual requires substantial restructuring of work tasks or assignments that would typically be expected of an incumbent in the job title to routinely perform.**

d) Referral Services

(1) Individuals with disabilities, including eligible individuals who do not meet the Bureau's order of selection criteria for receiving vocational rehabilitation services if the Bureau is operating on an order of selection, will be provided accurate vocational rehabilitation information and guidance (which may include counseling and referral for job placement) using appropriate modes of communication to assist them in preparing for, securing, retaining, advancing in, or regaining employment; and

(2) The Bureau will refer individuals with disabilities to other appropriate Federal and State programs, including other components of the statewide workforce development system.

(3) The Bureau will refer to appropriate programs and service providers best suited to address the specific rehabilitation, independent living and employment needs of an individual with a disability who makes an informed choice not to pursue an employment outcome under the Bureau's vocational rehabilitation program. Before making the referral, the Bureau will ----

(A) Explain to the individual that the purpose of the vocational rehabilitation program is to assist individuals to achieve an employment outcome by 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;

(B) Provide the individual with information concerning the availability of employment options, and of vocational

rehabilitation services, to assist the individual to achieve an appropriate employment outcome;

(C) Inform the individual that services under the vocational rehabilitation program can be provided to eligible individuals in an extended employment setting if necessary for purposes of training or otherwise preparing for employment in an integrated setting;

(D) Inform the individual that, if he or she initially chooses not to pursue an employment outcome, he or she can seek services from the Bureau at a later date if, at that time, he or she chooses to pursue an employment outcome; and

(E) Refer the individual, as appropriate, to the Social Security Administration in order to obtain information concerning the ability of individuals with disabilities to work while receiving benefits from the Social Security Administration.

(4) In making the referrals, the Bureau will —

(A) Refer the individual to Federal or State programs, including programs carried out by other components of the statewide workforce development system, best suited to address the specific employment needs of an individual with a disability; and

(B) Provide the individual who is being referred—

(i) A notice of the referral by the Bureau to the agency carrying out the program;

(ii) Information identifying a specific point of contact within the agency to which the individual is being referred; and

(iii) Information and advice regarding the most suitable services to assist the individual to prepare for, secure, retain, or regain employment.

The Bureau will keep a record of those individuals who have received referral services as a result of not meeting order of selection criteria. A copy of all referral letters to other providers will be maintained in the individual's record of services. All information contained in the letter of referral drafted by the Vocational Rehabilitation Counselor shall only be released to third party providers with the expressed written consent of the individual.

Section 9. - Purchase of Services

Services and goods including those necessary for the determination of eligibility and priority for services, vocational rehabilitation services which are part of the individual's IPE, Post-Employment services, and other goods and services required to achieve an employment outcome must be purchased according to State purchasing procedures and requirements. All purchases must be authorized in writing prior to or at the time of purchase, unless unusual or unforeseen circumstance makes this impossible or impractical. The State Director shall review such situations where preauthorization of services was not possible or practical and make a final determination regarding approval in such instances. Payment for such purchases will be based upon fee schedules established by the State, DORS, or published fees charged to all participants of the program or service

Written authorization will be made, either simultaneously with or prior to the purchase of services, and a copy of the authorization will be retained. Where a Vocational Rehabilitation Program employee is permitted to make an oral authorization in an emergency situation, prompt documentation of such oral authorization shall be made in

the client's case record and such authorization shall be confirmed in writing and forwarded to the provider of the services within ten (10) business days.

All authorizations for case services are initiated by the Counselor to whom the case is assigned. The State Director may establish criteria for direct purchasing approvals by Vocational Rehabilitation Counselors and the Vocational Rehabilitation Supervisor that do not require the review and approval of the Director. The final authority for commitment of funds rests with the State Comptroller.

Section 10. - Review of Determinations Made by Personnel of the Vocational Rehabilitation Program

An applicant or eligible individual who is dissatisfied with any determinations made by personnel of the Vocational Rehabilitation Program that affects the provision of vocational rehabilitation services may request, or, if appropriate, may request through the individual's representative a timely review of those determinations. All applicants and eligible individuals shall be informed of this right at the time the individual applies for vocational rehabilitation services, at the time the individual is assigned to a category under an order of selection, at the time the IPE is developed, and whenever vocational rehabilitation services for an individual are reduced, suspended, or terminated. Notification of the availability of the Client Assistance Program, to assist the applicant or eligible individual during mediation sessions or impartial due process hearings shall be provided. The names and addresses of individuals with whom requests for mediation or due process hearings may be filed shall be included in this notification.

Each applicant or eligible individual shall have the right to obtain a review of determinations that affect the provision of vocational rehabilitation services to an applicant or eligible individual through an impartial due process hearing or to pursue mediation with respect to determinations made by personnel of the Vocational Rehabilitation Program that affect the provision of vocational rehabilitation services to an applicant or eligible individual. The individual may also request informal dispute resolution through a review by the State Director of the determinations made by personnel of the Vocational Rehabilitation Program that affect the provision of vocational rehabilitation services to an applicant or eligible individual.

Each applicant or eligible individual or, as appropriate the individual's representative will be provided with an opportunity to submit during mediation sessions, impartial due process hearings or informal dispute reviews, evidence and other information that supports the applicant's or eligible individual's position; and be allowed to be represented by counsel or other advocate selected by the applicant or eligible individual.

The Vocational Rehabilitation Program may not institute a suspension, reduction, or termination of vocational rehabilitation services being provided to an applicant or eligible individual, including evaluation and assessment services and IPE development, pending a resolution through mediation, pending a decision by a hearing officer, or pending informal dispute resolution under this Section unless the individual or, in appropriate cases, the individual's representative requests a suspension, reduction,

or termination of services, or the Bureau has evidence that the services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the individual or the individual's representative. Applicants who are found ineligible for vocational rehabilitation services and previously eligible individuals who are determined to be no longer eligible for vocational rehabilitation services are permitted to challenge the determinations of ineligibility.

a) Impartial Due Process Hearings

A hearing conducted by an impartial hearing officer, selected in accordance with these policies, must be held within 60 days of an applicant's or eligible individual's request for review of a determination made by personnel of the Bureau that affects the provision of vocational rehabilitation services to the individual, unless informal dispute resolution or a mediation agreement is achieved prior to the 60th day or the parties agree to a specific extension of time. In addition to the rights described in these policies, the applicant or eligible individual or, if appropriate, the individual's representative must be given the opportunity to present witnesses during the hearing and to examine all witnesses and other relevant sources of information and evidence. The costs of the impartial due process hearing will be paid by the Bureau. The Bureau will not pay for any costs related to the representation of an applicant or eligible individual.

The impartial hearing officer must make a decision based on the provisions of the approved vocational rehabilitation services section of the Unified State Plan, the Act, Federal vocational rehabilitation regulations, and State regulations and policies that are consistent with Federal requirements, and provide to the individual or, if appropriate, the individual's representative and to the State Director a full

written report of the findings and grounds for the decision within 30 days of the completion of the hearing.

The impartial hearing officer for a particular case must be selected from a list of qualified impartial hearing officers maintained by the Bureau. Impartial hearing officers included on the list must be jointly identified by the Bureau and the State Rehabilitation Council and must be selected on a random basis, or be selected by agreement between the State Director of the Bureau and the applicant or eligible individual or, as appropriate, the individual's representative.

If either of the parties to the impartial due process hearing are dissatisfied with the decision of the impartial hearing officer, the party may seek an impartial administrative review of the decision by the Commissioner of the Department of Rehabilitation Services. A request for this administrative review must be made within 20 days of the mailing of the impartial hearing officer's decision. The Commissioner of the Department of Rehabilitation Services may not delegate this review and will provide both parties with an opportunity to submit additional evidence and information relevant to a final decision concerning the matter under review. The Commissioner may not overturn or modify the hearing officer's decision, or any part of that decision, that supports the position of the applicant or eligible individual unless the Commissioner concludes, based on clear and convincing evidence, that the decision of the impartial hearing officer is clearly erroneous on the basis of being contrary to the approved vocational rehabilitation services portion of the Unified State Plan, the Act, Federal vocational rehabilitation regulations, or State regulations and policies that are consistent with Federal requirements.

The Commissioner of the agency will make an independent, final decision following a review of the entire hearing record and provide the decision in writing, including a full report of the findings and the statutory, regulatory, or policy grounds for the decision, to the applicant or eligible individual or, as appropriate, the individual's representative and to the Bureau within 30 days of the request for administrative review.

b) Mediation

The mediation process is voluntary on the part of the applicant or eligible individual. The mediation process will not be used to deny or delay the applicant's or eligible individual's right to pursue resolution of the dispute through an impartial hearing held within sixty (60) days of the date of the written request from the client, or if appropriate, the individual's representative. At any point during the mediation process, either party or the mediator may elect to terminate the mediation. In the event mediation is terminated, either party may pursue resolution through an impartial hearing.

The mediation process is conducted by a qualified and impartial mediator, who must be selected from a list of qualified and impartial mediators maintained by the State. For an individual to be considered as a qualified mediator, he or she must not be an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education), cannot be a member of the Bureau's State Rehabilitation Council, and has not been involved previously in the vocational rehabilitation of the applicant or eligible individual. Mediators must be selected on a random basis by agreement between the State Director of the Bureau and the applicant or eligible individual or, as appropriate, the individual's representative

and also in accordance with a procedure established in the State for assigning mediators, provided this procedure ensures the neutrality of the mediator assigned.

The mediator must be knowledgeable of the vocational rehabilitation program and the applicable federal and state laws, regulations and policies governing the provision of vocational rehabilitation services, and has been provided with training in effective mediation techniques consistent with any State-approved or recognized certification, licensing, registration, or other requirements. The mediator must have no personal, professional, or financial interest that could affect the individual's objectivity during the mediation proceedings. For purposes of this policy, an individual shall not be considered to be an employee of a public agency solely because the individual is paid by the agency to serve as a mediator.

Mediation sessions are scheduled and conducted in a timely manner and are held in a location and manner that is convenient to the parties to the dispute. Discussions that occur during the mediation process must be kept confidential and may not be used as evidence in any subsequent impartial due process hearings or civil proceedings, and the parties to the mediation process may be required to sign a confidentiality pledge prior to the commencement of the process. An agreement reached by the parties to the dispute in the mediation process must be described in a written mediation agreement that is developed by the parties with the assistance of the qualified and impartial mediator and signed by both parties. Copies of the agreement must be sent to both parties.

The costs of the mediation process will be paid by the Bureau. The Bureau will not pay for any costs related to the

representation of an applicant or eligible individual authorized.

c) Informal Dispute Resolution

An applicant, eligible individual or, in appropriate cases, the individual's representative may request of the State Director an informal dispute resolution review for resolving a dispute without conducting mediation or a formal hearing. The applicant or eligible retains the right to an impartial due process hearing or any other right provided under this policy, including the right to pursue mediation. If informal dispute resolution or mediation is not successful in resolving the dispute within sixty (60) days of the date of the written request from the client, or if appropriate, the individual's representative, a formal hearing must be conducted within that same time period, unless the parties agree to a specific extension of time.

d) Civil Action

Any of the parties who disagrees with the findings and decision of an impartial hearing officer or a subsequent determination by the Commissioner of the Department of Rehabilitation Services has a right to bring a civil action with respect to the matter in dispute. The action may be brought in any State court of competent jurisdiction or in a district court of the United States of competent jurisdiction without regard to the amount in controversy. In any action brought under this subsection, the court must receive the records related to the impartial due process hearing and the records related to the administrative review process, if applicable. The court will hear any additional evidence at the request of a party and base its decision on the preponderance of the

evidence, grants the relief that the court determines to be appropriate.

Section 11. - Rights and Responsibilities

All applicants for and recipients of Vocational Rehabilitation Services must be informed of their rights and responsibilities.

Applicants and clients play an active role in the rehabilitation process. This requires that they be knowledgeable of their legal rights as well as what is expected of them. Clear and prompt notification of rights and responsibilities empowers clients to be full participants in the planning and delivery of rehabilitation services.

a) The Vocational Rehabilitation Counselor will provide a written notice of rights and responsibilities and availability of the Client Assistance Program (CAP). The Vocational Rehabilitation Counselor will review these with each applicant/client at the following key points in the vocational rehabilitation process:

(1) Application (initial interview);

(2) When assigned to a Priority for Services Category if the Vocational Rehabilitation Program is operating under an Order of Selection;

(3) IPE development;

(4) Closure;

(5) Whenever vocational rehabilitation services for an individual are reduced, suspended, or terminated.

b) These rights and responsibilities must be provided to the parent or guardian of any client who has not reached the age of eighteen, or has a court-appointed guardian.

c) Client rights include, as appropriate:

(1) An evaluation of eligibility;

(2) Notification of the eligibility decision;

(3) If eligible, participation in the development of the IPE and any amendment or change in their rehabilitation program;

(4) Annual review of the IPE;

(5) Review of information in the case record of services;

(6) Confidentiality;

(7) The appeal of Bureau actions concerning provision or denial of services;

(8) The right of appeal to the Superior Court under Section 4-183 of the Connecticut General Statutes;

(9) The availability of the Client Assistance Program;

(10) Non-discrimination;

(11) A clear explanation of policies and procedures;

(12) A request for a change of Vocational Rehabilitation Counselor.

If a client requests a change of Vocational Rehabilitation Counselor, the client should be instructed to contact the Vocational Rehabilitation Supervisor, who will assess if a change is warranted and so notify the client. The Vocational Rehabilitation Supervisor may require a client to make such a request in writing in order to fully assess and evaluate the situation prior to granting a change of Vocational Rehabilitation Counselor.

It is the responsibility of clients to cooperate in carrying out their rehabilitation program and to make reasonable efforts to attain their rehabilitation objectives and goals. Applicants/clients have the following responsibilities, as appropriate:

- a) Assist in obtaining information needed to determine eligibility and develop the IPE;**
- b) Carry out their role in the development and implementation of the IPE;**
- c) Attend scheduled appointments, training sessions, and other authorized services;**
- d) Not promise payment for services from a third party vendor without prior authorization by the Bureau;**
- e) Attain acceptable grades or ratings at training and other appropriate activities;**
- f) Carry forth medical or other professional instructions as applicable to their rehabilitation program;**

g) Notify the Vocational Rehabilitation Counselor of change of address or telephone numbers;

h) Discuss with the Vocational Rehabilitation Counselor any problems or changes that may occur during the IPE.

The Client Assistance Program may assist in explaining client rights and responsibilities.

Failure to assume these responsibilities may result in delays in the provision of services

Section 12. - Scope of Vocational Rehabilitation Services

a) Pre-Employment Transition Services

In collaboration with the local educational agencies involved, the Bureau will provide, or arrange for the provision of Pre-Employment Transition Services (Pre-ETS) for all students with legal blindness or visual impairment, without regard to the presence or type of any secondary disability. Fifteen (15) percent of the federal Title I Vocational Rehabilitation allotment, including any funds received through the re-allotment process, must be reserved for the exclusive use of providing Pre-ETS.

A “student with a disability” is an individual not younger than age 16 and not older than age 21, who has legal blindness or visual impairment (with or without a secondary disability) and who is participating in a secondary, post-secondary or other recognized education program, and who is eligible for and receiving special education or related

services under Part B of the Individuals with Disabilities Education Act (IDEA).

Pre-Employment Transition Services are available on a statewide basis to all students with legal blindness or visual impairment, regardless of whether the student has applied or been determined eligible for vocational rehabilitation services. Pre-Employment Transition Services include:

- (1) Job exploration counseling;**
- (2) Work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment in the community to the maximum extent possible;**
- (3) Counseling on opportunities for enrollment in comprehensive transition or post-secondary educational programs at institutions of higher education;**
- (4) Workplace readiness training to develop social skills and independent living; and**
- (5) Instruction in self-advocacy (including instruction in person-centered planning), which may include peer mentoring (including peer mentoring from individuals with disabilities working in competitive integrated employment).**

Upon satisfying the projected need for reserved Pre-ETS funding for all students with legal blindness or visual impairment (including students with secondary disabilities),

as supported by the results of the Comprehensive Needs Assessment, the Bureau may utilize the remainder of the reserved Pre-ETS funds for the following services:

- (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 legal blindness or visual impairment, in combination with intellectual disabilities and individuals with significant disabilities to live independently; participate in post-secondary education experiences; and obtain, advance in 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 Pre-ETS requirements;**
- (5) Coordinating activities with transition services provided by local educational agencies under the Individuals with Disabilities Education Act;**
- (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, the Bureau in collaboration with other designated State units, developmental disability agencies, private businesses, or other participants to achieve Pre-ETS goals; and

(9) Disseminating information and strategies to improve the transition to post-secondary activities of individuals who are members of traditionally unserved and underserved populations.

Vocational Rehabilitation staff assigned to serve students with disabilities shall be available to attend individualized education program meetings for these students, to work with the local workforce development boards, one-stop centers, and employers to develop work opportunities for the students, including internships, summer employment and other employment opportunities available throughout the school year, and apprenticeships. Assigned staff will also work with schools, including those carrying out activities under section 614(d) of the IDEA, to coordinate and ensure the provision of Pre-ETS services. When invited, Vocational Rehabilitation staff assigned to work with students with disabilities may also attend person-centered planning meetings for individuals receiving services under title XIX of the Social Security Act.

b) Services Provided to Individuals who have Applied For or Been Determined Eligible for Vocational Rehabilitation Services

As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's

Individualized Plan for Employment, the following vocational rehabilitation services shall be available to assist the eligible individual in preparing for, securing, retaining, advancing in or regaining an employment outcome that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice:

- (1) Assessment for determining eligibility, priority for services, and vocational rehabilitation needs by qualified personnel, including if appropriate, an assessment by personnel skilled in rehabilitation technology.**
- (2) Vocational rehabilitation 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 providers and agencies including other components of the statewide workforce development system, and to advise those individuals about the Client Assistance Program.**
- (4) Job related services including job search and placement assistance, job retention services, follow up services and follow-along services.**
- (5) Physical and Mental restoration services, to the extent that financial support is not readily available from a source other than the Bureau (such as through health insurance or a comparable service or benefit).**
- (6) Vocational and other training services, including personal and vocational adjustment training, advanced**

training in, but not limited to, a field of science, technology, engineering, mathematics (including computer science), medicine, law, or business); books, tools, and other training materials, 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 or any other post-secondary education institution) may be paid for with Vocational Rehabilitation Program funds unless maximum efforts have been made by the Bureau and the individual to secure grant assistance in whole or in part from other sources to pay for that training.

(7) Maintenance in the form of monetary support provided to an individual for expenses, such as food, shelter and clothing, that are in excess of normal expenses of the individual and that are necessitated by the individual's participation in assessments for determining eligibility and vocational rehabilitation needs or the individual's receipt of vocational rehabilitation services under an IPE.

(8) Transportation (travel and related expenses) necessary to enable the applicant or eligible individual to participate in vocational rehabilitation services, including expenses for training in the use of public transportation vehicles and systems.

(9) Vocational rehabilitation services to family members of an applicant or eligible individual if necessary to enable the applicant or eligible individual to achieve an employment outcome.

(10) Interpreter services and tactile interpreting services for individuals who are deafblind, provided by qualified personnel.

(11) Reader services, rehabilitation teaching services, and orientation and mobility services.

(12) Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent that 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.

(13) Supported employment services including ongoing supports, customized employment, and other appropriate services needed to support and maintain an individual with a most significant disability, including youth with a most significant disability in supported employment.

(14) Personal assistance services including training in managing, supervising and directing personal assistance services, provided by one or more persons, that are designed to assist the client to perform daily living activities on or off the job that the individual would typically perform without assistance if the client did not have a disability, and that are designed to increase the client's control in life and ability to perform everyday activities on or off the job while the individual is receiving other services necessary to achieve an employment outcome.

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

(16) Occupational licenses, tools, equipment, initial stocks, and supplies consistent with Vocational Rehabilitation Program policy.

(17) Rehabilitation technology, including vehicular modifications, telecommunications, sensory, and other technological aids and devices. The provision of adaptive equipment will be made after consultation with a Rehabilitation Technologist or other provider skilled in the assessment of such products. Reports from vendors who sell specific adaptive products will not be acceptable for evaluation purposes, but may be reviewed along with other data. Technology provided to clients will be chosen based on the most effective, least expensive products available.

(18) Transition services for students and youth with legal blindness or visual impairment, age 14 through 21 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 for students.

(19) Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent those 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.

(20) Customized employment in a competitive and integrated setting and that is based on an individualized determination of the unique strengths, needs, and interests of the individual with a significant disability and that is designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer.

(21) Other goods and services determined necessary for the individual with a disability to achieve an employment outcome.

c) Services Provided to Groups of Individuals

The Vocational Rehabilitation Program is authorized to provide services to groups of individuals to promote integration and competitive employment. Such services need not be related to the Individualized Plan for Employment of any one individual, but rather serve to benefit groups of individuals with disabilities. Examples of services to groups include the establishment, development or improvement of public or other nonprofit community rehabilitation programs that are used to provide vocational rehabilitation services that promote integration into the community and prepare individuals with disabilities for competitive integrated employment, including supported employment and customized employment. Under special circumstances, the construction of a facility for a public or nonprofit community rehabilitation program may be considered. Examples of

special circumstance include destruction by natural disaster of the only available center serving the area of the state.

Services to groups may also include:

(1) The provision of telecommunication systems including telephone, television, satellite, tactile-vibratory devices and similar systems that have the potential for substantially improving vocational rehabilitation service delivery methods and developing appropriate programming to meet the particular needs of individuals who are legally blind or visually impaired;

(2) Special services to provide nonvisual access to information for individuals who are blind; including the use of telecommunications, Braille, sound recordings, or other appropriate media; captioned television, films, or video cassettes, tactile or vibratory materials and devices for individuals who are deafblind;

(3) Technical assistance to businesses that are seeking to employ individuals with disabilities.

(4) In the case of any small business enterprises operated by individuals with legal blindness, under the supervision of the Bureau, including enterprises established under the Bureau's Business Enterprise Program, management services and supervision provided by the Bureau along with the acquisition of vending facilities or other equipment, initial stocks and supplies, and initial operating expenses, in accordance with the following requirements:

(A) Management services and supervision includes inspection, quality control, consultation,

accounting, regulating, in-service training, and related services provided on a systematic basis to support and improve small business enterprises operated by individuals with significant disabilities. Management services and supervision may be provided throughout the operation of the small business enterprise.

(B) Initial stocks and supplies include those items necessary to the establishment of a new business enterprise during the initial establishment period, which may not exceed six months.

(C) Costs of establishing a small business enterprise may include operational costs during the initial establishment period, which may not exceed six months.

(D) If the Bureau provides for these services, it must ensure that only individuals with significant disabilities will be selected to participate in this supervised program.

(5) Consultation and technical assistance services to assist State educational agencies and local educational agencies in planning for the transition of students and youth with disabilities from school to post-secondary life, including employment.

(6) Transition services to youth with disabilities and students with disabilities who may not have yet applied or been determined eligible for vocational rehabilitation services, for which a Vocational Rehabilitation Counselor works in concert with educational agencies, providers of job training programs, providers of services under the Medicaid program under title XIX of the Social Security Act, entities designated by the State to provide services for individuals with developmental

disabilities, centers for independent living (as defined in section 702 of the Rehabilitation Act), housing and transportation authorities, workforce development systems, and businesses and employers. These specific transition services are to benefit a group of students with disabilities or youth with disabilities and are not individualized services directly related to an Individualized Plan for Employment goal. Services may include, but are not limited to, group tours of universities and vocational training programs, employer or business site visits to learn about career opportunities, career fairs coordinated with workforce development and employers to facilitate mock interviews and resume writing, and other general services applicable to groups of students with disabilities and youth with disabilities.

(7) The establishment, development, or improvement of assistive technology demonstration, loan, reutilization, or financing programs in coordination with activities authorized under the Assistive Technology Act of 1998 to promote access to assistive technology for individuals with disabilities and employers.

(8) Support (including, as appropriate, tuition) for advanced training in a field of science, technology, engineering, or mathematics (including computer science), medicine, law, or business, provided after an individual eligible to receive services under this paragraph demonstrates such eligibility, has previously completed a bachelor's degree program at an institution of higher education or scheduled completion of such a degree program prior to matriculating in the program for which the individual proposes to use the support; and who has been accepted by a program at an institution of

higher education in the United States that confers a master's degree in a field of science, technology, engineering, or mathematics (including computer science), a juris doctor degree, a master of business administration degree, or a doctor of medicine degree. No training provided at an institution of higher education may be paid for with funds under this program unless maximum efforts have been made by the Bureau to secure grant assistance, in whole or in part, from other sources to pay for such training. Nothing in this paragraph prevents the Bureau from providing similar support to individuals with disabilities within the State who are eligible to receive support under the Vocational Rehabilitation Program.

Documentation shall be maintained to ensure the proper and efficient administration of services to groups of individuals, including the types of services provided, the costs of those services, and, to the extent feasible, estimates of the numbers of individuals benefiting from those services. The Bureau shall follow all State contracting and purchasing requirements in securing services from fee for service providers.

CHAPTER 3 - CASE PROCESSING POLICIES

Section 1. - Vocational Rehabilitation Status System

a) Status Summaries

Vocational Rehabilitation Counselors shall utilize the following status codes within the electronic case management system to note the progression of assigned clients through the Vocational Rehabilitation Program process.

Status 00 - Referral

This status represents entrance into the vocational rehabilitation process. A referral is defined as any individual who has applied to or been referred to the vocational rehabilitation agency by letter, by telephone, by direct contact, or by any other means; and for whom the following minimum information has been furnished: name and address, disability, age and sex, date of referral, and source of referral. Upon receiving a referral, the Vocational Rehabilitation Counselor will contact the client either personally, by telephone, or by letter for the purpose of setting up an appointment for an initial interview.

Status 02 - Applicant

As soon as the referred individual (Status 00) signs a document requesting vocational rehabilitation services, the individual is placed into Status 02 and is designated as an applicant. Generally, the document will be a Vocational Rehabilitation application form, but a letter signed by an

individual, or his or her representative, who provides the minimum basic referral information and requests service should also be considered as a basis for placing the individual in Status 02. The Vocational Rehabilitation Counselor will explain the vocational rehabilitation process to the applicant, and provide information on the Bureau's appeal options and Client Assistance Program in the client's preferred format. The Vocational Rehabilitation Counselor will then commence an assessment, utilizing existing information to the greatest extent possible, to make a determination of eligibility.

Status 06- Trial Work Period

Cases are placed in Status 06 when there is insufficient information to reach an eligibility decision. While in Status 06, the client is provided with the opportunity to participate in multiple work experiences, including experiences in which the individual is provided appropriate supports and training, so that the Vocational Rehabilitation Counselor and the client can explore the individual's abilities, capabilities, and capacity to perform in competitive and integrated work situations.

Status 08 - Closed From Referral, Applicant, or Trial Work Period

This status is used for all individuals who do not proceed into eligibility status for vocational rehabilitation services, from referral status (00), applicant status (02), or trial work period (06). A certificate of ineligibility is required for a closure in Status 08, when such a determination has been reached subsequent to satisfying all policy requirements pertaining to ineligibility. The client will be provided, in their preferred communication format, ten (10) business days

advanced notification of the reason(s) for the proposed action, along with information on the Bureau's appeal options and the Client Assistance Program.

Status 10 - Eligible for Services

A person is eligible for services if they have a physical or mental impairment, which for such individual constitutes or represents a substantial impediment to employment and the individual can benefit in terms of an employment outcome from vocational rehabilitation services. While a client is in this status, the Functional Assessment for Priority for Services form is completed, and the client is informed of the category within the Priority for Services that has been assigned to their case. The client will be provided with information on the Bureau's appeals process and the Client Assistance Program in their preferred mode of communication. If the Bureau is not operating under an Order of Selection when the client is determined eligible for services, or the client meets the Priority for Services category if the Bureau is operating under an Order of Selection, the process of developing the Individualized Plan for Employment (IPE) will commence.

Status 12- Individualized Plan for Employment

The Vocational Rehabilitation Counselor and client will develop, or the client may choose an alternative option for developing an Individualized Plan for Employment (IPE) identifying the employment goal, along with the services that will be provided, the vendors that will provide those services, and the timeframes associated with each of these services that will lead to the achievement of an employment outcome. The client will be placed into Status 12 when the IPE has been signed by the client or their authorized representative,

and the Vocational Rehabilitation Counselor (and the Vocational Rehabilitation Supervisor in situations where graduate school is included in the IPE or the IPE was developed with a Vocational Rehabilitation Assistant Counselor. The client will be provided with information on the Bureau's appeals process and the Client Assistance Program in their preferred mode of communication.

Status 18 - Vocational Services Implemented

This status is used when the client commences any of the services identified in the IPE, or subsequent amendment to the IPE in situations where none of the services from the original IPE were implemented. The Vocational Rehabilitation Counselor will be responsible for maintaining appropriate case recording documenting the type of training, the progress of the service(s), and the final outcome. The Vocational Rehabilitation Counselor will evaluate the progress of the client on an ongoing basis while in the services status.

Status 22 - In Employment

Once the client has obtained, retained or advanced in employment, and services detailed in the IPE and any subsequent amendments to the IPE are completed, or deemed by the Vocational Rehabilitation Counselor and the client to no longer be necessary, the Vocational Rehabilitation Counselor will place the case in Status 22. The Vocational Rehabilitation Counselor will monitor the case for a minimum of 90 days after the completion of substantial services in order to ensure that there is no further need or request for additional services to achieve the employment outcome.

Status 24 - Services Interrupted

When a durational situation develops that prevents the client from participating in the provision of services as outlined in the IPE or subsequent amendments to the IPE, the Vocational Rehabilitation Counselor will place the case in Status 24 signifying that services are temporarily interrupted due to specific circumstances or conditions. The Vocational Rehabilitation Counselor will monitor the case and make appropriate case recordings indicating the client's situation. The client will be provided with information on the Bureau's appeals process and the Client Assistance Program in their preferred mode of communication. Upon resolution of the durational situation that precluded participation in services, the client's services will resume in the applicable status category.

Status 26 – Employment Outcome Achieved

The Vocational Rehabilitation Counselor will place a client in this status after all policy requirements for achievement of an employment outcome in a competitive and integrated setting have been satisfied. The client will be provided advanced notification in their preferred mode of communication of the intent to place the case into this status, with an opportunity to review this decision with the Vocational Rehabilitation Counselor prior to the action occurring. The client will be provided with information on the Bureau's appeals process and Client Assistance Program in their preferred mode of communication simultaneous to the provision of notification of intent to place the case in this status.

Status 28 – Closure Without Achievement of an Employment Outcome after IPE Development

The Vocational Rehabilitation Counselor will place a client in this status after all policy requirements for such a decision have been satisfied. The reason for the decision to inactivate the case prior to the completion of the Individualized Plan for Employment or achievement of an employment outcome will be documented. The client will be provided advanced notification in their preferred mode of communication of the intent to place the case into this status, with an opportunity to review this decision with the Vocational Rehabilitation Counselor prior to the action occurring. The client will be provided with information on the Bureau's appeals process and Client Assistance Program in their preferred mode of communication simultaneous to the provision of notification of intent to place the case in this status.

Status 30 – Closure After Eligibility Determination, Prior to IPE Implementation

The Vocational Rehabilitation Counselor will place a client in this status after all policy requirements for such a decision have been satisfied. The reason for the decision to inactivate the case prior to initiation of services under an Individualized Plan for Employment will be documented. The client will be provided advanced notification in their preferred mode of communication of the intent to place the case into this status, with an opportunity to review this decision with the Vocational Rehabilitation Counselor prior to the action occurring. The client will be provided with information on the Bureau's appeals process and Client Assistance Program in their preferred mode of communication simultaneous to the provision of notification of intent to place the case in this status.

Status 32 - Post-Employment Services

The Vocational Rehabilitation Counselor will place the case in Status 32 when the case was previously closed in Status 26, but where the client requires one or more vocational rehabilitation services subsequent to the achievement of an employment outcome that are necessary for the individual to maintain, regain, or advance in employment, consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. These services are available to meet rehabilitation needs that do not require a complex and comprehensive provision of services and are limited in scope and duration. If more comprehensive services are required, then a new rehabilitation effort should be considered.

Status 34- Closed in Post- employment, Case to be Reopened for New Eligibility Determination

The Vocational Rehabilitation Counselor will place the case in Status 34 when the case was previously closed in Status 26, but where, through an assessment while the client is in Post-Employment services, it is determined that the client requires a complex and comprehensive provision of services to maintain, regain, or advance in employment, consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. The client will be provided with information on the Bureau's appeals process and Client Assistance Program in their preferred mode of communication simultaneous to the provision of notification of intent to place the case in this status.

Status 36- Closed in Post-Employment when Post-Employment IPE Services Are Completed

The Vocational Rehabilitation Counselor will place the case in Status 36 when the case was previously opened in Status 32, and where the client has completed Post-Employment services that were necessary for the client to maintain, regain, or advance in employment, consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. The client will be provided with information on the Bureau's appeals process and Client Assistance Program in their preferred mode of communication simultaneous to the provision of notification of intent to place the case in this status.

Status 40- Closed in Post-Employment, Not Able to Maintain Employment, No More Vocational Rehabilitation Services Needed.

The Vocational Rehabilitation Counselor will place the case in Status 40 when the case was previously opened in Status 32, but where the client is not available to complete Post-Employment services that were necessary for the client to maintain, regain, or advance in employment, consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, or where the provision of services was unsuccessful in helping the client to maintain, regain or advance in employment. The client will be provided with information on the Bureau's appeals process and Client Assistance Program in their preferred mode of communication simultaneous to the provision of notification of intent to place the case in this status.

b) Time in Status

In order to assure proper case management practices and to comply with federal law and regulations governing the administration of vocational rehabilitation services, the following timelines shall apply:

(1) The length of time for a case to remain in Status 00 will not exceed 60 calendar days unless the client requests or agrees to an extension and the case record of services provides documentation of the client's current situation that prevents immediate participation in Vocational Rehabilitation Services.

(2) The length of time for a case to remain in Status 02 will not exceed 60 calendar days unless exceptional and unforeseen circumstances beyond the control of the Bureau preclude making an eligibility determination within 60 days and the Bureau and the individual agree to a specific extension of time.

(3) The length of time for a case to remain in Status 10 will not exceed 90 calendar days, unless the client and the Vocational Rehabilitation Counselor mutually agree to a specific extension of that deadline to a specific date by which the IPE must be completed, as supported by documentation in the case record of services.

(4) The length of time for implementation of the Individualized Plan for Employment (moving from Status 12 to a service implementation status), will not exceed 6 months, except in extenuating circumstances as supported by documentation in the case record of services.

Any deviation from this policy due to unusual or unforeseen circumstances will be documented in the

case file and brought to the attention of the Vocational Rehabilitation Supervisor for discussion and approval. The Vocational Rehabilitation Supervisor will be responsible for close monitoring of these requirements.

Section 2. - Authorization of and Payment for Services

Services and goods (including those necessary for the determination of eligibility and priority for services, vocational rehabilitation services which are part of the individual's IPE, Post-Employment services, and other goods and services required to achieve an employment outcome) must be purchased according to State purchasing procedures and requirements. All purchases must be authorized electronically or in writing prior to or at the time of purchase, unless unusual or unforeseen circumstances make this impractical. Justification of the need for the goods or services shall be documented in the client's case record of services. Verbal authorization promptly followed within ten (10) business days with electronic or written confirming authorization for goods and services may be done by the Vocational Rehabilitation Counselor in emergency or urgent situations. The State Director shall review such situations where verbal authorization or preauthorization of services was not possible or practical and make a final determination regarding approval in such instances. Payment for such purchases will be based upon fee schedules or contract awards established by the State of Connecticut. The Vocational Rehabilitation Program may use existing fee schedules established by other agencies. In addition, the Commissioner of the Department of Rehabilitation Services may establish individual rates with providers of services.

The Vocational Rehabilitation Program will directly receive all invoices to acknowledge the receipt of goods, services, and commodities on behalf of Vocational Rehabilitation Services clients. The Vocational Rehabilitation Counselor or authorized designee will review all reports that document the provision of goods and services. Vocational Rehabilitation Counselors or authorized designees may be required to contact vendors to gather any additional information necessary to verify the provision of goods and services associated with a billing invoice before approving payment. Priority should be given to the processing of these requests in order to avoid any undue delay in payment to the vendor.

Section 3. - Assignment of Clients

Upon receipt of all referrals to the Vocational Rehabilitation Program, the Vocational Rehabilitation Supervisor or other designee, as identified by the State Director, will assign each client to a designated Vocational Rehabilitation Counselor.

Section 4. - Referral and Application for Services

a) Referral (Status 00)

When any person, agency, or organization notifies the Vocational Rehabilitation Program, either in writing or orally, of any individual who may be interested in applying for vocational rehabilitation services provided by the Vocational Rehabilitation Program, that individual is considered as having been referred for vocational rehabilitation services. The purpose of referral is to provide individuals with disabilities entry into the rehabilitation system. Each referred

individual must be given the opportunity to apply and to learn about the scope of services and eligibility criteria.

Once a referral for Vocational Rehabilitation Services has been received, the Vocational Rehabilitation Supervisor or designee will assign the case to a Vocational Rehabilitation Counselor. The Vocational Rehabilitation Counselor will personally contact the prospective client to explain the vocational rehabilitation process and to invite the client to apply for services if desired. If the client desires to apply for services, a meeting date will be established to complete the application process within sixty (60) days of the date of the referral, unless the client requests or agrees to an extension.

Pre-Employment Transition Services may be provided to referred individuals without the need for an application or determination of eligibility for vocational rehabilitation services if the individual meets the definition of student with a disability.

b) Applicant (Status 02)

(1) An individual is considered to have submitted an application when the individual or the individual's authorized representative or parent/guardian if the individual is under the age of 18, as appropriate has---

(A) Completed and signed the Bureau's application form; or

(B) Completed a common intake application form in a one-stop center requesting vocational rehabilitation services; or

(C) Has otherwise requested services from the Bureau; and ----

(2) Has provided to the Bureau information necessary to initiate an assessment to determine eligibility and priority for services; and

(3) Is available to complete the assessment process.

Application is the beginning of the client/counselor relationship. The key activity in this process is the initial interview. Both the Vocational Rehabilitation Counselor and client discuss the rehabilitation process and general information concerning the individual's background is gathered for entry into the electronic case management system, including information that is required for federal reporting purposes. The Vocational Rehabilitation Counselor will explain the criteria for determining eligibility for vocational rehabilitation services, the process for exploring career options and provide a general overview of how services are to be provided and coordinated. The Vocational Rehabilitation Counselor will address the applicant's questions and concerns, as well as any questions or concerns raised by the applicant's authorized representative and the parent/ guardian if the applicant is under the age of 18. Additionally, the Vocational Rehabilitation Counselor will explain the appeals options and the Client Assistance Program and provide information in the preferred mode of communication of the client. The Vocational Rehabilitation Counselor will also inform the applicant that individuals who receive services from the Vocational Rehabilitation Program must intend to achieve an employment outcome. This step begins the preliminary assessment for the purpose of determining eligibility.

Vocational Rehabilitation Counselors must insure that information is presented in the preferred mode of communication consistent with the informed choice of the

client. If the individual is under the age of eighteen, then all appropriate forms must be signed by the individual's parent or legal guardian.

Section 5. - Assessment for Determining Eligibility and Priority for Services (Status 02-10)

The Vocational Rehabilitation Program shall conduct an assessment to determine whether an individual is eligible for vocational rehabilitation services and the individual's priority under an order of selection for services (if the Vocational Rehabilitation Program is operating under an order of selection). The assessment must be conducted in the most integrated setting possible, consistent with the individual's needs and informed choice. The determination should be made within sixty (60) days of the date of application, unless it is determined that trial work experiences are necessary to reach a determination of eligibility, or unusual or unforeseen circumstances require a delay in reaching a determination, and the client agrees to a specific date beyond the 60 days by which time an eligibility determination will be reached.

a) Eligibility Requirements

The determination of an applicant's eligibility for vocational rehabilitation services will be based only on the following requirements:

- (1) A determination by qualified personnel that the applicant has a physical or mental impairment, including a determination of legal blindness or a visual condition that is progressive and degenerative and likely to result in legal blindness, as determined by qualified personnel**

licensed or certified in accordance with state law or regulation. Individuals who are or were served by the Bureau's Children's Services Program on or after January 1, 2010 and who meet the statutory definition of visually impaired, with best corrected distance acuity of no better than 20/70 in the better eye as determined by qualified personnel licensed or certified in accordance with state law or regulation may be determined to have a physical impairment. A person who is recipient of SSDI or SSI benefits shall be considered to be an individual with a significant disability.

(2) A determination by qualified personnel that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant.

(3) A determination by a qualified Vocational Rehabilitation Counselor employed by the Bureau that the applicant requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice. For purposes of an assessment for determining eligibility and vocational rehabilitation needs, an individual is presumed to have a goal of an employment outcome.

In the determination of eligibility, the Vocational Rehabilitation Program shall assure that:

(A) No duration of residence requirement is imposed that excludes from services any applicant who is present in the state;

(B) No applicant or group of applicants is excluded or found ineligible solely on the basis of the type of disability;

(C) The eligibility requirements are applied without regard to the race, color, religious creed, age, sex, marital status, national origin, ancestry, intellectual disability, physical disability, past or present history of mental disability, learning disability, sexual orientation, gender identity or expression, civil union status, genetic information, or prior conviction of a crime of the applicant;

(D) The eligibility requirements are applied without regard to the type of expected employment outcome;

(E) The eligibility requirements are applied without regard for source of referral for vocational rehabilitation services;

(F) The eligibility requirements are applied without regard to the particular service needs or anticipated cost of services required by an applicant or the income level of an applicant or applicant's family;

(G) The eligibility requirements are applied without regard to the applicants' employment history or current employment status; and;

(H) The eligibility requirements are applied without regard to the applicants' educational status or current educational credential.

The Vocational Rehabilitation Counselor will base the determination of each of the basic eligibility requirements on:

(1) A review and assessment of existing data, including counselor observations, education records, information provided by the individual or the individual's family,

particularly information used by education officials, and determinations made by officials of other agencies; and

(2) To the extent existing data do not describe the current functioning of the individual or are unavailable, insufficient, or inappropriate to make an eligibility determination, an assessment of additional data resulting from the provision of vocational rehabilitation services, including trial work experiences, assistive technology devices and services, personal assistance services, and any other support services that are necessary to determine whether an individual is eligible.

Where a client presents multiple employment situations at the time of application and desires services in order to maintain employment, the Vocational Rehabilitation Counselor will base the eligibility determination on the primary employment of the individual. Primary employment is considered to be full time (at least 35 hours per week). If neither employment situation meets this standard, the Vocational Rehabilitation Counselor and client will mutually identify which of the part-time positions is considered to be the primary source of support, and base the eligibility determination on that position.

b) Presumption of Benefit

The Vocational Rehabilitation Program shall presume that an applicant who meets the first two (2) eligibility requirements in paragraph a) (1) and (2) of this Section can benefit in terms of an employment outcome

c) Presumption of Eligibility for Social Security Beneficiaries

If an applicant with legal blindness has appropriate evidence, such as an award letter, that establishes the applicant's eligibility for Social Security benefits under Title II or Title XVI of the Social Security Act, it will be presumed that the applicant:

(1) Is eligible for vocational rehabilitation services under paragraph a) (1) and (2) of this section; and

(2) Is considered to be an individual with a significant disability.

If an applicant for vocational rehabilitation services asserts that he or she is eligible for Social Security benefits under title II or title XVI of the Social Security Act (and, therefore, is presumed eligible for vocational rehabilitation services), but is unable to provide appropriate evidence, such as an award letter, to support that assertion, the Bureau must verify the applicant's eligibility under title II or title XVI of the Social Security Act by contacting the Social Security Administration. This verification must be made within a reasonable period of time that enables the Vocational Rehabilitation Counselor to determine the applicant's eligibility for vocational rehabilitation services within 60 days of the individual submitting an application for services.

d) Achievement of an Employment Outcome

Any eligible individual, including an individual whose eligibility for vocational rehabilitation services is based on the individual being eligible for Social Security benefits under title II or title XVI of the Social Security Act, must

intend to achieve an employment outcome that is consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

The Bureau is responsible for informing individuals, through its application process for vocational rehabilitation services that individuals who receive services under the program must intend to achieve an employment outcome.

The applicant's completion of the application process for vocational rehabilitation services is sufficient evidence of the individual's intent to achieve an employment outcome, and no additional demonstration on the part of the applicant is required.

Nothing in this section is to be construed to create an entitlement to any vocational rehabilitation service.

e) Review and Assessment of Data for Eligibility Determination

Except as provided in Section 6 (Trial Work Experiences), the Vocational Rehabilitation Counselor must base the determination of each of the basic eligibility requirements in paragraph a) of this Section on ---

- (1) A review and assessment of existing data, including counselor observations, education records, information provided by the individual or the individual's family, particularly information used by education officials, and determinations made by officials of other agencies; and**

(2) To the extent existing data do not describe the current functioning of the individual or are unavailable, insufficient, or inappropriate to make an eligibility determination, an assessment of additional data resulting from the provision of vocational rehabilitation services, including trial work experiences, assistive technology devices and services, personal assistance services, and any other support services that are necessary to determine whether an individual is eligible; and

(3) Must presume that an applicant who has been determined eligible for Social Security benefits under title II or title XVI of the Social Security Act satisfies each of the basic eligibility requirements in paragraph a) of this Section on determinations made by the Social Security Administration.

f) Data for Determination of Priority for Services Under an Order of Selection

Upon reaching a determination that the individual is eligible for vocational rehabilitation services the Vocational Rehabilitation Counselor will complete a Functional Assessment for Priority for Services Client Form, utilizing to the greatest extent possible, data collected for purposes of making a determination of eligibility, including information obtained through trial work experiences, if applicable. If the Vocational Rehabilitation Program is operating under an order of selection, the Functional Assessment for Priority for Services Client Form will facilitate a determination of the client's priority for services category.

Section 6. - Trial Work Experiences for Individuals with Significant Disabilities (Status 06)

Prior to any determination that an individual with a disability is unable to benefit from vocational rehabilitation services in terms of an employment outcome because of the severity of that individual's disability or that the individual is ineligible for vocational rehabilitation services, the Bureau must conduct an exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations.

The Vocational Rehabilitation Counselor must develop a written plan to assess periodically, at intervals of ninety (90) days or less, the individual's abilities, capabilities, and capacity to perform in competitive integrated work situations through the use of trial work experiences, 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. The results of such periodic assessments will be documented in the client's record of services.

Trial work experiences include supported employment, on-the-job training, and other experiences using realistic integrated work settings. Trial work experiences must be of sufficient variety and over a sufficient period of time for the Vocational Rehabilitation Counselor to determine that 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 that there is unequivocal, clear and convincing evidence that due to the severity of the individual's disability, the individual is

incapable of benefitting from the provision of vocational rehabilitation services in terms of an employment outcome.

Appropriate supports must be provided, including, but not limited to assistive technology devices and services and personal assistance services, to accommodate the rehabilitation needs of the individual during the trial work experiences.

Section 7. - Case Closure Without an Eligibility Determination (Status 08)

a) Client Unavailable or Declines Participation

The Vocational Rehabilitation Program may not close an applicant's case prior to making an eligibility determination unless the applicant declines to participate in or is unavailable to complete an assessment for determining eligibility and priority for services, and the Vocational Rehabilitation Counselor has made a reasonable number of attempts to contact the applicant or, if appropriate, the applicant's representative to encourage the applicant's participation. At least one attempt should be in the preferred written mode of communication of the client, providing the client with ten (10) business days' notice that case inactivation will occur if there is no response requesting services within that time frame. Information on the appeals options and the Client Assistance Program will be included with the written notification.

A case closed in Status 08 from referral or applicant status (00-02) for the following reasons does not constitute a

decision of ineligibility. A certificate of ineligibility is neither appropriate nor required if the individual has:

(1) Died;

(2) Moved out of State, or has been unreachable after reasonable efforts to do so;

(3) Been institutionalized under circumstances rendering the individual unavailable for an indefinite or considerable period of time and continuance of an active case would not benefit the individual;

(4) Declined to accept or use vocational rehabilitation services after reasonable effort has been expended to encourage participation; or

(5) Other comparable reasons as documented in the case record of services.

b) Ineligible for Services

The Vocational Rehabilitation Counselor can only make a determination that an applicant is ineligible for vocational rehabilitation services after reviewing the basis for the determination with the Vocational Rehabilitation Supervisor, and after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative. The individual must be informed in writing, with ten (10) business days' notice, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of the ineligibility determination, including the reasons for that determination, and the means by which the individual may

express and seek remedy for any dissatisfaction, including the procedures to request a review or appeal of the decision. The Vocational Rehabilitation Counselor must provide the individual with information on services available from the Client Assistance Program and how to contact that program.

The Vocational Rehabilitation Counselor will offer to refer the individual to other programs that are part of the one-stop service delivery system under the Workforce Innovation and Opportunity Act that can address the individual's training or employment related needs; or to Federal, State, or local programs or service providers, including, as appropriate, independent living programs and extended employment providers, best suited to meet their rehabilitation needs, if the ineligibility determination is based on a finding that the individual has chosen not to pursue, or is incapable of achieving, an employment outcome.

The Vocational Rehabilitation Counselor shall review, within 12 months and annually thereafter if requested by the individual or, if appropriate, by the individual's representative any ineligibility determination that is based on a finding that the individual is incapable of achieving an employment outcome. This review need not be conducted in situations in which the individual has refused it, the individual is no longer present in the State, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal.

In cases where the eligibility criteria are not met, the case recording should document with clear and convincing evidence such a decision. The Vocational Rehabilitation Counselor should complete the Certificate of Ineligibility and include a summary of the reasons for the decision of ineligibility. The case should then be closed in Status 08.

Section 8. - Eligibility (Status 10)

Eligibility, when used in relation to an individual's qualification for vocational rehabilitation services refers to a certification that:

- a) The applicant has a physical or mental impairment, including a determination of legal blindness, a visual condition that is progressive and degenerative and likely to result in legal blindness, or is or was served by the Bureau's Children's Services Program on or after January 1, 2010 and meets the statutory definition of visually impaired as determined by qualified personnel licensed or certified in accordance with state law or regulation.**
- b) The applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant.**
- c) The applicant can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.**

If an individual meets the eligibility criteria, the Vocational Rehabilitation Counselor will complete the Certificate of Eligibility, and the case will be changed to Status 10 (Acceptance/IPE Development) in the case record.

Section 9. - Planning and Individualized Plan for Employment (IPE) Development (Status 10 - 12)

The Individualized Plan for Employment (IPE) is a written plan that identifies the employment outcome of the individual. The Individualized Plan for Employment will be developed and implemented in a timely manner for each individual determined to be eligible for vocational rehabilitation services or, if the Bureau is operating under an order of selection, for each eligible individual to whom the Vocational Rehabilitation Program is able to provide services to. Services will be provided in accordance with the provisions of the Individualized Plan for Employment.

a) Assessment to Determine the Vocational Rehabilitation Needs for Eligible Individuals

The Vocational Rehabilitation Program shall conduct an assessment to determine the vocational rehabilitation needs for each eligible individual or, if the Bureau is operating under an order of selection, for each eligible individual to whom the Bureau is able to provide services. The purpose of this assessment is to determine the employment outcome, and the nature and scope of vocational rehabilitation services to be included in the IPE. The IPE must be designed to achieve a specific employment outcome that is selected by the individual consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

b) Options for Developing an Individualized Plan for Employment

The Bureau of Education and Services for the Blind shall provide the eligible individual or the individual's representative, in writing and in an appropriate mode of

communication, with information on the individual's options for developing an Individualized Plan for Employment, including:

(1) The option for the individual, or as appropriate, the individual's representative to develop all or part of the IPE ---

(A) Without assistance from the Bureau or other entity; or

(B) With assistance from ---

(i) A qualified Vocational Rehabilitation Counselor employed by the Bureau;

(ii) A qualified Vocational Rehabilitation Counselor who is not employed by the Bureau;

(iii) A disability advocacy organization; or

(iv) Other resources.

(2) Additional information to assist the eligible individual, or as appropriate, the individual's representative in developing the Individualized Plan for Employment including a description of the full range of components that shall be included in an Individualized Plan for Employment;

(3) As appropriate to each eligible individual:

(A) An explanation of Bureau guidelines and criteria for determining an eligible individual's financial commitments under an Individualized Plan for Employment;

(B) Additional information the eligible individual requests or the Bureau determines to be necessary to the development of the IPE; and

(C) Information on the availability of assistance in completing required forms for the development of an Individualized Plan for Employment; and

(D) A description of the rights and remedies available to such an individual including, if appropriate, recourse to the processes set forth; and

(E) A description of the availability of a Client Assistance Program and information about how to contact the Client Assistance Program.

(4) For individuals entitled to benefits under title II or XVI of the Social Security Act on the basis of disability or blindness, general information on additional supports and assistance for individuals with disabilities desiring to enter the workforce, including assistance with benefits planning must be provided.

c) Required Process

The Individualized Plan for Employment is a written document prepared on forms provided by the Bureau. The IPE is developed and implemented in a manner that gives eligible individuals the opportunity to exercise informed choice in selecting:

(1) The employment outcome, including employment setting;

(2) The specific vocational rehabilitation services needed to achieve the employment outcome, including the setting in which services will be provided;

(3) The entity or entities that will provide the vocational rehabilitation services; and

(4) The methods available for procuring services.

The Individualized Plan for Employment is agreed to and signed by the eligible individual or, as appropriate, the individual's representative; and is approved and signed by a qualified Vocational Rehabilitation Counselor employed by the Bureau, and by the Vocational Rehabilitation Supervisor in all situations where a Vocational Rehabilitation Assistant Counselor has developed the IPE with the client or their authorized representative; and in situations where higher education at the graduate school or higher level is included in the IPE.

A copy of the Individualized Plan for Employment and a copy of any amendments to the Individualized Plan for Employment are provided to the eligible individual or, as appropriate, to the individual's representative, in writing and, if appropriate, in the native language or mode of communication of the individual or, as appropriate, the individual's representative. The Individualized Plan for Employment is reviewed at least annually by a qualified Vocational Rehabilitation Counselor and the eligible individual or, as appropriate, the individual's representative to assess the eligible individual's progress in achieving the identified employment outcome.

The Individualized Plan for Employment is amended, as necessary, by the individual or, as appropriate, the individual's representative, in collaboration with a representative of the Bureau or a qualified Vocational Rehabilitation Counselor (to the extent determined to be appropriate by the individual), if there are substantive changes in the employment outcome, the vocational rehabilitation services to be provided, or the providers of the vocational rehabilitation services. Amendments to the Individualized Plan for Employment do not take effect until

agreed to and signed by the eligible individual or, as appropriate, the individual's representative, and by a qualified Vocational Rehabilitation Counselor employed by the Bureau, or by the Vocational Rehabilitation Supervisor in all situations where a Vocational Rehabilitation Assistant Counselor has developed the IPE with the client or their authorized representative; and in situations where higher education at the graduate school or higher level is included in the IPE amendment.

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

An Individualized Plan for Employment for a student with a disability is developed in consideration of the student's individualized education program or 504 services, as applicable; and, in accordance with the plans, policies, procedures, and terms of the interagency agreement between the Bureau and the State Department of Education.

d) Timeline for Developing the Individualized Plan for Employment

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

e) Data for Preparing the Individualized Plan for Employment

(1) Preparation without a Comprehensive Assessment:
To the extent possible, the employment outcome and nature and scope of rehabilitation services to be included in the individual's IPE shall be determined based on the data used for the assessment of eligibility and priority for services.

(2) Preparation Based on Comprehensive Assessment.

(A) If additional data are necessary to determine the employment outcome and the nature and scope of services to be included in the Individualized Plan for Employment of an eligible individual, the Vocational Rehabilitation Program shall 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 an eligible individual, in the most integrated setting possible, consistent with the informed choice of the individual.

(B) In preparing the comprehensive assessment, the Bureau must use, to the maximum extent possible and appropriate and in accordance with confidentiality requirements, existing information that is current as of the date of the development of the Individualized Plan for Employment, including information available from other programs and providers, particularly information used by education officials and the Social Security Administration. Information provided by the individual and the individual's family, as well as

information obtained under the assessment for determining the individual's eligibility and vocational rehabilitation needs shall also be utilized.

f) Content of the Individualized Plan for Employment

Regardless of the approach that the eligible individual selects for the purposes of developing the Individualized Plan for Employment, each IPE must include:

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

(2) A description of the specific vocational rehabilitation services that are—

(A) Needed to achieve the employment outcome, including as appropriate, the provision of assistive technology devices and assistive technology services, and personal assistance services, including training in the management of such services; and

(B) In the case of a plan for an eligible individual that is a student or youth with a disability, the specific transition services and supports needed to

achieve the individual's employment outcome or projected post-school employment outcome.

(C) Provided in the most integrated setting that is appropriate for the service involved and is consistent with the informed choice of the individual;

(3) The timelines for achievement of the employment outcome and for the initiation of services;

(4) A description of the entity or entities chosen by the eligible individual, or as appropriate, the individual's representative, that will provide the vocational rehabilitation services, and the methods used to procure such services;

(5) A description of criteria that will be used to evaluate progress toward achievement of the employment outcome;

(6) The terms and conditions of the Individualized Plan for Employment, including, as appropriate, information describing—

(A) The responsibilities of the Vocational Rehabilitation Program;

(B) The responsibilities the eligible individual will assume in relation to achieving the employment outcome of the individual;

(C) The responsibility of the eligible individual with regard to applying for and securing comparable services and benefits;

(D) If applicable, the extent of the individual's participation in paying for the costs of services; and

(E) The responsibilities of other entities as the result of arrangements made pursuant to the comparable services or benefits requirements.

g) Supported Employment Requirements

An Individualized Plan for Employment for an individual with a most significant disability for whom an employment outcome in a supported employment setting has been determined to be appropriate, must–

- (1) Specify the supported employment services to be provided by the Bureau;**
- (2) Specify the expected extended services needed by the eligible individual, which may include natural supports;**
- (3) Identify the source of extended services, or to the extent that the source of the extended services cannot be identified at the time of the development of the IPE, include a description of the basis for concluding that there is a reasonable expectation that such a source will become available;**
- (4) Provide for periodic monitoring to ensure that the individual is making satisfactory progress toward meeting the weekly work requirement established in the Individualized Plan for Employment by the time of transition to extended services;**
- (5) Provide for the coordination of services provided under an Individualized Plan for Employment with**

services provided under other individualized plans established under other Federal or State programs;

(6) To the extent that job skills training is provided, identify that the training will be provided on site; and

(7) 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.

h) Post-Employment Services

The Individualized Plan for Employment for each individual must contain, as determined to be necessary, statements concerning:

(1) The expected need for Post-Employment services prior to closing the record of services of an individual who has achieved an employment outcome;

(2) A description of the terms and conditions for the provision of any Post-Employment services; and

(3) If appropriate, a statement of how Post-Employment services will be provided or arranged through other entities as the result of arrangements made pursuant to the comparable services or benefits requirements.

i) Coordination of Services for Students with Disabilities

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

j) Scope of Vocational Rehabilitation Services for Individuals with Disabilities:

(1) Pre-Employment Transition Services

(A) The Bureau, in collaboration with the local educational agencies involved, will provide, or arrange for the provision of, Pre-Employment Transition Services for all students with disabilities that include visual impairment or legal blindness who are in need of such services, from Federal funds reserved in accordance with governing federal regulations, and any funds made available from State, local, or private funding sources. Funds reserved and made available may be used for the required, authorized, and pre-employment transition coordination activities. Pre-Employment Transition Services are available Statewide to all students with disabilities that include visual impairment or legal blindness, regardless of whether the student has applied or been determined eligible for vocational rehabilitation services.

(B) A student with a disability is an individual with a disability that includes visual impairment or legal blindness who is participating in a secondary, post-secondary, or other recognized education program:

(i) Who is not younger than the age of 16 for the provision of transition services under section

614(d)(1)(A)(i)(VIII) of the Individuals with Disabilities Education Act; and

(iii) Who is not older than 21 years of age; and

(iv) Is eligible for, and receiving, special education or related services under Part B of the Individuals with Disabilities Education Act; or

(v) Is a student who is an individual with a disability that includes visual impairment or legal blindness, for purposes of section 504.

(C) Required Activities.

The Bureau provides the following required Pre-Employment Transition Services:

(i) Job exploration counseling;

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

(iii) Counseling on opportunities for enrollment in comprehensive transition or post-secondary educational programs at institutions of higher education;

(iv) Workplace readiness training to develop social skills and independent living; and

(v) Instruction in self-advocacy (including instruction in person-centered planning), which may include peer mentoring (including peer mentoring from individuals with disabilities working in competitive integrated employment).

(D) Authorized activities.

Funds available and remaining after the provision of the required pre-employment transition activities may be used to improve the transition of students

with disabilities from school to post-secondary education or an employment outcome by:

- (i) Implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces;**
- (ii) Developing and improving strategies for individuals with intellectual disabilities and individuals with significant disabilities to live independently; participate in post-secondary education experiences; and obtain, advance in and retain competitive integrated employment;**
- (iii) Providing instruction to vocational rehabilitation counselors, school transition personnel, and other persons supporting students with disabilities;**
- (iv) Disseminating information about innovative, effective, and efficient approaches to achieve the pre-employment transition goals;**
- (v) Coordinating activities with transition services provided by local educational agencies under the Individuals with Disabilities Education Act;**
- (vi) Applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel, in order to better achieve the pre-employment transition goals;**
- (vii) Developing model transition demonstration projects;**
- (viii) Establishing or supporting multistate or regional partnerships involving States, local educational agencies, designated State units, developmental disability agencies, private businesses, or other participants to achieve the goals of this section; and**

(ix) Disseminating information and strategies to improve the transition to post-secondary activities of individuals who are members of traditionally unserved and underserved populations.

(E) Pre-employment transition coordination.

The Bureau will carry out responsibilities consisting of:

(i) Attending individualized education program meetings for students with disabilities, when invited;

(ii) 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;

(iii) 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 under this section; and

(iv) When invited, attending person-centered planning meetings for individuals receiving services under title XIX of the Social Security Act.

k) Services for Individuals Who have Applied For or Been Determined Eligible for Vocational Rehabilitation Services

As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's Individualized Plan for Employment, the Bureau will ensure that the following vocational rehabilitation services are available to assist the individual in preparing for, securing,

retaining, advancing in or regaining an employment outcome that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice:

(1) Assessment for determining eligibility, priority for services, and vocational rehabilitation needs by qualified personnel, including if appropriate, an assessment by personnel skilled in rehabilitation technology.

(2) Vocational rehabilitation counseling and guidance, including information and support services to assist an individual in exercising informed choice.

(3) Referral and other services necessary to assist applicants and eligible individuals to secure needed services from other providers and agencies, including other components of the statewide workforce development system, and to advise those individuals about the client assistance program.

(4) Job related services including job search and placement assistance, job retention services, follow up services and follow-along services.

(5) Physical and mental restoration services including diagnosis and treatment, prosthetic and orthotic devices, eyeglasses and visual services as prescribed by qualified personnel who meet state licensure laws and who are selected by the individual, to the extent that financial support is not readily available from a source other than the Bureau (such as health insurance or comparable benefit).

(6) Vocational and other training services, including personal and vocational adjustment training, advanced training in, but not limited to, a field of science, technology, engineering, mathematics (including computer science), medicine, law, or business); books, tools, and other training materials, 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 or any other post-secondary education institution) may be paid for with funds under this part unless maximum efforts have been made by the Vocational Rehabilitation Program to secure grant assistance in whole or in part from other sources to pay for that training.

(7) Maintenance for additional costs incurred by 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.

(8) Transportation in the form of 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.

(9) Vocational rehabilitation services to family members of an applicant or eligible individual if necessary to

enable the applicant or eligible individual to achieve an employment outcome.

(10) Interpreter services including sign language and oral interpreter services, and tactile interpreting services for individuals who are deafblind provided by qualified personnel.

(11) Reader services, rehabilitation teaching services, and orientation and mobility services.

(12) Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent that 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.

(13) Supported employment services.

(14) Personal assistance services, while the individual is receiving other vocational rehabilitation services necessary to the achievement of an employment outcome.

(15) Post-Employment services necessary to assist the individual to maintain, regain or advance in employment consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(16) Occupational licenses, tools, equipment, initial stocks, and supplies consistent with Vocational Rehabilitation Program policy.

(17) Rehabilitation technology, including vehicular modifications, telecommunications, sensory, and other technological aids and devices consistent with Bureau policy.

(18) Transition services for students and youth 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 for students.

(19) Other goods and services determined necessary for the individual with a disability to achieve an employment outcome.

(20) Customized Employment, for an individual with a significant disability, that is in competitive integrated employment and that is:

(A) Based on an individualized determination of the unique strengths, needs, and interests of the individual with a significant disability;

(B) Designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer; and

(C) Carried out through flexible strategies.

I) Availability of Comparable Services and Benefits

Prior to providing an accommodation or auxiliary aid or service or any vocational rehabilitation services to an eligible individual or to members of the individual's family, the Vocational Rehabilitation Counselor must determine whether comparable services and benefits exist under any other program and whether those services and benefits are available to the individual unless such a determination would interrupt or delay:

(1) The progress of the individual toward achieving the employment outcome identified in the individualized plan for employment;

(2) An immediate job placement; or

(3) The provision of vocational rehabilitation services to any individual who is determined to be at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional.

m) Exempt Services

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

(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 from the Bureau.

(4) Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services.

(5) Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices.

The provision of any of these 5 listed services, when provided as a Post-Employment service, are also exempt from a determination of the availability of comparable services and benefits.

n) Periodic Review of the Individualized Plan for Employment

Each Individualized Plan for Employment shall be reviewed at least annually, at which time the individual (or in appropriate cases, the parents or guardians of the individual) will be afforded an opportunity to review the program and jointly redevelop and agree to its terms. Any substantive revisions or amendments to the program resulting from such review shall be incorporated into an IPE Amendment and shall become effective when signed by the individual (or parent, family member, guardian, advocate, authorized representative), the Vocational Rehabilitation Counselor, and the designated supervisory staff of the vocational rehabilitation program (if the amendment was developed by a Vocational Rehabilitation Assistant Counselor or the

amendment includes graduate school as a service). Each IPE may also be revised as needed. It should be noted that minor changes to the IPE to include additional services to support the implementation of a previously agreed to career goal do not require a formal written amendment. In these circumstances, a verbal agreement between the Vocational Rehabilitation Counselor and the client to add the additional service(s), followed up with a letter from the Vocational Rehabilitation Counselor to the client summarizing the agreement will be sufficient.

o) Subsequent Determinations of Ineligibility

In the event that after an individual has been found eligible for vocational rehabilitation services, any future and subsequent determination of ineligibility shall reflect the inability of the individual to benefit from vocational rehabilitation services in terms of an employment outcome. There must be documentation in the case folder as to how and why the individual can no longer be expected to obtain or achieve an employment goal.

The Vocational Rehabilitation Counselor can only make a determination that client is no longer eligible for vocational rehabilitation services after reviewing the basis for the determination with the Vocational Rehabilitation Supervisor, and after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative. The individual must be informed in writing with ten (10) business days' notice, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of the ineligibility determination, including the reasons for that determination, and the means by which the individual may

express and seek remedy for any dissatisfaction, including the procedures to request a review or appeal of the decision. The Vocational Rehabilitation Counselor must provide the individual with information on services available from the Client Assistance Program and how to contact that program.

The Vocational Rehabilitation Counselor will offer to refer the individual to other programs that are part of the one-stop service delivery system under the Workforce Innovation and Opportunity Act that can address the individual's training or employment related needs; or to Federal, State, or local programs or service providers, including, as appropriate, independent living programs and extended employment providers, best suited to meet their rehabilitation needs, if the ineligibility determination is based on a finding that the individual has chosen not to pursue, or is incapable of achieving, an employment outcome.

The Vocational Rehabilitation Counselor shall review, within 12 months and annually thereafter if requested by the individual or, if appropriate, by the individual's representative any ineligibility determination that is based on a finding that the individual is incapable of achieving an employment outcome. This review need not be conducted in situations in which the individual has refused it, the individual is no longer present in the State, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal.

Section 10. - Provision of Vocational Rehabilitation Services (Status 18)

a) Vocational Counseling and Guidance

Vocational counseling and guidance involves the provision of information to the client that facilitates their options for exercising informed choice throughout the vocational rehabilitation process. It includes services such as benefits planning services to assist clients to acquire a better understanding of the impact of participation in the Vocational Rehabilitation Program and employment on their public benefits. Vocational counseling and guidance also includes helping individuals pursue an employment outcome consistent with competitive integrated employment including information and support services to assist an individual in exercising informed choice in regards to the selection of a career goal and the services and vendors to be included in the process. Review and discussion of labor market information, occupational outlook projections and income potential for specific job titles are also examples of vocational counseling and guidance that the Vocational Rehabilitation Counselor can provide directly or coordinate through other sources. Vocational counseling and guidance is a key component throughout the entire vocational rehabilitation process and should remain an integral service to ensure every opportunity for the client to exercise informed choices.

b) Referral Services

Referral and related services include assisting clients to secure needed services from other agencies, including other components of the statewide workforce development system, as well as the Client Assistance Program. Referral services are made only after providing the client with an explanation of the other services that are available and the

agency or agencies that provide such services. This will permit the client to make informed decisions as to whether the Vocational Rehabilitation Counselor should initiate the referral on behalf of the client, or whether the client desires to directly connect with the agency. All referrals to other agencies shall only occur after the client provides written authorization to the Vocational Rehabilitation Counselor to provide the necessary referral information to the other agency.

c) Physical Restoration

Physical and mental restoration services mean those services which are likely to correct or substantially modify, within a reasonable period of time, a physical or mental impairment which is stable or slowly progressive, and which constitutes a substantial impediment to the employment of the individual. Physical restoration services are solely intended for the purpose of enabling an individual to participate in the vocational rehabilitation process leading toward a successful employment outcome. Physical restoration services are not intended for the purpose of providing routine medical care (such as yearly medical check-ups) or for attending to medical needs that do not constitute impediments to employment.

Examples of physical restoration services include:

- (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 qualified personnel 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.

d) Vocational and Other Training Services

(1) General Information

Training is a major vocational rehabilitation service necessary to prepare the client for employment. Training may be academic, vocational, pre-vocational, personal adjustment, or independent living skills development. Training may be provided at schools, colleges, universities, vocational schools, technical institutes, community rehabilitation programs, by tutor or correspondence, apprenticeship, an organized on-the-job training situation, agency staff and consultants, or some other organized training program that is approved by the Department of Rehabilitation Services to provide such training. The Vocational Rehabilitation Program may use existing fee schedules established by other agencies. In addition, the Commissioner of the Department of Rehabilitation Services may negotiate individual rates with providers of services to purchase such training. No training or training services in an institution of higher education may be paid for with funds under this part unless maximum efforts have been

made by the Vocational Rehabilitation Program to secure grant assistance in whole or in part from other sources to pay for that training.

(2) On-The-Job Training (OJT)

The purpose of on-the-job training (OJT) is to assist a client to acquire knowledge and skills necessary to perform the tasks in a specific occupation. On-the-job training experiences may also be used during a trial work experience for purposes of determining if an applicant with a significant disability is capable of benefiting from vocational rehabilitation services. An OJT is encouraged when training opportunities may not be available in a particular field. OJT's are to be considered where practical because it provides the client with paid employment during the training process, and can lead directly to employment for the individual.

(A) General Requirements

(i) The Vocational Rehabilitation Counselor and client must determine whether training is needed and if an OJT is the most appropriate method to gain the necessary skills.

(ii) The appropriate tasks, time frames, and processes that will be included in the training program must be determined by the Vocational Rehabilitation Counselor, client, and employer, and the service must be included in the trial work experience plan, IPE or subsequent amendments to the IPE.

(iii) The Vocational Rehabilitation Counselor must negotiate an hourly fee for training with the employer. The terms of the training must be specified in a contract form provided by the Bureau and agreed upon by all of the parties. The training

contract will include the total number of hours of training at a specified hourly rate. Generally, the number of hours necessary per week diminishes over the length of the contract as the client's skills increase. This plan may be amended by mutual agreement or terminated by any of the parties involved.

(iv) The Vocational Rehabilitation Counselor must require the employer to submit a monthly progress report.

(v) The Vocational Rehabilitation Counselor should have regular contact with the employer and client during the training to assure that the client is acquiring the needed skills.

(vi) The employer will be responsible for providing the same wages, benefits and level of integration that are provided other employees without disabilities in similar positions and will adhere to all federal, state, and local labor laws and regulations. Wages will be paid in accordance with the Fair Labor Standards Act (FLSA).

(vii) The Vocational Rehabilitation Counselor should advise the client that he/she is responsible for maintaining regular attendance and adhering to the rules of the company. The client should perceive his or her role as an employee and maintain an awareness that the employment may be terminated for cause as with any other employee.

(viii) The amount the employer is reimbursed for the training is equal to the wage of the employee who will be training the new hire. For example, if the employee providing the training makes \$11.00 an hour, then the employer will be reimbursed \$11.00 for each hour of training.

(ix) If there is more than one individual within the company who will be providing the training to the employee, the amount of reimbursement is 130% of the customary wage for the position the client is training for.

(3) Personal Adjustment Training

Personal Adjustment Training refers to any training given for one, or a combination, of the following reasons:

- (A) To assist an individual to acquire personal habits, attitudes, and skills which will enable the individual to function effectively with a disability;**
- (B) To develop or increase work tolerance prior to engaging in pre-employment or vocational training or in employment;**
- (C) To develop work habits and to orient the individual to employment; or**
- (D) To develop skills or techniques for the specific purpose of enabling the individual to compensate for the loss of a member of the body or the loss of a sensory function.**

Prior to making a determination that out of state residential personal adjustment training programs are necessary for achievement of the employment outcome as identified in the Individualized Plan for Employment or subsequent amendment, the client will participate in an independent living evaluation with a Rehabilitation Teacher and a mobility evaluation with an Orientation and Mobility Instructor employed by the Bureau. Services available through an in-state option as documented in the rehabilitation teaching evaluation or mobility evaluation shall be provided by staff of the

Bureau. In situations where no feasible in-state option exists to address the client's employment outcome, the Vocational Rehabilitation Counselor and client shall review the options available for residential personal adjustment programs in order for the client to make an informed decision.

For training at community rehabilitation programs, the Bureau may use the approved fee schedules from other agencies, including rates established by the public Vocational Rehabilitation Programs of the applicable state. In addition, the Commissioner of the Department of Rehabilitation Services may negotiate and establish rates.

Progress reports are required at periodic intervals agreed to between the provider and the Vocational Rehabilitation Counselor and continued authorizations for training should be based on the demonstration of reasonable progress and the documented need for additional training.

The Vocational Rehabilitation Program shall not fund more than 12 weeks of attendance at a residential independent living program, including the assessment period, unless the State Director has preapproved an extension beyond that timeframe. In requesting an extension of funding from the State Director, the vendor must include the following information:

- (A) The list of skills that were not mastered during the first 10 weeks of attendance;**
- (B) The reason(s) the skills cannot be mastered in the remaining portion of the 12 week period;**
- (C) The basis for concluding that the skills could be mastered with additional training beyond 12 weeks;**

- (D) The anticipated length of time required for the client to master these additional skills; and**
- (E) The measure that will be used as the benchmark to demonstrate the skills were mastered.**

(4) Post-Secondary Training

Post-secondary training programs are those which are offered specifically to individuals who have completed a high school diploma, high school equivalency, or who are beyond the age of compulsory school attendance. They include programs at institutions of higher education (e.g., universities, colleges, community/ junior colleges, vocational schools, technical institutes, or hospital schools of nursing), whether on-site at a physical location, or through virtual training that uses on-line, computer based technologies. Post-secondary institutions must be accredited for the Vocational Rehabilitation Program to use their services. Clients being considered for post-secondary training must have a high school diploma or GED. When possible, high school records, etc. will be obtained for the case record. Financial participation by the Vocational Rehabilitation Program in providing training and training services in institutions of higher education shall be made in accordance with an appropriately completed Individualized Plan for Employment (IPE) and under the following conditions:

- (A) No training in institutions of higher education shall be paid for by the Vocational Rehabilitation Program unless maximum efforts have been made to secure comparable benefits or grant assistance, in whole or in part, from other sources to pay for such training. Grant assistance, for purposes of this policy, refers to basic grant entitlement under**

student financial aid programs. Merit scholarships are not defined as grant assistance and shall not be included in any calculation of unmet need. Where such scholarships are designated to a specific category such as tuition and fees or room and board, Vocational Rehabilitation funding may cover the unpaid balance of that category, up to the remaining unmet need and the allowable fee schedule rate as defined in subsection (H) of this section.

(B) In pursuing a determination of available comparable benefits, the client shall be informed by the Counselor of the requirement to make application to the training institution's financial aid office (FAO) and shall cooperate in the provision of all information required by the FAO in its calculation of the client's eligibility for financial assistance.

(C) The client shall give written authorization to the Vocational Rehabilitation Program and the FAO to exchange information relevant to the determination of eligibility for financial assistance in accordance with the State Personal Data Act and regulations thereunder.

(D) Application by the client to the FAO will be made in sufficient time to permit a decision to be rendered by the FAO prior to the starting date of training.

(E) A client will not be required to apply for funds available to him/her through student loans to meet the costs of training nor will the value of the student loan be included in any calculation of unmet need. In cases where a student voluntarily applies a student loan to the cost of a specific category such as tuition and fees or room and

board, Vocational Rehabilitation funding may cover the unpaid balance of that category, up to the remaining unmet need and the allowable fee schedule rate as defined in subsection (H) of this section. Clients will be counseled on this policy to ensure understanding that they are not obligated to expend any loan funds to cover costs that would otherwise be paid for by the Vocational Rehabilitation Program.

(F) Financial participation by the Vocational Rehabilitation Program in the provision of such training will be limited to the amount of the client's unmet need. Client work study or summer earnings shall be included as part of the calculation of client financial need only when the client is realistically able to participate in a work study program or has summer earnings.

(G) The Vocational Rehabilitation Program shall not substitute its vocational rehabilitation funds for the family contribution portion as determined by the FAO. If the Vocational Rehabilitation Program determines that computation by the FAO is clearly erroneous and time or other circumstances make it impossible or impractical for the client to have the computation by the FAO corrected, the State Director may substitute funds from vocational rehabilitation for the family contribution in an amount not to exceed the amount by which the computation by the FAO is determined to be in error. This policy shall not apply to expenses that will be incurred by a client which result from his or her disability. A letter from the FAO which clearly states that neither financial aid nor a family contribution is available is an acceptable substitute for a completed financial aid award form.

(H) For all clients with Individualized Plans for Employment or Amendments that are approved on or after July 1, 2018 and which initiate training services in institutions of higher education (such as colleges, universities, and post-secondary vocational or technical training programs), the following funding rules shall apply:

(i) Financial support will not exceed the unmet need of the client and the cost of a commensurate program at the State of Connecticut Community College System for associate degrees or equivalent certificate programs.

(ii) In the case of a baccalaureate program, financial support will not exceed the cost of a commensurate program at the State of Connecticut Community College System until completion of the equivalent two academic years, or until the credit requirements for the agreed upon employment outcome cannot be further achieved within the State of Connecticut Community College System.

(iii) For programs of study that are not available or for credit requirements that cannot be achieved at the State of Connecticut Community College System, the Connecticut State University System rate shall apply.

(iv) If the program of study is also not available within the Connecticut State University System, the University of Connecticut rate shall apply.

(v) If the program of study is also not available at the University of Connecticut, then the Vocational Rehabilitation Program may pay such costs as are reasonable for the client to attend the program.

(vi) Special support services, provided to enable a client to participate in training, will be paid above

and beyond the cost of attending the college or university.

(vii) The maximum level of BESB Vocational Rehabilitation funding for room and board necessary for a client to live away from his or her primary residence to participate in post-secondary training will not exceed the unmet need of the client, or the costs associated with room and board within the Connecticut State University System. For clients where the University of Connecticut rate is applied for tuition and fees, the room and board rate at the University of Connecticut shall not be exceeded. In instances where the State of Connecticut Community College System, Connecticut State University System, and the University of Connecticut rate are not applied for the calculation of tuition and fees, the room and board rate of the post-secondary program the client is attending shall be utilized as the basis for calculating the maximum level of funding in this category.

(viii) The costs of tuition and fees and room and board for clients who had an approved Individualized Plan for Employment or Amendment with these services included prior to July 1, 2018 shall be based on the Vocational Rehabilitation Program policies in effect at the time of that approval.

(I) All clients who participate in training at institutions of higher education will be required to maintain an overall grade point average (GPA) of 2.0 or higher. The Vocational Rehabilitation Counselor, by letter, must advise any student whose overall GPA falls below this level that the student will have one semester to raise the overall

GPA to 2.0, or they will not receive Vocational Rehabilitation Program funding for subsequent semesters. When the student can verify to the Vocational Rehabilitation Counselor an overall 2.0 GPA, the Vocational Rehabilitation Counselor will be authorized to resume financial support.

(J) All clients must submit grades to their Vocational Rehabilitation Counselors at the end of each semester. Funding for all subsequent semesters will be contingent upon submittal of satisfactory grades. To avoid unnecessary delays in the authorization of funding for spring semesters, it is understood that fall semester grades may not arrive in sufficient time to be used for review prior to school deadlines for funding commitments. In these instances, Vocational Rehabilitation Counselors may use grades obtained from the semester immediately preceding the fall semester (summer or prior spring term) to reach a determination that the student is in good standing with the training program. For students who have marginal grade point averages, the Vocational Rehabilitation Counselor can consider requesting a deferment of billing until grades are available.

(K) Students shall participate in full time training as defined by the institution, unless mitigating factors can be documented as to the reason(s) that make it unfeasible for this level of participation.

(L) Students who are ineligible to receive financial aid due to a prior history of default on a student loan must have a documented repayment plan in place with the educational institution or lending authority before Bureau funds may be considered for higher education training.

(M) Prior to the development of an IPE or amendment that includes graduate or doctorate level education, the Vocational Rehabilitation Supervisor shall review and approve the IPE or amendment prior to implementation. In determining whether to approve the IPE or amendment, the Vocational Rehabilitation Supervisor shall consider all of the following factors that are applicable to the client's unique circumstances:

(i) The client has completed an internship as a part of his or her undergraduate program which has provided the client with an understanding of the occupational requirements.

(ii) The client has completed a thorough labor market analysis of the desired occupation that documents the necessity for an advanced degree as a minimum requirement to obtain employment in the chosen field.

(iii) The client has met with and interviewed individuals who are gainfully employed in the client's desired occupational field.

(iv) The client has provided documentation that an advanced degree is required to obtain certification or licensure required to work in the desired occupation.

(v) The client has provided documentation that advancement into a higher level of employment after establishing a successful work history at entry or mid-level positions within an occupational category is necessary or strongly favored by employers.

(vi) The client has obtained an overall grade point average of 3.0 or higher in undergraduate studies.

(vii) Admission to graduate school in and of itself shall not constitute sufficient justification for the

approval of an IPE or amendment that includes funding for this service and no representation of Vocational Rehabilitation Program funding shall be made until such time as an IPE or amendment has been approved by the Vocational Rehabilitation Supervisor.

(N) Summer school attendance will be considered if necessary due to course sequencing or if necessary because of disability-related needs. Sponsorship for summer school may also be considered when it can be demonstrated that it is cost-effective, by allowing the client to complete the program sooner.

(O) Students are to contact the Vocational Rehabilitation Counselor at the end of each semester or term to discuss progress, or sooner if there are difficulties encountered which may affect their successful participation in the program.

(P) Any deviation from the IPE must be discussed with the Vocational Rehabilitation Counselor and agreed to through an IPE Amendment prior to implementation.

(Q) Reader Service:

The Vocational Rehabilitation Program may provide reader services to support the participation of an individual in training. The service may also be provided to enable clients to participate in diagnostic evaluations, and for clients who have a temporary need for the service in an employment situation.

Since the Americans with Disabilities Act requires institutions of higher education to provide accommodations to permit persons with disabilities

to have equal access to training programs, it is assumed that all institutions will comply with this law.

In order to facilitate a spirit of cooperative agreement with institutions of higher education, the Vocational Rehabilitation Program is prepared to match the number of hours of support services provided by the training program. Students with disabilities are responsible for working with the Disability Services Coordinator at the training program to identify the need for reader services and other support services necessary to fully participate in the program of study. The maximum level of Bureau sponsorship will be 250 hours per semester, unless the student can demonstrate through clear documentation the need for additional hours. Any such request for additional hours must be sent to the State Director in writing. The State Director may allow for hours beyond 250 in situations where the student can provide written documentation that substantiates the need for additional reader service hours that the educational institution is not able to provide. Requests must be approved by the State Director, in writing, prior to the client incurring additional reader service hours beyond the authorized amount.

The fee schedule for payment of reader services shall be the prevailing wage as established by the fee schedule of the Institution of Higher Education that the client is attending, or the approved rate as established in the Department of Rehabilitation Services fee schedule, but shall not be less than the minimum wage established by the State in

which the reader service is being provided to the client.

It is the responsibility of the client to obtain and hire a reader. The Vocational Rehabilitation Counselor will issue an authorization for reader services to the client, who will monitor the hours and ensure that authorized levels are not exceeded. If a client anticipates that the authorized amount of hours will not be sufficient due to unforeseen circumstances, the Vocational Rehabilitation Counselor must be notified in advance of exceeding the pre-authorized amount. Requests received after exceeding authorized levels of services will not be approved. Arrangements for additional reader service hours should be discussed with the Disability Coordinator at the school before additional Vocational Rehabilitation funding will be considered in these situations. Any client who anticipates a need in excess of 250 hours in a semester, must make a written request to the State Director, clearly detailing the need for the excess hours.

Clients are to be provided with Certificates of Reader Services, which must be filled out completely by the person(s) providing the reader services for payments to be processed.

(R) Books and Supplies:

Books and supplies, including notebooks, software necessary to participate in coursework, pens, etc. may be provided to enable a client to participate in training consistent with his or her Individualized Plan for Employment.

The Vocational Rehabilitation Program will provide up to \$100 per course for a student enrolled in an approved institution of higher education to provide training. The State Director may allow costs beyond this amount in situations where the student can provide written documentation that substantiates higher costs for training materials that the student is not able to reasonably contribute toward. Requests for additional funding beyond the standard amount should be submitted to the State Director, in writing, prior to making purchases beyond the authorized amount.

Since a client may require two sets of books in order to have one set available for a reader to record audio tapes from, the Bureau will permit the purchase of one full set of books without consideration of available comparable benefits. However, where the cost of books and supplies was used by the financial aid officer to calculate the level of unmet need of a student, the total level of unmet need cannot be exceeded when calculating the funding level for books and supplies.

In situations where a textbook or other educational material(s) are required for participation in the classroom or educational experience, and the combined cost of the textbook or other educational material(s) and any required adaptations to make the textbook or other educational material(s) accessible is in excess of \$1,000, BESB shall enter in to a cost sharing partnership with the college, university or educational institution at which the textbook or other educational material(s) will be

used. If a cost-sharing arrangement cannot be obtained, or a satisfactory response cannot be obtained within a timely manner, Vocational Rehabilitation will purchase the textbook or educational material(s), provided that documentation of such refusal to enter in to a cost-sharing partnership by the college, university or other institution of higher education is provided.

Any cost-sharing partnerships entered by Vocational Rehabilitation, or the receipt of documentation of a refusal of participation in such a partnership on the part of the college, university or other institution of higher education, will insure the student will be provided the textbook or educational material(s) in a timely manner so as to not adversely affect his/her progress in the program. The student shall not be responsible for negotiating the cost-sharing arrangement and his/her program will not be delayed due to these negotiations.

Receipts verifying the provision of books and supplies must be submitted with the billing invoice for payments to be processed. Clients who choose to have authorizations provided directly to them must be informed by the Vocational Rehabilitation Counselor of the need to provide receipts.

(5) Supported Employment

Supported employment services refer to competitive integrated employment, including customized employment in an integrated work setting in which an individual with a most significant disability that includes

visual impairment or legal blindness, including a youth with a most significant disability, is working on a short-term basis toward competitive integrated employment that is individualized, and customized, consistent with the unique strengths, abilities, interests, and informed choice of the individual, including with ongoing support services for individuals with the most significant disabilities.

Supported employment services are available for 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 disabilities, need intensive supported employment services and extended services after the transition from support provided by the Bureau, in order to perform this work.

An individual with a most significant disability, whose supported employment in an integrated setting does not satisfy the criteria of competitive integrated employment is considered to be working on a short-term basis toward competitive integrated employment so long as the individual can reasonably anticipate achieving competitive integrated employment within six months of achieving a supported employment outcome, or in limited circumstances, within a period not to exceed 12 months from the achievement of the supported employment outcome, if a longer period is necessary based on the needs of the individual, and the individual has demonstrated progress toward competitive earnings based on information contained in the service record. The six-month short-term basis period, and the

additional six months that may be available in limited circumstances, begins after an individual has completed up to 24 months of supported employment services (unless a longer period of time is necessary based upon the individual's needs) and the individual has achieved a supported employment outcome, meaning that the individual is stable in the supported employment placement for a minimum period of 90 days following the transition to extended services. At this point, the individual has achieved a supported employment outcome.

Supported employment services refers to ongoing support services, including customized employment, and other appropriate services needed to support and maintain an individual with a most significant disability that includes visual impairment or legal blindness, including a youth with a most significant disability, in supported employment that are organized and made available, singly or in combination, in such a way as to assist an eligible individual to achieve competitive integrated employment, and:

(A) Are based on a determination of the needs of an eligible individual, as specified in an Individualized Plan for Employment;

(B) Are provided by the Bureau for a period of time not to exceed 24 months, unless under special circumstances the eligible individual and the Vocational Rehabilitation Counselor jointly agree to extend the time to achieve the employment outcome identified in the Individualized Plan for Employment; and

(C) Following transition, as Post-Employment services that are unavailable from an extended services provider and that are necessary to

maintain or regain the job placement or advance in employment.

Supported employment services are initiated once the individual is hired and has started to work at the actual job site for the employer. Title 6B Supported Employment funds can only be utilized for this specific service or for extended services for youth with disabilities placed into supported employment. All other services as planned for and detailed in the IPE, including job placement services, can only be paid for using basic Vocational Rehabilitation Title I funds, state matching funds or program income funds. The most frequent type of supported employment service is job coaching, although on-site evaluators and similar services that provide direct support to the individual at the job site may also be considered for funding through the Title 6B funds.

Extended services refers to ongoing support services and other appropriate services that are needed to support and maintain an individual with a most significant disability that includes visual impairment or legal blindness, including a youth with a most significant disability, in supported employment. Extended services can be made available singly or in combination, in such a way as to assist an eligible individual in maintaining supported employment. The services are customized and based on the needs of the eligible individual, as specified in their Individualized Plan for Employment. Extended services may be provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource, after an individual has made the transition from supported employment provided by the Bureau.

For a youth with a most significant disability that includes visual impairment or legal blindness, the Bureau may directly provide or fund extended services for a period not to exceed four years or at such time that a youth reaches age 25, whichever occurs first.

The Bureau cannot provide extended services to an individual with a most significant disability who is not a youth with a most significant disability.

(6) Transition Services

Transition Services are a coordinated set of activities for students and youth 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 for students. The coordinated set of activities must be based upon the individual's needs, taking into account the student's or youth'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 skills. Transition services must promote or facilitate the accomplishment of the employment goal consistent with the student's Individualized Plan for Employment (IPE) and includes outreach to and engagement of the parents, or, as appropriate the representative of the student or youth with a disability.

For the purposes of this subsection:

Youth with a disability means an individual with a disability that includes legal blindness or visual impairment, who is not younger than 14 years of age and not older than 24 years of age.

Student with a disability means, in general, an individual with a disability that includes legal blindness or visual impairment, in a secondary, post-secondary or other recognized education program who is not younger than age 16 and not older than 21 years of age and is eligible for, and receiving, special education or related services under IDEA or section 504.

While transition services may include services that are similar to Pre-Employment Transition Services for students, transition services in general include a broader range of the full scope of vocational rehabilitation services under an IPE that contribute to the achievement of the employment outcome of the individual.

Pre-Employment Transition Services may be included in the IPE for students and funded through the reserved federal funds for the delivery of these services.

When a student is eligible for vocational rehabilitation services, his or her Individualized Plan for Employment (IPE) will be prepared in coordination with the local education agency's (LEA) Individual Education Program (IEP). Every effort will be made to assure that the IPE and the IEP complement one another and work toward the same objectives for the student. Vocational Rehabilitation Program funds shall not be used in place of funding for services and equipment for the client that

are the responsibility of the Local Education Agency to provide.

The IPE for a student with a disability who is receiving special education services shall be coordinated with the individualized education program (IEP) for that individual.

Students and youth who have applied and been found eligible for vocational rehabilitation services will have an IPE developed within 90 days of the date of eligibility determination unless the Vocational Rehabilitation Counselor and the eligible individual agree to the extension of that deadline to a specific date by which the Individualized Plan for Employment must be completed.

(7) Work Adjustment

Work adjustment training may be provided to clients who need assistance in developing those skills which are generally required in any employment setting. This may include development of social skills, appropriate work behaviors, work speed, stamina, adherence to work rules, and other employer expectations (e.g., attendance, punctuality, proper hygiene, etc.). Work adjustment training should, to the greatest extent feasible, be provided in integrated community-based sites.

Prior to making a determination that an out of state Work Adjustment training program is necessary for the achievement of the employment outcome as identified in the Individualized Plan for Employment, the Vocational Rehabilitation Counselor and client shall review options

available through in-state community rehabilitation providers. In situations where no feasible in-state training option exists to address the client's employment outcome, as supported by Vocational Rehabilitation Counselor documentation in the case record of services for the individual, preference shall be given to the most effective, least expensive out of state training program that is consistent with the individuals informed choice of comparable providers.

e) Other Goods and Services

(1) Adaptive Equipment, Telecommunications, Sensory and Technological Aids/Devices

Throughout the vocational rehabilitation process, the client may be in need, due to limitations from their disability or disabilities of adaptive equipment, software, and/or daily living aids based on his or her Individualized Plan for Employment.

Daily living aids may be obtained based on the direct vocational needs assessment of the Vocational Rehabilitation Counselor. Adaptive Technology devices require the specific recommendation of a Rehabilitation Technologist, low vision specialist or qualified Vocational Rehabilitation Counselor (as designated by the Vocational Rehabilitation Supervisor). Clients will participate in an assessment in order to determine through informed choice the most effective, least expensive adaptive technology consistent with the IPE. The most effective, least expensive technology will be provided to the client as determined by this assessment documented by the Rehabilitation Technologist, Low

Vision Specialist, or Vocational Rehabilitation Counselor. The more expensive adaptive technology will be provided to the client only if the assessment documents that less expensive adaptive technology is not suitable. The Vocational Rehabilitation Program will not pay for service plans or data plans required for the use of any adaptive technology device or mainstream device equipped with adaptive technology features.

In providing adaptive equipment in employment situations, the Bureau will first explore the responsibilities of the employer to provide reasonable accommodations, as outlined in the Americans with Disabilities Act (ADA), and the Rehabilitation Act of 1973. However, such considerations shall not serve as a basis for the Bureau to deny the purchase of necessary adaptive technology devices for a client to perform job functions in situations where the client has chosen to not disclose their disability to the employer, or in situations where the employer is unable to obtain the necessary devices in a timeframe sufficient to enable the client to obtain or retain an immediate employment opportunity. Employers are expected to provide computers, printers, and business equipment that is otherwise available to employees of the company who perform similar work tasks. The Vocational Rehabilitation Program will only consider providing computers and peripherals when it can be clearly documented that such devices are necessary due to the nature of the disability, and that persons who perform similar job functions within the company do not use computers for the performance of their job duties.

All equipment provided during the course of the rehabilitation process shall be owned and maintained by

the client. The cost of maintenance or repair of the equipment shall rest with the client. In circumstances where a client requests, the Bureau shall reimburse the client for the documented cost of the repair and applicable shipping of said equipment to and from the repair location.

Upgrades to adaptive technology after successful case inactivation shall only be done under the provisions of Post-Employment services or through a new eligibility determination with an Individualized Plan for Employment, or subsequent Amendment, when deemed essential for vocational rehabilitation purposes.

Adaptations to homes or motor vehicles will be done only when specific to the disability of the client and when the adaptation is essential for the client's participation in vocational rehabilitation services consistent with the IPE. Adaptive modifications shall only be made to residences or motor vehicles that are owned, co-owned, or are under a multiple year lease or rental contract by the client or a family member. Alternative arrangements shall first be explored, such as the use of livery services to provide transportation to short-term training. All comparable benefits and resources shall be used before Bureau funding will be considered.

All equipment purchases are to be made in accordance with existing State of Connecticut purchasing regulations, policies, and requirements.

(2) Rehabilitation Technology Services

Rehabilitation technology means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by clients of the Vocational Rehabilitation Program in the areas that include education, training, vocational rehabilitation, employment, transportation relative to vocational rehabilitation services, and independent living as related to vocational rehabilitation services. Rehabilitation technology services should be considered for clients participating in trial work experiences to facilitate access to job tasks, as well as during the process of career exploration and identification of the employment outcome for the IPE. The term rehabilitation technology includes rehabilitation engineering, assistive technology devices, and assistive technology services.

Rehabilitation technology services may be obtained from Rehabilitation Teachers/Technologists and qualified Vocational Rehabilitation Counselors (as designated by the Vocational Rehabilitation Supervisor) employed by the Bureau or through fee for service low vision providers or adaptive technology specialists that are authorized through State contract or purchase of service authority to provide such services, either directly, or through a third party. Vendors of adaptive technology products cannot be utilized for purposes of performing client assessments to identify adaptive devices and services needed by the client.

The informed choice of the client shall be included in the rehabilitation technology assessment report. In situations where the recommendations of the evaluator and the client are in disagreement, the evaluator shall

indicate the reason(s) for making an alternative recommendation.

(3) Interpreter Services for Individuals who are Deafblind

Interpreter services will be provided as needed to assist an individual who is deafblind or deaf and visually impaired with their vocational rehabilitation program. This may occur at the time of intake, establishing eligibility, and, in general, throughout the vocational rehabilitation process. Interpreter services are available on a fee for service basis through vendors contracted for the provision of such services.

(4) Low Vision Services

Low vision services include specialized evaluations by trained professionals to determine the devices, both prescription and nonprescription, that will maximize the remaining functional vision of a person with significant visual loss. Low vision services also include the provision of these aids and devices and training in how to use them. Low vision services can be provided by ophthalmologists and optometrists certified by the Bureau to provide these services. In addition, non-prescriptive devices can be provided by Rehabilitation Teachers employed by the Bureau.

Wherever practical, low vision services should be provided as the first option for maximizing functional vision before more extensive high technology solutions are considered.

Clients shall be provided with a listing of approved low vision doctors in order to make an informed decision as

to which provider to choose. In making the referral to a low vision doctor, the Vocational Rehabilitation Counselor should include information regarding any other medical insurance the client has, so that maximum utilization of comparable benefits can be considered prior to the use of Bureau funding.

All low vision services will be provided in accordance with approved fee schedules or actual catalog prices for items where no fee schedule price exists. The Bureau cannot reimburse clients or practitioners for aids that were dispensed without the prior authorization of the Bureau.

In situations where a client is experiencing deteriorating vision over a period of time, low vision services may be necessary at more than one point throughout the Vocational Rehabilitation process. In determining the need for additional low vision services, the Vocational Rehabilitation Counselor should consider the nature of the eye condition and the time that has elapsed since the last evaluation. If a different low vision provider is selected for subsequent evaluations, information on the aids and magnifiers previously dispensed to the client through other practitioners should be included in the referral.

Should it be found through the low vision examination by a licensed ophthalmologist or optometrist that the client is no longer legally blind or has a significant visual impairment that constitutes an impediment to employment, the Vocational Rehabilitation Counselor will need to reassess if the client continues to meet the eligibility criteria to receive vocational rehabilitation services. Where it is determined that the client is no

longer eligible for services as a result of regained vision, all policy requirements for making such a determination shall apply. The client will be provided with information on the Client Assistance Program and the appeals options.

The provision of low vision aids that enable a client's vision to be corrected to a point where legal blindness is no longer present shall be considered as a physical restoration service under the terms of the IPE.

(5) 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 includes, but is not limited to, services and items such as the cost of a uniform or other suitable clothing that is required for an individual's job placement or job-seeking activities, 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, or 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.

Maintenance is not intended to cover the cost of a client's primary residence, which must be maintained regardless of whether the individual is participating in a vocational rehabilitation program.

When provided in relation to participation in a program of study at an institution of higher education, maintenance services such as room and board will be subject to the unmet need of the individual and the policies as stated in this manual under "Post-Secondary Training".

Maintenance after employment has started may be paid to eligible clients who must relocate to a new residence in order to work, but not for a period beyond the date of receipt of the second paycheck or for more than one month after start of employment, whichever comes first. For clients placed in self-employment, a maintenance allowance may be paid for a period not exceeding thirty (30) days if it can be demonstrated that such costs are above and beyond the normal costs associated with maintaining the primary residence of the individual.

Maintenance will be provided during Post-Employment services only when needed to support other rehabilitation services being provided to maintain employment for the client.

Maintenance can be provided through direct payment to a service provider (e.g. room and board at a college) or through direct cash payments to the client. The mechanism used for cash payments for maintenance can also be employed in some cases for other services where authorization to a vendor is not practicable. Instances when this may be used include, but are not

limited to, payments for rent to a client living in off-campus housing while attending a college or university. The Bureau will require receipts of rent payments for expenditure of funds provided directly to clients.

The availability of benefits or resources to a client through comparable benefits and financial aid awards must be taken into consideration prior to committing Vocational Rehabilitation Program funds for maintenance payments. Vocational Rehabilitation funds cannot be used to replace the family contribution portion of financial aid for students participating in higher education training.

Social Security Disability Income (S.S.D.I.) or Supplemental Security Income (S.S.I.) to which the applicant or client is entitled by law, shall not be used to meet the increased cost of subsistence created by his or her participation in a vocational rehabilitation program, unless deemed to be required by the Social Security Administration.

(6) Mobility Services

Mobility services are those services that enable a person who is legally blind to travel independently to evaluation, training, and employment locations. Mobility services, as provided through the Vocational Rehabilitation Program at BESB, include travel training with the use of a white cane, bus/transportation training, and sighted guide training to the client and significant others who interact with the client on a frequent basis. The Bureau does not provide evaluations and training in the use of guide dogs.

Since safe travel skills are essential for participation in evaluations, training and employment situations, mobility training may be provided prior to the implementation of an Individualized Plan for Employment if the service is necessary to permit participation in other vocational rehabilitation services. The Bureau provides trained staff for mobility assessments and training. If a client requires mobility services while participating in a vocational rehabilitation service out of state, the Department of Rehabilitation Services may establish a fee schedule for that service, based upon the existing fee structure of the public Vocational Rehabilitation Program of that state.

The length of a mobility program is contingent on the client's needs and ability at any given time. Mobility services may be provided at various times throughout the rehabilitation process to assist in orienting a client to a new evaluation, training, or employment situation.

The Individualized Plan for Employment of the individual should include mobility services when it is determined that such services may be necessary during the vocational rehabilitation process.

(7) Occupational Licenses, Tools, Equipment, and Initial Stocks (including livestock), and Supplies

For persons who desire to establish a vocational goal of self-employment or business owner, the Vocational Rehabilitation Program may pay such costs as are reasonable for the client to enter self-employment. The client will be required to match BESB Vocational Rehabilitation funding as specified in this policy.

For an Individualized Plan for Employment or amendment that has a goal of self-employment or business ownership, a business plan shall be developed by the client in a format prescribed by the Bureau and submitted to a Connecticut Small Business Development Center, Chamber of Commerce, or SCORE for an assessment of the economic viability of the proposal. Upon completion of their review, the business plan and the accompanying economic viability assessment report shall be submitted to the Vocational Rehabilitation Program Business Advisory Committee for review and action. This committee shall consist of three current and/or former members of the State Rehabilitation Council who serve or have served in the appointment categories of business, industry, labor, or in the appointment category of recipient of services if the appointee currently owns and operates a business. The Business Advisory Committee will convene within thirty days of receipt of a business plan. Minutes of all deliberations of the Committee shall be maintained and provided to the client. The client shall be provided with the opportunity to attend all Committee meetings where their business plan is discussed and offer responses to questions raised during deliberations.

In situations where a business plan does not receive unanimous approval from all three committee members, the client shall be given written instructions for action to be taken to make the plan acceptable, and it may be resubmitted for approval. A business plan submission shall be considered open for further review and resubmission for a period not to exceed six months from the date of the first meeting of the Business Advisory Committee to review the plan, or until such

time as the Committee votes to approve or disapprove the plan, whichever comes first. Once a plan is no longer considered to be open due to the passing of six months from the first meeting of the Business Advisory Committee or a vote to reject the plan, any new or revised business plan submission shall be subject to the Vocational Rehabilitation policies in effect at the time of submission of the new or revised business plan. A vote of rejection by one Committee member shall be deemed sufficient to consider the plan unapproved. Any participating Committee member or the client may call for a vote on the plan after discussion of the plan's content has reached conclusion, or in the opinion of two of the three Committee members or the client, the plan review has reached a point where no further information can be expected to reasonably contribute to further discussions. At the request of the client, a Committee member may be replaced with another member from the list of eligible candidates to serve as Committee members prior to a vote if the client can substantiate that a bona fide conflict of interest exists that would prevent the Committee member from rendering an informed and impartial vote on the business plan. Committee members may not be removed from future meetings of the Committee based solely on their voting history in prior deliberations. A Committee of three new members shall be selected in situations where a client returns with a new or revised business plan subsequent to a vote to reject the prior business plan(s). All licenses, tools, equipment, stock, and supplies necessary to operate the business must be included in the business plan in order to receive Bureau funding in these categories.

Upon obtaining approval from the committee, the Vocational Rehabilitation Program shall purchase licenses, tools, equipment and stock on behalf of the client, consistent with the approved business plan and State of Connecticut purchasing requirements. Ownership of equipment, tools and stock shall be with the client after documentation is provided that substantiates the use of the equipment for the business as evidenced by financial statements and on-site inspection by the Vocational Rehabilitation Counselor. Subsequent to the transfer of equipment ownership to the client, at such time as the client no longer needs the equipment for the operation of the business, disposal will be at the client's discretion. The cost of maintenance or repair of the equipment shall rest with the client. In circumstances where a client requests, the Bureau may reimburse the client for the documented cost of the repair and applicable shipping of said equipment to and from the repair location.

In considering a vocational goal of self-employment or business owner, the following requirements and restrictions shall apply:

- (A) The Bureau will not purchase or lease a building or dwelling.**
- (B) The Bureau will not substantially alter the physical structure of an existing building or dwelling unless such alterations are directly related to the disability of the client.**
- (C) The Bureau will not purchase all or part of a franchise or business.**
- (D) The Bureau will not purchase motor vehicles, aircraft, or boats.**

(E) All applicable State of Connecticut purchasing regulations, policies, and procedures must be adhered to.

(F) The Bureau will not provide funding for business ventures that do not meet the standards of the community, or that offer as their primary focus the provision of services or products that are controlled or regulated, such as but not limited to alcohol, tobacco, firearms, pornography, or drug paraphernalia.

(G) The Bureau requires the client to maintain a physical presence at the location of the business on an ongoing basis. Third party business ventures, with the client as a removed or pass through partner are not eligible for Vocational Rehabilitation funds.

(H) To increase the opportunity for success of the new business venture, the client shall permit access to business records and onsite follow up by Bureau staff during the first six months of operation of the business.

(I) Salaries and/or fringe benefit costs of the client or employees of the client, as well as contractor fees and/or consultant fees are not eligible for funding and shall not be counted in the client equity match requirement.

(J) Expenses related to the primary residence of the client (including but not limited to rent, mortgage payments, utilities) shall not be eligible for Bureau funding or be counted towards the client equity match requirements.

(K) The business plan shall include a line item for liability insurance to protect the business.

The Bureau will provide necessary licenses, tools, equipment and initial stock for a person to successfully establish a new business or maintain an existing business, subject to approval of a business plan. The

term “initial” refers to the establishment period for a new business, which shall not exceed 6 months from the first day of operation, or in the case of an existing business that has received business plan approval, 6 months from the date of plan implementation as noted by the first purchase authorization date of a service or item from the approved business plan.

In situations where a client is seeking only adaptive technology devices to maintain or expand an existing business (existence of business substantiated by verified income reports such as tax filings) a business plan submission shall not be required. For new businesses, adaptive technology devices shall be listed in the business plan but shall not be subject to the equity matching requirements. Adaptive technology devices are items designed and marketed specifically for use by an individual with a disability.

Credentialing/Experience:

The business plan shall document and demonstrate to the Business Advisory Committee that the applicant has the required license, certification and educational degree that is customary for the occupation. For occupations that have no specific credentialing requirement, the applicant shall document that their competencies and experience are consistent with the industry standard, including membership in professional organizations of the industry.

Co-Sharing of Business Plan expenses:

Clients submitting a Business Plan requesting funds for either a new or existing business are required to inject

an equity contribution into that business before BESB funds will be committed. As detailed below, the size and composition of required equity contributions are based on the amount of funds requested.

Business Plan requests from \$1.00 to \$10,000.00 require a ten (10) percent client equity contribution, of which up to 100 percent of the client contribution can be in-kind match.

Business Plan requests from \$10,001.00 to \$20,000.00 require a fifteen (15) percent client equity contribution, of which up to 100 percent of the client contribution can be in-kind match. No more than fifty (50) percent of the total business plan funding request can be for business equipment.

Business Plan requests from \$20,001.00 to \$50,000.00 require a twenty-five (25) percent client equity contribution, of which a minimum of fifty (50) percent must be liquid match and the remaining fifty (50) percent may be in-kind match. No more than thirty-five (35) percent of the total business plan funding request can be for business equipment and no more than twenty (20) percent can be for rent and/or utilities.

Business Plan requests over \$50,000.00 require a thirty-five (35) percent client equity contribution, of which a minimum of fifty (50) percent must be liquid match and the remaining fifty (50) percent may be in-kind match. No more than twenty-five (25) percent of the total business plan funding request can be for business equipment and no more than fifteen (15) percent can be for rent and/or utilities.

Equity contributions are defined as follows:

(A) In Kind Contribution – This can take the form of cash, the current market value of tangible assets either used or to be used in the business, funds invested in the business, or any related contribution as approved by the Business Advisory Committee.

(B) Liquid Contribution – Documented equity in the form of liquid assets such as cash, stocks, bonds, securities, and/or alternative financing.

Vocational Rehabilitation Counselors should inform clients of State of Connecticut purchasing regulations, policies, and procedures which may preclude the client from obtaining a specific make and model of a desired item. The competitive bidding process may result in the selection of identical or similar items to those specified in business plans. Clients should be advised to provide as much detail about specialized equipment as possible in order to have the bidding process address their specific needs.

(8) Placement Services

Placement is the process of planning and providing services to assist clients in obtaining appropriate employment. The Vocational Rehabilitation Counselor and the client have primary responsibility for the client's placement in appropriate and satisfactory employment. Vocational Rehabilitation Counselors, clients, and other individuals (as needed) should work as a team in the placement process. Employment that is integrated and that provides for competitive and customary wages and benefits should be the focus throughout the vocational rehabilitation process and placement services may be provided at any point, as appropriate. When a client has

obtained the vocational skills as identified in their rehabilitation program, every effort will be made to match the job to the client to insure suitable employment. Services accompanying placement services may include job coaching, situational assessments with site development, purchased placement services, interview preparation, assistance in preparing a resume, job development and use of the Connecticut's One Stop Centers, and other community resources as appropriate.

(9) Personal Assistance Services

Personal assistance services refers to a range of services, including training in managing, supervising, and directing personal assistance services, provided by one or more persons, designed to assist an individual with significant disabilities that include legal blindness or visual impairment to perform daily living activities on or off the job that would typically be performed by the individual without assistance if they did not have a disability. The provision of services is intended to increase the individual's control in life and ability to perform everyday activities on and off the job. Personal assistance services can be provided to individuals to enable participation in trial work experiences, or to enable participation in vocational rehabilitation services identified in the Individualized Plan for Employment.

The provision of funding for personal assistance services is time limited and cannot extend past the period when an individual has been determined to have achieved the employment outcome identified and agreed to in the Individualized Plan for Employment.

Bureau funding will be based upon approved fee schedules or prevailing rates in situations where fee structures do not exist. Authorizations for services will be calculated based upon the number of hours that are required for the client to prepare for and participate in vocational rehabilitation services. It will be the responsibility of the client to hire the personal care attendant(s), and to provide documentation of hours rendered when submitting invoices to the Bureau for payment.

In determining the need for this service, the Vocational Rehabilitation Counselor and client should explore the availability of comparable services and benefits that may cover all or part of the costs of personal care attendants. A review of the time requirements to prepare for, travel to, participate in and return home from assessments, training or employment will be necessary. The Vocational Rehabilitation Counselor shall document the hours that will be required in the case record of services. Since personal assistance services will not be funded by the Vocational Rehabilitation Program after the achievement of an employment outcome, it is essential that the Vocational Rehabilitation Counselor and client explore alternative funding arrangements prior to case inactivation to ensure a stable job placement will remain in effect.

Existing fee schedules may be used to fund services on a fee for service basis. In situations where no fee structure exists, the Vocational Rehabilitation Counselor may use the prevailing hourly rate for the authorization of services within the particular region of the state where the service is to be provided.

Clients are to be provided with a form, which must be filled out completely by the person(s) providing the personal assistance services and signed by the client as verification that the services were provided for payments to be processed.

(10) Rehabilitation Teaching Services

In many instances, it is essential to provide the Vocational Rehabilitation client with specific instruction in the areas of communication, skills of daily living, and home management techniques as accompanying services that enable the client to prepare for, engage in, and retain employment. These services are primarily provided through the rehabilitation teaching staff at this Bureau.

These rehabilitation teaching services are to be identified as part of the IPE.

Daily living aids, as recommended by the Rehabilitation Teacher, may be provided through authorization if the service is planned for in an IPE.

(11) Services to Family Members

Family Member, for purposes of receiving vocational rehabilitation services, means an individual:

(A) Who either:

(i) Is a relative or guardian of an applicant or eligible individual; or

(ii) Lives in the same household as an applicant or eligible individual;

(B) Who has a substantial interest in the well-being of that individual; and

(C) Whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible individual to achieve an employment outcome.

(D) The basic criteria for the provision of services to family members are:

- (i) The family member or members must reside in the same household with the client and is related by blood or marriage, or is an individual with whom the individual with a disability has a close interpersonal relationship.**
- (ii) Such services may include only those services which may be expected to contribute substantially to the determination of the vocational rehabilitation potential or vocational rehabilitation of the client.**

The scope of services to family members should be responsive to the needs of the client and be consistent with the provisions of the Rehabilitation Act and subsequent amendments governing the administration of the program. They may include any of the services delineated as vocational rehabilitation services.

Illustrative of the types of services which may be provided are: counseling, both individual and group; child care or babysitting costs for young children of a client who is participating in an evaluation or training program; joint training of a spouse or other family member in operating a small business enterprise; transportation costs to enable a family member to accompany the client to various community resources, e.g. medical clinics, social agencies, etc.; and relocation costs to enable family members to accompany the client to a new place of employment.

Child care services may be provided to enable a client to participate in an evaluation or training program. This service may also be provided to support a client placed

in new employment, consistent with the IPE, until they receive their second paycheck or complete the first month of employment, whichever comes first. All child care services will be based upon the prevailing rate for day care or babysitting services within the state. Only licensed day care facilities or homes may be used. Clients who choose to employ babysitting services within their home are fully responsible for any tax and social security liability that may be incurred. Vocational Rehabilitation Program funding will only be for expenses directly associated with the client's actual time spent in evaluation, training or employment, or traveling to and from the specific locations.

Where child care or babysitting expenses are necessary to enable a client to participate in higher education training, expenses will be subject to the unmet need of the individual as calculated by the financial aid officer of the educational institution. All policies pertaining to participation in institutions of higher education as detailed in.

It will be the responsibility of the client to obtain all necessary receipts that verify the provision of services in order to obtain payment for the services rendered.

(12) Transportation

Transportation means travel and related expenses that are necessary to enable an applicant or eligible individual to participate in any vocational rehabilitation service including expenses for training in the use of public transportation vehicles and systems. Transportation services will be provided to clients as needed, either for diagnostic or physical restoration

services, or when in a training program. Transportation may also be provided to a client recently placed into employment until the second paycheck is received, or the first month of employment has been completed, whichever comes first. Transportation services may also be provided for certain family members who accompany the client to appointments, when it is necessary to facilitate the rehabilitation of the client. Transportation services will be authorized at the current State Fee Schedule rates for mileage if bus, ADA Paratransit, train, or taxi transportation is not available.

In situations where a client's sole option for transportation requires the hiring of a driver, the Bureau will pay the state minimum wage rate for the state in which the transportation service is being provided (or initiated in the case of a trip that crosses state lines) in addition to the State of Connecticut Comptroller's approved reimbursement rate for mileage to permit participation in evaluations, training, or until the client receives their second paycheck or completes the first month of new employment, whichever comes first.

If an attendant or escort is needed, the prevailing rate for that service will be used. Attendant or escort refers to a volunteer or paid individual who gives assistance to a client with a disability that includes impediments related to ambulating, and does not include persons who only serve as a driver for the client. It will be the responsibility of the client to hire a driver, attendant, or escort and provide all documentation to verify the provision of the service consistent with the IPE.

The Vocational Rehabilitation Program will provide funding for standard round trip travel fares for clients to

participate in residential training at locations beyond practical commuting distances. In these instances, the Vocational Rehabilitation Program will cover the cost of one round trip ticket to and from the program. It will be the responsibility of the client to arrange transportation for any additional commuting trips home during the course of the program. The Vocational Rehabilitation Program will provide additional round trip funding in situations where a facility shutdown requires residents to leave the program on a temporary basis. Air, rail, livery and bus travel arrangements must be made in accordance with requirements of the Office of the State Comptroller, utilizing authorized vendors and service providers where available.

Relocation expenses to complete a move to a new residence, incurred by an eligible individual and family members in connection with a job placement that is a significant distance from the eligible individual's current residence would also be included within this policy. Expenses within this category are subject to state travel and procurement policies.

All transportation services provided in relation to participation in training at institutions of higher education are subject to the unmet need of the individual. All policies as outlined in "Post-Secondary Training" will apply.

(13) Vending Facility Program

(A) Legal Authority:

Legal authority is granted under Connecticut General Statutes which governs the establishment of vending facilities in public buildings, and establishes the sales and service fund.

(B) Persons to be Served:

The Bureau will select and license as operators of vending facilities under this program, only persons with significant disabilities who meet the following qualifications:

- (i) Are blind as defined in federal regulations issued pursuant to the Randolph-Sheppard Act; and**
- (ii) Are qualified for the operation of a vending facility with such vocational rehabilitation services as may be necessary.**

(C) Types of Business Enterprises:

It shall be the policy of the Bureau to establish small businesses that may be operated successfully by individuals who are blind. Such businesses may include the broad categories of vending facilities as subject to the regulations under the Randolph-Sheppard Act for the sale of candy, tobacco products, and other feasible items; snack bars, cafeterias, and other food services.

(D) Policies Governing the Acquisition of Equipment and Initial Stocks and Supplies:

The Vocational Rehabilitation Program may purchase equipment and initial stock for each vending facility established.

The evaluation of locations for vending facilities will take into consideration such factors as population, traffic, competition, continued availability and type of premises, potential return upon investment, and other applicable items.

(E) Policies Relating to Management Services and Supervision:

- (i) Management services and supervision for small business enterprises includes inspection, quality control, consultation,**

accounting, regulating, in-service training, and other related services provided on a systematic basis to support and improve small business enterprises operated by individuals with legal blindness.

(ii) Vending facilities established under the authority of Connecticut General Statute 10-303 shall be operated as semi-controlled business enterprises. The management oversight and supervision of the vending facility will be vested solely in the Bureau.

(14) Customized Employment

Customized employment is a type of competitive integrated employment for an individual with a significant disability, that is based on an individualized determination of the unique strengths, needs, and interests of the individual. It is designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer.

Customized employment utilizes flexible strategies, such as job exploration by the individual and working with an employer to facilitate a job placement. This can involve identifying job tasks that may currently exist across multiple existing job titles within the company that are presently being unfulfilled or under-fulfilled by existing staff, or identifying a collection of tasks that are presently not assigned to any existing job description, but that the employer desires to fulfill.

Developing a set of job duties, a work schedule and job arrangement to fulfill these duties, along with identification of the supervision of the employee

(including performance evaluation and review), and determining a job location for the work to be accomplished are all factored into the discussion with the employer regarding the customization of an employment situation. Confirmation of the commensurate competitive wages that will be paid to the employee are an essential element of the discussion process.

Customized employment is an alternative that enables individuals with disabilities and employers the opportunity to negotiate job tasks and/or reassign basic job duties to improve overall production in the workplace. For employers, customized employment allows an employer to examine its specific workforce needs and fulfill those needs with a well-matched employee.

The Vocational Rehabilitation Counselor can directly provide, or purchase customized employment services from approved providers of such services. Additionally, the client may choose to directly negotiate for a customized employment arrangement with the employer, or use a professional representative to work with an employer to facilitate a job placement.

The full scope of vocational rehabilitation services are available to support the individual in the customized employment situation, including on-the-job supports such as supported employment, adaptive technology and other services as identified in the IPE of the individual.

(15) Pre-Employment Transition Services

Pre-Employment Transition Services (Pre-ETS) are services that offer an early start at job exploration. The services are intended to assist students with identifying career interests to be further explored through additional vocational rehabilitation services, including transition services. Pre-ETS are available to any individual or group of individuals who are visually impaired or legally blind, who meets the criteria for being a student with a disability, regardless of whether the student or students has applied for Vocational Rehabilitation Program services.

A student with a disability is an individual with a disability that includes legal blindness or visual impairment, in a secondary, post-secondary or other recognized education program, who is not younger than age 16 and is not older than 21 years of age and is eligible for, and receiving, special education or related services under IDEA or section 504 of the Rehabilitation Act.

Pre-Employment Transition Services may begin once a student requests or is recommended for one or more Pre-Employment Transition Services and documentation of a visual impairment or legal blindness is provided to the Bureau. Pre-ETS must be provided or arranged in collaboration with Local Education Agencies and are the only activities that can be paid for with the funds reserved under the Title I Vocational Rehabilitation federal grant award for this purpose.

(A) The Bureau provides the following Required Pre-Employment Transition Services:

(i) Job exploration counseling.

Within a group setting job exploration counseling includes activities such as general job exploration counseling in a classroom or community setting and could include providing information regarding in-demand industry sectors and occupations, as well as nontraditional employment, information about labor market composition, administration of vocational interest inventories; and identification of career pathways of interest to the students.

On an individual basis, job exploration counseling might be provided in school, home, or the community setting and could include discussions pertinent to the particular student about vocational interest inventory results, in-demand occupations, career pathways, and local labor market information that applies to the student's particular interests.

(ii) Work-based learning experiences.

Work-based learning experiences may include opportunities that are in-school, after school, or outside of the traditional school setting (including internships). Work-based learning experiences must be provided in an integrated setting in the community to the maximum extent possible. All opportunities for work-based learning experiences in integrated settings should be explored and exhausted before placing students in non-integrated settings.

Examples of work-based learning experiences in group settings 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.

Examples of work-based learning experiences provided individually include paid or unpaid internships, apprenticeships, short-term employment, fellowships, or on-the-job trainings located in the community. If work-based learning experiences are paid, students with disabilities must be paid competitive wages to the same extent competitive wages are paid to students without disabilities in similar experiences. Training stipends are permissible for students with disabilities participating in unpaid work-based learning experiences commensurate with and to the same extent that they are provided to students without disabilities participating in these experiences.

Pre-Employment Transition Services reserved funds from the Title I federal award may be used to support the participation of the student or students in work-based learning experiences. Examples of support services may include interpreter or reader services, or accessible informational materials necessary to ensure equal access to the work-based learning experience, fees charged by the employer to provide the work-based learning experience (including the employer's costs incurred for printing of training materials, purchasing and installing adaptive technology for students to use

at the location, the cost of employer-provided staff and trainers who are teaching the student, and other costs incurred by the employer in providing the work-based learning experience to the students, which are not individualized in nature).

(iii) Counseling on opportunities for enrollment in comprehensive transition or post-secondary educational programs at institutions of higher education.

Counseling on specific opportunities in a group setting may include, providing information on course offerings, career options, the types of academic and occupational training needed to succeed in the workplace, and post-secondary opportunities associated with career fields or pathways.

Counseling may also be provided on an individual basis and may include examples such as advising students and parents or representatives on academic curricula, providing information about college application and admissions processes, completing the Free Application for Federal Student Aid (FAFSA), and providing resources that may be used to support individual student success in education and training such as disability support services.

(iv) Workplace readiness training to develop social skills and independent living workplace readiness training provided in a group setting may be offered in a generalized manner in a classroom or other such group settings to provide programming to

assist students with disabilities to develop social skills and independent living skills necessary to prepare for eventual employment. These services could teach skills such as communication and interpersonal skills, financial literacy, group orientation and mobility skills, job-seeking skills, and understanding employer expectations for punctuality and performance, as well as other “soft” skills necessary for employment.

These services may also be customized and provided on an individual basis to an individual’s needs in a work readiness training program provided in an educational or community-based setting, including at an employment site, through instruction, as well as opportunities to acquire and apply knowledge.

(v) Instruction in self-advocacy (including instruction in person-centered planning), which may include peer mentoring (including peer mentoring from individuals with disabilities working in competitive integrated employment).

These services can be provided through group or individualized opportunities that include students conducting informational interviews, mentoring with educational staff such as principals, nurses, teachers, or office staff; or mentoring with individuals employed by or volunteering for employers, boards, associations, or organizations in integrated community settings. Additional examples of these services include participating in youth leadership activities offered in educational or community settings.

(B) Individualized Plan for Employment.

When a student is eligible for vocational rehabilitation services, his or her Individualized Plan for Employment (IPE) will be prepared in coordination with the local education agency's (LEA) Individual Education Program (IEP). Every effort will be made to ensure that the IPE and the IEP complement one another and work toward the same objectives for the student.

Students who have applied and been found eligible for vocational rehabilitation services will have an IPE developed within 90 days of the date of eligibility determination unless the Vocational Rehabilitation Counselor and the client (if age 18 or older), their parent or legal guardian, or authorized representative agree to the extension of that deadline to a specific date by which the Individualized Plan for Employment must be completed. It is understood that for a student in the early years of the transition process that a specific employment outcome may not be known or selected at the time of IPE development. Therefore, the anticipated employment outcome stated on the IPE may be identified as a description of the individual's projected post-school employment outcome.

The IPE for a student with a disability may include only Pre-Employment Transition Services as requested by the individual, their parent or legal guardian or authorized representative, or it may include a combination of Pre-Employment

Transition Services and additional vocational rehabilitation services. Only services that are identified as Pre-Employment Transition Services, and the accompanying time spent by Bureau staff in planning, coordinating and delivering Pre-Employment Transition Services may be charged to the federal Title I funds reserved for this purpose.

(C) Continuation of Services Under an Order of Selection.

In the event that a student with a disability is found eligible for services while the Bureau is operating under and Order of Selection, so long as the student began receiving at least one Pre-Employment Transition Service prior to an eligibility determination and placement in a closed order of selection priority category, that same Pre-Employment Transition Service and any other Pre-Employment Transition Services may continue, even while the student is assigned to a closed order of selection priority category.

For students who have not begun receiving Pre-Employment Transition Services and are determined eligible for vocational rehabilitation services and placed into a closed order of selection priority category, the Bureau may provide general transition services that benefit a group of students with disabilities to ensure the continuation of beneficial services, but may not begin Pre-Employment Transition Services.

(D) Pre-Employment Transition Services Authorized Activities.

If funds reserved for the provision of Pre-Employment Transition Services remain after all necessary “required” activities have been provided, the Bureau may provide other “authorized” activities that improve the transition of students with disabilities from school to post-secondary education or an employment outcome, and that support the arrangement or provision of the “required” activities.

The Bureau must first determine whether the funds reserved for the provision of “required” Pre-Employment Transition Services are sufficient to meet the Pre-Employment Transition needs for all students in need of such activities, prior to utilizing reserved funds for “authorized” activities.

Authorized Pre-Employment Activities include:

(i) Implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated employment.

(ii) Developing and improving strategies for individuals with intellectual disabilities and individuals with significant disabilities to live independently, participate in post-secondary education experiences, and obtain, advance in and retain competitive integrated employment.

(iii) Providing instruction to Vocational Rehabilitation Counselors, school transition personnel, and other persons supporting students with disabilities.

- (iv) Disseminating information about innovative, effective, and efficient approaches to achieve the goals of Pre-Employment Transition Services.**
- (v) Coordinating activities with transition services provided by Local Education Agencies under the Individuals with Disabilities Education Act.**
- (vi) Applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel, in order to better achieve the goals of Pre-Employment Transition Services.**
- (vii) Developing model transition demonstration projects.**
- (viii) Establishing or supporting multistate or regional partnerships involving States, Local Education Agencies, Vocational Rehabilitation Programs, developmental disability agencies, private businesses, or other participants to achieve Pre-Employment Transition Services goals.**
- (ix) Disseminating information and strategies to improve the transition to post-secondary activities of individuals who are members or traditionally unserved and underserved populations.**

(E) Pre-Employment Transition Coordination

Pre-Employment Transition Coordination activities include activities such as:

- (i) Attending IEP meetings, when invited.**
- (ii) Working with the local workforce development boards, one-stop centers, and employers to develop work opportunities for students with disabilities.**
- (iii) Working with schools to coordinate and ensure the provision of Pre-Employment Transition Services.**

(iv) Attending person-centered planning meetings for students with disabilities receiving services under title XIX of the Social Security Act, when invited.

(16) Other Goods and Services

Other goods and services may be provided which are necessary to enable a client to derive the full benefit of vocational rehabilitation services in order to obtain an employment outcome consistent with their IPE. The provision of these goods and services must be provided in accordance with all applicable state fee schedules, purchasing policies, and procedures. Equipment and services related to the operation of a business or self-employment venture must be included as part of an approved business plan.

Section 11. - Employed (Status 22)

Once the client has begun competitive and integrated employment with wages and benefits 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, the Vocational Rehabilitation Counselor will place the case in Status 22 preparing a case narrative identifying the type of employment, the wages the client is earning, along with any other pertinent information. The Vocational Rehabilitation Counselor will monitor the case for an appropriate period of time, but not less than a minimum of 90 days after the completion of substantial services necessary to ensure the stability of the employment

outcome, and the individual no longer needs vocational rehabilitation services. The Vocational Rehabilitation Counselor will keep a running case record of all activities that transpire while the client is in Status 22.

For clients who are working at the time of application, but who require services to maintain employment, the case may be placed into Status 22 upon the completion of substantial services that enable the client to successfully maintain employment.

For clients in self-employment, the case may be placed in Status 22 after the completion of substantial services that enable the client to derive income from the business 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.

The client remains in this status until:

a) The employment is evaluated for an appropriate period of time, but not less than ninety (90) days after the completion of substantial services, and is determined to be successful based on the mutual decision of the Vocational Rehabilitation Counselor and the client that the job is stable and no additional services are needed, and the case is closed as employment outcome achieved (Status 26);

b) The individual's employment is terminated prior to the completion of the ninety (90) days and new or additional services are required to regain employment (Status 18);

c) The employment is interrupted prior to the completion of the ninety (90) days (Status 24); or

d) The employment is terminated and the case is closed in Status 28 if the client no longer desires to receive vocational rehabilitation services.

Section 12. - Vocational Rehabilitation Services Interrupted (Status 24)

When a particular situation develops that interferes with the client's progress in the provision of services as outlined in the IPE, the Vocational Rehabilitation Counselor will place the case in Status 24 signifying that services are temporarily interrupted due to specific circumstances or conditions. The Vocational Rehabilitation Counselor will monitor the case and make appropriate case recordings indicating the client's progress. A case is placed in this status if services are interrupted while in either Status 18, 20, or 22. Clients remain in this status until either returning to one of the aforementioned status or the case is closed with employment outcome not achieved (Status 28).

Section 13. - Case Inactivation (Status 08, 26, 28, 30, 36 and 40)

a) Closing Case Records

Criteria for closing case records are set forth in this section for ensuring that statutory and regulatory requirements are met.

Requirements for Closing Cases

All cases being closed from the vocational rehabilitation files in Status 26 (successful competitive integrated employment outcome) will be reviewed and approved by the rehabilitation supervisor or designee prior to making the status change.

Vocational Rehabilitation Counselors will send a letter prior to closure advising the client that his or her case will be closed as inactive at the end of 10 (ten) business days from the date of the letter. The letter must indicate the reason for closure as well as a statement informing the client that he or she may question or object to the closure decision within the specified time period. Materials on the appeals process and the Client Assistance Program will be provided and referenced in the closure letter.

b) Case Inactivation for Reasons of Ineligibility (Status 08, 28, and 30)

(1) Ineligible for Services (Status 08)

The Vocational Rehabilitation Counselor can only close a case in Status 08 with a determination of ineligibility for vocational rehabilitation services after reviewing the basis for the determination with the Vocational Rehabilitation Supervisor, and after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative. The individual must be informed in writing with a minimum of ten (10) business days' notice, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of the ineligibility determination, including the reasons for that determination, and the

means by which the individual may express and seek remedy for any dissatisfaction, including the procedures to request a review or appeal of the decision. The Vocational Rehabilitation Counselor must provide the individual with information on services available from the Client Assistance Program and how to contact that program.

The Vocational Rehabilitation Counselor will offer to refer the individual to other programs that are part of the one-stop service delivery system under the Workforce Innovation and Opportunity Act that can address the individual's training or employment related needs; or to Federal, State, or local programs or service providers, including, as appropriate, independent living programs and extended employment providers, best suited to meet their rehabilitation needs, if the ineligibility determination is based on a finding that the individual has chosen not to pursue, or is incapable of achieving, an employment outcome.

The Vocational Rehabilitation Counselor shall review, within 12 months and annually thereafter if requested by the individual or, if appropriate, by the individual's representative any ineligibility determination that is based on a finding that the individual is incapable of achieving an employment outcome. This review need not be conducted in situations in which the individual has refused it, the individual is no longer present in the State, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal.

(2) Subsequent Determinations of Ineligibility (Status 28 and 30)

The Vocational Rehabilitation Counselor can only close a case in Status 28 or 30 with a determination that client is no longer eligible for vocational rehabilitation services after reviewing the basis for the determination with the Vocational Rehabilitation Supervisor, and after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative. The individual must be informed in writing, with a minimum of ten (10) business days' notice, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of the ineligibility determination, including the reasons for that determination, and the means by which the individual may express and seek remedy for any dissatisfaction, including the procedures to request a review or appeal of the decision. The Vocational Rehabilitation Counselor must provide the individual with information on services available from the Client Assistance Program and how to contact that program.

The Vocational Rehabilitation Counselor will offer to refer the individual to other programs that are part of the one-stop service delivery system under the Workforce Innovation and Opportunity Act that can address the individual's training or employment related needs; or to Federal, State, or local programs or service providers, including, as appropriate, independent living programs and extended employment providers, best suited to meet their rehabilitation needs, if the ineligibility determination is based on a finding that the individual has chosen not to pursue, or is incapable of achieving, an employment outcome.

The Vocational Rehabilitation Counselor shall review, within 12 months and annually thereafter if requested by the individual or, if appropriate, by the individual's representative any ineligibility determination that is based on a finding that the individual is incapable of achieving an employment outcome. This review need not be conducted in situations in which the individual has refused it, the individual is no longer present in the State, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal.

c) Other Reasons for Case Inactivation (Status 08, 28, and 30)

(1) Moving to Another State

Case inactivation for the reason of moving to another state is applicable for clients who are not able to, or not interested in participating in vocational rehabilitation services through this Bureau because of moving to another state. Case inactivation would not be applicable if:

(A) The client desires to remain engaged in services with this Bureau for the period of time necessary to facilitate an orderly transition from this Bureau to another state's services;

(B) The client is participating in out-of-state services under a trial work experience or IPE through this Bureau; or

(C) The client has obtained employment through services provided under an IPE developed with this Bureau and there are additional IPE services remaining to be completed.

The Vocational Rehabilitation Counselor may assist the client to initiate services through other agencies in the state where the client now resides, obtaining a signed release of information from the client prior to exchanging information with the other agency.

Prior to case inactivation, the client must be informed of the decision in writing, with a minimum of ten (10) business days' notice, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual. The Vocational Rehabilitation Counselor must provide the individual with information on the appeals options and services available from the Client Assistance Program and how to contact that program.

(2) Client Is No Longer Legally Blind or Visually Impaired

At any time during the rehabilitation process, if a client's vision has recovered for reasons other than through the provision of physical restoration services, to a level such that the client is no longer legally blind, visually impaired progressive, or visually impaired (if the client was served by the Children's Services Program of BESB on or after January 1, 2010), they shall be informed of this change in status and be notified that the Bureau of Rehabilitation Services (BRS) is the Vocational Rehabilitation Program in Connecticut that serves individuals with other disabilities.

Clients shall be afforded the opportunity to have their case transferred to BRS, upon receipt of a signed release. The Vocational Rehabilitation Counselor will

make every effort to facilitate a smooth transition to BRS, and the case will be inactivated only after the Vocational Rehabilitation Counselor has completed the requested transfer of information to BRS.

Since these situations do not involve a determination of ineligibility, but rather a transfer to the agency within Connecticut that serves persons with other disabilities, the reason for case closure will be noted as "Transfer to another agency".

Prior to case inactivation, the client must be informed of the decision in writing, with a minimum of ten (10) business days' notice, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual. The Vocational Rehabilitation Counselor must provide the individual with information on the appeals options and services available from the Client Assistance Program and how to contact that program.

(3) Refusing Services and Not Cooperating

As an equal partner in the vocational rehabilitation process, clients have the right to make informed choices regarding the selection of an employment outcome, the services to be provided and the entities that will be providing the services necessary to achieve an employment outcome. It is the responsibility of the Vocational Rehabilitation Counselor to provide all relevant information available in order for the client to have the opportunity to make informed choices about services and vendors available. Clients have the right to decline services that are not essential to the achievement of an employment outcome. In

circumstances where a client declines to participate in a service that the Vocational Rehabilitation Counselor views as essential to the achievement of an employment outcome, an opportunity shall be afforded to the client to meet with the supervisory staff of the Vocational Rehabilitation Program to review the circumstances and present information related to their decision.

The individual shall be informed of the rights and remedies available to them prior to the meeting, including the right to have an advocate or representative of the Client Assistance Program present during the meeting, and the right to pursue mediation, administrative review or hearing before an impartial hearing officer in lieu of, or in addition to meeting with supervisory staff. If the preponderance of information presented at the meeting results in a clear and convincing conclusion by supervisory staff that declining the service will be detrimental to the client achieving an employment outcome and the client continues to decline the service after all available information is provided, then a written decision shall be issued to the client within ten (10) business days informing them of the intent to inactivate their case services based upon refusal of essential services. Such written notification shall be in the clients preferred format and language and include a summary of the findings of the meeting. The Vocational Rehabilitation Counselor must provide the individual with information on the appeals options and services available from the Client Assistance Program and how to contact that program.

Examples of situations where declining a service could result in a significant detriment to the vocational

rehabilitation process include circumstances where a person is currently using illegal drugs or abusing alcohol and they decline to participate in a rehabilitative treatment program.

d) Case Inactivation After Achieving Employment Outcome (Status 26)

(1) Competitive Integrated Employment.

(A) Competitive integrated employment refers to work that:

- (i) Is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that is not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act 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;**
- (ii) 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**
- (iii) 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**
- (iv) Is eligible for the level of benefits provided to other employees; and**

(v) Is at a location typically found in the community and where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., 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

(vi) 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.

(B) The record of services of an individual who has achieved an employment outcome in competitive integrated employment may be closed only if all of the following requirements are met:

(i) Employment outcome achieved. The individual has achieved the employment outcome that is described in the individual's Individualized Plan for Employment and is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(ii) 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.

(iii) Satisfactory outcome. At the end of the appropriate period under sub-paragraph (B)(ii), the individual and the qualified Vocational Rehabilitation Counselor employed by the Bureau consider the employment outcome to be satisfactory and agree that the individual is performing well in the employment.

(iv) The individual is informed through appropriate modes of communication of the availability of Post-Employment services.

(v) Prior to case inactivation, the client has been informed in writing of the decision, with a minimum of ten (10) business days' notice, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual. The Vocational Rehabilitation Counselor must provide the individual with information on the appeals options and services available from the Client Assistance Program and how to contact that program.

(2) Supported Employment

(A) An individual with a most significant disability, including a youth with a most significant disability, who is employed in competitive integrated employment or who is employed in an integrated setting working on a short-term basis to achieve competitive integrated employment will be considered to have achieved an employment outcome, including customized employment, in supported employment when:

(i) The individual has completed supported employment services, except for any other vocational rehabilitation services listed on the

Individualized Plan for Employment if the individual is working on a short-term basis toward the achievement of competitive integrated employment in supported employment; and

(ii) The individual has received up to 24 months of supported employment services; or

(iii) The Vocational Rehabilitation Counselor and the individual have determined that an extension of time to provide supported employment services beyond 24 months is necessary to support and maintain the individual in supported employment before the individual transitions to extended services and that extension of time has concluded; and

(iv) The individual has transitioned to extended services provided by either the Vocational Rehabilitation Program for youth with the most significant disabilities, or another provider for youth or adults; and

(v) The individual has maintained employment and achieved stability in the work setting for at least 90 days after transitioning to extended services; and

(vi) The employment is individualized and customized consistent with the strengths, abilities, interests, and informed choice of the individual; and

(vii) Prior to case inactivation, the client has been informed of the decision in writing, with a minimum of ten (10) business days' notice, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual. The Vocational Rehabilitation Counselor must provide the individual with information on the appeals options and services

available from the Client Assistance Program and how to contact that program.

(B) The service record of an individual with a most significant disability, including a youth with a most significant disability, who has achieved an employment outcome in supported employment in competitive integrated employment will be closed concurrently with the achievement of the employment outcome in supported employment when:

(i) The individual has achieved the employment outcome that is described in the individual's Individualized Plan for Employment and is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;

(ii) 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;

(iii) The individual and the qualified Vocational Rehabilitation Counselor employed by the Bureau, at the end of the appropriate period, consider the employment outcome to be satisfactory and agree that the individual is performing well in the employment;

(iv) The individual is informed through appropriate modes of communication of the availability of Post-Employment services;

(v) The individual is not receiving extended services or any other vocational rehabilitation service provided by the Vocational Rehabilitation Program;

(vi) The individual has transitioned to extended services provided with funds other than Vocational Rehabilitation Program funds; and

(vii) Prior to case inactivation, the client has been informed of the decision in writing, with a minimum of ten (10) business days' notice, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual. The Vocational Rehabilitation Counselor must provide the individual with information on the appeals options and services available from the Client Assistance Program and how to contact that program.

(C) The service record of an individual with a most significant disability, including a youth with a most significant disability who is working toward competitive integrated employment on a short-term basis and is receiving extended services from funds other than those provided through the Vocational Rehabilitation Program of the Bureau will be closed when:

(i) The individual achieves competitive integrated employment within the short-term basis period;

(ii) The individual has achieved the employment outcome that is described in the individual's Individualized Plan for Employment and is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;

(iii) 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;

- (iv) The individual and the qualified Vocational Rehabilitation Counselor employed by the Bureau, at the end of the appropriate period, consider the employment outcome to be satisfactory and agree that the individual is performing well in the employment;**
- (v) The individual is informed through appropriate modes of communication of the availability of Post-Employment services;**
- (vi) The individual is not receiving extended services or any other vocational rehabilitation service provided by the Vocational Rehabilitation Program of the Bureau;**
- (vii) The individual has transitioned to extended services provided with funds other than Vocational Rehabilitation Program funds; and**
- (viii) Prior to case inactivation, the client has been informed of the decision in writing, with a minimum of ten (10) business days' notice, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual. The Vocational Rehabilitation Counselor must provide the individual with information on the appeals options and services available from the Client Assistance Program and how to contact that program.**
- (D) The service record of a youth with a most significant disability who is receiving extended services provided by the Vocational Rehabilitation Program of the Bureau will be closed when:**
 - (i) The youth with a most significant disability achieves an employment outcome in supported employment in competitive integrated employment without entering the short-term basis period;**

- (ii) The youth is no longer eligible to receive extended services provided by the Vocational Rehabilitation Program of the Bureau due to reaching the age of twenty-five (25), or having reached four (4) years of extended services funded by the Vocational Rehabilitation Program (whichever comes first), and another source of extended services has been identified to ensure there is no interruption of services;**
- (iii) The individual has achieved the employment outcome that is described in the individual's Individualized Plan for Employment and is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;**
- (iv) 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;**
- (v) The individual and the qualified Vocational Rehabilitation Counselor employed by the Bureau, at the end of the appropriate period, consider the employment outcome to be satisfactory and agree that the individual is performing well in the employment;**
- (vi) The individual is informed through appropriate modes of communication of the availability of Post-Employment services; and**
- (vii) Prior to case inactivation, the client has been informed of the decision in writing, with a minimum of ten (10) business days' notice, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual. The Vocational Rehabilitation**

Counselor must provide the individual with information on the appeals options and services available from the Client Assistance Program and how to contact that program; or

(viii) The youth has transitioned to extended services provided with funds other than those from the Vocational Rehabilitation Program of the Bureau; and

(ix) The individual is no longer receiving any other vocational rehabilitation service from the Bureau.

For purposes of this policy, the following definitions shall apply:

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 Vocational Rehabilitation Program of the Bureau; and

(v) Provided to a youth with a most significant disability by the Vocational Rehabilitation Program of the Bureau for a period not to exceed four years, or at such time that a youth reaches age 25, whichever comes first.

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

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

The six-month short-term basis period, and the additional six months that may be available in limited circumstances, begins after an individual has completed up to 24 months of supported employment services (unless a longer period of time is necessary based upon the individual's needs) and the individual has achieved a supported employment outcome, meaning that the individual is stable in the supported employment placement for a minimum period of 90 days following the transition to extended services. At this point, the individual has achieved a supported employment outcome.

e) Closing Cases from Post-Employment Services (Status 34, 36 or 40)

Cases closed in this category are those cases which, although closed subsequent to the achievement of an employment outcome, require additional services to maintain, regain or advance in employment consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice. Only clients closed rehabilitated (Status 26) are eligible for Post-Employment services.

Status 34: A case is closed in this status from Post-Employment Status 32 when the Vocational Rehabilitation Counselor is not able to address all of the client's needs under a Post-Employment IPE and a new determination of eligibility and the provision of the full scope of vocational rehabilitation services would be beneficial.

Status 36: A case is closed from Post-Employment Status 32 when all services outlined in the Post-Employment IPE have been completed and services have enabled client to remain successfully employed.

Status 40: A case is closed from Post-Employment Status 32 when, after the provision of Post-Employment services, it is determined that vocational rehabilitation services were not sufficient to assist the client in maintaining, regaining or advancing in employment, and the individual is not seeking to reapply for vocational rehabilitation services under a new eligibility determination.

f) Closing Cases for Individuals from Underserved Populations (Status 08, 28 and 30)

To ensure equal access to vocational rehabilitation services, in all situations where a person has identified themselves as Black or African American, American Indian or Alaska native, Asian, Native Hawaiian or other Pacific Islander, or Hispanic or Latino, the Vocational Rehabilitation Counselor shall meet with the Vocational Rehabilitation Supervisor to review the circumstances prior to a decision to inactivate case services. Such supervisory review shall confirm that all reasonable efforts were made by the Vocational Rehabilitation Counselor to offer full opportunity for participation in services. Examples of documented efforts include (but are not limited to) utilizing interpreter services to address language barriers or community based organizations to assist with outreach to the individual.

Section 14. - Post-Employment Services (Status 32)

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

Post-Employment services are intended to ensure that the employment outcome remains consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. These services are available to meet rehabilitation needs that do not require a complex and comprehensive provision of services and, thus, should be limited in scope

and duration. If more comprehensive services are required, then a new rehabilitation effort should be considered.

Post-Employment services are to be provided under an amended Individualized Plan for Employment; thus, a redetermination of eligibility is not required. The provision of Post-Employment services is subject to the same requirements as the provision of any other vocational rehabilitation service, including an exploration and utilization of available comparable services and benefits for those vocational rehabilitation services that require such exploration.

b) Post-Employment services are available:

(1) To assist an individual to maintain employment, such as, but not limited to situations where the individual's employment is jeopardized because the individual requires assistive technology to maintain the employment;

(2) To regain employment, such as, but not limited to situations where the individual's job is eliminated through reorganization and new placement services are needed; and

(3) To advance in employment, such as, but not limited to situations where the employment is no longer consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Section 15. - Semi-Annual and Annual Review of Individuals in Extended Employment and other Employment Under Special Certificate Provisions of the Fair Labor Standards Act.

a) The Vocational Rehabilitation Program will conduct a semi-annual review and reevaluation for the first two years of such employment and annually thereafter for an individual with a disability that includes legal blindness or visual impairment:

(1) Who has a record of service, as either an applicant or eligible individual under the Vocational Rehabilitation Program; and

(2) Who has achieved employment in which the individual is compensated in accordance with section 14(c) of the Fair Labor Standards Act; or

(3) Who is in extended employment, including those individuals whose record of service is closed while the individual is in extended employment on the basis that the individual is unable to achieve an employment outcome, or that the individual made an informed choice to remain in extended employment.

b) For each individual with a disability who meets these criteria, the Vocational Rehabilitation Program must:

(1) Semi-annually review and reevaluate the status of each individual for two years after the individual's record of services is closed (and annually thereafter) to determine the interests, priorities, and needs of the individual with respect to competitive integrated

employment or training for competitive integrated employment;

(2) Enable the individual or, if appropriate, the individual's representative to provide input into the review and reevaluation and must document that input in the record of services, with the individual's or, as appropriate, the individual's representative's signed acknowledgment that the review and reevaluation have been conducted; and

(3) Make maximum efforts, including identifying and providing vocational rehabilitation services, reasonable accommodations, and other necessary support services, to assist the individual in engaging in competitive integrated employment.

Section 16. - Subminimum Wage Requirements

a) Documentation Requirements

(1) The Bureau, in consultation with the State educational agency, has established a process to document the completion of the required actions regarding youth with a disabilities that includes legal blindness or visual impairment, as well as a process for the transmittal of that documentation from the educational agency to the Bureau, consistent with confidentiality requirements of the Family Education Rights and Privacy Act and the Individuals with Disabilities Education Act.

(A) Such documentation must, at a minimum, contain the:

- (i) Youth's name;**
- (ii) Determination made, including a summary of the reason for the determination, or description of the service or activity completed;**
- (iii) Name of the individual making the determination or the provider of the required service or activity;**
- (iv) Date determination was made or required service or activity was completed;**
- (v) Signature of the Bureau or educational personnel making the determination or documenting completion of the required services or activity;**
- (vi) Date of signature;**
- (vii) Signature of Bureau's personnel transmitting documentation to the youth with a disability; and**
- (viii) Date and method (e.g., hand-delivered, faxed, mailed, e-mailed, etc.) by which the document was transmitted to the youth.**

(2) In the event a youth with a disability or, as applicable, the youth's parent or guardian, refuses, through informed choice, to participate in the required activities ---

- (A) Such documentation must, at a minimum, contain the:**
 - (i) Youth's name;**
 - (ii) Description of the refusal and the reason for such refusal;**
 - (iii) Signature of the youth or, as applicable, the youth's parent or guardian;**
 - (iv) Signature of the Bureau or educational personnel documenting the youth's refusal;**
 - (v) Date of signatures; and**

(vi) Date and method (e.g., hand-delivered, faxed, mailed, e-mailed, etc.) by which documentation was transmitted to the youth.

(3) The Bureau will retain a copy of documentation with the record of services of the individual in the case management system. Additionally, the Bureau will provide documentation of completion of the transition services, as documented and provided to the Bureau by the appropriate school official, to the youth with a disability within 45 calendar days after the determination or completion of the required activity or service by the local education agency, or 90 calendar days, if additional time is necessary due to extenuating circumstances, such as extended illness, family emergency or natural disaster. When transmitting documentation of the final determination or activity completed, the Bureau must provide a cover sheet that itemizes each of the documents that have been provided to the youth. If the youth or their guardian has refused to participate in the required action or service, then the documentation must be provided within 10 calendar days of the youth's refusal to participate.

b) Vocational Rehabilitation Program Responsibilities Prior to Youth with Disabilities Starting Subminimum Wage Employment

(1) Prior to a youth with a disability that includes legal blindness or visual impairment entering into subminimum wage employment, the Vocational Rehabilitation Program must provide youth with documentation upon the completion of the following actions:

- (A) Pre-Employment Transition Services, or Transition services under the Individuals with Disabilities Education Act;**
- (B) Application for vocational rehabilitation services;**
- (C) Eligibility or Ineligibility determination;**
- (D) If the youth was found eligible for vocational rehabilitation services, an approved Individualized Plan for Employment that must include a specific employment goal consistent with competitive integrated employment, including supported or customized employment;**
- (E) Subsequent determination of ineligibility if the youth with a disability was unable to achieve the employment outcome specified in the Individualized Plan for Employment, despite working toward the employment outcome with reasonable accommodations and appropriate supports and services, including supported employment services and customized employment services, for a reasonable period of time; and**
- (F) Closure of the record of services.**

(2) The youth must receive career counseling, and information and referrals from the Vocational Rehabilitation Program to Federal and State programs and other resources in the individual's geographic area that offer employment-related services and supports designed to enable the individual to explore, discover, experience, and attain competitive integrated employment. The career counseling and information and referral services must:

- (A) Be provided by the Vocational Rehabilitation Program in a manner that facilitates informed**

choice and decision-making by the youth, or the youth's representative as appropriate;

(B) Not be provided by an entity that offers subminimum wage employment, and such employment-related services are not compensated at a subminimum wage and do not directly result in employment compensated at a subminimum wage provided by such an entity; and

(C) Be provided within 30 calendar days of a determination for a youth known by the Vocational Rehabilitation Program to be seeking employment at subminimum wage. Transmittal of such documentation must include:

- (i) Youth's name;
- (ii) Summary of the service or activity completed;
- (iii) Name of the individual or the provider of the required service or activity;
- (iv) Date the required service or activity was completed;
- (v) Signature of the Bureau personnel documenting completion of the required services or activity;
- (vi) Date of signature;
- (vii) Signature of Bureau's personnel transmitting documentation to the youth with a disability;

and

- (viii) Date and method (e.g., hand-delivered, faxed, mailed, e-mailed, etc.) by which document was transmitted to the youth.

(3) For purposes of this policy, a reasonable period of time must be consistent with the disability-related and vocational needs of the individual, as well as the anticipated length of time required to complete the services identified in the Individualized Plan for Employment. For an individual whose specified

employment goal is in supported employment, such reasonable period of time is up to 24 months, unless under special circumstances the individual and the Vocational Rehabilitation Counselor jointly agree to extend the time to achieve the employment outcome identified in the Individualized Plan for Employment.

c) Local Educational Agency Responsibilities Prior to Youth with Disabilities Starting Subminimum Wage Employment

(1) When a Local Educational Agency becomes aware of a youth with disabilities that includes legal blindness or visual impairment within their school district who is known to be seeking subminimum wage employment, the local educational agency must provide the Bureau with documentation that the youth has received transition services under the Individuals with Disabilities Education Act. The documentation must be provided to the Bureau in a manner that complies with confidentiality requirements of the Family Education Rights and Privacy Act and the Individuals with Disabilities Education Act.

The documentation of completed services or activities must, at a minimum, contain the:

- (A) Youth's name;**
- (B) Description of the service or activity completed;**
- (C) Name of the provider of the required service or activity;**
- (D) Date the required service or activity was completed;**
- (E) Signature of the educational personnel documenting completion of the required service or activity;**

- (F) Date of signature;**
- (G) Signature of the educational personnel transmitting documentation to the Bureau; and**
- (H) Date and method (e.g., hand-delivered, faxed, mailed, e-mailed, etc.) by which the document was transmitted to the Bureau.**

(2) In the event a youth with a disability or, as applicable, the youth's parent or guardian, refuses, through informed choice, to participate in the required transition activities, such documentation must, at a minimum, contain the:

- (A) Youth's name;**
- (B) Description of the refusal and the reason for such refusal;**
- (C) Signature of the youth or, as applicable, the youth's parent or guardian;**
- (D) Signature of the educational personnel documenting the youth's refusal;**
- (E) Date of signatures;**
- (F) Signature of the educational personnel transmitting the documentation of the refusal to the Bureau; and**
- (G) Date and method (e.g., hand-delivered, faxed, mailed, e-mailed, etc.) by which documentation was transmitted to the Bureau.**

(3) The educational personnel must transmit this documentation to the Bureau as soon as possible upon the completion of each of the required actions, but no later than:

- (A) 30 calendar days after the completion of the required activity or service; or**
- (B) 60 calendar days, if additional time is necessary due to extenuating circumstances, such**

as extended illness, family emergency or natural disaster, after the completion of each of the required actions, or

(C) Within 5 calendar days if the youth, or their parent or guardian has refused to participate in a required action.

(4) When the educational personnel transmits the last documentation to the Bureau regarding the required services provided to the youth, the educational personnel must provide a cover sheet that itemizes the documentation that has been provided to the Bureau regarding that youth. The educational agency must retain a copy of all documentation provided to the Bureau.

d) Vocational Rehabilitation Program Responsibilities to Individuals with Disabilities During Subminimum Wage Employment

(1) Regardless of age, individuals with legal blindness, (or visual impairment if served by the Bureau's Children's Services Program on or after January 1, 2010), who are known by the Bureau to be employed at a subminimum wage must be provided career counseling and information and referral services, or these services must be provided to the individual's representative as appropriate.

The career counseling and information and referral services must be provided in a manner that is understandable to the individual with a disability, and that facilitates independent decision-making and informed choice as the individual makes decisions

regarding opportunities for competitive integrated employment and career advancement, particularly with respect to supported employment, including customized employment. The career counseling and information and referral services may include benefits counseling, particularly with regard to the interplay between earned income and income-based financial, medical, and other benefits.

Upon a referral of an individual with legal blindness or visual impairment to the Bureau by an entity that is paying subminimum wages and that has fewer than 15 employees, the Vocational Rehabilitation Program must also inform the individual within 30 calendar days of the referral by the entity, of self-advocacy, self-determination, and peer mentoring training opportunities available in the community. These services must not be provided by an entity that provides subminimum wages to employees.

(2) For individuals hired at subminimum wage on or after July 22, 2016, these required services must be carried out once every six months for the first year of the individual's subminimum wage employment and annually thereafter for the duration of such employment. For individuals already employed at subminimum wage prior to July 22, 2016, the required services must be carried out once by July 22, 2017, and annually thereafter for the duration of such employment. The applicable intervals will be calculated based upon the date the individual becomes known to the Bureau.

The Vocational Rehabilitation Program must provide documentation to the individual as soon as possible, but no later than:

(A) 45 calendar days after completion of the required activities; or
(B) 90 calendar days, if additional time is necessary due to extenuating circumstances, such as extended illness, family emergency or natural disaster, after the completion of the required actions. Such documentation must, at a minimum, contain the:

- (i) Name of the individual;**
- (ii) Description of the service or activity completed;**
- (iii) Name of the provider of the required service or activity;**
- (iv) Date required service or activity was completed;**
- (v) Signature of individual documenting completion of the required service or activity;**
- (vi) Date of signature;**
- (vii) Signature of the Bureau personnel transmitting the documentation to the individual with a disability; and**
- (viii) Date and method (e.g., hand-delivered, faxed, mailed, e-mailed, etc.) by which the document was transmitted to the individual.**

(3) In the event an individual with a disability or, as applicable, the individual's representative, refuses, through informed choice, to participate in the required activities, such documentation must, at a minimum, contain the:

- (A) Name of the individual;**
- (B) Description of the refusal and the reason for such refusal;**
- (C) Signature of the individual or, as applicable, the individual's representative;**
- (D) Signature of the Bureau personnel documenting the individual's refusal;**

- (E) Date of signatures; and**
- (F) Date and method (e.g., hand-delivered, faxed, mailed, e-mailed, etc.) by which documentation was transmitted to the individual.**

The Bureau must retain a copy of all documentation in the record of services of the individual in the case management system.

The Bureau may contract with other entities, such as other public and private service providers, as appropriate, to fulfill these requirements. The contractor providing the services on behalf of the Bureau may not be an entity holding a special wage certificate under section 14(c) of the Fair Labor Standards Act.

e) Review of Documentation

The Bureau, or a contractor working directly for the Bureau, is authorized through federal regulations to engage in the review of individual documentation that is maintained by an entity that pays subminimum wage to an individual who is legally blind or visually impaired. The contractor may not be an entity holding a special wage certificate under section 14(c) of the Fair Labor Standards Act.

If deficiencies are noted during a documentation review, the Bureau should report the deficiency to the U.S. Department of Labor's Wage and Hour Division.

CHAPTER 4 - ADMINISTRATIVE AND EMPLOYEE RESPONSIBILITIES

Section 1. - General Information

The Vocational Rehabilitation Program, as a program administered through the Bureau of Education and Services for the Blind, is subject to all policies established by the State of Connecticut and by the Department of Rehabilitation Services.

In addition to the policies established by the State of Connecticut for all employees and those policies established by the Department of Rehabilitation Services, the Bureau of Education and Services for the Blind, the Vocational Rehabilitation Program, as a federal grant recipient, is required to maintain specific policies as outlined in the following sections of this chapter.

Section 2. - Lobbying

No federal appropriated funds may be used by any member of the Vocational Rehabilitation Program (including funding for salaries) for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal Grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement.

If funds, other than federal funds, are used by any employee of the Program to participate in lobbying activities, full disclosure of this activity must be made to the State Director. The State Director will inform the Federal Government Rehabilitation Services Administration of lobbying activity that occurs by employees of the Program related to any federal grants. No employee should engage in lobbying activities related to federal grants, as described in this section, before consulting with the State Director.

Section 3. - Debarment, Suspension, and Other Matters

The Vocational Rehabilitation Program is required to inform the Federal Government Rehabilitation Services Administration of any principal administrator of the Program who is debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this Program. Principal staff members of the Program are also required to report if they have been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

Any employee of the Vocational Rehabilitation Program who has engaged in activities as described in the preceding paragraph must report such activities to the State Director. Employees are further required to report to the State Director if they are under any indictment for, or are otherwise criminally or civilly charged with, the commission of any of

the offenses detailed in the preceding paragraphs, or whether they have been subject to a public (Federal, State, or local) transaction that has been terminated for cause of default.

Section 4. - Drug-Free Workplace

Each employee has the right to come to work and perform his or her job in an environment that is free from the illegal use of drugs. It is in the best interest of the State and the public that employees be able to perform their duties safely and efficiently. Safety, health, and efficiency are adversely affected by the illegal use of controlled substances.

Employees of the Vocational Rehabilitation Program are prohibited from the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances while on the job or in the workplace. Employees are further prohibited from being under the influence of a controlled substance, not prescribed directly to the employee by a physician, while on the job or in the workplace. Employees found engaging in any of these activities will be subject to disciplinary action, up to and including termination.

Employees must give written notification to the State Director and to the Personnel Administrator of the Agency within five (5) calendar days of any drug conviction for violation of a criminal drug statute if the violation occurred in the workplace. A conviction means a finding of guilt, including a plea of nolo contendere, or the imposition of a sentence by a judge or jury in any federal or state court.

Within ten (10) calendar days of receiving notice that an employee funded through the Vocational Rehabilitation

Program has been convicted of a violation of a state or federal drug statute occurring in the workplace, the State Director shall make written notification to the Director of Grants and Contracts Services, U.S. Department of Education, GSA Regional Office.

Employees who have substance abuse problems are encouraged to participate in the Employee Assistance Program or a rehabilitation program administered by an approved Federal, State, local health, law enforcement, or other appropriate agency, prior to any disciplinary action. This can be initiated by contacting the Personnel Administrator at the Agency. If an employee chooses not to participate in rehabilitation within a thirty (30) day period after the Agency has received written notification of a conviction, disciplinary action will be taken consistent with collective bargaining agreements and applicable State laws and regulations.

A copy of the State policy related to a drug-free work place can be found on the Bureau's Shared Drive, and is also available through the Personnel Administrator.

Section 5. - Cooperative Agreements and Memoranda of Understanding

The Vocational Rehabilitation Program seeks to enter into cooperative agreements and memoranda of understanding (MOU) with public and private providers in an effort to increase and improve the services and vocational options for clients of the program. The State Director, in consultation with the Commissioner of the Department of Rehabilitation Services will be responsible for the development, negotiation and finalization of all Cooperative Agreements and

Memoranda of Understanding with other providers of services that could be of benefit to clients of the Vocational Rehabilitation Program.

Section 6. - Comprehensive System of Personnel Development

The Vocational Rehabilitation Program seeks to hire and employ the most qualified individuals to provide and coordinate services to clients of the Program. Per Section 361.18 of the federal regulations, all professional and paraprofessional personnel shall be appropriately and adequately prepared and trained, including the provision of training to ensure that the personnel have a 21st-century understanding of the evolving labor force and the needs of individuals with disabilities. The Department of Administrative Services for the State of Connecticut establishes and maintains the job specifications for all job titles utilized by the Bureau. The educational and work experience requirements are included within each job specification. Staff members hired into or working in the position of Vocational Rehabilitation Counselor or Vocational Rehabilitation Counselor Coordinator must meet the “highest standard in the state” for credentialing. In order to meet this standard, the employee needs to have a Master’s degree in rehabilitation counseling or a closely related field and at least one year of professional work experience in rehabilitation counseling, vocational adjustment counseling or job placement for persons with disabilities. The Vocational Rehabilitation Program further supports and strongly encourages employees who perform vocational rehabilitation caseload activities at the Vocational Rehabilitation Assistant Counselor level to work toward achievement of credentialing

that meets the highest standard of a Master's degree in rehabilitation or a closely related field. No employee shall be granted the authority to make a determination of eligibility for Vocational Rehabilitation Services, approval of an Individualized Plan for Employment, or a determination of case inactivation unless they meet the criteria for the "highest standard in the state".

Professional development opportunities shall also be provided to staff members of the Vocational Rehabilitation Program when such opportunities will have a direct benefit to the mission of the Bureau. Training and conference opportunities will be offered to staff within available funding, and consistent with state personnel regulations and policies and collective bargaining agreements. Employees may also apply to utilize workshop and conference funds, and tuition reimbursement funds available through collective bargaining agreements to cover the cost of training and related travel expenses when such funds are available.

The vocational rehabilitation services portion of the Unified State Plan for Connecticut describes the procedures and activities the Bureau undertakes to establish and maintain a comprehensive system of personnel development designed to ensure an adequate supply of qualified rehabilitation personnel, including professionals and paraprofessionals, for the Bureau.

The State Rehabilitation Council participates in the development of plans and policies necessary to meet the requirements of the vocational rehabilitation section of the Unified State Plan.

Section 7. - Reversion to Donor

The Vocational Rehabilitation Program shall not accept donations that set forth as a condition, the reversion of the donation back to the donor in any form.

A reversion to donor situation exists when it can be established that the donor of a private donation placed conditions or restrictions, expressed or implied, on the expenditure of the donation, requiring that the funds be used in a manner that would benefit the donor, an individual with whom the donor has a close personal relationship, or shares a financial interest.

The purpose of this policy is to prevent funds from being channeled back to the original donor with the added benefit of federal or state matching funds.

In order for a reversion to donor problem to exist, the Vocational Rehabilitation Program must be in receipt of evidence that such a return of the donation was intended by the donor.

Accordingly, if a donor is subsequently awarded a contract or sub grant by the Vocational Rehabilitation Program under a fair and competitive process, with no evidence that the award was influenced by the donor's donation, a reversion to donor problem will not be found to exist.

Section 8. – Services to Individuals from Underserved Populations

The Vocational Rehabilitation Program is committed to providing an equal opportunity for individuals from

underserved populations to access the full scope of services that are available. To ensure equal access to all aspects of the Vocational Rehabilitation process, the Program will take the following actions:

- Direct service staff of the Program will receive training in cultural diversity on an annual basis.**
- Information and literature regarding community based resources for specific underserved populations will be distributed to Program staff to facilitate access.**
- The Program will enter into Memoranda of Understanding with community based organizations that serve individuals from underserved populations to encourage information exchange, referrals to access each other's services and outreach on topics related to vision loss.**
- Written materials provided to clients shall be made available to them in their preferred mode of communication and preferred language.**
- To the extent possible, and consistent with Affirmative Action hiring goals, the Program shall employ staff members who possess bilingual speaking and writing skills at sufficient levels necessary to address daily service delivery requests for clients who do not communicate in English.**
- Where staffing levels are not sufficient to ensure the immediate capacity to respond to inquiries from individuals who do not communicate in English, the Program shall contract with agencies and organizations that provide interpreter services in the preferred language of the individuals.**

In all situations where a person has identified himself or herself as Black or African American, American Indian or Alaska native, Asian, Native Hawaiian or other Pacific

Islander, or Hispanic or Latino, the Vocational Rehabilitation Counselor shall meet with the Vocational Rehabilitation Supervisor to review the circumstances prior to a decision to inactivate case services where an employment outcome has not been achieved. Such supervisory review shall confirm that all reasonable efforts were made by the Vocational Rehabilitation Counselor to offer full opportunity for participation in services. Examples of documented efforts include (but are not limited to) utilizing interpreter services to address language barriers or community based organizations to assist with outreach to the individual.

Section 9. – Electronic Communications and Use of Social Media with Clients of the Bureau

Clients of the Bureau may choose to use or not to use electronic communications to interact with staff to supplement in-person meetings. Examples of electronic communications include email, fax, and text messaging. Staff of the Bureau shall inform clients of the potential risks to confidentiality that is inherent in these technologies so that clients can make the best possible informed decisions as to whether or not to use electronic media for communications with staff of the Bureau.

While the Bureau has a secure data system that has firewall protections, there is no assurance that once communications leave the email server of the State of Connecticut that the information contained within the email is being received by a secured computer. Therefore, permission should be obtained by the client in advance of initiating the transmission of confidential information through email. Encryption and password protection of transmitted information will add a heightened level of security protection to the

communications. Transmittal of passwords should be in a separate email from the communication that contains the password protected document(s). Text messaging should only be used for brief and basic communication such as confirming an appointment date and time, or to notify a client of a change in an appointment time while in the field. Text messaging should not be utilized as a substitute for telephone or in person discussions.

It is important that Bureau staff obtain verification of the client's identify when communicating through email or text messaging. Advanced discussions with the client prior to engaging in the use of electronic communications will enable the staff person to establish whether other individuals have access to the computer, cell phone or tablet device the client uses for electronic communications. Where such scenarios are possible, the Bureau staff person must first establish with the client a methodology for confirming that the communications are not being inappropriately accessed by any other individual not authorized by the client to receive confidential information. Use of code words is one such example of a method for confirming that an email or text message received from a client is truly from the client and not another individual who has access to the device.

Where the Bureau staff person is transmitting a confidential email to a client in a situation where other individuals can gain unauthorized access to the information, providing the password directly to the client over a secured telephone line rather than through a follow up email is recommended.

Clients should be advised prior to agreeing or offering to use electronic communications that such communications are subject to inclusion in the client's case record of services.

Bureau staff must only use assigned state equipment for such electronic communications. Use of personal devices such as cell phones, tablets, smart phones and computers is not authorized for electronic communications with clients except in emergency situations where no other alternative is immediately available to alert the client of an imminent danger.

Clients should receive counseling on the types of available web-based media that can assist with job seeking and professional networking efforts. In providing such counseling, Bureau staff should educate the client to the risks in using such websites, and the ease in which others who frequent the web sites can gain access to posted information. Clients should further be advised to be aware of their social presence on websites that allow for sharing of personal information, photos and the posting of personal opinions. In particular, clients should be alerted that such postings are frequently accessible to a wide range of individuals who utilize the internet and could potentially expose the client to a risk of harm, as well as serving as a potential reflection of the client's opinions and perspectives on controversial issues, that a prospective employer could gain ready access to.

All web-based, chat-room or related communications between staff of the Bureau and clients whom the staff are providing or coordinating services for must be for professional purposes only that are directly connected with the work assignment. Communications should be exclusively on state issued equipment only. Social interactions such as "friending" assigned clients from personal accounts is not allowable. Additionally, staff of the Bureau shall respect the privacy and rights of clients to have a presence on social media and will not seek out information on clients through

web-based or social media sites that is not directly related to the provision or coordination of vocational rehabilitation services to assigned clients. Any sharing of information that a client provides to Bureau staff is subject to confidentiality requirements and may not be shared with other entities without a written and signed release of information.