



*State of Connecticut  
Department of Aging and Disability Services*

# **Bureau of Rehabilitation Services**

## **POLICY MANUAL**

Revised July 2018

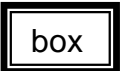
# INTRODUCTION

## USING THIS MANUAL

This manual is designed to provide staff with the philosophical and legal parameters around the vocational rehabilitation program. It provides the guiding principles which need to be followed in delivering services to consumers and a comprehensive coverage of the specific legal requirements that are in state and federal law and regulations. Purposefully, it is not a "cookbook". It is the role of staff to apply the guiding principles and law, coupled with sound professional judgment, in dealing with individual situations that may be encountered in delivering services to consumers of the agency. It is the responsibility of all staff to seek guidance from other staff members, as appropriate, when there are remaining questions.

This manual attempts to clearly delineate between that which is guidance and what is required under the law, as follows:

### Chapters I to IV

- All information contained in a  should be considered as guidance or guiding principles in carrying out the particular subject area covered. The information in a box at the beginning of each section contains general guiding principles. Other boxed information in the section generally gives more specific guidance pertaining to a particular legal requirement.
- The remainder of the information in these chapters contain the legal requirements for the specific subject areas.
- Terms that are defined in federal or state regulations are noted in italics, (e.g., *employment outcome*). The definitions for these terms are contained in Chapter I, Sec. 2.

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# **CHAPTER I**

## **VOCATIONAL REHABILITATION PROGRAM**

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## Chapter I – Vocational Rehabilitation Program

### Section 1 – Purpose

In carrying out the day-to-day operations of the agency, staff at all levels need to continually question whether the decision that is about to be made or the action that is about to be taken is consistent with the purpose of the vocational rehabilitation program:

- Is the decision/action for the purpose of assisting a *person with a disability* to enter or maintain gainful employment?
- Are our consumers full partners in the rehabilitation process, and have we ensured that our consumers are given opportunities to make *informed choices*? This means the person has meaningful options from which to choose and has the information necessary to make a choice that is fully informed.
- Are we primarily looking at the person's capabilities and strengths, trying to develop an IPE consistent with those abilities, or are we too focused on the deficits?
- Have we recognized and utilized families and natural supports as playing an important role in the individual's rehabilitation, if the individual so requests and needs these supports?
- Is our program comprehensive, coordinated, effective, efficient and accountable?
- Have we made maximum efforts to coordinate and collaborate with other agencies and organizations?
- Are our accountability measures facilitating accomplishment of the above?

## Legal Requirements

- A. Congress' purpose in authorizing the vocational rehabilitation program was to develop a comprehensive, coordinated, effective, efficient and accountable program of vocational rehabilitation which is:
1. an integral part of the workforce investment system;
  2. designed to assess, plan, develop and provide vocational rehabilitation services for an *individual with a disability*, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, *informed choice*, and economic self-sufficiency. So that they may prepare for and engage in *competitive integrated employment*.
- B. The vocational rehabilitation program must be consistent with these principles:
1. *Individuals with a disability* are presumed capable of engaging in *competitive integrated employment*; and, vocational rehabilitation services can improve their ability to achieve *competitive integrated employment*.
  2. Consumers must be provided opportunities to obtain *competitive integrated employment*.
  3. Consumers must be active and full partners in the vocational rehabilitation process, making meaningful and *informed choices* during assessments, in choosing an *employment outcome*, services needed to achieve the outcome, providers of service and methods used to secure services;
  4. Families and natural supports can play important roles in the success of the individual, if she/he requests or needs these supports;
  5. Trained vocational rehabilitation counselors and other qualified personnel facilitate the accomplishment of the *employment outcomes* and objectives of the consumer;
  6. Consumers and their *representatives* are full partners in a vocational rehabilitation program and must be involved on a regular basis in policy development and implementation;
  7. Accountability measures must facilitate the accomplishment of the goals and objectives of the program.

## Chapter I – Vocational Rehabilitation Program

### Section 2 – Definitions

The following definitions apply to this manual:

#### **Appropriate Modes of Communication**

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

#### **Assistive Technology Device**

Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of an *individual with a disability*.

#### **Assistive Technology Service**

Any service that directly assists an *individual with a disability* in the selection, acquisition, or use of an *assistive technology device*, including:

- A. The evaluation of the needs of an *individual with a disability*, including a functional evaluation of the individual in his or her customary environment;
- B. Purchasing, leasing, or otherwise providing for the acquisition by an *individual with a disability* of an *assistive technology device*;
- C. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing *assistive technology devices*;
- D. Coordinating and using other therapies, interventions, or services with *assistive technology devices*, such as those associated with existing education and rehabilitation plans and programs;
- E. Training or technical assistance for an *individual with a disability* or, if appropriate, the *family members*, guardians, advocates, or authorized *representatives* of the individual; and
- F. Training or technical assistance for professionals (including individuals providing education and rehabilitation services) employers, or others who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities, to the extent that training or technical assistance is necessary to the achievement of an *employment outcome* by an *individual with a disability*.

#### **Commensurate**

With respect to the comparison of various programs or services, those programs or services which will enable the consumer to, as applicable:

- A. Complete the assessment for determining eligibility and priority for services;
- B. Complete the assessment for determining rehabilitation needs; or
- C. Achieve an *employment outcome*

### **Community Rehabilitation Program**

A program that provides directly or facilitates the provision of one or more of the following vocational rehabilitation services to individuals with disabilities, to enable those individuals to maximize their opportunities for employment, including career advancement:

- A. Medical, psychiatric, psychological, social, and vocational services;
- B. Testing, fitting, or training in the use of prosthetic and orthotic devices;
- C. Recreational therapy;
- D. Physical and occupational therapy;
- E. Speech, language, and hearing therapy;
- F. Psychiatric, psychological, and social services, including positive behavior management;
- G. Assessment for determining eligibility and vocational rehabilitation needs;
- H. *Rehabilitation technology*;
- I. Job development, placement, and retention services;
- J. Evaluation of specific disabilities;
- K. Orientation and mobility services for individuals who are blind;
- L. Extended employment;
- M. Psychosocial rehabilitation services;
- N. *Supported employment services* and *extended services*;
- O. Customized employment;
- P. Services to *family members* when necessary to the vocational rehabilitation of the individual;
- Q. *Personal assistance services*;
- R. Services similar to the services described in paragraphs (A) through (Q) of this definition. For the purposes of this definition, the word program means an agency, organization, or institution, or unit of an agency, organization, or institution, that provides directly or facilitates the provision of vocational rehabilitation services as one of its major functions.

### **Comparable Services and Benefits**

Services and benefits including accommodations and auxiliary aids and services that are:

- A. provided or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits;
- B. available to the individual at the time needed to ensure the progress of the individual toward achieving the *employment outcome* in the individual's employment plan; and
- C. *commensurate* to the services that the individual would otherwise receive from the bureau.

### **Competitive integrated employment**

Work that is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that:

- A. Is not less than the higher of the rate specified in the Fair Labor Standards Act of 1938 or the rate required under the applicable State or local *minimum wage* law for the place of employment;
- B. Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and,
- C. In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities; and



who are self-employed in similar occupations or on similar tasks; and who have similar training, experience and skills.

- D. Is eligible for the level of benefits provided to other employees and is at a location:
1. Typically found in the community; and
  2. Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site and, as appropriate, to the work performance, other persons (e.g. customers and vendors) who are not individuals with disabilities (not including supervisory personnel, or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and
  3. Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

**Comprehensive Transition and Postsecondary Program for Students with Intellectual Disabilities**

A degree, certificate, or non-degree program that:

- A. is offered by an *institution of higher education*;
- B. is designed to support students with intellectual disabilities who are seeking to continue academic, career, technical, and independent living instruction at an *institution of higher education* in order to prepare for gainful employment;
- C. includes an advising and curriculum structure;
- D. requires students with intellectual disabilities to participate on not less than a half-time basis, as determined by the institution with such participation focusing on academic components and occurring through one or more of the following activities:
  1. Regular enrollment in credit-bearing courses with students who do not have disabilities offered by the institution;
  2. Auditing or participating in courses with students who do not have disabilities offered by the institution for which the student does not receive regular academic credit;
  3. Enrollment in noncredit-bearing, nondegree courses with students who do not have disabilities;
  4. Participation in internships or work-based training in settings with students who do not have disabilities.

**Credential Attainment**

Refers to the receipt of a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from an education or training program with the exception of on the job training (OJT) or customized training.

**Customized Employment**

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 with a significant disability; is designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer; and is carried out through flexible strategies, such as:

- A. Job exploration by the individual; and
- B. Working with an employer to facilitate placement including:

1. Customizing a job description based on current employer needs or on previously unidentified and unmet employer needs;
2. Developing a set of job duties, a work schedule and job arrangement, and specifics of supervision (including performance evaluation and review), and determining a job location;
3. Using a professional *representative* chosen by the individual, or if elected self-representation, to work with an employer to facilitate placement; and
4. Providing services and supports at the job location.

### **Employment outcome**

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

### **Entity**

An employer, or a contractor or subcontractor of the employer, that holds a *special wage certificate* described in section 14(c) of the Fair Labor Standards Act

### **Experimental Procedure**

A medical, rehabilitation, educational or related service, device or methodology which is unproven or is not generally accepted as effective within the professional discipline best able to evaluate the procedure.

### **Extended services**

*Ongoing support services*; and other appropriate services that are:

- A. needed to support and maintain an *individual with a most significant disability* including a youth with a most significant disability, in *supported employment*;
- B. organized or made available, singly or in combination, in such a way as to assist an eligible individual in maintaining *supported employment*;
- C. based on the needs of an eligible individual, as specified in an individualized plan for employment;
- D. provided by a state agency, a private nonprofit organization, employer, or any other appropriate resource, after an individual has made the transition from support from the designated state unit; and
- E. provided to a youth with a most significant disability by the designated state unit in accordance with requirements set forth in WIOA or a period not to exceed four years, or at such time that a youth reaches age 25 and no longer meets the definition of a *youth with a disability*, whichever occurs first. The designated state unit may not provide *extended services* to an *individual with a most significant disability* who is not a youth with a most significant disability.

### **Extreme Medical Risk**

A probability of substantially increasing functional impairment or death if medical services, including mental health services, are not provided expeditiously.

### **Family Member**

For purposes of receiving vocational rehabilitation, refers to a person who either:

- A. Is a relative or guardian of applicant or eligible individual; or

- B. Lives in the same household as an applicant or eligible individual:
  - 1. who has substantial interest in the well-being of that individual; and
  - 2. whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible individual to achieve an *employment outcome*.

**Impartial Hearing Officer**

An individual who:

- A. is not an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an *institution of higher education*). An individual is not considered to be an employee of a public agency for the purposes of this definition solely because the individual is paid by the agency to serve as a hearing officer;
- B. is not a member of the BRS State Rehabilitation Council;
- C. has not been involved previously in the vocational rehabilitation of the applicant or the consumer;
- D. has knowledge of the delivery of vocational rehabilitation services, the State Plan, and the federal and state regulations governing the provision of services;
- E. has received training with respect to the performance of official duties; and
- F. has no personal, professional, or financial interest that would be in conflict with the objectivity of the individual.

**Individual with a Disability**

An individual who:

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

**Individual with a Most Significant Disability**

*An individual with a significant disability who has serious limitations in a total of four or more functional areas (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance or work skills) in terms of an employment outcome;*

**Individual with a Significant Disability**

*An individual with a disability:*

- A. Who has a severe *physical or mental impairment* which seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an *employment outcome*;
- 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, intellectual disability, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia, 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.

### **Informal Review**

An informal procedure through which the bureau affords an opportunity to a consumer, or if appropriate, his or her parent, guardian or other *representative*, to express and seek remedy for dissatisfaction with any determinations made by the bureau concerning the provision or denial of such services. An *informal review* does not constitute a "contested case" within the meaning of the Connecticut General Statutes.

### **Informed Choice**

*Informed choice* means that the consumer:

- A. has meaningful options from which to choose;
- B. understands his or her abilities, capabilities and interests related to the *employment outcome*; and
- C. participates in a planning process with bureau staff which considers such issues as:
  1. Relevant factors regarding choices made in the rehabilitation process. This includes, but is not limited to, service provider effectiveness and consumer satisfaction, relative cost of service options and labor market trends; and
  2. Applicable laws, regulations, state plan provisions and policy which establish parameters within which choices must be made.

### **Institution of Higher Education**

A university, college, junior college, community college, vocational school, technical school or other postsecondary institution legally authorized to provide a program of education beyond secondary education.

### **Integrated Setting**

- A. With respect to the provision of services, means a setting typically found in the community in which consumers interact with individuals who do not have disabilities other than individuals who are providing services to those consumers.
- B. With respect to an *employment outcome*, a setting typically found in the community in which consumers interact with individuals who do not have disabilities, other than individuals who are providing services to those consumers, to the same extent that individuals who do not have disabilities in comparable positions interact with other persons.

### **Maintenance**

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

### **Measureable Skill Gain**

Documented academic, technical, or occupational progress obtained during or by participation in an education or training program that leads to a recognized postsecondary credential or employment. Depending on the type of education or training program, documented progress is defined as one of the following:

- A. Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary educational level;
- B. Documented attainment of a secondary school diploma or its recognized equivalent

- C. Secondary or postsecondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the BRS' academic standards;
- D. Satisfactory or better progress report towards established milestones, such as completion of OJT or completion of one year of an apprenticeship program or similar milestones, from an employer or training provider who is providing training; or
- E. Successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks such as knowledge-based exams.

### **Mediation**

The act or process of using an independent third party to act as a mediator, intermediary, or conciliator to assist persons or parties in settling differences or disputes prior to pursuing formal administrative or other legal remedies. The mediator must be a qualified impartial mediator.

### **Minimum Wage**

The *minimum wage* in the state where the person is employed.

### **Ongoing Support Services**

As used in the definition of *supported employment*, means services that:

- A. Are needed to support and maintain an *individual with a most significant disability*, including a youth with a most significant disability, in *supported employment*;
- B. Are identified based on a determination by the designated state unit of the individual's need as specified in an individualized plan for employment;
- C. Are furnished by the designated state unit from the time of job placement until transition to *extended services*, unless *post-employment services* are provided following transition, and thereafter by one or more *extended services* providers throughout the individual's term of employment in a particular job placement;
- D. Include an assessment of employment stability and provision of specific services or the coordination of services at or away from the worksite that are needed to maintain stability based on:
  - 1. At a minimum, twice-monthly monitoring at the worksite of each individual in *supported employment*; or
  - 2. If under specific circumstances, especially at the request of the individual, the individualized plan for employment provides for off-site monitoring, at least twice monthly meetings with the individual;
- E. Consist of:
  - 1. Any specific assessment supplementary to the comprehensive assessment of rehabilitation needs;
  - 2. The provision of skilled job trainers who accompany the individual for intensive job skill training at the work site;
  - 3. Job development and training;
  - 4. Social skills training;
  - 5. Regular observation or supervision of the individual;
  - 6. Follow-up services including regular contact, if applicable, with the employers, the individuals, the parents, *family members*, guardians, advocates or authorized *representatives* of the individuals, and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement;
  - 7. Facilitation of natural supports at the worksite;

8. Any other service identified in the scope of vocational rehabilitation services for individuals, or
9. Any service similar to the foregoing services.

### **Personal Assistance Services**

A range of services designed to assist an *individual with a disability* to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability. The services must be designed to increase the individual's control in life and ability to perform everyday activities on or off the job. The services must be necessary to the achievement of an *employment outcome* and may be provided only while the individual is receiving *other* vocational rehabilitation services. The services may include training in managing, supervising and directing *personal assistance services*.

### **Physical or Mental Impairment**

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

### **Potentially Eligible**

All students with disabilities.

### **Post-employment Services**

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 strengths, resources, priorities, concerns, abilities, capabilities, interests and *informed choice*.

### **Pre-employment Transition Services**

Required activities available in collaboration with local education agencies to all students in the state who are eligible or *potentially eligible* for vocational rehabilitation services.

### **Rehabilitation Engineering**

The systematic application of engineering sciences to design, develop, adapt, test, evaluate, apply, and distribute technological solutions to problems confronted by individuals with disabilities in functional areas, such as mobility, communications, hearing, vision, and cognition, and in activities associated with employment, independent living, education, and integration into the community;

### **Rehabilitation Technology**

The systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, *individuals with disabilities* in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes *rehabilitation engineering, assistive technology devices, and assistive technology services*.

### **Representative or Individual's Representative**

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

### **Special Wage Certificate**

A certificate issued to an employer under section 14(c) of the Fair Labor Standards Act that authorizes payment of subminimum wages, wages less than the statutory *minimum wage*.

### **Student with a Disability**

An *individual with a disability* in a secondary, postsecondary or other recognized education program who is:

- A. between the ages of 16 and 21, and
- B. eligible for, and receiving special education or related services under Part B of the Individuals with Disabilities Education Act, or
- C. an *individual with a disability*, for purposes of section 504 of the Rehabilitation Act of 1973.

### **Substantial Impediment to Employment**

A *physical or mental impairment* (in light of attendant medical, psychological, vocational, educational, and other related factors) that hinders an individual from entering into, engaging in, advancing in, retaining or preparing for employment consistent with the individual's capacities and abilities;

### **Supported Employment**

- A. *Competitive integrated employment*, including *customized employment*, or employment in an integrated work setting in which an *individual with a most significant disability*, including a youth with a most significant disability, 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 *ongoing support services* for individuals with the most significant disabilities:
  1. For whom *competitive integrated employment* has not historically occurred, or for whom *competitive integrated employment* has been interrupted or intermittent as a result of a significant disability; and
  2. Who, because of the nature and severity of their disabilities, need intensive *supported employment services* and *extended services* after the transition from support provided by the designated state unit, in order to perform this work.
- B. For purposes of this part, an *individual with a most significant disability*, whose *supported employment* in an *integrated setting* does not satisfy the criteria of *competitive integrated employment*, is considered to be working on a short-term basis toward *competitive integrated employment* so long as the individual can reasonably anticipate achieving *competitive integrated employment*:
  1. within six months of achieving a *supported employment outcome*; or
  2. in limited circumstances, within a period not to exceed 12 months from the achievement of the *supported employment outcome*, if a longer period is necessary based on the needs of the individual, and the individual has demonstrated progress toward competitive earnings based on information contained in the service record.

### **Supported Employment Services**

Ongoing support services, including *customized employment*, and other appropriate services needed to support and maintain an *individual with a most significant disability*, including a youth with a most significant disability, in *supported employment* that:

- A. are organized and made available, singly or in combination, in such a way as to assist an eligible individual to achieve *competitive integrated employment*;
- B. based on a determination of the needs of an eligible individual, as specified in an individualized plan for employment;
- C. provided by the designated state unit for a period of time not to exceed 24 months, unless under special circumstances the eligible individual and the rehabilitation counselor jointly agree to extend the time to achieve the *employment outcome* identified in the individualized plan for employment; and
- D. 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.

### **Transition Services**

A coordinated set of activities for a *student with a disability* or a *youth with a disability* designed within an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment, *supported employment*, continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based upon the individual student's or youth'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 evaluation. *Transition services* must promote or facilitate the achievement of the *employment outcome* identified in the student's or youth's individualized plan for employment that includes outreach to and engagement of the parents, or, as appropriate, the *representative* of such student or *youth with a disability*.

### **Youth with a Disability**

An *individual with a disability* between the ages of 14 and 24.



## Chapter I – Vocational Rehabilitation Program

### Section 3 – General Provisions

In making a decision concerning the provision of services, the necessity of that service needs to be evaluated:

- Is it cost efficient?
- Are there other less costly services which will accomplish the same goal?
- Is there likelihood that the services under consideration will succeed in achieving the desired result?
- Can in-state services be offered that will achieve the goal?
- Are we ensuring that services are provided in a non-discriminatory manner?
- Are we being accountable with of our fiscal procedures?

#### Legal Requirements

##### A. Non-Discrimination

BRS cannot discriminate against a consumer on the grounds of creed, race, age, color, ancestry, national origin, gender, marital status, religion, or physical or mental disability. BRS shall apply the same eligibility requirements to Native Americans as is applied to the rest of the consumer population.

##### B. Necessity of Services

In cases where a consumer chooses goods or services which are beyond those necessary to render the individual employable or which are at a higher cost to BRS than necessary in providing a *commensurate* service, BRS is not responsible for the additional cost.

##### C. Payment for *Experimental Procedures*

BRS is not responsible for the provision of procedures which are determined by BRS to be experimental. In cases where BRS has made such a determination, the consumer has the burden of proving (by clear and convincing evidence) that the procedure is not experimental.

##### D. Preference for In-State Services

Preference must be given to services provided within the State of Connecticut. Exceptions may be made when either:

1. There are no *commensurate* services offered within this state, or

2. Out-of-state services can be provided at a lower total cost to BRS. In such cases where a *commensurate* BRS service is available to the consumer within Connecticut at a lower cost than an out-of-state option, the individual may choose to pay the additional cost of the out-of-state option.

E. Authorization for Services

A written authorization must be made before the provision of goods or services. Verbal authorization may be made before or at the time of the provision of goods or services, but only if there is approval of the BRS Director or his/her designee. BRS is not responsible for retroactive authorization of goods or services; unless it is determined by clear evidence that preauthorization was not made due to BRS error.

Regional Directors have been designated the authority to make verbal authorization.

- F. BRS may set a fee schedule to ensure reasonable costs and it may establish time periods for the provision of services. However, BRS may not impose absolute time or dollar limits on the provision of specific service categories or on the total services provided to a consumer. The duration of each service needed by a consumer must be determined on an individual basis.

## Chapter I – Vocational Rehabilitation Program

### Section 4 – Informed Choice

Consumers must be given opportunities to make *informed choices* throughout the rehabilitation process. This means that the role of staff must be to educate or otherwise ensure that consumers get the information needed to identify options and make *informed choices*, rather than to make decisions for the consumer. Choices that consumers make need to be honored if they are consistent with the purpose, goals and parameters of the vocational rehabilitation program. However, if choices made by consumers are inconsistent with the goals of the vocational rehabilitation program or rules governing the program, BRS cannot provide support for that choice.

#### Legal Requirements

- A. *Informed choice* means that the consumer:
  - 1. has meaningful options from which to choose;
  - 2. understands their abilities, capabilities and interests related to the *employment outcome*; and
  - 3. participates in a planning process with BRS staff which considers such issues as:
    - a. relevant factors regarding choices made in the rehabilitation process. This includes, but is not limited to, service provider effectiveness; consumer satisfaction; relative cost of service options; and labor market trends;
    - b. applicable laws, regulations, state plan provisions and policy which establish parameters within which choices must be made;
- B. If a consumer makes an *informed choice* to pursue uncompensated employment (e.g. homemaker or unpaid family worker outcomes) or any other outcome that does not meet the definition of *employment outcome*, they may still do so, but not with the assistance of the VR program. BRS is required to refer that consumer to other federal, state, or local programs and providers that can meet the consumer's needs for related services.
- C. BRS is required to provide consumers with sufficient information concerning the scope of the VR program and *competitive integrated employment* opportunities,

In addition to these factors, implementing *informed choice* should also insure that the consumer has skills for evaluating the information and making decisions, has access to information about the consequences of various options, and understands their responsibilities for choices that are implemented.

- D. Consumers must be informed through *appropriate modes of communication* about the availability of 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.
- E. Consumers must be given the opportunity to make meaningful choices:
  - 1. during assessments for determining eligibility and vocational rehabilitation needs;
  - 2. in the selection of *employment outcomes*;
  - 3. in the selection of services needed to achieve the *employment outcome*;
  - 4. in selecting service providers;
  - 5. in selecting an employment setting in which the services will be provided; and
  - 6. in selecting the methods used to procure services.
- F. BRS must provide consumers (or if appropriate their *representatives*) or must assist them in acquiring information necessary to make an *informed choice* about the specific vocational rehabilitation services needed to achieve the *employment outcome* and the providers of those services. This information must include, at a minimum, information about:
  - 1. cost, accessibility, and duration of potential services;
  - 2. consumer satisfaction with those services, to the extent that this information is available;
  - 3. qualifications of potential service providers;
  - 4. types of services offered by the potential providers;
  - 5. the degree to which services are provided in an *integrated setting*; and
  - 6. outcomes achieved by individuals working with service providers, to the extent that this information is available.
- G. Sources of information concerning services and service providers that BRS may use include, but are not limited to:
  - 1. lists of services and service providers;
  - 2. periodic consumer satisfaction surveys and reports;
  - 3. referrals to other consumers, consumer groups, or disability advisory councils qualified to discuss the services or service providers;
  - 4. relevant accreditation, certification or other information related to the qualifications of service providers;
  - 5. opportunities for the individual to visit or experience various work and service provider settings.

## Chapter I – Vocational Rehabilitation Program

### Section 5 – Confidentiality

Staff is responsible for ensuring the confidentiality of any information received about a consumer of the agency, including whether or not an individual is a BRS consumer. The case file should be considered the consumer's file. The consumer has a right to examine any information that is obtained about the consumer, unless there is danger of harm to the consumer or the third party who provided the information prohibits release.

#### Legal Requirements

- A. All information pertaining to a consumer must be kept confidential, regardless of whether the consumer has applied for, or been determined eligible for vocational rehabilitation services. Information concerning the individual may not be released without the individual's written consent.

In other situations where staff believes information must be released without the consumer's signed consent to protect the safety of the consumer or others, the case should be discussed with the Bureau Director or Bureau Chief, and the decision to release made at that level, except in an emergency which may require immediate action.

Staff should consult with appropriate Central Office staff concerning release of information when a subpoena is received.

- B. Consumers and, as appropriate, their *representatives*, service providers, cooperating agencies and interested persons must be informed of the confidentiality of personal information and the conditions for accessing and releasing this information.
- C. All consumers or their *representatives* must be informed about BRS's need to collect personal information and policies governing its use, including:
1. an explanation of the principal purposes for which BRS intends to use or release the information;
  2. an explanation of whether providing requested information is mandatory or voluntary and the effects of not providing requested information;
  3. identification of those situations where BRS does not require informed written consent before information is released; and
  4. identification of other agencies to which information is routinely released.
  5. within the Department of Rehabilitation Services, consumer information may be shared between all programs except Disability Determination.

- D. All personal information in BRS's possession concerning a consumer must only be used for purposes directly connected with the administration of the vocational rehabilitation program.
- E. Information in a consumer's record must be made accessible to the individual, except as noted in paragraphs (F) and (I) below. If requested by the consumer, the information must be released to the consumer (or consumer's *representative*, at the consumer's request) in a timely manner. When a consumer receives their file, they must sign indicating that they have received it. Counselors need to review the case prior to release to the consumer, to determine if any content would prove harmful (see paragraph F. below).
- F. Medical, psychological or other information that BRS determines may be harmful to the individual may not be released directly to the individual but must be provided through a third party chosen by the consumer, such as an advocate, medical or mental health professional, unless a *representative* has been appointed by a court. If the consumer does have a court-appointed *representative*, that *representative* is the person to whom the information would be released.
- G. With written consent from the consumer, personal information may be released to another agency or organization, for its program purposes only. This information may only be released to the extent that it may be released to the consumer or consumer's *representative*, and only to the extent that the other agency or organization demonstrates that the information requested is necessary for its program.
- H. If records to be released are related to psychiatric, psychological, alcohol/substance abuse or HIV/AIDS issues, the consumer must specifically permit release of this type of information in a signed consent form. In addition, the following statements must be attached to the information, as applicable:
1. Records related to HIV/AIDS must be accompanied by the following statement:  
"This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose."
  2. Records related to psychological or psychiatric information must be accompanied by the following statement:  
"The confidentiality of this record is required under the Connecticut General Statutes. This material shall not be transmitted to anyone without written consent or other authorization as provided in the aforementioned statutes."
  3. Records related to drug or alcohol abuse diagnosis, prognosis or treatment must be accompanied by the following statement:  
"This information has been disclosed to you from records protected by federal confidentiality rules. The federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by federal confidentiality rules. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The federal rules

restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.”

Staff may attach a properly signed BRS disclosure form to comply with the above requirements.

- I. If personal information has been obtained from a third party, it may be released only by, or under the conditions established by, that third party.

The Attorney General's office has interpreted this to mean that BRS can re-disclose third party information, provided re-disclosure does not violate conditions set by the third party and the consumer gives their written consent.

## Chapter I – Vocational Rehabilitation Program

### Section 6 - Record of Services

The record of services should be used to meet legal requirements, and also as a tool for the counselor and consumer to document significant events and case progress. Case notes should be concise, yet contain sufficient details to allow the reader to understand what is happening with the case and the rationale for decisions/actions made by BRS. The case notes should include facts and may include an analysis of the facts, to the extent appropriate to the vocational rehabilitation profession. The case record is joint property between BRS and each consumer. Entries in the case record should be written with the full expectation that the consumer or their *representative* will read it.

#### Legal Requirements

- A. BRS record of services for each consumer must contain the following documentation, to the extent pertinent:
1. If the individual is determined eligible, documentation supporting the eligibility determination;
  2. If the individual is determined ineligible, documentation supporting that determination;
  3. If the case is closed for reasons other than an ineligibility determination, justification for closing the case;
  4. Documentation supporting that the individual has a significant disability or most significant disability, if applicable;
  5. If the individual requires trial work experiences to determine whether they can benefit from services, the plan and documentation supporting the need for this evaluation;
  6. The Individual Plan for Employment (IPE) and any amendments;
  7. The extent to which the consumer exercised *informed choice* regarding the provision of assessment services and the development of the IPE, including the selection of the specific *employment outcome*, services needed to achieve that goal, service providers, the employment setting in which the services will be provided, and methods to procure the services;
  8. If *supported employment* does not meet criteria for *competitive integrated employment*, justification for this decision and documentation that consumer is working on a short term basis towards competitive employment in an *integrated setting*.
  9. Verification that the individual is earning at or above *minimum wage*, and that the wage and benefits are not less than that paid by the employer to persons without disabilities doing the same or similar work.



10. Results of semi-annual and annual reviews for consumers working in extended employment and/or earning less than *minimum wage*, the consumer's input in the reviews and the consumer's (or, if appropriate, the consumer's *representative's*) acknowledgement that those reviews were conducted;
  11. Documentation concerning any action or decision made as a result of an *informal review, mediation* or administrative hearing;
  12. Documentation describing strategies and scope of services for interagency referral and collaboration provided by BRS to consumer, including federal, state and local programs within the statewide workforce development system.
  13. If the case is closed as successfully employed, documentation that all of the requirements for this type of closure are met, including documentation that demonstrates that the services provided under the IPE contributed to the achievement of the *employment outcome*.
- B. A consumer who believes that information in their case record is inaccurate or misleading may request that BRS amend the information. If BRS does not amend the information, the consumer's request for an amendment must be documented in the case record.

## Chapter I – Vocational Rehabilitation Program

### Section 7 – Informal Reviews, Mediation and Administrative Hearings

BRS encourages consumers and staff to attempt to resolve issues on an informal basis. Staff and consumers should consult with the appropriate supervisor, district director or central office representative when there is an unresolved disagreement about the provision of services or other program issue.

Even though the BRS should try to resolve disputes as informally as possible, *informal reviews, mediation* and administrative hearings are a legal right available to consumers. It is therefore imperative that consumers be informed of the availability of these procedures, and the 30-day timeframes that they must follow to exercise their rights.

#### Legal Requirements

##### A. General Provisions

1. Consumers must be informed of the right to *mediation* and administrative hearing at the time the individual applies for services, at the time of eligibility and determination of priority, at the time the IPE is developed and upon reduction, suspension or cessation of vocational rehabilitation services.
2. Consumers may be granted an *informal review, mediation* and/or administrative hearing when dissatisfied with any determination made by personnel of BRS that affect the provision of vocational rehabilitation services.
3. A request for an *informal review, mediation* and/or administrative hearing must be in writing or other form of communication appropriate to the consumer's disability needs. It must contain a clear and concise statement of the issue(s) to be addressed, and must be received within the allowable timeframes (described below).
4. Consumers have the option of first going to an *informal review and/or mediation*, or they may choose to bypass these steps and go immediately to an administrative hearing. *Mediation* will be held, however, only by mutual agreement of the consumer **and** BRS. BRS cannot use the *informal review or mediation* to deny or delay the individual's right to an administrative hearing.
5. Consumers have the right to present evidence and to have representation in *informal reviews, mediation*, and administrative hearings. However, the consumer is responsible for any fees incurred by having representation.

6. Information in the case file must be made available to the consumer or their *representative*. Medical, psychological or other information which BRS determines may be harmful to the consumer cannot be released directly to the consumer, but must be provided through the consumer's designated *representative*.
7. *Informal reviews, mediation* and administrative hearings will be held at an accessible location during working hours or at a time and place mutually agreed upon by the parties and approved by the reviewer, mediator or *impartial hearing officer*.
8. Services that are being provided when an *informal review, mediation* or administrative hearing request is received may not be suspended, reduced or terminated pending a decision by the *impartial hearing officer* or DORS Commissioner.  
Services that are being provided means the following:
  - a. For persons in the process of being evaluated for eligibility, continuation of the eligibility determination;
  - b. For persons who are in the process of an evaluation for rehabilitation needs, continuation of evaluations needed for IPE development;
  - c. For persons who have an approved IPE, continuation of the services agreed to in the plan, using whatever timeframes, costs, or other parameters that are spelled out in the plan.

## **B. Informal Review**

1. *Informal reviews* are conducted by BRS staff, as designated by the Bureau Director.

**Regional directors, consultants, and vocational rehabilitation supervisors are the individuals generally designated to conduct *informal reviews*.**

2. Requests for an *informal review* must be addressed to the respective regional director and received by BRS within 30 days after the date BRS notifies the consumer of the decision which they are appealing.
3. The *informal review* must be scheduled within a timely manner.
4. Failure to appear at a scheduled review is a waiver of the right to a review. The reviewer may dispose of the matter, or if the defaulted party submits a request for rescheduling within 10 days for good cause, the review may be rescheduled.
5. More than two requests to reschedule a review will result in the cancelation of the review and the decision made by BRS will be upheld.

## **C. Mediation**

1. Requests for *mediation* must be received within 30 days of the date of notification of the BRS decision which the consumer is appealing or mailing of the *informal review* decision, whichever is later.
2. Participation in *mediation* is a voluntary process, and will be held only if both the consumer and BRS agree to be involved in the process.

3. BRS may deny a request for *mediation* in cases where it is not likely that *mediation* will resolve the issue. In such cases, the consumer may request to pursue an administrative hearing.
4. At any point in 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 of the issue through an administrative hearing.
5. *Mediation* must be conducted by a qualified mediator, who is skilled in conducting *mediation*, and knowledgeable of the vocational rehabilitation program.
6. The mediator may be chosen on a random basis, by mutual agreement of the Bureau Director and the consumer, or in accordance with a procedure established by BRS, provided this procedure assures the neutrality of the mediator.
7. Discussions that occur during *mediation* must be kept confidential and may not be used as evidence in a later hearing or litigation.
8. The *mediation* agreement, if applicable, must be in writing.
9. BRS is not bound by terms in the *mediation* agreement if the issues resolved in a *mediation* agreement are later appealed in an administrative hearing or court.
10. BRS may offer *mediation* in cases other than those instances where the individual requests *mediation* or an administrative hearing.

*Mediation* is a valuable resource in many cases where more informal resolution of an issue is not possible. Since a resolution using *mediation* is the result of both parties coming to an agreement, this potentially leads to a better, more amicable solution than adversarial procedures, such as an administrative hearing. However, note that staff need to obtain regional director approval before offering *mediation* to consumers who have not formally requested a hearing or *mediation*.

#### **D. Administrative Hearing**

1. Administrative hearings must be held before an *impartial hearing officer* who is not an employee of BRS.
2. Requests for administrative hearings must be received by the Bureau Director within 30 days of the latter of (as applicable):
  - a. The date of notification of the BRS decision which the consumer is appealing;
  - b. Mailing of the *informal review* decision; or
  - c. Completion of *mediation*. *Mediation* is considered “completed” when an agreement is signed or *mediation* is formally terminated. In the absence of either an agreement or formal termination, it is considered completed at the last *mediation* session held.
3. The administrative hearing must be held within 60 days of receipt of the request for an administrative hearing, unless the consumer and BRS agree to an extension. That extension should not exceed 60 days unless both the consumer and BRS agree.

4. After two (2) requests to reschedule, the third scheduled hearing will take place. If the consumer does not attend, BRS may ask the hearing officer to dismiss.
5. The *impartial hearing officer* must render a decision within 30 days of completion of the hearing.
6. Either the consumer or BRS may request that the DORS Commissioner review the *impartial hearing officer's* decision. The request must be received within 20 days after the mailing of the *impartial hearing officer's* decision.
7. Either the consumer or BRS may appeal the commissioner's decision (or hearing officer's decision if there was no review by the commissioner) to state or federal court.

## Chapter I – Vocational Rehabilitation Program

### Section 8 – Pre-Employment Transition Services

BRS plays an important role in the transition of *students with a disability*, ages 16-21 to work as defined by WIOA. While a student is in the public education system, the local school system has the primary responsibility for services needed for the student.

BRS provides *pre-employment transition services* (referred to as Level Up in Connecticut) to students while in secondary, postsecondary and WIOA approved training programs.

#### Legal Requirements

- A. BRS will collaborate with the Local Education Authorities (LEAs) to provide, or arrange for the provision of *pre-employment transition services* for all *students with a disability*. BRS will provide or make services available statewide for *potentially eligible students with a disability* regardless of whether the student has applied for or been determined eligible for services.
- B. The provision and service coordination of *pre-employment transition services* does not reduce the responsibility of the local educational agencies or any other agencies under the Individuals with Disabilities Education Act (IDEA) to provide or pay for *transition services* that are also considered to be special education or related services under the IDEA necessary for the provision of a free appropriate public education to *students with a disability*.
- C. BRS must provide required services or arrange for the provision of the following *pre-employment transition services*:
  1. Job exploration counseling;
  2. Work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an *integrated setting* in the community to the maximum extent possible;
  3. Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational program 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 a disability* working in *competitive integrated employment*).
- D. If *pre-employment transition services* funds are available and remaining after the provision of the required activities, the provision of authorized activities may be used to improve the transition of *students with a disability* from school to postsecondary education or an *employment outcome*.

- E. *Pre-employment transition services* coordination may consist of these responsibilities:
1. Attending individualized education program meetings for *students with a disability*;
  2. Working with local workforce development boards, one-stops, and employers to develop work opportunities for students;
  3. Working with schools, including those carrying out activities under section 614(d) of the IDEA, to coordinate and ensure the provision of *pre-employment transition services*.
  4. Attend person centered planning meetings for individuals receiving services under Title XIX of the Social Security Act.

## Chapter I – Vocational Rehabilitation Program

### Section 9 - Limitations on the Use of Subminimum Wage

BRS must ensure that individuals with disabilities, especially *youth with disabilities*, have a meaningful opportunity to prepare for, obtain, maintain, advance in, or regain *competitive integrated employment*, including *supported employment* or *customized employment*.

#### Legal Requirements

- A. BRS is responsible for documenting for *youth with a disability* (ages 16-24) known to be seeking subminimum wage employment the results of the following:
  - 1. *Pre-employment transition services* provided to the *student with a disability*, or *transition services* provided by the LEA; and
  - 2. Application for vocational rehabilitation services with the result that the individual was determined:
    - a. ineligible for vocational rehabilitation services because the individual cannot benefit from services in terms of an *employment outcome*, or
    - b. eligible for vocational rehabilitation services and
      - i. the *youth with a disability* has an approved IPE.
      - ii. the *youth with a disability* was unable to achieve the *employment outcome* as specified in the IPE 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.
      - iii. the *youth with a disability's* case record is closed.
- B. BRS responsibilities to *individuals with a disability* known to be employed at a subminimum wage level:
  - 1. BRS must provide career counseling, information and referral services, regardless of age, to *individuals with a disability*, or the *individual's representative* as appropriate, who are known by BRS to be employed by a 14(c) certificate holder at a subminimum wage level.
  - 2. The career counseling, information and referral services must be provided in a manner that:
    - a. is understandable to the *individual with a disability*.
    - b. facilitates independent decision-making and *informed choice* as the individual makes decisions regarding opportunities for *competitive integrated employment* and career advancement, particularly with respect to *supported employment*, including *customized employment*.



3. For newly hired individuals, career counseling, information and referral 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.
4. BRS must provide documentation to the individual that they have completed this requirement within 45 days.



## **CHAPTER II**

# **Application, Eligibility Determinations, Case Closure and Order of Selection**

Section 1 Referrals and Application

Section 2 Assessment for Determining Eligibility & Order of Selection Priority

Section 3 Eligibility

Section 4 Ineligibility

Section 5 Case Closure for Reasons other than Ineligibility

Section 6 Order of Selection

## Chapter II – Application, Eligibility Determinations, Case Closure and Order of Selection

### Section 1 – Referrals & Application

Referrals and applications must be processed as efficiently as possible, so as not to delay the determination of eligibility and the provision of services, or the determination of ineligibility.

#### Legal Requirements

##### A. Referrals

1. Standards must be set for the prompt and equitable handling of referrals.
2. These standards must include guidelines for making good faith efforts to inform potential consumers of application requirements and gather information necessary to initiate the process of determining eligibility.

An effort should be made to process referrals within one week of the first contact. This means that information about the nature, scope and purpose of the VR program be shared with all potential applicants in order to afford them the opportunity to make an informed decision whether or not to apply. Information should also be shared about documentation needs for eligibility and how consumers can take a role in providing or securing that information.

During the application process, it is very important that consumers learn about the relationship between employment and any public benefits they may be receiving, and that BRS gather accurate information regarding the individual's benefits.

##### B. Application

1. Once an individual has submitted an application for BRS services, an eligibility determination will be made within 60 days unless:
  - a. Exceptional and unforeseen circumstances beyond the control of the agency preclude a determination within 60 days and both BRS and the consumer agree to a specific extension of time; or
  - b. BRS is conducting an evaluation of the individual's ability to benefit from services.

Staff must attempt to obtain a written agreement from the consumer in any case where the process of eligibility determination exceeds 60 days.

2. An individual is considered to have submitted an application when the individual or their *representative*:
  - a. Has completed and signed a BRS application form;
  - b. Has provided information necessary to initiate an assessment to determine eligibility and priority for services; and
  - c. Is available to complete the assessment process.
3. BRS must inform applicants that individuals who receive services under the program must intend to achieve an *employment outcome*.
4. If the consumer is not yet 18 years old, consumer's guardian must also sign the application.

## Chapter II – Application, Eligibility Determinations, Case Closure and Order of Selection

### Section 2 – Assessment for Determining Eligibility & Order of Selection Priority

#### Legal Requirements

- A. In order to determine if an individual is eligible for vocational rehabilitation services and to assign the individual's priority under an Order of Selection, an assessment for determining eligibility and priority for services must be completed.

Note distinction between ineligibility determinations and case closures from applicant status for reasons other than ineligibility (Sections 4 and 5 of this chapter). In the latter situation, an assessment for determining eligibility need not be completed.

- B. The assessment for determining eligibility and priority for services must be conducted in the most *integrated setting* possible, consistent with the individual's needs and *informed choice*.
- C. The assessment shall consist of:
1. To the maximum extent possible, a review and assessment of existing data, including counselor observations, education records, information provided by the individual or their family, information used by the Social Security Administration and determinations made by officials of other agencies; and
  2. An assessment of additional data necessary to determine whether an individual is eligible, in those cases where existing data does not describe the current functioning of the individual or is unavailable, insufficient or inappropriate to make an eligibility determination. This data would be obtained by the provision of additional evaluations.

The evaluations used to provide the additional information should be limited to only what is needed to determine whether the individual meets the basic eligibility criteria. When such services are needed, some examples include medical, psychological, vocational or rehabilitation technology evaluations.

- D. Trial Work Experiences
1. 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, BRS must conduct an exploration

of the individual's abilities, capabilities, and capacity to perform in realistic work situations.

2. The trial work experiences must be of sufficient variety and over a sufficient period of time to make the determination of whether or not the individual can benefit from BRS services. These trial work experiences must be in *competitive integrated employment* settings to the maximum extent possible, consistent with the *informed choice* and rehabilitation needs of the individual.
3. BRS must provide appropriate supports, including but not limited to *assistive technology devices and services* and *personal assistance services*, to accommodate the rehabilitation needs of the consumer during the trial work experiences.
4. There must be a written plan to assess the individual's abilities, capabilities and capacity to perform in trial work situations. Trial work experiences include *supported employment*, on-the-job training, and other experiences using realistic *integrated settings*.
5. BRS is required to demonstrate a high degree of certainty and clear and convincing evidence before concluding that an individual cannot benefit in terms of an *employment outcome* due to the severity of the individual's disability.

Clear and convincing evidence means that there is a high degree of certainty before concluding that an individual is incapable of benefiting from services. The demonstration of clear and convincing evidence must include, if appropriate, a functional assessment of skill development activities, with any necessary supports (including assistive technology), in real life settings. For example, an intelligence test alone would not constitute clear and convincing evidence.

## Chapter II – Application, Eligibility Determinations, Case Closure and Order of Selection

### Section 3 – Eligibility

#### Legal Requirements

##### A. General Eligibility Criteria

1. A determination of whether or not an individual is eligible for BRS services must be based on a determination by a qualified vocational rehabilitation counselor employed by BRS that:
  - a. the individual has a *physical or mental impairment*,
  - b. the *physical or mental impairment* constitutes or results in a *substantial impediment to employment* for that individual;
  - c. the individual requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain employment consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and *informed choice*.

Note that although the definition of *physical or mental impairment* includes blindness, persons who are legally blind would generally be served by the Bureau of Education and Services for the Blind, rather than BRS. However, if the individual has deaf-blindness, the case should be reviewed by the Deaf-Blind Review Team, to determine whether BRS may be better equipped to serve the individual.

2. Any eligible individual must intend to achieve an *employment outcome* that is consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests and *informed choice*. Completion of the application process for vocational rehabilitation services is sufficient evidence of the individual's intent to achieve an *employment outcome*.
3. BRS may not impose, as part of the eligibility determination, a duration of residence requirement that excludes from services any individual who is present in the state.

An individual who has no residence (i.e., who is homeless) may not be excluded due to their lack of residency. In order to best support the individual with their vocational needs and the achievement of an *employment outcome*, individuals may receive vocational rehabilitation services from more than one designated state unit (DSU) simultaneously, including those in different states, in accordance with the implementation of an order of selection, as applicable, in each state. All DSUs must coordinate and cooperate to provide effective services and prevent duplication of services.

4. In making a determination of eligibility, BRS must ensure that:
  - a. no consumer is excluded or found ineligible solely on the basis of the type of disability; and
  - b. the eligibility requirements are applied without regard to:
    - i. the creed, race, age, color, ancestry, national origin, gender, marital status, religion of the applicant;
    - ii. type of expected *employment outcome*;
    - iii. source of referral to BRS;
    - iv. particular service need or anticipated cost of service required by the individual or the income level of the individual or their family;
    - v. applicant's employment history or current employment status; and
    - vi. applicant's educational status or current educational credential.

BRS may not discriminate against a consumer based on national origin. However, where an individual is not permitted to legally work in the United States due to their immigration status, development of an Individualized Plan for Employment (IPE) and achievement of an *employment outcome* may be impractical or impossible. Staff should ensure that the individual has necessary documentation; permanent resident card, work permit or an employment visa, and consult with immigration and naturalization if there is any question regarding the individual's ability to work.

#### B. Presumption of Benefit

1. In making an eligibility determination, BRS must presume that the applicant (including SSI/SSDI beneficiaries) can benefit in terms of an *employment outcome* from vocational rehabilitation services, unless there is clear and convincing evidence that the individual is incapable of benefiting due to the severity of the individual's disability and based on trial work experiences.
2. BRS may not close an applicant's record of services prior to making an eligibility determination unless the applicant declines to participate in, or is unavailable to complete an assessment for determining eligibility and priority for services, and BRS has made a reasonable number of attempts to contact the applicant or, if appropriate, the applicant's *representative*, to encourage the applicant's participation.

See Chapter II, Section 2 Assessment for Determining Eligibility & Order of Selection Priority for more details concerning the trial work experiences.

#### C. Eligibility for SSI and SSDI Beneficiaries

1. Individuals who have been determined to have a disability under SSI or SSDI must be:
  - a. presumed to be an *individual with a significant disability* (for purposes of order of selection priority); and
  - b. presumed to be eligible for vocational rehabilitation services.



Even though individuals on SSI/SSDI benefits are presumed eligible, they are not automatically entitled to BRS services.

2. If the individual claims that they are a SSI or SSDI beneficiary but is unable to provide appropriate supporting documentation (such as an award letter), BRS must verify the individual's eligibility for Social Security benefits within a reasonable period of time that enables BRS to determine the applicant's eligibility for vocational rehabilitation services within 60 days of the individual submitting an application for services.

D. Certificate of Eligibility

1. If an individual is determined to meet the eligibility criteria above, the individual will be accepted for vocational rehabilitation services and, simultaneously, a Certificate of Eligibility must be dated and signed by a qualified vocational rehabilitation counselor.
2. No service other than diagnostic services and services to determine eligibility and priority for services may be provided by BRS prior to completion of the Certificate of Eligibility.

## Chapter II – Application, Eligibility Determinations, Case Closure and Order of Selection

### Section 4 – Ineligibility

In cases where BRS is considering making a determination that an individual is not eligible for services, the consumer must first be given the opportunity for a full consultation with BRS. A determination of ineligibility can only be made after such a consultation has either been provided to or declined by the individual. This determination may only be based on the criteria in the law.

#### Legal Requirements

- A. A determination that an individual is not eligible for vocational rehabilitation services may only be based on a determination that the individual does not meet one or more of the eligibility criteria in Chapter II, Section 3 and only after completion of an assessment for determining eligibility.

For closures for reasons other than ineligibility, Chapter II, Section 5.

- B. An eligible individual may be later determined ineligible, if BRS finds that the individual no longer meets all of the applicable criteria in Chapter II, Section 3.
- C. Requirements when making an ineligibility determination.
1. An ineligibility determination may only be made after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's *representative*.
  2. A Certificate of Ineligibility must be signed and dated by a qualified vocational rehabilitation counselor, and must include the reasons for the determination.
  3. BRS must notify the individual in writing, supplemented as necessary by other appropriate means of communication consistent with the *informed choice* of the individual. The notice must include the reason for the determination, an explanation of the individual's rights to appeal and the services offered by the Client Assistance Program (CAP), including how to contact that program.
  4. The individual must be referred 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*.

D. Annual reviews of ineligibility determinations

1. When an individual is determined to be ineligible due to a determination that the individual cannot achieve an *employment outcome*, this determination will be reviewed by BRS within 12 months, and annually thereafter, if requested by the individual. However, a review is not required if:
  - (a.) the individual is no longer present in the state;
  - (b.) the individual has refused it;
  - (c.) the individual's whereabouts are unknown; or
  - (d.) the individual's medical condition is rapidly progressive or terminal.

## Chapter II – Application, Eligibility Determinations, Case Closure and Order of Selection

### Section 5 – Case Closure for Reasons Other Than Ineligibility

Staff is required to make reasonable attempts to engage consumers in the vocational rehabilitation program. A case may be closed without an eligibility/ineligibility determination only after a reasonable number of attempts have proven to be unsuccessful in getting the consumer involved.

#### Legal Requirements

Reasons for which a case may be closed in Status 08, 28 or 30 for reasons other than an ineligibility determination are as follows:

- A. The consumer is not available to receive services. This may include situations where the consumer:
1. has moved or otherwise cannot be located or contacted;
  2. has refused services;
  3. has failed to cooperate in participation in services;
  4. has been institutionalized; or
  5. is deceased.

A case may be closed for reasons 1, 2, or 3 above only after a reasonable number of attempts to locate or engage the consumer or, if appropriate, their *representative* to encourage the consumer's participation.

At minimum, two documented attempts at contacting the consumers and/or their *representative* should be made. It is preferable that staff attempt to make direct contact with the consumer (e.g., by phone, in person, etc.) rather than by letter.

- B. Transportation is not available or feasible to obtain or maintain employment; or  
C. *Extended services* are not available to an individual who requires *supported employment services*.

## Chapter II – Application, Eligibility Determinations, Case Closure and Order of Selection

### Section 6 – Order of Selection

BRS is required to provide the full range of vocational rehabilitation services, as appropriate, to all eligible individuals or, in the event that vocational rehabilitation services cannot be provided to all eligible individuals in the state, establish the order to be followed in selecting eligible individuals to be provided vocational rehabilitation services. This order is called an Order of Selection.

While under an Order of Selection, BRS is required to prioritize the provision of services to persons with the most significant disabilities. In determining to what extent the disability is considered “significant”, one must examine the functional limitations posed by the disability in terms of an *employment outcome* and the need for vocational rehabilitation services.

BRS must first complete an eligibility determination, and then assign a level of priority. Only those persons in the priority level(s) being served by the agency may have an Individualized Plan for Employment (IPE) developed. Those individuals for whom BRS cannot develop an IPE due to their priority category assignment, may only receive information and referral services, and will be placed on a waitlist.

#### Legal Requirements

- A. An Order of Selection must be implemented when the Bureau does not have ample funding and resources to serve all eligible *individuals with a disability* for the current and next fiscal year.
- B. All eligible consumers must be assigned a priority level and placed in the highest level for which they qualify.
- C. BRS must determine annually which priority levels it has the financial and personnel resources to serve. Individuals will be served in the following order of priority:
  1. An Individual determined to have a most significant disability, is a person who meets criteria for significant disability and has serious limitations in a total of four or more functional areas (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance or work skills) in terms of an *employment outcome*; whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time,
  2. An Individual determined to have a significant disability; is a person who has a severe *physical or mental impairment* which seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an *employment*

*outcome*, whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time.

3. An Individual determined to have a disability is a person who;
  - i. has a *physical or mental impairment* which for such individual constitutes or results in a *substantial impediment to employment*; and
  - ii. can benefit in terms of an employment outcome from the provisions of vocational rehabilitation services.
- D. Every individual within a particular priority level must be served before individuals in the next priority level, **except when the individual is already employed and requires vocational rehabilitation services to retain employment**. If following initiation of service(s), the individual loses employment, and that individual does not meet the priority level established by current Order of Selection criteria, services would stop and the individual would be placed on the waitlist.
- E. In the event all BRS consumers within the same priority level cannot be served, individuals in that priority category must be served chronologically based on the date of eligibility determination.
- F. Individuals who do not meet the Order of Selection criteria for the priority/priorities currently being served must be provided accurate vocational rehabilitation information and guidance which may include counseling and referral for job placement. This includes referral to other appropriate federal and state programs including the state workforce development system. The consumer must be provided a notice of the referral to the state or federal program, information about the specific point of contact within that agency, and information and advice regarding the most suitable services to assist the individual to prepare for, secure, retain, advance in or regain employment.
- G. An Order of Selection may not be based on any duration of residency requirement provided the individual is present in the state; type of disability; age; gender; race; color, or national origin; source of referral; type of expected *employment outcome*; the need for specific services or anticipated cost of services required by an individual; or the income level of an individual or an individual's family.
- H. Order of Selection does not impede/prevent/prohibit the provision of *pre-employment transition services* for *youth with a disability* who are potentially eligible for vocational rehabilitation services.

## **CHAPTER III**

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

Section 1 Process of Development of the IPE

Section 2 Contents of an IPE

Section 3 Comparable Services and Benefits

Section 4 Vocational Rehabilitation Services

(a) Training

(b) Physical and Mental Restoration  
Services

(c) Transportation Services

(d) Rehabilitation Technology

(e) Home and Work Place Modifications

(f) Vehicle Modifications

(g) Supported Employment

(h) Services Leading to the Goal of Small  
Business Ownership

(i) Transition from School to Work

## Chapter III – Individualized Plan for Employment (IPE)

### Section 1 - Process of Development of the IPE

Individualized Plan for Employment (IPE) can be the most important time in the vocational rehabilitation process. It can be a time when major life decisions are made by the consumer, and can be a time when counselors are called upon to employ a great deal of clinical and technical expertise.

- A. At this juncture, BRS and the consumer must examine the following questions:
1. Do the consumer and BRS have ample information to make an *informed choice* regarding the employment goal and services needed to achieve that goal?
  2. Has the consumer had the opportunity to bring any additional parties of their choosing into the IPE development process?
  3. Has the consumer fully explored the impact of future earnings on any forms of public benefits that the consumer receives? Is the consumer fully aware of the available incentives and benefits for working persons with disabilities?
  4. What is the consumer's employment goal, and to what degree is it consistent with the consumer's unique:
    - a. strengths
    - b. resources
    - c. concerns
    - d. priorities
    - e. abilities
    - f. capabilities
    - g. interests
    - h. *informed choice*
  5. Have BRS and the consumer fully explored transferable skills and prior experiences as part of the assessment of the consumer's strengths, abilities, concerns, interests, resources, priorities, and capabilities?
  6. What services does the consumer need in order to reach the employment goal? Do both the consumer and BRS understand that only those services that are needed to gain or maintain the agreed-upon vocational goal can be included in the IPE?
  7. Have the consumer and BRS fully explored *comparable benefits and services*?
  8. Has BRS addressed the primary employment issues or barriers, in order to maximize the likelihood that the IPE will result in successful employment? Are there other issues that, if left unaddressed, will seriously reduce the likelihood of employment success in the chosen goal?
  9. Has BRS collaborated with other appropriate agencies and organizations, in order to ensure a coordinated IPE and to maximize the availability of *comparable services and benefits*?
  10. In situations where BRS determines that it cannot support a goal or service, has the reason been clearly and effectively communicated to the consumer or the consumer's *representative*? Has BRS informed the consumer what would need to be addressed in order for BRS to agree to an IPE?



- B. BRS approval of any IPE is a two-step process:
1. Determine if we can agree to support the goal. Is it a reasonable goal in light of the factors listed above?
  2. Determine whether we agree that all of the proposed services are necessary for the achievement of that goal.
- C. When BRS signs an IPE, BRS is agreeing with its support of the vocational goal, that the services are necessary to achieve the vocational goal and that the IPE is otherwise consistent with BRS rules.

## Legal Requirements

- A. Assessment for determining rehabilitation needs.
1. Individuals who are certified as eligible and within the priorities being served under the order of selection will be provided an assessment for determining rehabilitation needs. The purpose of this assessment is to determine:
    - a. the *employment outcome* and the objectives, nature and scope of services to be included in the IPE;
    - b. the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests and *informed choice*.
  2. To the extent possible, this assessment will consist of existing data that are current as of the date of IPE development, including:
    - a. information available from other programs and providers, particularly education officials and the Social Security Administration;
    - b. information provided by the individual and their family; and
    - c. information obtained under the assessment for determining eligibility.
  3. If additional data is necessary to determine the *employment outcome*, and the nature and scope of services to be included in the IPE, BRS must conduct a comprehensive assessment of the unique strengths, resources, priorities, concerns, abilities, capabilities, and interest including the need for *supported employment services*, for the individual.
  4. This assessment must be in the most *integrated setting* possible, consistent with the consumer's *informed choice*. It may include, to the degree needed, an appraisal of the consumer's personality, interest, interpersonal skills, intelligence and related functional abilities, educational achievements, work experience, vocational aptitudes, personal and social adjustment, emotional adjustment, employment opportunities and other pertinent data helpful in determining the consumer's ability to perform in a work environment.
- B. Development of the IPE.
1. The IPE must be developed in a timely manner for individuals served under the agency's Order of Selection. BRS must set standards for the prompt development of IPEs. The IPE will be initiated after certification of eligibility.
  2. The IPE must be developed as soon as possible, but not later than ninety (90) days after the date of the eligibility determination, unless the consumer and BRS agree to an extension of that deadline to a specific date by which the IPE must be completed.

If an IPE cannot be developed within ninety (90) days, the BRS counselor will review the circumstances with the consumer or, if appropriate, the consumer's *representative*. If the consumer agrees with the extension, the counselor will document this decision.

In many cases, IPEs require the approval of a supervisor.

3. Services will be provided in accordance with the provisions of the IPE.
  4. The IPE may be developed by the consumer or in conjunction with BRS and, as appropriate, the consumer's parent, guardian or other *representative*.
  5. The consumer, and as appropriate consumer's *representative*, must be provided with the following information in writing and in an *appropriate mode of communication* concerning the IPE:
    - a. Options for developing an IPE. This includes the option that the consumer or consumer's *representative* may develop all or part of the IPE with or without assistance from BRS or other entities;
    - b. A description of what must be included in the IPE;
    - c. Additional information that is requested by the individual or that which BRS determines to be necessary for the development of the IPE;
    - d. A description of the individual's appeal rights;
    - e. A description of the Client Assistance Program (CAP) and information on how to contact that program.
  6. The IPE must be developed and implemented on BRS forms in a manner that affords the consumer an opportunity to exercise *informed choice* in selecting an *employment outcome*, the specific vocational rehabilitation services, the provider(s) of those services, and the methods used to procure the services.
  7. The IPE must be designed to achieve the specific *employment outcome* that is selected by the consumer consistent with the consumer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests and *informed choice*. To the maximum extent appropriate, the IPE must result in employment in an *integrated setting*.
  8. The IPE must be jointly reviewed by the consumer, or as appropriate, consumer's *representative*, and the qualified vocational rehabilitation counselor.
  9. An IPE for a *student with a disability* will be developed in consideration of a student's individualized education program or 504 services and the interagency agreement, as applicable.
- C. IPE approval
1. Before an IPE takes effect, it must be approved and signed by the consumer, or as appropriate, the consumer's *representative* and a qualified rehabilitation counselor of the BRS and supervisor, as appropriate.
  2. Reasons for which BRS may deny approval of an IPE (in whole or in part) may include, but are not limited to a determination by BRS that:
    - a. The *employment outcome* is inconsistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests or *informed choice*;

- b. The nature, scope or duration of one or more of the services within the IPE are not necessary to achieve the *employment outcome* or otherwise not appropriate to the consumer's needs; or
  - c. The IPE is otherwise inconsistent with the law or State Plan.
- D. The consumer must cooperate in applying for, or otherwise securing *comparable services and benefits* available as a legal right under state or federal law, or other resources that may be necessary to achieve the *employment outcome*. An IPE may be denied or terminated where a consumer fails to cooperate in securing such benefits. BRS may provide a service under an IPE only after it is determined that the service is not available through *comparable services and benefits*.
- E. Consumers have the responsibility of being actively involved in treatment or other interventions which BRS determines necessary in order for the individual to achieve an *employment outcome*. In cases where the consumer fails to comply with such treatment or intervention, the services in the IPE may be denied or discontinued.

The intent of this provision is not to deny individuals access to services, but rather to ensure the individual's success, particularly when it is relatively clear that the individual is not likely to succeed in achieving their vocational goal without some type of treatment or other intervention.

- F. The consumer, and as appropriate the consumer's parent, guardian or *representative*, must be provided with a copy of the IPE and any amendments. The consumer, and as appropriate the consumer's parent, guardian or *representative* must be advised of any procedures and requirements affecting the development and review of the IPE.
- G. The IPE must be reviewed as often as necessary, but at least once every twelve months by a qualified vocational rehabilitation counselor. Consumers, and as appropriate their *representatives*, must be given an opportunity to review the IPE and, if necessary, jointly redevelop and agree to its terms.
- H. The IPE must be amended, as necessary, by the individual (or as appropriate the consumer's *representative*), in collaboration with BRS or, if determined appropriate by the consumer, another qualified vocational rehabilitation counselor, if there are substantive changes in the *employment outcome*, vocational rehabilitation services to be provided, or the service providers. Amendments to the IPE do not take effect until agreed to and signed by the consumer (or, if appropriate, consumer's *representative*) and BRS.
- I. Modification or discontinuation of an IPE  
 An IPE may be modified or discontinued in whole or in part under the following conditions:
- 1. By mutual agreement between BRS and the consumer;
  - 2. A determination by BRS that:
    - a. the consumer is no longer eligible;
    - b. the consumer has failed to comply with the terms of the IPE;
    - c. the *employment outcome* is no longer appropriate;
    - d. the duration, nature or scope of services in the IPE is no longer appropriate;
- or

- e. services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the consumer or consumer's *representative*; or
- f. budgetary shortfall or other circumstances beyond BRS's control which necessitate a discontinuation or modification of the IPE.

## Chapter III – Individualized Plan for Employment (IPE)

### Section 2 – Contents of an IPE

Ideally, an Individualized Plan for Employment (IPE) is a roadmap that each consumer can identify as their own plan toward a chosen goal. The degree to which this is actually the case is directly related to the degree to which the IPE is driven by the principles of consumer input, *informed choice*, and mutual agreement.

In developing or reviewing the content of an IPE, the counselor should consider the following questions:

- To what extent do consumers feel ownership and responsibility for the IPE?
- Would the IPE still have meaning in the consumer's life if BRS were no longer in the picture?
- Have we directly asked the consumer what investment, financial or in some other form, the consumer will make toward the success of this IPE?
- Is how progress is measured and each party's responsibilities made clear?
- Have provisions been established to maintain solid contact between the consumer and BRS staff as the IPE goes forward?

### Legal Requirements

The IPE must contain the following:

- A. A description of the specific *employment outcome*, based on an assessment for determining rehabilitation needs, which:
  1. is chosen by the consumer and is consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, career interests and *informed choice* (except in the case of an eligible individual who is a *student* or a *youth with a disability*, the description may be a description of the individual's projected post-school *employment outcome*); and
  2. to the maximum extent appropriate, results in *competitive integrated employment*.
- B. The specific vocational rehabilitation services that:
  1. are needed to achieve the *employment outcome*;
  2. include, as appropriate, *assistive technology services* and *devices* and *personal assistance services*, including training in the management of those services;
  3. for a *student* or *youth with a disability*, includes the specific *transition services* and supports needed to achieve the individual's *employment outcome* or projected post-school *employment outcome*;

4. are provided in the most *integrated setting* that is appropriate for the service and is consistent with the individual's *informed choice*;
- C. The projected date for the initiation of services and projected time lines for the achievement of the *employment outcome*;
- D. The organization chosen by the individual or, as appropriate, the individual's *representative* that will provide the services and methods used to procure services;
- E. A description of criteria to evaluate progress toward achievement of the *employment outcome*;
- F. The terms and conditions of the IPE, including, as appropriate:
  1. The responsibilities of the consumer, including:
    - a. consumer responsibilities in relation to the *employment outcome*;
    - b. if applicable, consumer's participation in paying for the costs of the IPE; and
    - c. consumer's responsibility with regard to applying for *comparable services and benefits*;
  2. the responsibilities of BRS; and
  3. the responsibilities of other organizations in providing *comparable services and benefits*;

With the exception of certain higher education and self-employment IPE's, BRS cannot require the consumer's financial participation. However, all consumers should be asked if they are willing and able to provide voluntary contributions toward the cost of services in the IPE.

- G. For individuals whose goal is *supported employment*, the IPE must:
  1. Specify the *supported employment services* to be provided by BRS;
  2. Specify the expected *extended services* needed, which may include natural supports;
  3. Specify the source of the *extended services*. In those cases where the source of *extended services* cannot be identified at the time of development of the IPE, the IPE must provide a description of the basis for concluding that there is a reasonable expectation that such source will become available;
  4. Provide for periodic monitoring to ensure that the individual is making satisfactory progress toward meeting the weekly work requirement in the IPE by the time of transition to *extended services*;
  5. To the extent that job skills training is provided, identify that the training will be provided on site; and
  6. 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 choice of the individual.
  7. Coordinate services in the IPE with services provided in other individualized plans established under other programs.
- H. As needed, a statement of the projected need for *post-employment services*, including the terms and conditions for the provision of these services and, if appropriate, how these services will be provided through *comparable services and benefits*.

- I. The IPE for a *student with a disability* must be coordinated with the individualized education program or 504 services and interagency agreement, as applicable, for that consumer in terms of the goals, objectives, and services identified in the education program.

## Chapter III – Individualized Plan for Employment (IPE)

### Section 3 - Comparable Services and Benefits

In order to maximize the use of BRS services available to consumers, resources other than BRS funds must be used to the greatest extent possible. Staff is therefore responsible for knowing of available alternate resources and collaborating with other agencies and organizations. Consumers are responsible for applying for or otherwise accessing known resources.

In all cases it is recommend that guidance and counseling include future financial planning for ongoing health care services and rehabilitation technology needs; application for Medicaid as appropriate; exploration of extended warranties; health savings plans; Impairment Related Work Expenses (IRWE), etc.

#### Legal Requirements

- A. Comparable benefits are defined as services and benefits that are:
1. provided or paid for, in whole or in part, by other federal, state or local public agencies, by health insurance, or by employee benefits;
  2. available to the individual at the time needed to ensure the progress of the individual toward achieving the *employment outcome* in the IPE; and
  3. *commensurate* to the services that the individual would otherwise receive from BRS.
  4. for the purposes of this definition, *comparable services and benefits* do not include awards and scholarships based upon merit.

BRS interprets employee benefits to include all benefits available to the consumer through the employer, including but not limited to, accommodations available through the employer under the Americans with Disabilities Act (ADA).

B. Covered Services

All vocational rehabilitation services, except as described in section C (below), are subject to consideration of *comparable services and benefits*.

C. Exemptions/Qualifications

1. The following services are exempt from consideration of *comparable services and benefits*:
  - a. Assessment for determining eligibility and vocational rehabilitation needs.
  - b. Counseling and guidance including information and support services to assist an individual in exercising *informed choice*.
  - c. Referral and other services to secure needed services from other agencies, including other components of the statewide workforce investment system, if those services are not available under this part.



- d. Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services.
  - e. *Rehabilitation technology*, including telecommunications, sensory, and other technological aids and devices.
  - f. *Post-employment services* consisting of the services C.1.a. through C.1.e. listed under this section.
2. BRS may elect to use *comparable services and benefits* for services, if BRS determines that these resources are readily available at the time the service is needed to accomplish the *employment outcome*.
  3. BRS must determine whether *comparable services and benefits* are available under any other program, unless making this determination would:
    - a. interrupt or delay the progress of the individual toward achieving the *employment outcome* in the IPE;
    - b. interrupt an immediate job placement; or
    - c. put the consumer at *extreme medical risk*.
- D. Use of *Comparable Services and Benefits*  
If *comparable services and benefits* are available to the consumer at the time needed to ensure the progress of the individual toward achieving the *employment outcome*, BRS must use these services/benefits to meet, in whole or part, the cost of vocational rehabilitation services.
- E. Interim use of BRS funds  
If *comparable services or benefits* exist under any other program, but are not available to the consumer at the time needed to ensure the progress of the consumer toward achieving the *employment outcome* in the IPE, BRS must provide the services until those *comparable services* become available.

The fact that *comparable services and benefits* are not immediately available does not circumvent the need for the consumer to apply for, or BRS to utilize these other resources. Both the consumer and BRS have the obligation to pursue and utilize *comparable services and benefits* as soon as they become available.

- F. Consumer Responsibility  
The consumer has the obligation to cooperate in applying for or otherwise securing *comparable benefits and services*, benefits available as a legal right under state or federal law or other resources that may be necessary in order to achieve the *employment outcome*. BRS may deny approval of an IPE when a consumer fails to cooperate with securing these benefits that are expected to be available for services within the IPE.
- G. WIOA emphasizes the importance of Interagency cooperation. Comparable benefits are available through these cooperative agreements and must be considered throughout the VR process.

For further information about *comparable services and benefits*, see also:  
Section 4(a) Training Services  
Section 4(b) Physical and Mental Restoration Services

## Chapter III – Individualized Plan for Employment (IPE)

### Section 4 – Vocational Rehabilitation Services

In determining whether BRS can provide a particular vocational rehabilitation service, a determination needs to be made as to whether or not the service is actually necessary in order for the consumer to achieve the agreed-upon *employment outcome*.

Vocational rehabilitation services contained in an Individualized Plan for Employment (IPE) must be designed to achieve the outcome in an efficient and cost effective manner, and must be consistent with the consumer's *informed choice*. The services must occur in an *integrated setting* and be consistent with any parameters set around the specific service, as described in this manual.

#### Legal Requirements

- A. Vocational rehabilitation services are those services described in an IPE which are necessary to a consumer in preparing for, securing, retaining, or regaining an *employment outcome* consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and *informed choice* of the consumer. In addition to those services specifically described in the sections in this Chapter, other vocational rehabilitation services include:
1. vocational rehabilitation counseling and guidance, including information and support services to assist an individual in exercising *informed choice* in the development of an IPE.
  2. referral and other services necessary to help applicants and eligible individuals secure needed services from other agencies including other components of the statewide workforce development system, and to advise those consumers about the client assistance program.
  3. vocational rehabilitation services to a *family member* of an applicant or eligible individual, if necessary, to enable the individual to achieve an *employment outcome*.
  4. interpreter services for individuals who are deaf or hard of hearing and tactile interpreting for individuals who are deaf-blind provided by qualified personnel.
  5. job related services including job search and placement assistance, job retention services, follow-up services and follow-along services.
  6. occupational licenses, tools, equipment, initial supplies.
  7. Other goods and services determined necessary for the *individual with a disability* to achieve an *employment outcome*.
- B. Services to Groups  
BRS may provide services to groups of *individuals with disabilities*, which promote *competitive integrated employment*. Services to groups are provided in accordance with BRS procedures for the provision of these services and must have the approval of the Bureau Director.

## Chapter III – Individualized Plan for Employment (IPE)

### Section 4(a) – Training

When considering whether it is appropriate to provide training as a vocational rehabilitation service, the following questions must first be considered:

- What skills does the consumer currently possess and what skills, if any, need to be enhanced?
- Are there transferable skills that the individual can utilize?
- Will the training program allow the individual to achieve the agreed-upon employment outcome?
- Is the real employment issue due to lack of training, or are there other more fundamental issues that need to be addressed?
- Is the training program limited, both in time and cost, to what is necessary to achieve the *employment outcome*?
- Is the consumer likely to be able to succeed in the training program being considered?
- Will there be opportunity for career growth and advancement as a result of training?
- If the training is in an *institution of higher education* or other program eligible for financial aid, has the consumer applied for financial assistance and is BRS participation limited to the “unmet need”, if any?
- If graduate training is under consideration, does the consumer’s disability prevent them from working simultaneously to taking graduate courses?

### Legal Requirements

#### A. General Rules on Training

1. Training services may include any kind of organized training needed to meet the consumer’s vocational rehabilitation needs.
2. Training may be provided as part of an approved Individualized Plan for Employment (IPE) when necessary to achieve the *employment outcome* in the IPE.

3. Training may be provided at schools, colleges or universities, through *community rehabilitation programs*, by a tutor, an apprenticeship, in an on-the-job training situation, by BRS, employers or other organized training program.
  4. The length of time for training will be that which is necessary for the individual to acquire sufficient knowledge and skill to meet the demands of the *employment outcome*. Training time should be limited to the minimum time required to accomplish an individual training program. In addition, the IPE must be designed to ensure the lowest cost to BRS in providing a training service.
  5. Trainees are expected to maintain minimum grade averages or such progress as to enable them to complete the training and attain the *employment outcome*.
  6. Training progress will be evaluated on at least a semester or term basis, if the program operates on this schedule. Progress in other training programs will be evaluated as appropriate by certificate, degree, licensure, diploma etc. Continued agency support for the training will be evaluated on the basis of *measurable skill gains* and/or *credential attainment* towards the *employment outcome*.
  7. Training materials and supplies include necessary books and such training supplies as are necessary in order for the individual to participate in training services.
- B. Training in *Institutions of Higher Education* or Vocational Training Facilities
1. BRS may consider advanced training in any field, when appropriate, to assist *individuals with disabilities* in achieving an employment goal, consistent with the consumer's strengths, resources, priorities, concerns, abilities, capabilities, interests and *informed choice*, so that *individuals with disabilities* can be prepared for the high demand careers available in today's economy.
  2. BRS financial support for training in *institutions of higher education* or vocational training facilities cannot exceed the cost of a *commensurate* program at a public Connecticut state supported college, university, community, technical college or similar program.
  3. BRS financial sponsorship for training in *institutions of higher education* or vocational training facilities can only be made in accordance with an appropriately completed IPE. BRS support of training is limited to training that is needed to achieve the *employment outcome* and only after maximum efforts have been made to secure comparable services and benefits or other assistance from sources outside of BRS to pay for the training. These benefits include family contribution, basic grant entitlement under student financial aid programs, private or institution-based scholarships, tuition waiver, work-study and earnings. The amount of support, from all resources, cannot exceed the cost of the education.
  4. The consumer must apply to the training institution's financial aid office (FAO) and cooperate in the provision of all information required by the FAO in its calculation of the consumer's eligibility for financial assistance. This application must be made sufficiently in advance of the starting date of training so that the FAO has ample time to make its determination. In no case may this application be made less than 60 days before the start of training. BRS may deny support of training if the consumer fails to apply for financial aid in a timely manner or cooperate with the FAO or BRS in order that a determination of financial needs can be made.

5. The consumer is required to give written authorization to BRS and the FAO in order for them to exchange information regarding the determination of eligibility for financial assistance.
6. BRS has primary responsibility for disability-related expenses, such as personal care, personal assistants, or specialized tutoring, as appropriate to the successful completion of program, provided these services are not covered under the Americans with Disabilities Act. In cases where BRS does pay for these services, BRS will not assume the role or responsibility as employer of the individual assisting the consumer.

## Chapter III – Individualized Plan for Employment (IPE)

### Section 4(b) – Physical and Mental Restoration Services

In determining whether it is appropriate for BRS to provide physical and mental restoration services, several questions need to be answered:

- Is the service needed to achieve the *employment outcome*?
- Is the service needed to correct or significantly improve a condition that is a substantial impediment to employment?
- Is the service likely to correct or substantially improve the impediment within a reasonable period of time?
- Does the consumer have access to medical insurance or other resources that will pay for the restoration services?
- Is the service generally accepted as effective by the appropriate professional discipline(s)?

#### Legal Requirements

- A. The treatment of disability is not the primary focus of the BRS program. Physical and mental restoration services are provided only insofar as BRS determines they will benefit the consumer in removing or adjusting to barriers to an *employment outcome*. Disabling conditions that do not or are not expected to adversely affect the attainment of the *employment outcome* are not to be remediated through the provision of physical or mental restoration services by BRS.
- B. Restoration services provided by BRS must, within a reasonable period of time, be expected to correct or modify substantially an impairment which constitutes a *substantial impediment to employment*. In estimating "a reasonable period of time", the following factors must be considered: (1) the nature of the disability; (2) prognosis with respect to life expectancy; (3) employment potential, and; (4) other contributing factors such as age, work and premorbid personality. In general, restoration services provided by BRS should not exceed six months in duration.

Those services that do not meet this requirement, but that the consumer requires and that are being paid for by other sources, should be noted in the IPE under the consumer responsibility section.

- C. Physical or mental restoration services may be provided to the extent that financial support is not available from another source, such as health insurance of the consumer or through *comparable services and benefits*.
- D. An evaluation of progress must be made at least every 90 days, and further decisions made at the time of each evaluation.
- E. BRS may obtain a consultation from a BRS medical consultant or other appropriate expert, particularly when any unusual, non-traditional, long-term or very costly procedure is being discussed, recommended or seriously considered for a consumer.
- F. Physical and mental restoration services may include, but are not limited to, the following:
  - 1. Corrective surgery or therapeutic treatment of a *mental or physical impairment*;
  - 2. Diagnosis for mental or emotional disorders by a physician skilled in the diagnosis of such disorders, by a licensed psychologist, licensed clinical social worker, licensed professional counselor, or BRS-verified licensed advanced practice registered nurse;
  - 3. Treatment of mental or emotional disorders by a physician skilled in the treatment of such disorders, a psychologist, or, professional counselor or clinical social worker licensed in the state of Connecticut;
  - 4. Dentistry;
  - 5. Nursing services;
  - 6. Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services;
  - 7. Drugs and supplies;
  - 8. Prosthetic, orthotic or other assistive devices essential to obtaining or retaining employment;
  - 9. 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 as prescribed by a physician skilled in diseases of the eye or by an optometrist, as appropriate;
  - 10. Podiatry;
  - 11. Physical therapy;
  - 12. Occupational therapy;
  - 13. Speech or hearing therapy;
  - 14. Mental health services;
  - 15. Treatment of either acute or chronic medical complications and emergencies which are associated with or arise out of the provision of physical and mental restoration services, or are inherent in the condition under treatment;

16. Special services for the treatment of individuals with end-stage renal disease, including transplantation, dialysis, artificial kidneys, and supplies; and
17. Other medical or medically related rehabilitation services.

In all cases it is recommend that guidance and counseling include future financial planning for ongoing health care services and *rehabilitation technology* needs; application for Medicaid as appropriate; exploration of extended warranties; health savings plans; Impairment Related Work Expenses (IWRE), etc.

For further information about *comparable services and benefits*, see also: Chapter 3, Section 3 *Comparable Services and Benefits*.



## Chapter III – Individualized Plan for Employment (IPE)

### Section 4(c) – Transportation Services

One of the goals of the vocational rehabilitation program is to increase the self-sufficiency of its consumers. Therefore, arrangements for transportation should be designed to maximize the consumer's independence in conjunction with a long-term plan to meet the consumer's transportation needs independent of BRS, while also ensuring the least cost to BRS.

#### Legal Requirements

- A. Transportation service may be provided only:
  - 1. in connection with the provision of another vocational rehabilitation service, when needed by the individual to achieve an *employment outcome*; or
  - 2. to enable the consumer to participate in the *informal review* or administrative hearing procedures.
- B. Transportation services may include fares or travel costs associated with the use of public or private conveyances, including parking fees and tolls and other expenses related to travel as appropriate.
- C. Rates of payment will be determined by BRS, in consultation with the consumer. BRS will base the rates on the following, as applicable:
  - 1. published rates for public transportation;
  - 2. *maintenance* costs related to travel, up to the amount allowed for BRS management personnel; or
  - 3. mileage costs, up to the rate paid for mileage reimbursement to BRS management employees using personally owned automobiles.
- D. Selection of a mode of transportation will be made on the basis of the circumstances and special needs of the consumer and at the least cost.
- E. Personal assistants

The use of a personal assistant or escort by a consumer in transit will be limited to *individuals with significant disabilities* and payment for this service will be based on the Office of Policy and Management contract for personal assistance. Payment to a *family member* acting as a personal assistant will be limited to costs of travel. BRS is not the employer of the personal assistant.

This section applies to persons acting as a personal assistant or escort, but does not apply to drivers.

- F. Transportation in support of placement services may be provided to a consumer who has been placed in employment until consumer has received their first pay.
- G. Transportation services may be provided to a consumer who has been closed as rehabilitated to enable the consumer to benefit from a *post-employment service* in an IPE.
- H. BRS will not provide financial assistance in the purchase of a vehicle.
- I. Exceptions to these policies may be made at the discretion of the Bureau Director or his/her designee.

## Chapter III – Individualized Plan for Employment (IPE)

### Section 4(d) – Rehabilitation Technology

*Rehabilitation technology* is a broad term that encompasses the concepts of *rehabilitation engineering*, *assistive technology devices*, and *assistive technology services*. It must be expressly considered as a potential service for all applicants and eligible consumers as a component of the assessment to determine eligibility and vocational rehabilitation needs and throughout the IPE. *Rehabilitation technology* is commonly thought of as an application to improve physical functions such as mobility, speech, and hearing. It is important that the potential of *rehabilitation technology* is also considered for assisting individuals with cognitive, emotional, or behavioral disabilities as well (for example, a memory or scheduling device to assist an individual with a learning disability with organization and recall). Because technology is constantly evolving, staff need to continually reassess whether *rehabilitation technology* solutions exist. Appropriate expertise should be consulted in making assessments and determining *rehabilitation technology* applications. Depending on the needs of individual consumers, examples of appropriate expertise include BRS's assistive technology consultant, rehabilitation engineers, automotive engineers, and architects on contract with BRS, or physical therapists, occupational therapists or speech/language pathologists available from the medical provider community.

#### Legal Requirements

- A. *Rehabilitation technology* means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, *individuals with disabilities* in areas that include education, rehabilitation, employment, transportation, independent living, and recreation.
- B. *Rehabilitation technology* services may include one or more of the following:
  - 1. *Rehabilitation engineering services*
  - 2. *Assistive technology services*
  - 3. *Assistive technology devices*
- C. *Rehabilitation technology* services may be provided only when they will benefit the consumer in removing, adjusting, or adapting to functional limitations that are barriers to required assessments for eligibility or IPE development, or for achieving an *employment outcome*.

D. Functional limitations that are not expected to adversely affect the attainment of the vocational objective are not to be addressed through the provision of *rehabilitation technology* services by BRS.

In all cases, it is recommend that guidance & counseling include future financial planning for ongoing health care services and *rehabilitation technology* needs; application for Medicaid as appropriate; exploration of extended warranties; health savings plans; impairment related work expenses (IRWE), etc.

For further information about *comparable services and benefits*, see also:  
Chapter 3, Section 3 *Comparable Services and Benefits*

## Chapter III – Individualized Plan for Employment (IPE)

### Section 4(e) - Home and Workplace Modifications

Minor modifications to a consumer's home or workplace may be provided under the following conditions:

- Minor modifications to the home will assist the individual to more independently gain egress and ingress to their home or to meet their functional vocational needs. These modifications will cost no more than \$10,000.
- In the case of the workplace, the modifications will allow the individual to perform or significantly increase independence in the job functions. BRS may be involved only in those cases where the employer is not required to provide the modifications under the Americans with Disabilities Act (ADA).
- The modifications are part of the individual's IPE.

All comparable benefits and resources shall be used before BRS funding will be considered.

#### Legal Requirements

- A. Home and workplace modification services may be provided to enable a consumer to accomplish safe egress from and ingress to the home or the workplace, or to enable a consumer to function vocationally within the home or workplace.
- B. BRS's participation in modifications shall be limited to those determined by BRS to meet the functional vocational needs of the consumer at the least cost, not exceeding \$10,000. Ramps, grab bars, or lifts, are examples of such services.
- C. Modifications to work sites or business properties can only be considered when they are not covered under the Americans with Disabilities Act of 1990.
- D. BRS will not be responsible for financial participation in extensive or elaborate reconstruction, structural modifications, the addition of a room or rooms, or any other alteration that adds appreciable value to the property.
- E. Minor home or workplace modifications will only be provided to the extent necessary for the successful completion of the consumer's IPE.
- F. BRS is not required to participate in modifications that are anticipated to meet the consumer's needs for a period of less than two years after the completion of the modifications, due to factors either related to the living situation or the consumer's disability. Modifications to a site may be made only after the consumer has provided

written agreement that the consumer's planned occupancy is a minimum of two years beyond completion of modification services.

This section applies primarily to situations where the consumer is expected to move within two years or where the disability is rapidly progressing, making certain modifications inappropriate as a longer-term solution. For example, a stair glide may currently be appropriate for a particular consumer. However, due to the rapid progression of the consumer's disability, they are expected to need a different modification to move between floors (e.g., a stairglide) within two years.

- G. If the consumer or consumer's family is building a home where the consumer is to reside, necessary modifications will be the responsibility of the consumer or their family. BRS will not participate in the financing of such construction.
- H. If the consumer or their family has entered negotiations with a vendor for modification work to be done or for equipment or materials to be supplied, any resulting agreements will not be binding on BRS.
- I. BRS will not assume and is not responsible for the full restoration of structures or grounds that are disturbed in the process of modifications. Such areas will be functionally restored to the minimum level allowable by applicable codes. BRS will not be responsible for the matching of finishes, trims, and accessories when special sizing, tooling, and construction methods and materials would be required to do so.
- I. BRS's financial participation in modifications for a consumer will be limited to a one-time basis, with the exception of cases where there are changes in the consumer's disability, employment or other circumstances beyond the control of the consumer which warrant additional modifications.
- J. Once the modifications are completed, the consumer is thereafter responsible for upkeep, maintenance, insurance and repairs. BRS will not pay for these expenses or be responsible for the cost of removing ramps and restoration of property back to its original state after the accessibility-related construction is no longer needed.
- K. If BRS discovers a structural defect or building code violation on the property that has direct bearing on the proposed modifications, BRS will not proceed until corrective action or repair has occurred. Any cost of repair will be the sole responsibility of the property owner. Documentation of sufficient corrective action must be submitted to BRS before proposed modifications can resume.
- L. BRS may deny assistance with any home or workplace modifications that it determines to be unsafe, unstable, in violation of applicable building codes or where, due to the nature of the site to be modified, the costs will be unreasonable.
- M. When an individual consumer's needs may not be met by strictly adhering to these policies, the Bureau Director or his/her designee may determine where exceptions will be made.

## Chapter III – Individualized Plan for Employment (IPE)

### Section 4(f) – Vehicle Modifications

Modifications to a consumer’s vehicle may be provided if:

- Modifications are necessary for an individual to enter, gain or retain competitive employment; and
- the transportation needs cannot be met by public transit or other less costly means; and
- the service is part of a long-term plan that will meet the consumer’s transportation needs after BRS is no longer involved, and
- modifications are part of an IPE.

Counselors should contact the BRS consultant assigned to vehicle modifications as soon as it becomes evident that a vehicle modification is under consideration. The consultant can provide advice and technical assistance through assessment, planning, and procurement of vehicle modification services.

#### Legal Requirements

- A. Vehicle modifications may be authorized, when necessary, in order for the consumer to enter, retain, advance in or regain *competitive employment*.
- B. Vehicle modifications should be considered only after every other transportation option has been explored and only after it has been determined that vehicle modification is the most cost efficient approach for the consumer and BRS.
- C. Vehicle modifications may only be provided to those individuals who have been determined eligible for vocational rehabilitation services and are entering, maintaining or regaining *competitive employment*.
- D. BRS will not participate financially to equip a vehicle with anything that was available to the consumer as a factory/dealer option at the time the vehicle was ordered and was recommended to the consumer by BRS.
- E. BRS may arrange for a thorough mechanical inspection of any vehicle before determining whether or not it is feasible for the vehicle to be modified, remodified or adapted.
- F. BRS financial participation will be as follows:
  1. For the first modification for a consumer, up to 100%
  2. Remodification of the same vehicle or another vehicle may be provided under the following conditions, provided the consumer has maintained appropriate insurance on the original adaptive equipment:

- a. If the last BRS-funded modification was within three (3) years and 54,000 miles, BRS will bear none of the cost;
  - b. If it has been more than three (3) years and at least 54,000 miles since the most recent BRS-funded modification, BRS may provide up to 50% of the transfer or remodification. The consumer must bear the cost of the balance.
  - c. If it has been more than five (5) years and at least 90,000 miles since the most recent modification funded by BRS, BRS may provide up to the entire cost.
- G. BRS's participation in modifying or adapting a vehicle will be limited to the least expensive type of vehicle modification that will accomplish the goal of enabling the consumer to enter, maintain or regain employment. This will be based on evaluations performed by the BRS vehicle assessment vendor and the Department of Rehabilitation Services' Driver Training Consultant or other *entity* deemed qualified by BRS.
- H. The consumer must cooperate in evaluation and testing, as necessary, to determine their ability to drive and their need for special equipment and vehicle modification. BRS may deny the provision of vehicle modification services where a consumer fails to cooperate in these evaluations.
- I. Vehicle modification can only be provided in conjunction with and to support the attainment of a specific vocational goal.
- J. The consumer will be solely responsible for basic vehicle repairs and routine *maintenance*, including special adaptive equipment.
- K. The consumer will be solely responsible for insurance on the vehicle, including any insurance on the vehicular adaptive equipment.
- L. If the consumer or the consumer's family has entered into negotiations or contracts for services with particular vendors, it will not be binding on BRS to provide services through these vendor(s). Any work that has been initiated or equipment that has been installed or ordered prior to approval under an IPE, will not be retroactively authorized by the BRS.
- M. When a consumer's needs may not be met by strictly adhering to these policies, the Bureau Director or his/her designee may determine where exceptions will be made.



## Chapter III – Individualized Plan for Employment (IPE)

### Section 4(g) – Supported Employment

Given the proper supports, persons with disabilities, including those *individuals with the most significant disabilities*, are capable of maintaining *competitive integrated employment*.

*Supported employment* services are available to *individuals with a most significant disability* who have been unable to maintain *competitive integrated employment* because of the severity of their disabilities. The goal is to assist these individuals to achieve employment in the most *integrated setting* possible.

Please note: Initial supports within VR are now defined by WIOA as “*ongoing support services*”. What was formerly known as ongoing support is now called “*extended services*”.

#### Legal Requirements

- A. *Supported employment* is defined as employment:
1. which is *competitive integrated employment*, including *customized employment*;
  2. for which the individual earns a competitive wage (i.e., at or above the *minimum wage*, but not less than the customary wage and level of benefits paid by the employer for similar work performed by individuals without disabilities) or where the individual is working toward a competitive wage;
  3. for *individuals with the most significant disabilities* including youth with the most significant disabilities:
    - a. for whom *competitive employment* has not traditionally occurred or has been interrupted or intermittent because of the disability; and
    - b. who need *support* throughout the term of employment, including both initial intensive time-limited *supported employment services* through BRS and *extended services*.
  4. Employment that is individualized and customized, consistent with the individual's unique strengths, resources, priorities, concerns, capabilities, abilities, interests, and *informed choice*.
- B. An IPE with a goal of *supported employment* must specify the source of *extended services* or the basis of determining that there is a reasonable expectation that *extended services* will be available after BRS *supported employment services* are completed. This is required for persons who need *supported employment services*, regardless of whether regular Title I or *supported employment* Title VI-B funds are used.

To ensure that *extended services* will be available to the individual, a written commitment from the source of extended supports is generally required. Planning with that source needs to ensure that the level and type of supports available are appropriate to the consumer's needs. If there is no potential source of *extended services* that will be available, an IPE with the goal of *supported employment* cannot be approved except in the case of youth with the most significant disabilities for which the potential need for *extended services* is being explored. In such cases a short-term IPE may be developed.

Youth with most significant disabilities may be able to receive *extended services* for a period of time not to exceed 4 years or until such time that a youth reaches the age of 25 and no longer meets the definition of a *youth with a disability*, whichever occurs first.

Examples of resources for *extended services* include but are not limited to the Departments of Developmental Disabilities, Social Services or Mental Health and Addiction Services, BRS Employment Opportunities Program, natural supports, provider in-kind services, family resources and Social Security impairment-related work expenses.

See Chapter III, Section 2 Contents of an IPE for additional IPE requirements for persons in *supported employment*

- C. BRS can provide *ongoing support services* for a period of not more than 24 months, from the time of job placement until transition in to *extended services* unless, under special circumstances, the consumer and BRS counselor jointly agree to extend the time in order to achieve the rehabilitation objectives in the IPE.

The length of BRS support will vary greatly, depending on individual consumer needs. For most individuals, the period of time needed for the initial intensive training through BRS is less than 24 months. BRS *supported employment services* may exceed 24 months, but only in those unusual individual circumstances where there are specific achievable objectives that can be reached in a relatively limited period of time.

- D. BRS may provide discrete *post-employment services* that are unavailable from the *extended services* provider and that are necessary to maintain or regain the job placement or advance in employment.

## Chapter III – Individualized Plan for Employment (IPE)

### Section 4(h) – Services Leading to the Goal of Small Business Ownership

When considering the goal of small business ownership, the counselor and consumer need to first carefully consider what is involved in operating a business and consider whether the consumer has the strengths, abilities and resources necessary to be successful in such a venture. In those cases where it is determined that the individual has the personal ability to succeed in small business ownership, the other question is whether the business under consideration is viable. In order to answer this second question, BRS is likely to need the expertise of a counselor from the Connecticut Small Business Development Center (CSBDC).

#### Legal Requirements

- A. Prior to approval of an Employment Plan with an *employment outcome* of business ownership, a business plan must be developed by the consumer and approved by a Connecticut Small Business Development Center counselor as an economically viable proposal. BRS may provide business ownership services without this approval where the BRS director or his/her designee determine that there is clear and convincing evidence that the business is likely to be successful within a reasonable period of time.
- B. Before an Employment Plan is approved, BRS must approve both the *employment outcome* and the business plan. BRS may disapprove a business plan where it determines that the *employment outcome* is not feasible, as a result of:
  1. the earning potential of the business; or
  2. inconsistency with the consumer's strengths, resources, priorities, concerns, abilities, capabilities, or *informed choice*.
- C. The limits of BRS's contribution toward the establishment of a small business (excluding training costs and excluding any needed costs for vehicle or work site modifications necessitated by the individual's disability) are as follows:
  1. \$10,000, in cases where the net income that the business is projected to generate after two or more years in operation following the anticipated completion of services is at or above the amount recognized by the Social Security Administration as substantial gainful activity (SGA);

2. \$5,000, in cases where the net income the business is projected to generate after two or more years in operation following the anticipated completion of services is less than substantial gainful activity level.
- D. **Consumers will be required to make a contribution toward the small business venture, in cash, materials, or in-kind labor, in an amount valued at no less than ten percent of BRS's contribution.** BRS may deny the provision of business ownership services in cases where the consumer will not fulfill this responsibility, except as noted in paragraph (F) below.
  - E. Business ownership services may include start-up services and goods such as business consultants, bookkeeping, advertising, initial stocks, insurance, permits, fees, equipment, supplies, rent, utilities, transportation, telephone, and postage. It may also include technical assistance and other consultation services to conduct market analyses and develop business plans.
  - F. If BRS staff determines that there are circumstances in an individual case that warrant an exception to paragraph (C) or (D) above, a full explanation and justification must be presented to the BRS Director or his/her designee for consideration. The director may grant an exception in cases where they have determined that:
    1. consumer hardship requires such exception; and
    2. without such exception, there are no viable alternatives that would allow the consumer to achieve the *employment outcome*.

## Chapter III – Individualized Plan for Employment (IPE)

### Section 4(i) – Transition from School to Work

*Transition services* represent the set of vocational rehabilitation (VR) services available to eligible students and *youth with a disability*. They are outcome-oriented and promote movement from school to post-school activities.

*Transition services:*

- Help to prepare *students with a disability* to move from receiving services required under an IPE or 504 Plan to receiving VR services; and
- Help minimize potential delays in service delivery during the transition from school to employment or independence.

### Legal Requirements

Transition services are a coordinated set of activities for a *student or youth with a disability*:

- A. Designed within an outcome oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, *competitive integrated employment*, *supported employment*, continuing and adult education, adult services, independent living, or community participation;
- B. Based upon the individual student's or youth's needs, taking into account their preferences and interests;
- C. That include instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation;
- D. That promote or facilitate the achievement of the employment outcome identified in the student's or youth's IPE; and
- E. That include outreach to and engagement of the parents, or, as appropriate, the *representative* of such a *student or youth with a disability*.



# **CHAPTER IV**

## **Successful Case Closure and Post-Employment**

Section 1 Status 26 Case Closure

Section 2 Post-Employment Services

## Chapter IV - Successful Case Closure and Post-Employment

### Section 1 - Status 26 Case Closure

The goal of the vocational rehabilitation program is to enable consumers to enter gainful employment that is consistent with their abilities and *informed choice*. A consumer's BRS file may therefore be closed as "successfully rehabilitated" when the consumer is performing satisfactorily in employment that has been maintained for a minimum of 90 days and which is reasonably consistent with consumer's choice. While successful employment is an important measure of the agency's success in meeting its goal, there should not be a rush to close cases where it is clear that the job placement is unstable or inappropriate and where additional vocational rehabilitation services are necessary and appropriate.

#### Legal Requirements

- A. The following criteria must be met in order to make a determination that a consumer has been rehabilitated and to close his/her case record in Status 26:
1. The *employment outcome* is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and *informed choice*;

There may be isolated situations where, despite BRS attempts to work with the consumer to develop a goal that is consistent with all of the above criteria (strengths, resources, etc.), the individual's choice continues to clearly be inconsistent with their abilities, resources, etc. In cases where it is determined that it is not likely that the consumer can be placed in employment that is both consistent with his/her *informed choice* and his/her abilities, it may be appropriate to close a case rehabilitated if the remaining criteria are nonetheless met.

2. The *employment outcome* is in the most *integrated setting* possible, consistent with the individual's *informed choice*;
3. Rehabilitation services provided under an IPE have contributed to the achievement of the *employment outcome*;
4. The consumer has maintained the *employment outcome* for an appropriate period of time (but not less than 90 days after the completion of services) necessary to ensure the stability of the *employment outcome*, and the individual no longer needs vocational rehabilitation services.

There may be a number of cases where it is inappropriate to close the case after only 90 days of employment. For example, persons in supported employment who require additional time-limited services until the transition to *extended services* will generally need to have their cases remain open for a longer period of time. Other persons who need assistance to maintain employment (such as individuals who are self-employed or who need other job-related supports) may also need the case open longer to ensure success on the job.

5. At the end of the 90-day period, the consumer and BRS consider the *employment outcome* to be satisfactory and agree that the consumer is performing well on the job.

When applicable, as consumers complete vocational rehabilitation services and enter employment, BRS should provide them with information and to understand the impact of work and earnings on their government benefits.

6. The individual has been informed through *appropriate modes of communication* of the availability of *post-employment services*.



## Chapter IV - Successful Case Closure and Post-Employment

### Section 2 – Post-Employment

Post-employment services allow BRS to provide the expeditious delivery of services to persons who have had their cases closed as “rehabilitated” (Status 26). A case may be opened for post-employment services (Status 32) when the previously agreed upon *employment outcome* is still valid, but the individual needs short-term, discrete services in order to maintain, advance in or regain employment. For persons who need services due to significant change in the disability or employment goal, or who need more extensive services for other reasons, the case should be reopened in applicant status (Status 02).

#### Legal Requirements

After a consumer has been determined to have been rehabilitated, *post-employment services* may be provided to assist a consumer to maintain, regain or advance in employment consistent with the individual’s strengths, resources, priorities, concerns, abilities, capabilities and interests.

Post-employment services are intended to ensure that the employment outcome remains consistent with the individual's 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 IPE. Thus, a re-determination 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. Post-employment services are available to assist an individual to maintain employment (e.g., the individual’s employment is jeopardized because of conflicts with supervisors or co-workers, and the individual needs mental health services and counseling to maintain the employment), to regain employment (e.g., the individual’s job is eliminated through reorganization and new placement services are needed), and to advance in employment (e.g., the employment is no longer consistent with the individual’s strengths, resources, priorities, concerns, abilities, capabilities, interests, and *informed choice*).

Post-employment services may consist of any appropriate vocational rehabilitation services described throughout this manual.