**Connecticut Department of Rehabilitation Services**

**Bureau of Education and Services for the Blind (BESB)**

**Vocational Rehabilitation (VR) Policy Manual Proposed Updates**

**PREAMBLE**

**Pursuant to the issuance of the Code of Federal Regulations (CFR) 34 CFR Parts 361, 363, and 397 for the State Vocational Rehabilitation Services program; State Supported Employment Services program; and Limitations on Use of Subminimum Wage, the policies governing the administration of these services through the Bureau of Education and Services for the Blind are proposed for updating to conform with the new federal regulations and the underlying principles and language within the Workforce Innovation and Opportunity Act (WIOA).**

**Wherever possible, actual federal language, as it appears in 34 CFR Parts 361, 363 and 397 has been incorporated directly into the proposed policy changes to preserve the clear intent of the federal regulatory framework.**

**At the same time that we are incorporating the changes in federal regulations, the Bureau is also attempting to streamline the length of the current Policy and Procedure Manual and eliminate redundancies. So, many of the internal program procedures and forms that were previously included are proposed for deletion, resulting in a proposed Policy Manual rather than a Policy and Procedure Manual. This change will produce a Policy Manual that is much shorter and easier to use by clients and advocates. Formatting has also been proposed for updating to provide for consistency. Beyond these changes are proposed adjustments to existing policy language in certain areas as discussed below.**

**Throughout the proposed updates, language that is recommended for deletion is found within brackets (and also with a grey background). Text that is proposed to be added is underlined text with asterisks preceding the first proposed new word and immediately after the last proposed new word of a sentence, paragraph or section. While proposed changes appear extensively throughout the proposed manual update in every Section, what follows is a summary of the most substantive changes. Please note however that this list is not exhaustive and does not reflect the full scope of every proposed change. Clients, advocates and citizens should, of course, review the entire draft policy document to become acquainted with all of the proposed changes.**

**The following summary of changes is presented in order by Chapter.**

**Chapter 1 - General Information**

**Section 1: Bureau of Education and Services for the Blind**

**No proposed changes to this Section.**

**Section 2: Legal Benefits for Individuals in Connecticut who are Legally Blind**

**Legal benefits information and contacts have been updated. Language has been updated to use person-first language when referring to persons with disabilities.**

**Section 3: Vocational Rehabilitation Services**

**Subsection “a” includes new language reflecting that there is a Unified State Plan for the Workforce partners that includes a Vocational Rehabilitation Section rather than a separate, stand-alone State Plan for the VR Program at BESB.**

**Subsection “b” adds the responsibility of reviewing due process hearing decisions to the role of the State Rehabilitation Council.**

**Chapter 2- General Policies and Procedures**

**The word “Procedures” is removed from the Chapter title and Procedures language throughout the Chapter is proposed for deletion. Some language that appeared as a Procedure in the current manual has been retained and is now proposed to be included within the Policy.**

**Section 1: Client Assistance Program (CAP)**

**Language has been added indicating that individuals who are seeking or receiving Pre-Employment Transition Services may request services from CAP, and redundant language restating that CAP is available to all persons applying for or seeking Vocational Rehabilitation Services is proposed for deletion. With the forthcoming change in the administrative location of CAP, reference to it being located at the Office of Protection and Advocacy is proposed for deletion.**

**Section 2: Case Record of Services**

**Proposed language is added to reflect the requirements for documentation as found in the federal regulations.**

**Proposed language is added regarding documentation requirements if a client is working at a location where their wages are under Section 14(c) of the Fair Labor and Standards Act.**

**References to Extended Evaluations are proposed for deletion as this provision no longer exists within the federal regulations.**

**Proposed language is added that the State Rehabilitation Council will participate in the determination of the types of documentation to maintain in the record of services.**

**Section 3: Case Recording**

**References to Extended Evaluations are proposed for deletion.**

**Section 4: Civil Rights**

**The current Connecticut Department of Rehabilitation Services Affirmative Action Statement is proposed to replace the outdated version.**

**Section 5: Comparable Services and Benefits**

**Language as found within the federal regulations is proposed to replace prior language and internal procedures are proposed to be removed.**

**Section 6: Confidentiality and Availability of Case Record Information**

**Proposed language is added allowing for the waiving of the fee for copying 10 or fewer pages, or in cases of financial hardship. Proposed wording is added affirming that copies of Individualized Plans for Employment and Amendments are provided in all cases at no cost.**

**Section 7: Informed Choice**

**Language from the federal regulations is proposed to be utilized to replace existing language.**

**Section 8: Order of Selection**

**Language as it appears in the federal regulations is proposed to be utilized throughout this Section to update existing policy language. Specific circumstances that would make an individual exempt from an Order of Selection are included in this Section, including a new option available through the federal regulations that makes it an allowable State choice to serve individuals who only require specific services or equipment to maintain employment. This drafting of revised Policy is proposing to utilize this new federal option. This section also clarifies the process that would be used to assess the need for an Order of Selection prior to a decision to implement such an Order.**

**Language regarding the requirement to refer individuals who do not meet the Order of Selection to other agencies and partners within the Workforce Development System have been updated as well.**

**Section 9: Purchase of Services**

**A timeframe of ten (10) business days to process a written authorization has been added to the proposed Policy language for circumstances where a verbal authorization has been issued.**

**Section 10: Review of Decisions Made by Personnel of the Vocational Rehabilitation Program**

**Existing policy language is proposed to be replaced with language from the federal regulations. Additionally, since BESB is now a Bureau within a larger agency, this Section includes a proposed provision to allow for appeal of the decision of the impartial hearing officer to the Commissioner of the Department of Rehabilitation Services in limited circumstances.**

**Section 11: Rights and Responsibilities**

**This Section proposes to add two additional times in the vocational rehabilitation process where a client must be notified of their rights, responsibilities and availability of the Client Assistance Program. This Section also removes the State Director from the process of requesting a Counselor change and places that responsibility with the Program Supervisor, with clients having the right to appeal that decision through any of the remedies identified in the previous Section (which includes an informal appeal option to the State Director).**

**Section 12: Scope of Vocational Rehabilitation Services**

**This Section adds the new service of Pre-Employment Transition Services that is found in the federal regulations.**

**This section also adds the new service of Customized Employment that is also found in the federal regulations.**

**The Policy statements for services to individuals and to groups of individuals have been updated to incorporate the language found in the federal regulations.**

**Section 13: Use of Clerical Staff and Special Assistants to the Blind**

**This Section is proposed for elimination as it does not address services to clients but rather addresses administrative procedures.**

**Chapter 3 – Case Processing Policies**

**The Subsections for Procedures are proposed for elimination.**

**Section 1: Vocational Rehabilitation Status System**

**This Section describes the status codes that identify a client’s progress through the vocational rehabilitation system (example: Status 00 is referral, Status 02 is applicant, etc.). Because there are specific required activities that must occur at each of these stages in the process, this information is being retained as proposed Policy. Sentences that reflect internal procedural activities are proposed for deletion.**

**Language from the federal regulations regarding the requirements that must be satisfied prior to case inactivation are included in this Section.**

**Trial Work Experiences have also been added to this Section, utilizing language from the federal regulations.**

**This Section also includes the requirement as noted in federal regulations to have an Individualized Plan for Employment developed within 90 days of an eligibility determination unless the individual and the Counselor agree to an extension to a specific future date.**

**Section 2: Authorization of and Payment for Services**

**Language that affirms a time frame of ten (10) business days to follow verbal authorization with a written authorization for services is proposed to be added to this Section.**

**Section 3: Assignment of Cases**

**No changes recommended to this Section.**

**Section 4: Referral and Application for Services**

**Requirements to explore and confirm immigration status are proposed for deletion as there is no corresponding authorizing language in the companion federal regulations that directs the Vocational Rehabilitation Program to take this action. This language is replaced in Subsection “b” with language that has the Counselor collecting at the application phase of the vocational rehabilitation process the information that is required for federal reporting purposes.**

**Section 5: Assessment for Determining Eligibility and Priority for Services**

**This Section incorporates new language from the federal regulations, including language regarding the assessment process, use of trial work experiences prior to determinations of ineligibility, presumptions of eligibility and intent to seek an employment outcome.**

**Section 6: Trial Work Experiences**

**This Section deletes references to Extended Evaluation, which no longer exists as an option under the federal regulations. This Section adds detail to the use of Trial Work Experiences, primarily utilizing the language from the federal regulations.**

**Section 7: Case Closure without an Eligibility Determination**

**Certain information previously contained within the Procedure Section has been incorporated into Policy. Notification requirements and post-closure review requirements have been added, incorporating the requirements of the federal regulations.**

**Section 8: Eligibility**

**No change to the existing Policy language is proposed. The Procedure language is proposed for deletion. It is duplicative of language found in Section 5 of this chapter.**

**Section 9: Planning and Individualized Plan for Employment (IPE) Development**

**Language from the federal regulations is incorporated into this Section, including the options for developing the Individualized Plan for Employment, with or without assistance from the Bureau. Required content of the IPE is found in this Section. Timelines for developing the IPE are included as well. Existing Policy language identifying the circumstances when the Vocational Rehabilitation Supervisor must sign the IPE is retained. This Section also includes Subsections with the new provisions for Supported Employment, Post-Employment Services, coordination of services for students with disabilities, and Pre-Employment Transition Services. The scope of vocational rehabilitation services and the use and exemptions for comparable services and benefits are also found in this Section. Subsequent determinations of ineligibility after the IPE is developed are also detailed in this Section.**

**Section 10: Provision of Vocational Rehabilitation Services**

**The scope of vocational counseling, which includes benefits counseling, has been added to this Section. Referral services have also been added, both instances utilizing the new federal regulations language. Subsection “d” of this Section “Vocational and Other Training Services” builds upon existing Policy language. Services included in this Subsection are:**

**-On the Job Training (OJT): The OJT forms are proposed for removal from the Policy manual as these forms are a procedural activity.**

**-Personal Adjustment Training: Proposed language allowing for progress reports at periodic intervals rather than every month has been added. Procedures are proposed for deletion.**

**Post-Secondary Training: Language has been added that on-line programs are an allowable option. Outdated language referencing IPE’s developed prior to February 1, 1996 is proposed for deletion. Some of the language that is currently in the Procedure Subsection is proposed to be retained as Policy in regards to grades, summer school attendance, and updating the Counselor on the student’s progress.**

**-Reader Services: This Subsection proposes to remove language that would require a Peer-Review Committee in situations where a client requests more than 250 hours of reader service per semester. There has never been an instance of this occurring. Proposed language would align this process with the similar scenario of situations where a student requests additional funds for books by submitting a written request to the State Director. Certain language previously located in the Procedure Subsection is proposed to be retained in the Policy Subsection.**

**Book and Supplies: Reference to diagnostic services is proposed for deletion as diagnostic services are covered under the Trial Work Experiences Section of the manual.**

**-Supported Employment: This Subsection is substantially different from the prior version and uses the new federal regulations language, incorporating it into proposed Policy language. The new option found in the federal regulations for the Vocational Rehabilitation Program to provide Extended Services to youth is included.**

**-Transition Services: This Subsection incorporates federal regulations language, defining both students and youth, and offers a clarification regarding the provision of Pre-Employment Transition Services.**

**-Transitional Employment: This service is proposed for elimination as it no longer exists within the federal regulations.**

**-Work Adjustment: Language from the federal regulations is added to existing Policy language and outdated existing language is proposed for removal.**

**-Adaptive Equipment, Telecommunications, Sensory and Technology Aids/Devices: Proposed new language in this Subsection clarifies the role of the Vocational Rehabilitation Counselor in technology recommendations, and further clarifies circumstances where the Bureau will provide adaptive technology devices in place of seeking reasonable accommodations from the employer.**

**-Rehabilitation Technology Services: This Subsection adds language regarding the use of rehabilitation technology during Trial Work Experiences. It also adds a requirement that the client’s informed choice for equipment must be included in the evaluator’s report and the evaluator must include in their assessment report the reason(s) for making any recommendations that are different from the client’s choice. The procedural referral form is proposed for deletion.**

**-Interpreter Services for Individuals who are Deafblind: Outdated contact information is proposed for deletion.**

**-Low Vision Services: Proposed updates to this Subsection include new language to provide clients with a listing of approved low vision doctors to facilitate informed choice as to the provider the client wishes to utilize. Language regarding fees is updated, and clarification is added regarding how to address situations where clients may require multiple low vision services over time due to deteriorating vision, as well as how to address situations where a client’s vision may have improved to the point of no longer being legally blind.**

**-Maintenance: Language from the federal regulations is added to this Subsection, including specific examples of services and items that would fall within this category. Some of the language found within the Procedure Subsection is proposed to be retained as Policy, in particular, language stipulating that Social Security Disability Income cannot be used to meet the increased cost of maintenance to participate in vocational rehabilitation services.**

**-Mobility Services: No substantive changes proposed in the Policy. The majority of the Procedure Subsection is proposed for deletion.**

**-Occupational Licenses, Tools, Equipment and Initial Stocks and Supplies: Due to the new federal regulation requirement for IPE development within 90 days after an eligibility determination, proposed for removal from Policy language is part of a sentence that stipulates the development of a business plan prior to approval of an IPE or amendment for self-employment.**

**-Placement Services: Proposed new language makes clear that this service is for placement in competitive and integrated settings.**

**-Personal Assistance Services: Language from the federal regulations is proposed for addition to existing Policy language.**

**-Rehabilitation Teaching Services: The purpose of this service is clarified, noting that the service is to assist clients to prepare for, engage in and retain employment. The referral form is proposed for deletion as this is a procedural activity.**

**-Services to Family Members: No substantive changes to this Policy are proposed other than moving a sentence from the Procedure Subsection indicating that clients are to obtain receipts from the providers of the service.**

**-Transportation: Relocation expenses, provided until completed have been added to this Subsection, based on language in the federal regulations that includes this service under this category.**

**-Vending Facility Program: Minor clarifying adjustments to existing Policy language are proposed in this Subsection.**

**-Customized Employment: This is a new service and the language found in the federal regulations is utilized to describe this service.**

**-Pre-Employment Transition Services: This is a new service and the language found in the federal regulations is utilized to describe this service.**

**-Other Goods and Services: No changes recommended to this Subsection.**

**Section 11: IPE Completed, Ready for Employment (Status 20)**

**This Section is proposed for deletion. Outdated status no longer in use.**

**New Section 11: (formerly Section 12): Employed (Status 22)**

**Language for when a client can be considered to be have completed services and the 90-day monitoring period commences is clarified in this Section, bringing forth language from the federal regulations that defines competitive, integrated employment, as well as earnings in self-employment.**

**New Section 12: (formerly Section 13)**

**VR Services Interrupted: No substantive changes proposed to this Section.**

**New Section 13: (formerly Section 14) Case Inactivation**

**Procedural language is proposed for deletion. The time frame to provide written notification to the client of the impending case inactivation is proposed to be ten (10) business days in place of 30 calendar days which is the current timeframe. New Subsections that describe the processes for case inactivation due to ineligibility and subsequent determinations of ineligibility, utilizing language from the federal regulations is found in this Section. Policies for case inactivation for other reasons such as moving to another State, no longer legally blind or visually impaired, and refusing further services are also detailed in this Section. A major component of this Section addresses case inactivation after achievement of an employment outcome. Drawing heavily from federal regulations language, this Subsection details the requirements that must be satisfied prior to case inactivation in competitive employment, supported employment and self-employment. Existing Policy language is proposed for deletion, including the removal of employment outcomes in the category of Homemaker and Unpaid Family Worker, as these outcomes are no longer allowable under the federal regulations. This Section also provides descriptions of the various types of Post-Employment case inactivation.**

**New Section 14 (formerly Section 15): Post-Employment Services**

**This Section utilizes language from the federal regulations to detail the scope and extent of Post-Employment services, replacing existing Policy and Procedure language.**

**New Section 15 (formerly Section 16): Semi-Annual and Annual Review of Individuals in Extended Employment and other Employment under Special Certificate Provisions of the Fair Labor Standards Act**

**This Section utilizes language from the federal regulations to describe the required activities for reviewing and reevaluating the placement of individuals in these circumstances.**

**New Section 16: Sub-Minimum Wage Requirements**

**This new Section is derived from language in the federal regulations that requires specific actions by the local education agency and the Vocational Rehabilitation Program prior to a youth with a disability entering employment at sub-minimum wage. This section also details required actions of the employer and the Vocational Rehabilitation Program for adults who are working at sub-minimum wage.**

**Chapter 4- Administrative and Employee Responsibilities**

**Section 1: General Information**

**No substantive changes recommended to this Section.**

**Section 2: Lobbying**

**No substantive changes recommended to this Section.**

**Section 3: Debarment, Suspension, and Other Matters**

**No substantive changes recommended to this Section.**

**Section 4: Drug-Free Workplace**

**No substantive changes recommended to this Section.**

**Section 5: Cooperative Agreements and Memoranda of Understanding**

**No substantive changes recommended to this Section.**

**Section 6: Comprehensive System of Personnel Development**

**This Section includes new language from the federal regulations related to providing Vocational Rehabilitation Program staff with training to understand the evolving labor force and the needs of individuals with disabilities. This Section affirms that job descriptions are established and maintained by the Department of Administrative Services. This Section also modifies the job titles that would be considered for Vocational Rehabilitation funding to earn a Master’s degree in Rehabilitation Counseling or closely related field, recognizing that, with the elimination of the federal Inservice Training Grant, only individuals in the job title of Vocational Rehabilitation Assistant Counselor can be considered for such funding. Training and conference opportunities for staff of the Vocational Rehabilitation Program will be offered within available funding.**

**Section 7: Reversion to Donor**

**No substantive changes are recommended to this Section.**

**Section 8: Services to Individuals from Underserved Populations**

**No substantive changes are recommended for this Section.**

**New Section 9: Electronic Communications and Use of Social Media with Clients of the Bureau**

**This new Section of Policy draws heavily from the new Code of Ethics of the Commission on Rehabilitation Counselor Certification (CRCC), the certifying body for Rehabilitation Counselors and the basis for the “highest standard in the State” described in Section 6 of this Chapter. This new Section provides Vocational Rehabilitation staff with Policy pertaining to the transmittal of confidential information with clients, the use of electronic communications with clients, and the use of social media for professional activities with clients. This Section also includes a new provision to provide counseling to clients on the implications of social media.**