DRAFT

State of Connecticut, Department of Rehabilitation Services; Bureau of Education and Services for the Blind

KEY- Proposed new language is found in underlined text in between asterisks \*. Proposed deletions to existing language are words contained within brackets [ ].

NOTE: Throughout the Vocational Rehabilitation policy and procedures manual, there are references to the “Board” of Education and Services for the Blind. All such references throughout the manual will be changed to “Bureau” to reflect the new name of the organization. Unless otherwise noted in the draft policy revisions contained within this document, all references to “agency” within the policy and procedures manual shall now refer to the Department of Rehabilitation Services. All references to the Vocational Rehabilitation “Division” or the “Division” of Vocational Rehabilitation shall now be the “Vocational Rehabilitation Program.”

Preceding each section of this draft is a PREAMBLE that describes what the proposed policy changes are addressing.

CHAPTER 1 - GENERAL INFORMATION

PREAMBLE: Proposed revisions to this section identify the new status of BESB as a Bureau within a larger agency, and further acknowledge that BESB follows the affirmative action policy of that agency. The outdated BESB affirmative action policy is proposed for removal as the Bureau is no longer a stand-alone agency with a separate policy.

Section 1. – [Board] \*Bureau\* of Education and Services for the Blind (BESB)

a) Affirmative Action

The Connecticut [Board] \*Bureau\* of Education and Services for the Blind \*(Bureau), within the Department of Rehabilitation Services (agency)\* is an affirmative action employer and strongly supports all state, federal and Constitutional mandates \*and complies with all policies established by the Department of Rehabilitation Services pursuant to these mandates, laws and regulations.\* [including the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Rehabilitation Act of 1973 as Amended, the Equal Pay Act, the Vietnam Era Veteran's Readjustment Assistance Act of 1973, the Americans with Disabilities Act of 1990, Governor's Executive Orders and are relevant sections of the State Statutes. An addendum to this letter lists all federal and state statutes, regulations, guidelines and orders, which prohibit discrimination and/or mandate affirmative action in employment.

The Board of Education and Services for the Blind is strongly committed to Affirmative Action and to the purpose and need for a progressive and comprehensive Affirmative Action plan to overcome any present effects of past practices and policies of discrimination, or barriers to equal employment opportunity, and to achieve the full and fair use and participation in the work force of women, Blacks, Hispanics, and any other protected class including older workers, physically disabled, and blind persons. Equal employment opportunity is the purpose and goal of Affirmative Action and the Board of Education and Services for the Blind Affirmative Action plan is the important tool to achieve this goal: the employment of individuals without regard to race, color, religious creed, age, sex, marital status, sexual orientation, national origin, alien status, ancestry, learning disability, developmental disability, present or past history of mental disability, mental retardation, physical disability including blindness, or prior conviction of a crime, unless a bona fide occupational qualification exists which would exclude persons in one of these protected classes.

The Board of Education and Services for the Blind establishes Affirmative Action and equal employment opportunity as immediate and necessary agency objectives. We pledge the agency to affirmatively provide all services and programs in a fair and impartial manner.

Affirmative Action plays an important and necessary role in all stages of the employment process. The Affirmative Action Program Manager conducts a direct recruitment program in addition to that of the agency personnel office and the Department of Administrative Services, and provides direct staff orientation, training, and upward mobility and employment counseling, and handles discrimination grievance procedures. The Personnel Officer monitors employment applications, job qualifications and specifications, agency recruitment practices, personnel policies, job structuring, evaluations, layoffs, and terminations.

The employment process consists of recruitment, selection, placement, promotion, transfer, salary and fringe benefit determination, separation and termination, and job training. The role of affirmative action is to provide an environment for the application of equal opportunity principles and to monitor the employment process to prevent instances of illegal discrimination from arising or existing.

The affirmative action influence on the employment process seeks to assure that:

1. Recruitment and hiring of protected group members reflect their availability in the job market.

2. Selection, placement, and related activities are based upon job-related factors and criteria and those practices, which have an illegal discriminatory impact, have been identified and eliminated.

3. Salary and fringe benefits, including opportunities for training and education, are administered in an equitable manner.

4. Transfer, reassignment, separation, and termination decisions are non-discriminatory and do not result in an illegal adverse impact upon members of protected groups; and, where there is a negative impact upon protected groups, alternative approaches to separation and termination are explored.

Additionally, when necessary to address the employment difficulties encountered by older persons and physically disabled persons, including blind persons, the agency will develop programmatic goals to assist members of these groups.

All agency employees have the right to a reasonable period of review and comment upon the agency Affirmative Action Plan. Effective October 1, 1996, the plan is available for review and comment by contacting the Affirmative Action Program Manager. Please refer all comments and requests to the Affirmative Action Program Manager. Any employee who performs duties in the implementation of the agency Affirmative Action Plan shall not be coerced, intimidated, or retaliated against in any manner.]

PREAMBLE: Proposed changes to this section affirm the bureau status of BESB within a larger agency and the role of the State Rehabilitation Council to BESB. Additionally, this section introduces the newly developed proposal through the agency Strategic Planning process to permit current and former clients of the BESB Children’s Services Program who are visually impaired to be served by the BESB Vocational Rehabilitation Program.

Section 3. - Vocational Rehabilitation Services

a) Administration of Vocational Rehabilitation Services

The [Division of] Vocational Rehabilitation \*Program\* is one of [five] \*four\* major [divisions] \*Programs within\* the [Board] \*Bureau\* of Education and Services for the Blind and is responsible for administering the vocational rehabilitation program for blind individuals in the State of Connecticut. All services will be provided in accordance with the appropriate federal and state statutes, and the [Agency's] \*Bureau’s\* State Plan for Vocational Rehabilitation for blind individuals. \*The Bureau is organizationally located within the Department of Rehabilitation Services.\*

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

Clients who are not blind at referral but have a progressive condition, which will lead to blindness in a short period of time, may be accepted for services. \*Additionally, children who are or were served by the Bureau’s Children’s Services Program and who meet the statutory definition of visually impaired may be served by the Bureau’s Vocational Rehabilitation Program.\*

b) State Rehabilitation Council

The State Rehabilitation Council is a body of individuals, appointed by the governor, which provides recommendations to the State Director \*of the Bureau\* concerning the provision of vocational rehabilitation services in the state.

The following summarizes the functions of the Statewide Rehabilitation Council relative to the [Division of] Vocational Rehabilitation Services \*Program at the Bureau of Education and Services for the Blind.\*

· Reviewing, analyzing, and advising the [Division] \*Bureau\* regarding performance with particular attention to:

- Eligibility (including order of selection)

- Extent, scope, and effectiveness of services provided

- Functions performed

· As possible, evaluating program effectiveness and consumer satisfaction of all federal and state-funded rehabilitation services provided by VR and other agencies.

· Making recommendations to the governor, on a yearly basis, regarding the effectiveness of rehabilitation services in the state.

· Assisting in the development of the state plan for service provision, the strategic plan, and amendments to the plan.

· Coordinating with the State Independent Living Council (SILC).

·Coordinating with other councils within the state including the Developmental Disabilities and Mental Health Councils, and an advisory group established under the Individuals with Disabilities Education Act (IDEA).

CHAPTER 2 - GENERAL POLICIES AND PROCEDURES

PREAMBLE: Proposed changes to this section reference the change to bureau status and the State Director’s reporting requirements within the new agency in situations where it is deemed that an Order of Selection would be needed.

Section 8. - Order of Selection

When funding projections indicate that the Vocational Rehabilitation Program cannot provide services to all eligible individuals, Federal Law requires the Program to establish an order to be followed for selecting eligible individuals to whom vocational rehabilitation services shall be provided on the basis of serving first, individuals with the most significant disabilities. Individuals who have an Individualized Plan for Employment that has been implemented, shall not be impacted by a decision of the [agency] \*Bureau\* to enter into an Order of Selection and shall continue to receive services as outlined in the Individualized Plan for Employment or subsequent amendments.

An order of selection consists of priority categories to which eligible individuals are assigned based on the significance of their disability. Under an order of selection, individuals with the most significant disabilities are selected first for the provision of vocational rehabilitation services. An “individual with a significant disability” is defined as an individual with a disability –

* 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; and
* Who has one or more listed physical or mental disabilities 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.

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

The functional categories are:

Mobility - Unable to effectively use conventional modes of transportation. Requires assistive devices. Due to disability, is unable to travel alone in unfamiliar places. Regularly requires one or more of the following to get around the community: modifications, adaptive technology, accommodations, assistance (personal or device). Range of travel is severely limited.

Motor Skills - Unable to use upper extremity(ies) to obtain, control, and use objects. Unable to control and coordinate fine and/or gross motor movements. Unable to perform at a competitive work pace. Loss of use of dominant upper extremity.

Self-Care - Places self or others at risk due to deficits in decision-making, reasoning, or judgment. Is unable to perform normal activities of daily living -such as hygiene, cooking, shopping, and money management without assistance. Requires assistance on the job for personal needs. Requires extra attention or monitoring to prevent accident or injury. Unable to adjust to changes in daily routine or new situations.

Self-Direction - Unable to work independently. Requires supervision on a frequent or ongoing basis to begin and carry through with goals and plans.

Work Skills - Unable to identify logical steps necessary to reach goals. Unable to remember and understand instructions. Unable to learn new tasks without intensive and/or specialized instructions. Unable to follow written/verbal instructions. Requires significant accommodations or rehabilitation technology to participate in training to develop work skills.

Interpersonal Skills - Social withdrawal/isolation. Has significant difficulty interpreting and responding to behavior and communication of others. Work history includes recent negative references, firings, or multiple short-term jobs, or other evidence of work adjustment problems.

Communication - Unable to participate in conversation without accommodation or assistive technology. Expressive and receptive primary mode of communication is unintelligible to non-family members or general public. Unable to access printed/visual information without assistive technology and/or accommodation. Unable to understand telephone conversation even with amplification.

In the event that the [Executive] \*State\* Director determines that insufficient funds exist to serve all eligible individuals, after consulting with and considering the recommendations from the State Rehabilitation Council \*, the Commissioner of the Department of Rehabilitation Services\* and the [Board of Directors] \*Advisory Board\*, the decision shall be implemented to put an order of selection in place, serving first those individuals determined to have the most significant disabilities.

In order to determine who is eligible for services based on an Order of Selection, the Vocational Rehabilitation Counselor will complete a Functional Assessment Inventory for Priority of Services during the eligibility for services process. The Priority Category under Order of Selection will be determined based upon the results of the Functional Assessment for Priority of Service.

PREAMBLE: Proposed changes to this section confirm the bureau status of BESB and removes the title of Executive Director, which no longer exists, replacing it with the title of State Director.

Section 10. - Review of Rehabilitation Counselor Determinations

Policy

An applicant or eligible individual who is dissatisfied with any determinations made by a Vocational Rehabilitation Counselor concerning the furnishing or denial of services, may request a timely review of those determinations.

The client must make a written request for a review of the decision that was made by the Rehabilitation Counselor, and state in the written request the nature of the matters to be addressed in the review. The [Agency] \*Bureau\* may not institute a suspension, reduction, or termination of services being provided under an Individualized Plan of Employment (IPE) pending a review, unless the individual or in appropriate cases, the individual's representative, so requests, or the [Agency] \*Bureau\* has evidence that services have been obtained through misrepresentation, fraud, collusion or criminal conduct on the part of the individual.

A) Review Options

1. Informal Resolution:

A client may seek an informal review of a Rehabilitation Counselor decision by sending a written request to the [Executive] \*State\* Director of the [agency] \*Bureau\*. This review will be conducted within forty-five days of receipt of the written request for such a review. The purpose of an informal review is to offer clients of the Vocational Rehabilitation Program an option for timely resolution of disputed decisions. However, the option to conduct an informal review in place of a hearing by an impartial hearing officer may not be used as a means of delaying a more formal hearing. If informal resolution is not successful in the case of an individual who has made a written request for a hearing by an informal hearing officer, the formal hearing must be conducted by the end of this same period, unless the parties jointly agree to a delay.

2. Mediation:

Mediation is an informal, voluntary dispute resolution process in which a neutral third party, the mediator, helps the disputing parties to reach an agreement. The mediator has no power to impose a decision on the parties. The [Agency] \*Bureau\* will maintain a pool of mediators who are familiar with the Vocational Rehabilitation Program, and who will be available to conduct mediation sessions. Clients who request a fair hearing must be informed that they also have the opportunity to request mediation as an option for resolution. However, the parties will enter mediation only if both the client and the [Agency] \*Bureau\* agree to mediation. Conversations that take place during the mediation process must be kept confidential. Anything that is said during the mediation process that would not otherwise be known cannot be used as evidence in any future hearings or civil proceedings. The parties to the mediation process may be required to sign a confidentiality statement prior to the commencement of such process. The [Agency] \*Bureau\* will bear the cost of the mediation process.

Each session in the mediation shall be scheduled in a timely manner, within forty-five days of the date of the written request from the client, and shall be held in a location that is convenient to both parties in the dispute. Any agreement reached by the parties to the dispute in the mediation process shall be set forth in written mediation agreement. The Vocational Rehabilitation [Division] \*Program\* shall not deny any other rights afforded to the individual under Title I of the Act as a result of a request to participate in the mediation process, or during mediation.

3. Formal Hearing Procedures:

A hearing by an impartial hearing officer must be held within forty-five days of the receipt of the written request for such a review, unless informal resolution was achieved prior to the expiration of the time period or the parties jointly agree to a delay.

The individual or, if appropriate, the individual's representative shall be afforded an opportunity to present evidence, information, and witnesses to the impartial hearing officer, to be represented by counsel or other appropriate advocate, and to examine all witnesses and other relevant sources of information and evidence.

The impartial hearing officer shall make a decision based on the provisions of the approved State Plan, the Rehabilitation Act Amendments of 1998, and federal and state vocational rehabilitation regulations and policies. The impartial hearing officer shall provide a full written report of the findings and grounds for the decision within thirty days of the hearing to the individual or, if appropriate, the individual's representative and to the [Executive] \*State\* Director. The decision of the impartial hearing officer shall be final.

4. Appeal:

Any party aggrieved by a final decision of the impartial hearing officer may bring a civil action for a review of the decision. The action may be brought to any state court of competent jurisdiction, or in a district court of the United States of competent jurisdiction, without regard to the amount in controversy.

B) Selection of Impartial Hearing Officers or Mediators

The impartial hearing officer or a mediator for a particular case must be selected:

(1) From among the pool of persons qualified to be an impartial hearing officer or mediator who are identified jointly by the [Agency] \*Bureau\* and the State Rehabilitation Council; and

(2) (A) on a random basis; or

(B) by agreement between the [Executive] \*State\* Director and the individual or, if appropriate, the individual's representative. A hearing officer or mediator may not be selected to participate in more than one review for the same individual.

C) Informing Affected Individuals

The [Agency] \*Bureau\* shall inform, through appropriate formats of communication, all applicants and eligible individuals of:

(1) the right to an informal review, mediation, or hearing by an impartial hearing officer, including the names and addresses of individuals with whom appeals may be filed or mediations established;

(2) the manner in which an impartial hearing officer or mediator will be selected;

(3) the right to appeal a final decision of the impartial hearing officer through a civil action that may be brought to any state court of competent jurisdiction, or to a district court of the United States of competent jurisdiction without regard to the amount in controversy;

(4) the availability of assistance through the Client Assistance Program, including the contact persons, address and telephone numbers.

Such notification will be provided in written format to the individual at the time that application is made for vocational rehabilitation services, at the time of development of the Individualized Plan of Employment, and upon reduction, suspension or cessation of vocational rehabilitation services.

PREAMBLE: Proposed changes to this section affirm the bureau status of BESB.

Section 11. - Rights and Responsibilities

Policy

All applicants for and recipients of VR services must be informed of their rights and responsibilities.

Procedures

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

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

- application (initial interview)

- IPE development

- closure

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

3. Client rights include, as appropriate:

a. an evaluation of eligibility

b. notification of the eligibility decision

c. if eligible, participation in the development of the IPE and any amendment or change in their rehabilitation program

d. annual review of the IPE

e. review of information in the case record

f. confidentiality

g. the appeal of [agency] \*Bureau\* actions concerning provision or denial of services

h. the right of appeal to the Superior Court under Section 4-183 of the Connecticut General Statutes

i. the availability of the Client Assistance Program

j. non-discrimination

k. a clear explanation of policies and procedures

l. a request for a change of Counselor

PREAMBLE: In addition to adding clarifying language affirming the bureau status of BESB and the Program status of Vocational Rehabilitation, proposed changes to this section affirm the role of the Commissioner of the Department of Rehabilitation Services in establishing rates. Proposed changes also seek to remove outdated requirements for occupational licenses, tools, equipment, initial stocks and supplies and direct the reader to Chapter 3 of the policy and procedures manual where the complete policy and procedure for this category of service is found. Similarly, this section proposes to remove outdated requirements for technological aids and devices that predate recent advancements in portable electronic magnification. Language regarding employer accommodations is proposed for removal from this section as it is defined and clarified in Chapter 3 of the policy and procedures manual. Proposed changes to this section also direct the reader to Chapter 3 of the policy and procedure manual where the complete policies and procedures for this category of service delivery are located.

Section 12. - Scope of Vocational Rehabilitation Services

a) Policy for Services Provided to Individuals

7. Vocational and other training services, including

personal and vocational adjustment training, books, tools, and other training materials, except that no training or training services in an institution of higher education may be paid for with funds under this part unless maximum efforts have been made by the Vocational Rehabilitation Services [Division] \*Program\* to secure grant assistance in whole or in part from other sources to pay for that training. Training may be provided at schools, colleges, universities, community rehabilitation programs, by tutor or correspondence, apprenticeship, an organized on-the-job training situation, agency staff and consultants, or some other organized training program that is approved by the Vocational Rehabilitation Services [Division] \*Program\* to provide such training. The Vocational Rehabilitation Services [Division] \*Program\* may use existing fee schedules established by other agencies[, such as, but not limited to, the Department of Social Services, Bureau of Rehabilitation Services]. In addition, the \*Commissioner of the Department of Rehabilitation Services\* [Executive Director of the Board of Education and Services for the Blind,] may [opt to negotiate and] establish individual rates with providers of services.

17. Occupational licenses, tools, equipment, initial

stocks, and supplies consistent with Vocational Rehabilitation Services Division policy. For persons entering into self-employment ventures, the Vocational Rehabilitation Services Division may pay such costs as are reasonable for the client to enter self-employment[, with a client participation requirement of ten (10) percent in funds or in-kind services toward the operation of the business. Examples of in-kind services include rent and utility costs for a business that is operated outside of a client's private residence. Prior to the development of an Individualized Plan for Employment that has a goal of self-employment, a business plan shall be developed by the client and submitted to a Vocational Rehabilitation Services Division committee for review and approval. In a situation where the business plan does not receive approval, the client shall be given written instructions for action to be taken to make the plan acceptable and it may be resubmitted for approval. All licenses, tools, equipment, stock, and supplies necessary to operate the business must be included in the business plan in order to receive agency funding in these categories]. \*Refer to Chapter 3 (Case Process, Policies, and Procedures, Section 10 (Vocational Rehabilitation Services).\*

18. Rehabilitation technology, including vehicular modifications, telecommunications, sensory, and other technological aids and devices. The provision of adaptive equipment will be made after consultation with a Rehabilitation Technologist or other provider skilled in the assessment of such products. Reports from vendors who sell specific adaptive products will not be acceptable for evaluation purposes, but may be reviewed along with other data. Technology provided to clients will be chosen based on the most effective, least expensive products available. [For clients who are employed, the Vocational Rehabilitation Services Division will not use its funds until maximum effort has been made to obtain employer participation in the provision of standard business equipment that is afforded to all employees regardless of disability. The Vocational Rehabilitation Services Division will further seek to obtain reasonable accommodations from employers, consistent with applicable state and federal laws, before committing agency funds for necessary adaptive products. In the provision of closed circuit television sets (CCTV), the Vocational Rehabilitation Services Division will provide basic 14" black and white units unless other requirements are certified as necessary by a Rehabilitation Technologist, low vision specialist, low vision center or other provider skilled in performing such assessments. When magnification is required at multiple locations, a portable unit will be provided to the client except that two stationary CCTVs shall be provided when they are less expensive than one portable unit or when a physician certifies that a medical condition prevents a client from transporting a portable CCTV. Any adaptive equipment provided by the agency to the client shall be the property of such client. The cost of maintenance or repair of the equipment shall rest with the client. In circumstances where a client requests, the agency shall reimburse the client for the documented cost of the repair and applicable shipping of said equipment to and from the repair location.] \*Refer to Chapter 3 (Case Process, Policies, and Procedures, Section 10 (Vocational Rehabilitation Services).\*

CHAPTER 3 - CASE PROCESS, POLICIES, AND PROCEDURES

PREAMBLE: Proposed changes to this section seek to clarify the circumstances where a client referred for Vocational Rehabilitation Services may remain in referral status beyond 60 days and also changes the length of time for the development of the Individualized Plan for Employment (IPE) subsequent to a determination of eligibility from 90 days to 60 days, based on a best-practice recommendation from Rehabilitation Services Administration (RSA). Proposed changes to this section also remove the option of allowing a transition-age student to have a longer time frame for the development of the IPE, bringing this policy into compliance with the Rehabilitation Act and fulfilling a corrective action requirement by RSA.

Section 1. - Vocational Rehabilitation Status System

c) Case Management Activities (Time in Status)

i. Time in Status

In order to assure proper case management practices and to comply with the [Secretary of Education's Standards on Program Evaluation] \*Rehabilitation Act\*, the following goals and objectives have been implemented:

1. The length of time for a case to remain in Status 00 will not exceed 60 calendar days \*unless the client agrees to an extension or the case record of services provides documentation of the client’s current inavailability to participate in Vocational Rehabilitation Services.\*

2. The length of time for a case to remain in Status 02 will not exceed 60 calendar days.

3. The length of time for a case to remain in Status 10 will not exceed [nine (9)] \*six (6)\* months, except in extenuating circumstances as supported by documentation in the case record of services [or in the case of a high school student. Since the transition process may require extended periods of time for a student to select a career goal, it is not expected that all students will be ready to select a vocational goal within one year of being found eligible for services]. All high school students will have an IPE in place prior to graduation.

PREAMBLE: This section adds new language that permits the Vocational Rehabilitation Program to make determinations of eligibility for individuals who are or were served by the Children’s Services Program of the Bureau.

Section 5. - Assessment for Determining Eligibility and Priority for Services

Policy

A determination of eligibility is required for applicants to access services needed to achieve a vocational goal under an Individualized Plan for Employment. The determination should be made within sixty (60) days, unless unusual or unforeseen circumstances require a delay in reaching a determination.

The Vocational Rehabilitation Services [Division] \*Program\* shall conduct an assessment to determine whether an individual is eligible for vocational rehabilitation services and the individual's priority under an order of selection for services (if the Vocational Rehabilitation Services [Division] \*Program\* is operating under an order of selection). The assessment must be conducted in the most integrated setting possible, consistent with the individual's needs and informed choice.

a) Eligibility Requirements

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

(i) A determination that the applicant has a physical or mental impairment, including a determination of legal blindness or a visual condition that is progressive and degenerative and likely to result in legal blindness, as determined by qualified personnel licensed or certified in accordance with state law or regulation. \*Individuals who are or were served by the Bureau’s Children’s Services Program and who meet the statutory definition of visually impaired, with best corrected distance acuity of no better than 20/70 in the better eye as determined by qualified personnel licensed or certified in accordance with state law or regulation may be determined to have a physical impairment.\*

A person who is recipient of SSDI or SSI benefits shall be considered to be an individual with a significant disability.

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

(iii) A presumption that the applicant can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

(iv) A determination that the applicant requires vocational rehabilitation services to prepare for, secure, retain or regain employment consistent with the applicant's strengths, resources, priorities, concerns, abilities, capabilities, and informed choice.

In the determination of eligibility, the Vocational Rehabilitation Services [Division] \*Program\* shall assure that:

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

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

(3) the eligibility requirements are applied without regard to the age, gender, race, color, creed, or national origin of the applicant;

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

(5) no additional tests or procedures will be used to assess intent of applicants who are SSDI beneficiaries and SSI recipients that would hinder timely access to vocational rehabilitation services.

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

(1) a review and assessment of existing data, including counselor observations, education records, information provided by the individual or the individual's family, information used by the Social Security Administration, and determinations made by officials of other agencies; and

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

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

PREAMBLE: Proposed changes to this section clarify that only assessment and diagnostic services can be provided during Trial Work Periods and Extended Evaluations.

Section 6. - Trial Work Periods and Extended Evaluations for Individuals with Significant Disabilities (designated by Status 06)

Trial Work Periods and Extended Evaluations are used in those instances where the applicant is determined to have a disability which results in a substantial impediment to employment, but where it cannot be determined whether the applicant can benefit in terms of an employment outcome due to the significance of the disability. Trial work experiences are used to explore the abilities, capabilities, and capacity of the individual to perform in realistic work situations. Through the use of situational assessments, supported employment assessments and/or on the job training assessments in competitive work settings, the individual is given the opportunity to demonstrate the capability of benefiting from vocational rehabilitation services. Extended evaluations shall be made available in situations where an individual is not able to participate in trial work experiences in competitive employment settings, or where trial work options have been exhausted before a determination of eligibility can be made. Extended evaluations shall occur in the most integrated setting available. Both Extended Evaluations and Trial work experiences may be provided for a period of up to 18 months in total and/or in combination. The full scope of \*assessment and diagnostic\* vocational rehabilitation services may be considered in conjunction with the provision of trial work experiences and/or extended evaluations. Individuals may participate in multiple trial work experiences if necessary for purposes of determining eligibility. Use of trial work periods and/or extended evaluations should be seriously considered before any determination of ineligibility due to the significance of the disability is made. To the greatest extent possible, trial work experiences should occur in competitive, integrated settings. Clients participating in trial work experiences or extended evaluations will be placed in Status 06 for purposes of tracking.

PREAMBLE: In addition to adding a definition of the Individualized Plan for Employment (IPE), and affirming the Program status of Vocational Rehabilitation, proposed changes to this section specify the role of the Vocational Rehabilitation Supervisor in reviewing and signing the IPE and subsequent amendments. Proposed changes also affirm the role of the Commissioner of the Department in setting rates. The time frame for the development of the IPE is changed from 9 months to 6 months subsequent to a determination of eligibility in these proposed changes. Within the Occupational licenses, tools, equipment, initial stock and supplies definition, outdated policy language is proposed for removal. Similarly, outdated language is proposed for removal from the Rehabilitation Technology section pertaining to older technology devices. Also proposed in this section is a clarification on the use of employer funding towards the cost of equipment and adaptive technology that adds greater flexibility in the use of Vocational Rehabilitation funding.

Section 9. - Planning and IPE Development (Status 10 - 12)

\*Definition- The Individualized Plan for Employment (IPE) is a written plan that details the career goal of the eligible individual, and the services that will be provided and coordinated to achieve this goal.\*

Policy

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

The Vocational Rehabilitation Services [Division] \*Program\* shall conduct an assessment to determine the vocational rehabilitation needs for each eligible individual or, if the agency is operating under an order of selection, for each eligible individual to whom the [agency] \*Bureau\* is able to provide services. The purpose of this assessment is to determine the long-term vocational goal, and the nature and scope of vocational rehabilitation services to be included in the IPE. The IPE must be designed to achieve an employment outcome that is consistent with the individual's unique strengths, priorities, concerns, abilities, capabilities, career interests, and informed choice.

b) Options for Developing an Individualized Plan for Employment:

The [Board] \*Bureau\* of Education and Services for the Blind shall provide the eligible individual or the individual's representative, in writing and in an appropriate mode of communication, with information on the individual's options for developing an individualized plan for employment, including

(1) information on the availability of assistance, to the extent determined to be appropriate by the eligible individual, from a qualified Vocational Rehabilitation Counselor in developing all or part of the individualized plan for employment for the individual, and the availability of technical assistance from external sources in developing all or part of the individualized plan for employment for the individual;

(2) a description of the full range of components that shall be included in an individualized plan for employment;

(3) as appropriate

(i) an explanation of agency guidelines and criteria

associated with financial commitments

concerning an individualized plan for

employment;

(ii) additional information the eligible individual

requests; and

(iii) information on the availability of assistance in

completing required forms for the development

of an individualized plan for employment; and

(4)

(i) a description of the rights and remedies available to

such an individual including, if appropriate, recourse

to the processes set forth; and

(ii) a description of the availability of a Client

Assistance Program and information about how to

contact the Client Assistance Program.

Once developed:

(1) The IPE shall be agreed to, and signed by the Vocational Rehabilitation Counselor and the individual or, as appropriate, the individual's representative within the framework of a counseling and guidance relationship. \*The Vocational Rehabilitation Supervisor shall review and sign the IPE prior to the client in all situations where a Vocational Rehabilitation Assistant Counselor has developed the IPE with the client or their authorized representative, and in situations where higher education at the graduate school or higher level is included in the plan.\*

(2) The IPE shall be developed as expeditiously as possible. Under normal circumstances, sufficient data should be available or gathered to enable the completion of IPE [developed] \*development\* within a period not to exceed [nine (9)] \*six\* months. If circumstances preclude IPE development within this timeframe, case record documentation should clearly identify the specific reasons that preclude development of a plan.

(3) In the development of an IPE for a student with a disability who is receiving special education services, the Vocational Rehabilitation Services [Division] \*Program\* shall consider a student's individualized education program.

(4) The Vocational Rehabilitation Services [Division] \*Program\* shall review the IPE with the individual or, as appropriate, the individual's representative as often as necessary, but at least once each year to assess the individual's progress in meeting the employment goal identified in the IPE.

(5) The Vocational Rehabilitation Services [Division] \*Program\* shall incorporate into the IPE any revisions that are necessary if there are substantive changes in the employment outcome, the vocational rehabilitation services to be provided, or the service providers of the services. The amended IPE shall be agreed to, and signed by the Vocational Rehabilitation Counselor and the eligible individual or, as appropriate, their authorized representative. \*The Vocational Rehabilitation Supervisor shall review and sign the IPE amendment prior to the client in all situations where a Vocational Rehabilitation Assistant Counselor has developed the IPE amendment with the client or their authorized representative, and in situations where higher education at the graduate school or higher level is included in the amended plan.\* Amendments to an IPE that include the development of a new career goal or substantial changes in service delivery shall not take effect until agreed to and signed by the above stated individuals. Minor changes to the IPE, such as adding in additional services to support the implementation of a previously agreed to career goal, do not require a formal IPE amendment. In these situations, a verbal agreement with the client to add the additional service, followed up with a letter from the Counselor to the client summarizing the verbal agreement will be sufficient.

(6) The Vocational Rehabilitation Services [Division] \*Program\* shall promptly provide each individual or, as appropriate, the individual's representative, a copy of the IPE and its amendments in the native language, or appropriate format of communication, of the individual or, as appropriate, of the individual's representative.

c) Data for Preparing the IPE:

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

(2) Preparation Based on Comprehensive Assessment.

(a) If additional data are necessary to prepare the IPE, the Vocational Rehabilitation Services [Division] \*Program\* shall conduct a comprehensive assessment of the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and needs, including the need for supported employment services of an eligible individual, in the most integrated setting possible, consistent with the informed choice of the individual.

(b) The comprehensive assessment shall be limited to information that is necessary to identify the rehabilitation needs of the individual and develop the IPE and may, to the extent needed, include:

(i) an analysis of pertinent medical, psychiatric, psychological, neuropsychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors, and related functional limitations, that affects the employment and rehabilitation needs of the individual;

(ii) an analysis of the individual's personality, career interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities;

(iii) an appraisal of the individual's patterns of work behavior and services needed to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavioral patterns suitable for successful job performance; and(iv) an assessment, through provision of rehabilitation technology services, of the individual's capacities to perform in a work environment, including in an integrated setting, to the maximum extent feasible and consistent with the individual's informed choice.

(c) In the preparation of a comprehensive assessment, the Vocational Rehabilitation Services [Division] \*Program\* shall use, to the maximum extent possible and appropriate and in accordance with confidentiality requirements, existing information, including information that is provided by the individual, the family of the individual, and education agencies.

d) Content of the Individualized Plan for Employment

Each IPE shall include, as appropriate, statements concerning:

(1) a description of the specific employment outcome that is chosen by the eligible individual, consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the eligible individual, and, to the maximum extent appropriate, results in employment in an integrated setting;

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

(a) needed to achieve the employment outcome,

including as appropriate, the provision of assistive technology devices and assistive technology services, and personal assistance services, including training in the management of such services; and

(b) provided in the most integrated setting that is

appropriate for the service involved and is consistent with the informed choice of the individual;

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

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

(5) a description of criteria to evaluate progress toward achievement of the employment outcome;

(6) the terms and conditions of the individualized plan for employment, including, as appropriate, information describing—

(a) the responsibilities of the Vocational Rehabilitation

[Department] \*Program\*;

(b) the responsibilities of the eligible individual,

including—

(i) the responsibilities the eligible individual will assume

in relation to the employment outcome of the

individual;

(ii) the responsibility of the eligible individual with

regard to applying for and securing comparable

benefits; and

(iii)if applicable, the participation of the eligible

individual in paying for the costs of the plan; and

(7) for a person with the most significant disabilities for whom an employment outcome in a supported employment setting has been determined to be appropriate, information identifying --

(i) the extended services needed by the eligible individual; and

(ii) the source of extended services, or to the extent that the source of the extended services cannot be identified at the time of the development of the IPE, a description of the basis for concluding that there is a reasonable expectation that such a source will become available, and:

(iii) the hours per week that the client expects to work; and

(8) as determined to be necessary, a statement of projected need for post-employment services.

e) Ineligibility:

The decision that an individual is not capable of achieving an employment outcome and is no longer eligible to receive services under an IPE shall be made in accordance with VR [agency] requirements. The decision, and the reasons, on which the decision was based, shall be documented in the case record of services.

Procedures

(A) IPE Development

An Individualized Plan for Employment (IPE) is a plan which maps out the services needed by an individual to achieve an employment goal. It is the client's plan for the future and requires his or her input and full participation.

The Individualized Plan for Employment can be developed jointly by the client and Counselor or the client may request technical assistance through an external source to develop his or her own IPE. Technical assistance can be provided through Independent Living Center staff, or other entities and individuals familiar with the provisions of the Rehabilitation Act, as identified by the Vocational Rehabilitation Services [Division] \*Program\*. The IPE must be agreed upon and signed by the eligible individual (or in an appropriate case, a parent, a family member, a guardian, an advocate, or an authorized representative of such individual), and the Counselor. The Individualized Plan for Employment shall be designed to achieve the employment objective of the individual consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and needs, including the need for supported employment services, in the most integrated setting possible, consistent with the informed choice of the individual.

Information

The Individualized Plan for Employment (IPE) is a written plan for those clients found to be eligible. It describes the vocational goal; services to be provided; the provider of stated services and the responsibilities of the client and the VR [agency] \*Program\* needed to achieve the goal. The development of the IPE begins at the initial interview. At the time of intake, the Counselor and client begin the process of working together and thinking about what vocational goals may be considered and those services which may be needed. The IPE may be amended throughout the program, as needed. In essence, the Counselor and client should be considering the IPE throughout the life of the case.

The major key to success of an IPE lies in the degree to which the Counselor's expertise and client's involvement lead to development of a suitable vocational goal and plan for services. The development of an IPE may call upon the Counselor and client to negotiate and compromise, but it must ultimately be the client's plan for his or her future, rather than solely the Counselor's plan for that client.

In developing an employment goal with the client, the Counselor should always look to the client's abilities, strengths, and interests. The process should involve a synthesis of these positive attributes and how they can be best used in the workforce, rather than the exercise of ruling out possibilities due to the client's weaknesses or disability. Other factors which need to be considered include the client's values, expressed needs, functional limitations, career goals, family/social/cultural/financial situation, experience and training, as well as the Counselor's evaluation of services needed, job requirements, labor market trends, available resources, and [agency] \*Bureau\* policy. Even though a Counselor must assure that the vocational goal in an IPE is feasible; a client's aspirations should never be hastily ruled out. When a goal appears to be unfeasible, the Counselor and client should look for an alternative, which would encompass the interests and values reflected in the goal expressed by the client.

The services to be provided under an IPE are those that are necessary to achieve the employment outcome. This should include both services authorized by the agency and relevant services that are at no cost or in-kind. Counselors should, whenever possible, use comparable benefits for the provision of services.

An ongoing reevaluation of the plan should take place to determine whether it is still appropriate and whether amendments to the plan are needed. Review should be made as often as needed (but at least annually) when changes occur in circumstances, plans, or status of the case.

The IPE should be approached as a tool for the Counselor and client to come to a mutual understanding of goals, services, responsibilities, and the method(s) for evaluating progress. Therefore, the greater the clarity and specificity of the document, the more the IPE can be used as an aid to the rehabilitation process.

(B) Content of the IPE

The IPE will include statements regarding:

(1) The specific long-term employment goal based on the assessment for determining vocational rehabilitation needs, including the individual's career interests. This goal must be consistent with the informed choice of the individual, and to the extent possible in an integrated setting.

(2) The specific vocational rehabilitation services to be provided to achieve the established employment goal, including, if appropriate, rehabilitation technology services, and on-the-job and related personal assistance services.

(3) The projected dates for the initiation of vocational rehabilitation services, and the projected time frame for the achievement of the individual's employment goal.

(4) Objective criteria, an evaluation procedure, and a schedule for periodic review and evaluation of progress toward achieving the employment goal.

(5) The terms and conditions for the provision of vocational rehabilitation services, including:

(a) the responsibilities of the individual in implementing the IPE;

(b) if appropriate, the extent of the individual's participation in the cost of services;

(c) the extent to which goods and services shall be provided in the most integrated settings possible, consistent with the informed choices of the individual;

(d) the extent to which comparable services and benefits are available to the individual under any other program; and

(e) the identification of the entity or entities that shall provide the services and the process used to provide or procure the services, including:

i. a statement detailing how each service shall be provided or arranged through cooperative agreements with other service providers; and

ii. the terms and conditions under which the goods and planned services will be provided.

(6) Identification of other related services and benefits provided pursuant to federal, state or local programs, that will enhance the capacity of the individual to achieve the employment goal.

(7) How the IPE for a student with a disability who is receiving special education services shall be coordinated with the individualized education program (IEP) for that individual in terms of the goals, objectives, and services identified in the IEP.

(8) An assessment of the expected need for post-employment services and, if appropriate, extended services including:

(9) IPEs for individuals with the most significant disabilities for whom a vocational goal in a supported employment setting has been determined to be appropriate shall also contain:

(a) a description of the supported employment services to be provided; and a description of the extended services needed and identification of the source of extended services or, in the event that identification of the source is not possible at the time the IPE is developed, a statement explaining the basis for concluding that there is a reasonable expectation that services shall become available;

(b) identification of the number of hours per week that the individual will be working, or desires to work at an employment site.

To the maximum extent possible, the IPE shall be provided in the native language or mode of communication of the individual, or in an appropriate case, of a parent, family member, guardian, advocate, or other authorized representative of the individual.

f) Scope of Services:

In addition to the full range of assessment services previously outlined in Chapter 2 (Section 12) and Chapter 3 (Sections 4, 5, 6, and 9) of this manual, the following goods or services can be provided to assist an individual with a disability to become employable, and will be considered in the development of the IPE:

(1) Assessment for determining eligibility, priority for

services, and vocational rehabilitation needs by

qualified personnel, including if appropriate, an

assessment by personnel skilled in rehabilitation

technology.

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

(3) referral and other services to secure needed services from other providers and agencies.

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

(5) Diagnosis and treatment for mental and emotional disorders by personnel who meet state licensure laws.

(6) Physical and mental restoration services including diagnosis and treatment, prosthetic and orthotic devices, eyeglasses and visual services as prescribed by qualified personnel who meet state licensure laws and who are selected by the individual, and to the extent that financial support is not readily available from a source (such as health insurance or comparable benefit), hospitalizations and corrective surgeries to correct or substantially modify a physical or mental condition that constitutes a substantial impediment to employment. Corrective surgery or therapeutic treatment must be of such a nature that it is expected to correct or modify the impediment to employment within a reasonable length of time.

(7) Vocational and other training services, including personal and vocational adjustment training, books, tools, and other training materials, except that no training or training services in an institution of higher education may be paid for with funds under this part unless maximum efforts have been made by the Vocational Rehabilitation Services [Division] \*Program\* to secure grant assistance in whole or in part from other sources to pay for that training. Training may be provided at schools, colleges, universities, community rehabilitation programs, by tutor or correspondence, apprenticeship, an organized on-the-job training situation, agency staff and consultants, or some other organized training program that is approved by the Vocational Rehabilitation Services [Division] \*Program\* to provide such training. The Vocational Rehabilitation Services [Division] \*Program\* may use existing fee schedules established by other agencies[, such as, but not limited to, the Department of Social Services, Bureau of Rehabilitation Services]. In addition, the [Executive Director of the Board of Education and Services for the Blind] \*Commissioner of the Department of Rehabilitation Services\*[,] may [opt to negotiate and] establish individual rates with providers of services.

(8) Maintenance for additional costs incurred while participating in assessments for determining eligibility and vocational rehabilitation services under an IPE.

(9) Transportation in connection with the rendering of any vocational rehabilitation service needed by the individual to achieve an employment outcome.

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

(11) Interpreter services and tactile interpreting services for individuals who are deaf-blind.

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

(13) Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent that such resources are authorized to be provided through the statewide workforce investment system to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation.

(14) Supported employment services.

(15) On the job or related personal assistance services, while the individual is receiving other services consistent with the IPE.

(16) Post-employment services necessary to assist the individual to retain, regain or advance in employment.

(17) Occupational licenses, tools, equipment, initial stocks, and supplies consistent with Vocational Rehabilitation Services [Division] \*Program\* policy. [For persons entering into self-employment ventures, the Vocational Rehabilitation Services Division may pay such costs as are reasonable for the client to enter self-employment, with a client participation requirement of ten (10) percent in funds or in-kind services toward the operation of the business. Examples of in-kind services include rent and utility costs for a business that is operated outside of a client's private residence. Prior to the development of an Individualized Plan for Employment that has a goal of self-employment, a business plan shall be developed by the client and submitted to a Vocational Rehabilitation Services Division committee for review and approval. In a situation where the business plan does not receive approval, the client shall be given written instructions for action to be taken to make the plan acceptable and it may be resubmitted for approval. All licenses, tools, equipment, stock, and supplies necessary to operate the business must be included in the business plan in order to receive agency funding in these categories.]

(18) Rehabilitation technology, including vehicular modifications, telecommunications, sensory, and other technological aids and devices. The provision of adaptive equipment will be made after consultation with a Rehabilitation Technologist or other provider skilled in the assessment of such products. Reports from vendors who sell specific adaptive products will not be acceptable for evaluation purposes, but may be reviewed along with other data. Technology provided to clients will be chosen based on the most effective, least expensive products available. For clients who are employed, the Vocational Rehabilitation Services [Division] \*Program\* will not use its funds until maximum effort has been made to obtain employer participation in the provision of standard business equipment that is afforded to all employees regardless of disability. The Vocational Rehabilitation Services [Division] \*Program\* will further seek to obtain reasonable accommodations from employers, consistent with applicable state and federal laws, before committing [agency] \*Program\* funds for necessary adaptive products \*unless timing or circumstances as documented in the case record of services make it impractical to do so\*. [In the provision of closed circuit television sets (CCTV), the Vocational Rehabilitation Services Division will provide basic 14" black and white units unless other requirements are certified as necessary by a Rehabilitation Technologist, low vision specialist, low vision center or other provider skilled in performing such assessments. When magnification is required at multiple locations, a portable unit will be provided to the client except that two stationary CCTVs shall be provided when they are less expensive than one portable unit or when a physician certifies that a medical condition prevents a client from transporting a portable CCTV.] Any adaptive equipment provided by the [agency] \*Bureau\* to the client shall be the property of such client. The cost of maintenance or repair of the equipment shall rest with the client. In circumstances where a client requests, the [agency] \*Bureau\* shall reimburse the client for the documented cost of the repair and applicable shipping of said equipment to and from the repair location. Temporary loan of equipment to clients to address short-term needs (such as a loan while the client’s equipment is being repaired) shall be assigned through the [agency] \*Bureau\* loan agreement process and will not transfer in ownership.

(19) Transition services for students to facilitate the achievement of an employment outcome identified in the IPE.

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

Concluding Information

\*Except in the case of IPEs or amendments that include higher education at the graduate school or higher level,\* Vocational Rehabilitation Counselors may develop IPEs without prior supervisory review, while Vocational Rehabilitation Assistant Counselors first need to submit a draft version of the plan for supervisory review. Upon obtaining the signature of the client or their authorized representative, plans will then be signed by the Counselor and the Supervisor. At the discretion of the \*State\* Director, in consultation with the Supervisor, a qualified Vocational Rehabilitation Counselor may be granted full authority to develop and implement IPEs without the need for a supervisory approval or signature. The client will be provided with a signed copy of the plan and the original shall be filed in the case record of services.

PREAMBLE: Proposed changes to this section remove the option of allowing for coursework in higher education to be considered as a diagnostic service exempted from consideration of comparable benefits, bringing this policy into compliance with the Rehabilitation Act and fulfilling a corrective action requirement by Rehabilitation Services Administration. Additional proposed changes to this section would have Vocational Rehabilitation Counselors obtaining labor market information that supports the increased likelihood of employability through the client’s attainment of a graduate or doctoral degree when the Individualized Plan for Employment or subsequent amendment will be including this service.

Section 10. - Vocational Rehabilitation Services (Status 14 - 18)

c) (4) Post-Secondary Training

Policy

Post-secondary training programs are those which, 1) are offered specifically to individuals who have completed a high school diploma, high school equivalency, or who are beyond the age of compulsory school attendance. They include programs at institutions of higher education (e.g., universities, colleges, community/ junior colleges, vocational schools, technical institutes, or hospital schools of nursing). Post-secondary institutions must be accredited for the Vocational Rehabilitation Services [Division] \*Program\* to use their services. Clients being considered for post-secondary training must have a high school diploma or GED. When possible, high school records, etc. will be obtained for the case record. If documenting evidence is unavailable, appropriate psychological testing may be provided and reviewed by the Counselor.

Financial participation by the Vocational Rehabilitation Services [Division] \*Program\* in providing training and training services in institutions of higher education shall be made in accordance with an appropriately completed Individualized Plan for Employment (IPE) and under the following conditions:

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

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

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

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

(e) A client will not be required to apply for funds available to him/her through student loans to meet the costs of training.

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

(g) The Vocational Rehabilitation Services [Division] \*Program\* shall not substitute its vocational rehabilitation funds for the family contribution portion as determined by the FAO. If the Vocational Rehabilitation Services [Division] \*Program\* determines that computation by the FAO is clearly erroneous and time or other circumstances make it impossible or impractical for the client to have the computation by the FAO corrected, the State Director may substitute funds from vocational rehabilitation for the family contribution in an amount not to exceed the amount by which the computation by the FAO is determined to be in error. This policy shall not apply to expenses that will be incurred by a client which result from his or her disability.

(h) For all students with Individualized Plan for Employments (IPEs) or Amendments that are developed after February 1, 1996 which initiate training services in institutions of higher education (such as colleges, universities, and post-secondary vocational or technical training programs), the cost of tuition/fees and room/board attributable to the course of study shall be based upon such costs at Central Connecticut State University. The costs of such services for students who had an IPE or Amendment in effect prior to February 1, 1996 that included training services provided by institutions of higher education may be based on costs for these training services at the University of Connecticut. The maximum level of BESB Vocational Rehabilitation funding for these services will not exceed the unmet need of the client and will be based on the costs associated with each category of service (tuition/fees representing one category and room/ board representing the other category) at Central Connecticut State University or the University of Connecticut, as applicable. For programs of study that are not available at Central Connecticut State University, the University of Connecticut costs shall apply. If the program of study is not available at either school, then the Vocational Rehabilitation Services [Division] \*Program\* may pay such costs as are reasonable for the client to attend the program. Special support services, provided to enable a client to participate in training, will be paid above and beyond the cost of attending the college or university.

(i) All clients who participate in training at institutions of higher education will be required to maintain an overall grade point average of 2.0 or higher. Any client who falls below this level will be subject to withholding of Vocational Rehabilitation Services [Division] \*Program\* funds for subsequent semesters until such time as the client can achieve the minimum grade point standard.

(j) All clients must submit grades to their Rehabilitation Counselors at the end of each semester. Funding for all subsequent semesters will be contingent upon submittal of satisfactory grades.

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

[(l) Students who are participating in post-secondary coursework for diagnostic purposes under a trial work or extended evaluation period, or for diagnostic purposes to substantiate the appropriateness of a career choice subsequent to the development or amendment of an IPE shall not be required to seek financial aid for the duration of the assessment period. For students attending a State of Connecticut community college, the first two semesters of coursework may be considered as diagnostic assessment semesters to assist with the development of an IPE amendment or to substantiate the appropriateness of a career choice of an existing IPE or amendment.]

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

\*(m) Prior to the development of an IPE or amendment that includes graduate or doctorate level education, the Counselor shall provide documentation of labor market data that supports the need for such a degree toward the employability of the student upon graduation. The Vocational Rehabilitation Supervisor shall review and approve the IPE or amendment prior to implementation.\*

Procedures

(i) General Procedures

1. The Counselor and client must determine whether post-secondary training is necessary to achieve a vocational goal.

2. [With the exceptions of using a training program for diagnostic purposes to determine eligibility under a trial work period or extended evaluation, or for determining rehabilitation need as part of a comprehensive assessment, all] \*All\* training must be provided under an Individualized Plan for Employment (IPE) to achieve a vocational goal.

3. Although clients have the choice to select any accredited college or post-secondary program which provides training toward their vocational goal, [agency] \*Bureau\* funding is limited to the cost of a comparable program within the state college/university system including community colleges as described above. This may, therefore, influence the client's final choice of school. The final dollar amount of funding will be determined using the procedure for use of financial aid and other comparable benefits.

The only exceptions to this are:

a) the program is not available within the state college or university system, or

b) the client, due to his or her disability, needs special services not available within the state system.

4. The student/client must be informed that

he/she must:

a) apply for aid through the Financial Aid Office (FAO) at the institution in a timely manner to ensure [agency] \*Bureau\* sponsorship for the training period. The applicant or client must also give written authorization to the [agency] \*Bureau\* and the FAO to exchange information relevant to the determination of eligibility for financial assistance;

b) attend classes as stipulated by the institution;

c) maintain at least the minimum grades (2.0 GPA where that grading system is used) necessary for successful completion of the program; and

d) contact the Counselor at the end of each semester or term to discuss the progress and provide to the Counselor a written copy of transcripts of the grades achieved during that term or semester. Clients should contact the Counselor whenever any problems arise which may affect their successful participation in the program;

e) discuss any deviation from the planned program established in the IPE. Mutual agreement on any change is necessary prior to the continuation of any [agency] \*Bureau\*-sponsored program.

5. The Counselor shall complete the [agency] \*Bureau\* financial aid worksheet (BESB 100) to determine the amount of [agency] \*Bureau\* financial participation, after receiving the form from the school's financial aid officer (FAO).

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

7. A student is required to maintain a grade point average (GPA) of 2.0 or higher. The Counselor, by letter, must advise any student whose overall GPA falls below this level that the student will have one semester to raise the overall GPA to 2.0, or they will not receive VR funding for subsequent semesters. When the student can verify to VR an overall 2.0 GPA, the Counselor will be authorized to resume financial support.

8. All students will be required to participate in the post-secondary educational program on a full-time basis (usually 12 or more credit hours per semester as determined by the training institution). The only exception to this would be when documentation substantiates that because of disability-related needs and/or unique personal circumstances, the client is unable to enroll on a full-time basis.

9. To avoid unnecessary delays in the authorization of funding for spring semesters, it is understood that fall semester grades may not arrive in sufficient time to be used for review prior to school deadlines for funding commitments. In these instances, Counselors may use grades obtained from the semester immediately preceding the fall semester (summer or prior spring term) to reach a determination that the student is in good standing with the training program. In these situations, the student is expected to submit grades immediately upon receiving them. For students who have marginal grade point averages, the Counselor can consider requesting a deferment of billing until grades are available.

(ii) Use of Comparable Benefits for Services in Institutions of Higher Education

In accordance with federal regulations, the \*Bureau\* [Board] of Education and Services for the Blind has formalized a working relationship with the Financial Aid Officers of Connecticut for the purpose of implementing financial assistance as a comparable benefit. Under these regulations VR must require clients to make application for, and accept those comparable benefit services to which they are entitled from another agency, as long as such services are adequate and do not interfere with achieving the client's employment goal. If the eligible VR client refuses to apply for services for which he/she may be eligible or accept services to which he/she is entitled from another agency as a comparable benefit when receipt of such services are adequate or do not interfere with achieving the employment goal, VR cannot provide the service using VR funds. This policy does not apply to expenses to be incurred by the client which result from his or her disability.

In those cases where post-secondary educational or vocational training is an integral part of the IPE, the VR Counselor will provide the client with a financial aid form (BESB 100), who in turn, will forward it to the financial aid officer (FAO) of the institution where the client is planning to attend. The (FAO) will complete Part B of the financial aid form and return it to the VR Counselor. The Counselor will use this information to determine VR's financial participation in the training program. The VR Counselor will complete Part C of the financial aid form and return it to the FAO. A copy of this financial aid form will be placed in the client's case record of services. Only a letter from the FAO which clearly states that neither financial aid nor a family contribution are available is an acceptable substitute for a completed BESB 100. Students who are ineligible for financial aid due to default status on prior student loans must make arrangements for repayment of the loan before the Counselor can make a determination as to the level of [agency] \*Bureau\* funding. Documentation of the repayment arrangement will be recorded in the case record of services.

(iii) [Agency] \*Bureau\* Financial Participation

The amount of financial participation under the Vocational Rehabilitation Program is contingent on:

1. The availability of funding. Authorizations should be made for only one semester at a time with an explanation to the student/family that subsequent semester support may be affected by funding levels for this program.

2. VR financial support for post-secondary educational programs can only be approved for those cases where the client has made proper and timely application to the appropriate Financial Aid Officer (FAO) for consideration of comparable benefits. The maximum level of funding cannot exceed the unmet need, as determined by the FAO, and the applicable fee schedule.

3. The maximum level of VR support (not including special needs) is outlined above in the Policy Section. The only exception will be an approved educational plan that requires specialized curricula available only at a more expensive program. All exceptions must be reviewed/approved by the VR Supervisor and the State Director.

PREAMBLE: Proposed changes to this section affirm that a client must be paid at least the minimum wage commensurate with the position in a supported employment placement.

c) (5) Supported Employment

Policy

1. Supported Employment means:

(A) employment in an integrated, work setting typically found within a community, with ongoing support services for individuals with the most significant disabilities, where the opportunity is present to be earning [, or working toward earning] the commensurate competitive wage for the position, and:

(i) for individuals whom competitive employment has not traditionally occurred, or for whom competitive employment has been interrupted, or intermittent as a result of a significant disability; and

(ii) who, because of the nature and significance of their disabilities, need intensive supported employment services from the Vocational Rehabilitation Services [Division] \*Program\* and extended services after transition in order to perform this work; or

(B) transitional employment for individuals with the most significant disabilities due to mental illness.

Requirements

1. The Counselor and client must determine whether the client is in need of and can benefit from supported employment. This option must be considered before a decision is made that a client’s disability is too significant to benefit from vocational rehabilitation services. In order to be eligible for services leading to a supported employment placement, under either Title I (regular case service) or Title VI-B (supported employment) funds, the following criteria must be met:

a. The client must meet the VR eligibility criteria. An individual determined to be potentially employable through the provision of supported employment services should be found eligible for the vocational rehabilitation program, even if the resource(s) needed to provide those services is currently unavailable. The availability of extended services is NOT a factor in determining eligibility.

b. The client must be an individual for whom competitive employment has not traditionally occurred or has been interrupted or intermittent as a result of the disability (e.g., who have either no history of competitive employment or an intermittent work history of competitive employment).

c. The client must require ongoing support services in order to maintain employment. There must be documentation that the person needs ongoing supports in order to perform competitive work.

d. A comprehensive assessment of vocational rehabilitation needs of the individual results in a finding that supported employment is the appropriate rehabilitation objective of the individual.

To be considered for supported employment, the program must meet the following requirements:

a. The client must work in an integrated work setting (see definition of "integrated work setting" at the end of this section).

b. The client is compensated with at least the minimum wage commensurate with the position that he or she is employed in [or be working toward achievement of commensurate wages].

c. Ongoing support services are needed and provided in order for the individual to maintain employment (see definition of "ongoing support services" at the end of this section).

d. The time-limited supported employment services provided by VR are for a period not to exceed 18 months. Exception can be made only when:

1) additional time is needed by the individual to

stabilize on the job;

2) additional services are needed through VR;

3) the Counselor and client agree to this

extension; and

4) this need is identified in the IPE.

PREAMBLE: This section proposes to remove language that pertains to outdated electronic magnification devices and affirms that the most effective equipment that is the least expensive (in that order) will be provided. Substantive changes to the category of Occupational Licenses, Tools, Equipment and Initial Stocks are proposed that includes clarifying and defining the role, composition and responsibilities of the Business Advisory Committee, increasing the client’s access to the proceedings of the Committee, documenting the actions of the Committee, establishing clear time frames for the review and approval (or disapproval) of business plan submissions, adding a requirement that the business plan include a review by a Small Business Development Center of similar entity regarding the economic viability of the business proposal, and defining the timing of the transfer of business equipment ownership from the Bureau to the client. Additionally, proposed changes to this category define the percentage of funding that can be applied as a portion of the overall business plan funding request in the categories of business equipment, rent and utilities.

Section 10. - Vocational Rehabilitation Services (Status 14 - 18)

d) Other Goods and Services

(1) Adaptive Equipment, Telecommunications,

Sensory and Technological Aids/Devices

Policy

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

Daily living aids may be obtained based on the direct vocational needs assessment of the Counselor. Adaptive Technology devices require the specific recommendation of a Rehabilitation Technologist, low vision specialist or qualified Counselor. Clients will participate in a vocational needs assessment in order to determine through informed choice the most effective, least expensive adaptive technology consistent with the IPE. The \*most effective,\* least expensive technology will be provided to the client as determined by a needs assessment documented by the Rehabilitation Technologist, Low Vision Specialist, or Counselor. The more expensive adaptive technology will be provided to the client only if the needs assessment documents that less expensive adaptive technology is not suitable.

[In situations where a Rehabilitation Technologist, low vision provider, or qualified Vocational Rehabilitation Counselor determines that it is essential for a client to have access to adaptive equipment at multiple training or work sites, a portable system will be provided to the client except that two stationary systems shall be provided when they are less expensive than one portable system or when a physician certifies that a medical condition prevents a client from transporting a portable system.]

In providing adaptive equipment in employment situations, the [Agency] \*Bureau\* will first explore the responsibilities of the employer to provide reasonable accommodations, as outlined in the Americans with Disabilities Act (ADA), and the Rehabilitation Act of 1973. Employers are expected to provide computers, printers, and business equipment that is otherwise available to employees of the company who perform similar work tasks. The VR Program will only consider providing computers and peripherals when it can be clearly documented that such devices are necessary due to the nature of the disability, and that persons who perform similar job functions within the company do not use computers for the performance of their job duties.

All equipment provided during the course of the rehabilitation process shall be owned and maintained by the client. The cost of maintenance or repair of the equipment shall rest with the client. In circumstances where a client requests, the [agency] \*Bureau\* shall reimburse the client for the documented cost of the repair and applicable shipping of said equipment to and from the repair location.

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

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

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

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

Policy

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

Prior to the development of an Individualized Plan for Employment \*or amendment\* that has a goal of self-employment or business ownership, a business plan shall be developed by the client in a format prescribed by the [agency] \*bureau\* and submitted \*to a Connecticut Small Business Development Center, Chamber of Commerce, or SCORE for an assessment of the economic viability of the proposal. Upon completion of their review, the business plan and the accompanying economic viability assessment report shall be submitted\* to the Vocational Rehabilitation Services [Division] \*Program\* Business Advisory Committee for review and [approval] \*action\*.  This committee shall consist of [no fewer than three persons as selected by the] \*three current and/or former\* members of the State Rehabilitation Council \*who serve or have served in the appointment categories of business, industry, or labor, or in the appointment category of recipient of services if the appointee currently owns and operates a business.\* [in consultation with the State Director.  No fewer than two members of the committee shall be persons with significant visual loss and no fewer than one member of the committee shall be a current or former operator of a business or self-employment venture.]  The Business Advisory Committee will convene [and render a decision in writing] within thirty days of receipt of a business plan. \*Minutes of all deliberations of the Committee shall be maintained and provided to the client. The client shall be provided with the opportunity to attend all Committee meetings where their business plan is discussed and offer responses to questions raised during deliberations.\*

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

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

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

A) The [Agency] \*Bureau\* will not purchase or lease a building or dwelling.

B) The [Agency] \*Bureau\* will not substantially alter the physical structure of an existing building or dwelling unless such alterations are directly related to the disability of the client.

C) The [Agency] \*Bureau\* will not purchase all or part of a franchise or business.

D) The [Agency] \*Bureau\* will not purchase motor vehicles, aircraft, or boats.

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

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

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

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

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

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

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

The [Agency] \*Bureau\* will provide necessary licenses, tools, equipment and initial stock for a person to successfully establish a new business or maintain an existing business, subject to approval of a business plan.  The term “initial” refers to the establishment period for a new business, which shall not exceed 6 months from the first day of operation, or in the case of an existing business that has received business plan approval, 6 months from the date of plan implementation.

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

Credentialing/Experience:

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

Co-Sharing of Business Plan expenses:

Clients submitting a Business Plan requesting funds for either a new or existing business are required to inject an equity contribution into that business before BESB funds will be committed. As detailed below, the size and composition of required equity contributions are based on the amount of funds requested.

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

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

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

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

Equity contributions are defined as follows:

1. In Kind Contribution – This can take the form of cash, the current market value of tangible assets either used or to be used in the business, funds invested in the business, or any related contribution as approved by the Business Advisory Committee.
2. Liquid Contribution – Documented equity in the form of liquid assets such as cash, stocks, bonds, securities, and/or alternative financing.

Procedures

It is the Vocational Rehabilitation Program's policy to provide a client with licenses, tools, equipment, and initial stock that are essential and necessary to carry out the aims and purposes of self-employment.  The monetary allowance for such tools and equipment will be in keeping with the minimum cost of such tools and equipment.

Initial stocks of merchandise, livestock, and other products essential to the establishment of a business enterprise will be provided to the extent that the client will be enabled to conduct a business in keeping with the type of enterprise and the location and amount of activity that may be warranted in each specific case.  These services may be provided and purchased for a period not to exceed six months from the date of inception of the business, or in the case of an existing business that has received business plan approval, 6 months from the date of plan implementation.

Where occupational licenses are deemed essential to the establishment and/or operation of a business enterprise, VR will provide the cost of the initial licenses.

While the client is expected to develop a comprehensive business plan, the Counselor should play a key role in linking the client to \*a Connecticut Small Business Development Center, Chamber of Commerce or SCORE for their\* [resources within their community who have the] expertise and technical skills to assist in business plan development.  [Such] \*Other\* resources \*that may be able to offer technical assistance\* can include the Small Business Administration, Senior Job Centers, and loaning institutions such as banks.

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

PREAMBLE: Proposed changes to this section affirm that a client must be paid at least the minimum wage commensurate with the position for a supported employment outcome to occur.

Section 14. - Case Closure (Status 08, 26, 28, 30, and 36)

(c) Closed Rehabilitated (Status 26)

Additional Requirements for Case Records of Individuals in Supported Employment

(a) extended support services are immediately available to preclude any interruption in the provision of the ongoing support needed to maintain employment;

(b) the individual has achieved [or is working toward the achievement of] the minimum wage \*that is commensurate\* for that position and has maintained employment for at least ninety (90) days after the completion of substantial services and the transition to extended services; and

(c) for individuals closed working in a temporary transitional employment (TEP) placement, the extended support services must include continuous job placements until job permanency is achieved.

Section 14. - Case Closure (Status 08, 26, 28, 30, and 36)

(f) Supported Employment Closure (Status 26)

Cases may be closed with this employment outcome for clients with most significant disabilities if the client is working in an integrated employment setting typically found in the community, with extended support services being provided. The individual will have been found eligible for Supported Employment services (see Section 10). The employment goal will be consistent with the individual’s unique strengths, aptitudes, resources, priorities and interests. The individual will be working at or above the minimum wage that is commensurate for the position\*.\* [,unless it is agreed to by the client or their authorized representative that the individual is working toward this level of compensation and that the current wage is consistent with their skills and capabilities. A special worker certificate through the Department of Labor must be in place for wages paid below the minimum wage.] The client will be working the number of hours that is consistent with their informed choice. The need for extended supports will be of a nature that at least two follow up visits per month are necessary by the provider of extended services to ensure a continued, successful placement. An integrated setting exists when the majority of coworkers are not persons with disabilities and are not paid caregivers. The employment setting must be typically found in the community and the level of integration with nondisabled coworkers must be at the same level that would otherwise be found within the employment setting.

PREAMBLE: Proposed changes to this section clarify the process for the Bureau to enter into cooperative agreements and memoranda of understanding with public and private providers.

CHAPTER 4 - ADMINISTRATIVE AND EMPLOYEE RESPONSIBILITIES

Section 5. - Cooperative Agreements and Memoranda of Understanding

Policy

The Vocational Rehabilitation Services [Division] \*Program\* seeks to enter into cooperative agreements and memoranda of understanding (MOU) with public and private providers in an effort to increase and improve the services and vocational options for clients of the program. The State Director, in consultation with the [Executive Director of BESB] \*Commissioner of the Department of Rehabilitation Services\* will be responsible for the development, negotiation and finalization of all Cooperative Agreements and Memoranda of Understanding with other providers of services that could be of benefit to clients of the Vocational Rehabilitation Program.