

ASSESSMENT FOR DETERMINING ELIGIBILITY - 34 CFR 361.42

The Vocational Rehabilitation (VR) Counselor employed by the Iowa Department for the Blind (IDB) shall conduct an assessment to determine whether an individual is eligible for vocational rehabilitation services and to determine the individual's priority under an order of selection for services if IDB is operating under an order of selection. The assessment must be conducted in the most integrated setting possible, consistent with the individual's needs and informed choice. The applicant may use a qualified service provider of their choice in obtaining necessary assessments to determine eligibility and priority for services.

BASIC ELIGIBILITY REQUIREMENTS

The determination of an applicant's eligibility for vocational rehabilitation services through IDB is based on the following requirements:

- A. The individual shall meet the criteria of being blind or having low vision through one or more of the following:
 1. The individual's visual acuity with best correction must be 20/200 or worse in the better eye or a peripheral field that has contracted to an extent that the widest diameter of visual field subtends to an angular distance of not greater than 20 degrees in the better eye; or
 2. vision between 20/70 and 20/200 central visual acuity in the better eye with best correction and the person is experiencing functional limitations related to obtaining, maintaining, regaining, or advancing in employment; or
 3. a determination by a qualified ophthalmologist or optometrist, that the individual has a rapidly progressive eye condition which will terminate in the condition described in criteria 1, and causes or shall cause the individual to experience functional limitations related to obtaining, maintaining, regaining or impairment results in advancing in employment; or
 4. functional limitations due to an eye condition that constitutes a substantial impediment to employment as supported by medical reports and VR counselor determination.
- B. The individual's blindness or low vision constitutes or results in a substantial impediment to employment; and
- C. The individual requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain full-time or, if appropriate, part-time competitive integrated employment, (including customized employment, self-employment, telecommuting, or business ownership), or supported employment that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice. For purposes of an assessment for determining eligibility and vocational rehabilitation needs, an individual is presumed to have a goal of an employment outcome.

PRESUMPTION OF BENEFIT

The VR counselor must presume that an applicant who meets the eligibility requirements can benefit from the provision of VR services in terms of an employment outcome.

PRESUMPTION OF ELIGIBILITY FOR SOCIAL SECURITY RECIPIENTS AND BENEFICIARIES

- A. Any applicant with legal blindness who has been determined eligible for Social Security benefits under title II or title XVI of the Social Security Act is:
 - a. Presumed eligible for vocational rehabilitation services provided that the applicant intends to achieve an employment outcome; and
 - b. Considered an individual with a significant disability.
- B. If an applicant for vocational rehabilitation services asserts that he or she is eligible for Social Security benefits under title II or XVI of the Social Security Act, but is unable to provide appropriate evidence, such as an award letter, to support that assertion, the VR counselor must verify the applicant's eligibility by contacting the Social Security Administration. This verification must be made within a reasonable period of time that enables the VR counselor to determine the applicant's eligibility for VR services within 60 days of the individual submitting an application for services.
- C. Presumptive eligibility does not apply to individuals receiving SSI-Aged or SSDI-Survivor Benefits; however, any applicant who, due to blindness or low vision, has been determined eligible for Social Security benefits under Title II, and transitions from SSDI to SS Retirement upon reaching full retirement age, would be presumed eligible.

ACHIEVEMENT OF AN EMPLOYMENT OUTCOME

Any eligible individual, including an individual whose eligibility for VR services is based on the individual being eligible for Social Security benefits under title II or title XVI of the Social Security Act, must intend to achieve an employment outcome that is consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

- A. The VR counselor will inform individuals at the time of application for VR services, that individuals who receive VR services must intend to achieve an employment outcome.
- B. The applicant's completion of the application process for VR services is sufficient evidence of the individual's intent to achieve an employment outcome and no additional demonstration on the part of the applicant is required.

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

PROHIBITED FACTORS

- A. The IDB will not impose a duration of residency requirement that would exclude an applicant who is present in Iowa from vocational rehabilitation services. The IDB will not require the applicant to demonstrate a presence in Iowa through the production of any documentation that under State or local law would result in a de facto duration of residence requirement.
- B. In making a determination of eligibility under this section, the IDB ensures that
 - 1. No applicant or group of applicants is excluded or found ineligible solely on the basis of the type of disability; and
 - 2. The eligibility requirements are applied without regard to the applicant's
 - i. Age, sex, race, gender, gender expression, political affiliation, sexual orientation, color, or national origin;
 - ii. Type of expected employment outcome;
 - iii. Source of referral for VR services;
 - iv. Particular service needs or anticipated cost of services required by an applicant or the income level of an applicant or applicant's family;
 - v. Employment history or current employment status; and
 - vi. Educational status or current educational credential.

REVIEW AND ASSESSMENT OF DATA FOR DETERMINING ELIGIBILITY

The VR counselor will base determination of each of the basic eligibility requirements on

- A. A review and assessment of existing data, including counselor observations, education records, information provided by the applicant or the applicant's family, information used by education officials, and determinations made by officials of other agencies; and
- B. 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, personal assistance services, and any other support services that are necessary to determine whether an individual is eligible; and
- C. A presumption that an applicant who, due to blindness or low vision, is determined eligible for Social Security benefits under title II or title XVI of the Social Security Act satisfies each of the basic eligibility requirements.

When additional eye information is required to determine eligibility, the applicant will be given the choice of provider (ophthalmologist or optometrist) unless an evaluation from a specialist is necessary. The agency will cover costs not covered by medical insurance for this exam.

If the agency has older eye information that establishes that the individual is legally blind and the applicant does not have an eye condition which will improve, then this existing

information can be used to establish eligibility for services. If the client reports that their vision has improved since the last report, then updated information will be obtained before determining eligibility. If the applicant reports that their vision has deteriorated since the last report, the VR counselor can establish eligibility based on the last report. The counselor is encouraged to obtain updated eye information for assessment, accommodation and planning purposes.

Special Education Students – IDB may use disability information reported in the individual education program (IEP) to determine that an applicant meets the definition of an individual who is blind or has low vision. The VR counselor must obtain a copy of the IEP and it must include information related to the applicant’s disability, diagnosis, medical provider and date of diagnosis.

For eligibility of VR services with IDB, the individual must be blind, deafblind or have low vision and meet the criteria as noted above. In addition, the individual may also have other non-vision related disabilities (e.g., autism, traumatic brain injury, etc.) and/or a disability resulting in blindness or low vision (e.g., multiple sclerosis, diabetes, etc.) may include other serious functional limitations, perhaps even greater than the functional limitations related to blindness or low vision. During the eligibility determination process (and throughout the case), the VR counselor must ensure that they gather all information necessary for eligibility determination, to include functional limitations related to other non-vision related disabilities. This information should be used then to determine the significance of the disability and, should the individual be determined eligible, all barriers to employment must be addressed through the Individual Plan for Employment.

SIGNIFIGANCE OF DISABILITY

The VR counselor will determine significance of disability for each applicant determined eligible for VR services. Where possible, it is absolutely necessary to use pre-existing information and thorough counseling interviews to determine the individual's functional limitations. To document a substantial impediment to employment, the counselor may obtain information from a variety of sources, such as direct observation; statements from the individual, the individual's family or others involved in the individual's activities; medical, psychological and other diagnostic reports; and/or records from the Social Security Administration, Veteran's Administration and educational institutions. Assistive technology and services must be used to the extent possible in gathering additional assessment information. To the extent possible, additional assessment should be obtained in realistic, integrated employment settings.

The below functional capacities are assessed as they relate to impediments to employment.

- A. Mobility – the physical and psychological ability to travel to and from destinations in the community. This includes orientation – the ability of the individual to know where he/she is, where he/she wants to go and how to get there, as well as the ability to adapt and adjust to new environments.

- B. Communication – the ability to effectively exchange information through spoken or written words, signs, Braille concepts, gestures or any other means. This includes language – the ability to place labels and meaning to objects, actions and concepts such as who, what, where, when, and how. This also includes Braille literacy – the ability for an individual to read and write Braille or written words at a level appropriate for the individual’s age.
- C. Self-care – the ability to manage one's own living situation, thereby allowing participation in training or work activities. This includes management of special health and safety needs.
- D. Self-direction – the ability to plan, initiate, problem-solve and carry out goal-directed activities.
- E. Interpersonal skills – the ability to make and maintain personal, family and community relationships.
- F. Work tolerance – the capacity to effectively perform job requirements with or without accommodations; and
- G. Work skills – the ability to do specific tasks required for a particular job.

An *individual with a significant disability* means an eligible individual with a disability –

- A. who has a severe mental or physical barrier that seriously limits one or more functional capacities in terms of an employment outcome;
- B. whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and
- C. who has one or more mental or physical barriers resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, intellectual disability, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

Individual with a most significant disability means an eligible individual with a significant disability who additionally –

- A. has a severe physical or mental barrier that seriously limits three or more functional capacities in terms of an employment outcome.

TIMELINE TO DETERMINE ELIGIBILITY

The VR counselor must complete the eligibility determination as soon as possible. The time to determine eligibility must not exceed 60 days after the client has applied for VR services unless exceptional and unforeseen circumstances beyond the control of the IDB VR counselor preclude a determination within 60 days and the IDB and the applicant agree to

a specific extension of time. If an extension is needed, the counselor must complete an extension to determine eligibility form prior to day 60 and document this in the case file.

An Eligibility Certificate must be completed, signed by the VR counselor and entered into the electronic case record.

Applicants who are determined ineligible for VR services shall be informed of the decision in writing and be provided full consultation including the reasons for the determination of ineligibility, notification of their appeal rights, and information about the Iowa Client Assistance Program (CAP).

If the individual does not meet the criteria for eligibility stated above, the individual must be referred to Iowa Vocational Rehabilitation Services or other appropriate partner(s) of the America's Job Center Network.

APPLICANTS AND CLIENTS WHO HAVE AN OPEN CASE WITH ANOTHER VR AGENCY

If an applicant or active client indicates that he or she is currently receiving vocational rehabilitation services from another VR agency, the VR counselor must consult with the Department's VR Program Administrator.

SUPPORTING DOCUMENTATION

Case management system must include:

- Signed Application
- Completed Disability Screen in CMS to support the disability and priority category
- Copy of documentation used to support the disability
- Signed Eligibility or Ineligibility Determination Letter – Copy of letter sent to client
- Signed Eligibility Extension (if applicable)

The date on the eligibility source documentation must match the date in the case management system.

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