

# **Vocational Rehabilitation Policy Manual**

**Iowa Department for the Blind  
Division of Vocational Rehabilitation**

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# **I. INTRODUCTION**

**VISION STATEMENT:**

To be the world's leader in blind rehabilitation services.

**MISSION STATEMENT:**

Empower blind Iowans to be gainfully employed and live independently.

**VALUE STATEMENTS:****We value blind Iowans therefore:**

- We believe in each individual's ability to be independent.
- We act with a sense of urgency and responsiveness in serving every individual.
- We support each individual's right to informed choices.
- We value engagement and independence for individuals of all ages.
- We promote a positive attitude toward blindness.
- We expect blind persons to achieve their full potential.
- We provide opportunities for blind persons to be fully contributing members of their communities.

**All staff are valued and expected to demonstrate:**

- Passion for what we do every day.
- Commitment to make positive differences in the lives of blind Iowans.
- Respect for the contributions of each staff member.
- Ethical behavior, honesty, integrity and trustworthiness.
- Innovative and proactive approaches in serving each client.
- Progressive and professional leadership.

- Collaboration and teamwork that benefits each individual we serve.
- Collaboration with community, local, state and federal partners.

### **Culture Statement:**

We use a client-centric approach to empower clients to achieve successful outcomes.

### **PHILOSOPHY AND PRINCIPLES:**

The programs of the Iowa Department for the Blind (IDB) are based on the belief that the real problems of blindness do not lie in the physical loss of eyesight but rather in the misconceptions about blindness held so widely by the general public and by many blind persons themselves.

The Department for the Blind maintains:

- That these misconceptions have given rise to forms of discrimination that have denied blind persons first-class citizenship.
- That programs and services enabling blind persons to deal with problems arising from the physical loss of sight must be based on a belief in the competence of persons who happen to be blind.
- That blind persons constitute a cross-section of the population and that the average blind person can do the average job in the average place of business, given proper training and opportunity.
- That persons who are blind, both as individuals and in organized groups, must take the lead in determining the kinds of services they may need to empower themselves more fully.

State and federal legislative mandates and the expressed needs of customers form the basis for the Department's mission. To fulfill these commitments, the Department functions in three main areas essential to meeting the needs of blind Iowans: vocational rehabilitation, independent living rehabilitation, and library and information services. The Department strives to maintain customer input for all facets of these core services.

The Department maintains belief in its overall mission and understands that, in order to realize this mission, it must continuously modify its programs to meet the needs of its customers and changing socioeconomic conditions.

Through this philosophy, the Iowa Department for the Blind has developed a set of values and principles by which its programs operate. The Department affirms:

- That the Department operates on the established and well-demonstrated truth that blindness need not be a barrier to leading a full life as a first-class citizen in society.
- That blind persons have the same rights and responsibilities as all other citizens to self-determination, including the right to enjoy full integration in all aspects of society.
- That the blind constitute a minority group who must overcome the misconceptions and discriminations that result from this status.
- That agencies and programs for the blind should assist blind persons and their organizations to succeed in fulfilling their aspirations.
- That all staff at the Department will be qualified individuals training in the delivery of services based on the agency's philosophy.
- That the Department shall provide the widest range of pre-vocation training, vocational rehabilitation training, independent living training, library services, and other ancillary services so that all customers have as much opportunity as possible to make informed plans and choices concerning life goals.
- That the Department in its staffing policy be cognizant of the value and importance of hiring qualified persons who may be blind.

## **PURPOSE**

34 C.F.R. §§ 361.5(b)(13) and 361 (2002); I.C. § 216B.3 (2014); 111 I.A.C. § 10.2 (216B) (2012).

The purpose of this manual is to provide policy for the provision of Vocational Rehabilitation (VR) services by the Iowa Department for the Blind (IDB) to individuals in Iowa who have an impediment to employment resulting from blindness. Our intent is that all phases of this manual will comply with and fully implement the requirements of pertinent federal and state laws, regulations, and enhance the agency's mission.

## **II. GENERAL POLICIES**

34 C.F.R. §§ 361.39 and 50 (2002); 111 I.A.C. §10.2 (216B) (2012).

### **LEGAL AUTHORITY**

Authority for the operation of the IDB is provided by the federal Rehabilitation Act of 1973, as amended in 2014 by the Workforce Innovation and Opportunity Act, and by Chapter 216B of the Iowa Code.

### **OVERVIEW OF THE VOCATIONAL REHABILITATION PROGRAM – 34 C.F.R. § 361.1 (2002).**

The Vocational Rehabilitation (VR) program assists persons who are blind, visually impaired, or deafblind in preparing for, obtaining, and retaining employment. Applicants are made eligible based on their visual or vision and hearing disabilities, their need for VR services, and their intent to work. The VR counselor and the eligible individual jointly identify a vocational goal and the services needed to achieve it. Services may include: training to help individuals achieve the vocational goals they have selected, assessment, orientation center training, job placement services, rehabilitation technology services, and post-employment follow-up.

### **NONDISCRIMINATION – 34 C.F.R. § 361.42(c)(1) (2002).**

The IDB complies with the Civil Rights Act and Americans with Disabilities Act (ADA). No individual will on the grounds of gender, race, creed, color, age, national origin, physical or mental disability, sexual orientation, gender identity, religion, or political affiliation be

excluded from participation in or be denied the benefits of rehabilitation services. No group of individuals will be excluded or found ineligible for rehabilitation services solely on the basis of type of disability. No residency requirement will be imposed which excludes from services any individual who is present in Iowa. During the initial interview the individual will be notified orally and in writing of this policy.

**AFFIRMATIVE ACTION** – 34 C.F.R. §§ 361.19 and 51(b) (2002).

The IDB will employ, as opportunities become available throughout our organization, the best-qualified individuals, without regard to race, sex, color, religion, sexual orientation, gender identity, national origin, disability, age, or other categories of groups protected by law. We are committed to promoting equal employment opportunities by employing and advancing persons based on merit, ability, and potential for development.

The IDB will employ and develop employees according to our policy of nondiscrimination, which applies to all aspects of employment, including but not limited to the following: recruitment, hiring, placement, job classification, training development, promotion, transfer, job assignment, layoffs, and grievances. Because members of minority groups are currently underrepresented in the field of rehabilitation, the IDB will promote, initiate, and support efforts involving colleges, high schools, community organizations, and other interested parties to ensure that highly qualified individuals, including IDB clients from all underrepresented groups, receive training in VR counseling, rehabilitation teaching, orientation and mobility, and any other areas that would benefit our clients. 34 C.F.R. § 361.18 (2002).

The IDB will notify staff and clients of this policy and will maintain a working environment where all employees find equal opportunity for advancement. The Department will review, identify, and correct all internal policies, procedures, and working conditions to ensure that all persons enjoy equal employment opportunities.

**PREFERRED MODE OF COMMUNICATION** – 34 C.F.R. § 361.51(c)(1) (2002).



Standard print for the IDB shall be 14-point print in a font that is easily read (Arial, Calibri, or Times New Roman fonts are preferred). The Department will provide individuals with a choice of media for all documents generated for them or providing information from the agency. Choices will include standard print, large print, Braille, electronic, or audio.

Translator or interpreter services for applicants who are deafblind, deaf, hard of hearing or Non-English-speaking will be provided. We will make every effort to ensure that translator or interpreter services procurement does not affect the provision of timely services.

### **CASE FILE MAINTENANCE AND DOCUMENTATION**

Counselors shall maintain a case file for each individual that has been referred for vocational rehabilitation services. The file shall contain all required documentation. This information, when generated by the agency, will be maintained by computer record in the agency computer system. Documentation in the form of a case note must occur every 90 days at a minimum and a case note must be written within 5 days of every client contact, regardless of whether the contact is a face-to-face meeting or by phone. Case notes must also be written any time important events occur during the case and notes should pertain to client progress. Any information regarding an individual's case file generated by an outside source and any document requiring the signature of a counselor or the individual will be maintained in a paper file. The rationale for any decision to provide, alter, or deny services shall be documented in the case record. All vocational rehabilitation case files, whether pertaining to deceased or to living clients, are retained for 4 years past the date of case closure.

### **TIMELY SERVICES – 34 C.F.R. § 361.42(b) (2002).**

Counselors shall process applications and determine eligibility or ineligibility as soon as possible, but the time shall not exceed 60 days from the date of application unless the staff person and the individual mutually agree that an extension is necessary because of exceptional and unforeseen circumstances beyond the control of the individual or agency. Any extension must be for a specific period of time. The waiver

to extend eligibility must be signed by the client AND the counselor prior to the 60 day deadline.

Similarly, an Individual Plan for Employment (IPE) will be developed as soon as possible after a person is determined eligible for services, but the time shall not exceed 90 days from the date an individual was determined eligible for vocational rehabilitation services unless the staff person and the individual mutually agree that an extension is necessary because of exceptional and unforeseen circumstances. The waiver to extend the development of the IPE must be signed by the client AND counselor prior to the 90 day deadline. The Department shall provide all services in a timely and equitable manner.

### **Staff Responsibilities**

Counselors have the following responsibilities:

- A. To respect the individual, who has the right and responsibility to participate in all decisions regarding his or her vocational future;
- B. To facilitate with the individual the achievement of an employment outcome, economic self-sufficiency, independence, inclusion, and integration into society;
- C. To provide individualized services in an organized, planned manner and to exercise sound professional judgment in carrying out that responsibility;
- D. When unable to work through a conflict with an individual, to involve management, and to remind the individual or his or her representative of his or her rights and the availability of assistance from the Iowa Client Assistance Program; and

### **CLIENT ASSISTANCE PROGRAM (CAP) – 34 C.F.R § 370 (2002).**

The Iowa Client Assistance Program (CAP) is available to assist individuals in resolving disputes about IDB consumer services. The CAP staff will also answer questions and provide information regarding agency services. The following are the primary functions of the CAP:

- A. To provide information, advice and clarification to individuals about their rights, responsibilities and the services available from the IDB;
- B. To advocate for the fair and mutually satisfactory resolution of individual complaints including assistance during the appeals process.
- C. To report to management on the type and frequency of individual complaints, dissatisfactions, and misunderstandings for program assessment purposes.

Counselors shall make individuals fully aware of the services of the CAP at the time of application, at the initiation of the Individual Plan for Employment (IPE), and at case closure. Clients shall also be provided the CAP phone number. The numbers are: (888) 219-0471 (V/TTY), (800) 652-4298, and (515) 281-3656.

**DATA COLLECTION – 34 C.F.R. § 361.38(b) (2002).**

The Department shall collect and utilize data necessary to complete federal and state monitoring reports and when necessary to manage the program.

**EQUIPMENT PURCHASE**

Equipment (a single item or components of a working unit) which costs more than \$500, purchased for an individual by the Department, will be tagged according to state policy and shall remain the property of the Department for a period of one year from the date of delivery. During that one year period, this equipment shall be reclaimed by the counselor if the equipment is no longer necessary as dictated by the details of the individual's IPE or if there is evidence that equipment is being abused. The Department shall not be responsible for the repair and routine maintenance of the equipment during that initial one year period or beyond that time. The Department will consider repairing equipment that has been donated to a client if the client has an open VR case and can demonstrate that the equipment is necessary to achieve the goals listed in the IPE. The client must also make a reasonable effort to demonstrate that personal financial resources to repair the equipment

are not available. The individual is responsible for the proper care and handling of this equipment while it is in his or her possession.

## **CLIENT PARTICIPATION IN COSTS**

Individuals will be encouraged, to the extent possible, to contribute financially to the costs of achieving the goals outlined in their IPE.

## **AUTHORIZATION**

The first principle of authorization is that a service must be authorized before it begins. The VR Policy Manual specifies that the IDB will not pay for any service that is not authorized in advance. The Authorization Form must be completed as soon as possible and must have an issue date prior to the actual start date of services.

Next, authorizations shall not be written “after the fact”, i.e., backdated, to match a specific invoice amount. Though it is sometimes impossible to be absolutely accurate in estimating service costs while completing the authorization, since invoiced amounts may vary from projections done before the service, the authorization must be as accurate as possible but completed with the understanding that it constitutes an estimate.

The following are IDB procedures and limits for preparing authorizations: A counselor or teacher shall complete an authorization PRIOR to the service being provided. Most authorizations will require an approval by the VR Program Administrator. Any authorization that is not approved prior to the service start date shall require an approval signature by the Director of IDB.

A final category of authorizations regards those for services of which IDB was unaware at the time the service started. Sometimes a client does not keep his or her counselor informed about scheduling or registration and this leads to the client’s attending classes for several weeks, or even several months, prior to informing the counselor. Authorizations in these cases are not “post-dated” authorizations; they are authorizations without prior approval.

When a client requests that you authorize a service that was begun without prior approval, that authorization must proceed through the

exception process outlined in the VR Policy Manual for approval by the agency Director. Such an exception shall contain information showing that the service requested is a planned IPE service that the case manager agrees that the service would have been provided if he or she had been informed by the client in a timely manner, and VR Program Administrator approval is obtained.

A vendor who provides services that are authorized by IDB must agree not to charge or accept any payment from a client or from a member of the client's family unless the amount of the charge or payment is previously known to and approved by IDB.

A vendor shall not exceed prevailing state-imposed limits for meals, lodging, and transportation rates. Vendors are expected to cover the difference in the event that they exceed these limits.

## **COMPARABLE SERVICES AND BENEFITS**

**Definition:** "Comparable services and benefits" means services and benefits that are:

- Provided or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits; and
- Available to the person at the time needed to achieve the rehabilitation objectives in the person's Individualized Plan for Employment (IPE) in accordance with the policy in Section II. (B) below; and
- Commensurate with the services that the person would otherwise receive from the Iowa Department for the Blind Vocational Rehabilitation Program.
  - Comparable benefits do not include awards and scholarships based on merit.
  - "Extreme medical risk" means a probability of substantially increasing the risk of functional impairment or death if medical services, including mental health services, are not provided expeditiously.

**Purpose:** Before IDB provides any vocational rehabilitation services, the counselor must determine whether comparable services or benefits are available under any other programs to meet the cost of such services. This will enable a larger number of individuals to be served and ensure that a larger portion of IDB funds will be available to purchase only those VR services which cannot be obtained through any other resources.

**Authority:** 34 CFR 361.53

**Policy:** It is the policy of IDB to:

1. Give full consideration to any comparable service or benefit to meet in whole or in part, the cost of selected VR services except where such consideration would:
  - a. interrupt or delay progress of an individual toward their goal;
  - b. interrupt or delay an immediate job placement; or
  - c. interrupt or delay the provision of services to someone at extreme medical risk.
2. Utilize available comparable services and benefits when available within a reasonable period. If the comparable services or benefits are not available within a reasonable period of time, IDB will provide those services until those comparable services or benefits become available.

To be considered “comparable”, the service or benefit must be similar in scope and quality to the service or benefit offered by IDB. The service or benefit must also meet the required needs of the individual that will allow them to participate in the VR program. IDB VR staff and clients must continuously and aggressively seek comparable benefits and services in order to maximize the vocational rehabilitation resources available to individuals with disabilities. Refusal or failure to apply for comparable benefits may result in the denial of paid services. When a client fails to apply for a comparable benefit, the counselor should document the reasons in the case record.

### **Services Which Are Exempt from Full Consideration:**

Certain services are exempt from a full consideration of services and benefits during the course of vocational rehabilitation and during the provision of post-employment services. These exempted services are:

- assessment for determining eligibility;
- assessment for determining vocational rehabilitation needs;
- counseling and guidance including information and support services to assist individuals in exercising informed choice;
- referral and other services to secure needed services from other agencies;
- job-related services, including job search and placement assistance, job retention, follow-up and follow-along services;
- training in institutions of higher education; and
- rehabilitation technology including telecommunications, sensory and other technological aids and devices (except when covered by Medicaid, Medicare or private health insurance).

### **Student Loan Default:**

If a client is in default of a student loan, financial aid, including Pell Grant, will not be available to the client. IDB is prohibited from paying for any training or related services at a post-secondary program which is eligible for Pell Grant (including, but not limited to, colleges and business and trade schools) for an individual who owes a refund on a grant or is in default of a student loan, unless the individual makes maximum effort to resolve the default. Maximum effort means that the client has worked out a satisfactory repayment plan with the Higher Education Services Provider, lending institution or grantor and has re-established eligibility for financial aid.

### **Note:**

- The client's own funds are not considered a comparable benefit. However, while not a comparable benefit, a client sometimes has

personal and/or family resources which can be used, if agreed upon by the client, to pay a portion of the cost of his/her vocational rehabilitation program.

- Eligible individuals whose IPE includes college-level academic study must apply for Pell Grant assistance regardless of eligibility and annually provide a copy of the Student Aid Report (SAR) in order to satisfy this requirement.
- IDB does not consider as comparable benefits those awards and scholarships based on merit, or those which are not restricted to specific college-related expenses (tuition, books, and college expenses). (Per Sec. 101(a)(8)(A)(ii) Rehabilitation Act Amendments, RSA-PAC-90-7

### **Examples of Comparable Benefits:**

The following are examples of sources of comparable services and benefits:

Veterans Administration;

Medicare;

Medicaid Programs and Waiver;

Federal Student Aid such as Pell Grant or work study;

disability services offices on college or university campuses;

Centers for Independent Living;

community rehabilitation programs;

educational institutions (secondary or post-secondary);

employers;

employment networks (not otherwise listed);

grants and awards;

intellectual and developmental disabilities agencies;



medical health provider (public or private);  
mental health provider (public or private);  
one-stop employment or training centers;  
public housing authority;  
Social Security Administration;  
state department of correction and/or juvenile justice;  
state employment service agency;  
welfare agency (state or local government);  
worker's compensation;  
other VR state agencies;  
other state agencies; and  
other sources or entitlement programs.

### **When to Initiate an Exploration of Comparable Services and Benefits:**

An exploration of comparable services and benefits is to be initiated when an individual is in applicant status (Status 02). The exploration of comparable services and benefits is a fluid process occurring continuously throughout the VR process.

### **Full Consideration - Counselor's Role:**

Giving full consideration to a comparable service or benefit requires the counselor to:

- acquire knowledge of the eligibility criteria and services available from comparable service or benefit sources;
- assess with the individual the appropriateness and availability of specific comparable services or benefits

In order to maximize the use of comparable services and benefits, counselors, when appropriate, may take the following actions:

- assist the individual in preparing referral information
- initiate contact with comparable service and benefit sources
- arrange appointments for the individual, if he/she requires such assistance
- accompany the individual to apply for comparable services and benefits
- follow-up on contacts

**Note:**

- Although these activities may be performed by the counselor, the individual should be encouraged to accept responsibility for as many actions as possible.

**Full Consideration - Client's Role:**

Eligible individuals are required to apply for and accept those comparable services and benefits to which they are entitled when such services are adequate for the achievement of their vocational goal.

Giving full consideration to a comparable service or benefit requires the eligible individual to:

- apply to comparable service or benefit programs.
- use comparable services or benefits which are available to him/her and which are adequate to meet the rehabilitation objectives of the IPE.

**Rule:**

IDB cannot provide selected services using VR funds for an individual who:

- refuses to apply for services or benefits for which she/he may be eligible, or

- refuses to accept a comparable service or benefit which is available and adequate to meet the intermediate rehabilitation objectives of the IPE.

### **Record of Services Documentation Requirements:**

Documentation of comparable services and benefits in the record of services will include the following:

- Documentation of the initial discussion of comparable services and benefits with the individual
- Documentation of the individual's eligibility/ineligibility for the comparable services and benefits explored
- Written justification for not utilizing a potential comparable service or benefit

### **Comparable Benefits for Post-Secondary Education:**

Maximum effort must be made to secure grant assistance for individuals attending institutions of higher education. Eligibility for the PELL grant and other appropriate programs must be fully considered prior to expenditure of VR funds for higher education costs. Awards or scholarships based on merit are not considered comparable benefits.

Counselors should inform individuals that they cannot be denied equal consideration for scholarships or endowment programs on the basis of IDB funding.

### **Note:**

- To avoid unnecessary authorization of funds, counselors are encouraged to find out the exact amount of a grant award prior to authorizing a voucher.
- When verification of receipt of a grant award for higher education is received by the counselor and the award amount is unknown, the counselor can authorize a voucher for the cost of the service and deduct an estimated amount for the award.

- When necessary to prevent delay of service, a voucher for the full cost of the service can be authorized. However, the award amount must be deducted from the voucher prior to payment.

### **Eligibility for Medicaid, Medicare or Private Health Insurance:**

Individuals who are SSI recipients or who receive temporary assistance are usually eligible for Medicaid benefits. Individuals who have been on SSDI for more than two years or who are over age 65, are eligible for Medicare benefits. Under certain conditions, persons who are disabled before age 22 can receive Medicare benefits.

Some individuals qualify for both Medicaid and Medicare. The VR Counselor should determine if the individual has Medicare, Medicaid or other third party health insurance benefits at the time of the initial interview or when planning specific services. The individual should be able to show a Medicaid, Medicare, or private health insurance card to verify that benefits are available.

### **Plan for Achieving Self-Support (PASS):**

The Plan for Achieving Self-Support (PASS) is an income and resource exclusion device available under the Supplemental Security Income (SSI) program. Supplemental Security Income is a needs-based program which individuals who are legally blind may qualify for when they are unable to work and/or have limited income and resources.

PASS allows an SSI applicant or recipient to shelter or exclude income or resources that would otherwise be counted in determining SSI eligibility when the money set aside is used toward a designated occupational goal. The PASS enables the individual to achieve some vocational objective and gain an income to become self-supporting. The PASS allows the participant to purchase goods and services related to the vocational objective through the use of the extended income and resources. The excluded income and/or resources can be used for practically any purpose related to the occupational objective.

The PASS must be approved by the Social Security Administration. VR Counselors can assist individuals in developing PASS as a

comparable benefit for those services that are not covered by VR or can refer individuals to community resources, such as independent living centers, that may provide this type of assistance.

PASS are not to be used routinely as a comparable benefit, especially since these resources will not usually be available at the time needed to meet the intermediate rehabilitation objectives in the IPE. However, the resources created by PASS can be very valuable in purchasing those goods or services that are not covered by the vocational rehabilitation program, but contribute to the rehabilitation outcome.

### **PROVISION OF SERVICES BY FAMILY MEMBERS**

It is the policy of the Department that direct payments to a family member for a provision of service not occur. Any exception to this policy must be approved by the supervisor.

A family member is defined as related to the person within the third degree of consanguinity or within the third degree of affinity.

For purposes of this policy, persons within the first three degrees of consanguinity include children, parents, siblings, grandchildren, grandparents, uncles, aunts, nieces, nephews, great-grandparents, and great-grandchildren. The first three degrees of affinity include the relatives of the client's spouse corresponding to persons within the first three degrees of consanguinity.

### **CODE OF ETHICS**

All VR counselors whom IDB employs shall exercise sensitive and sound professional judgment at all time and shall adhere to the Code of Professional Ethics for Rehabilitation Counselors, adopted in June, 2016, by the Commission on Rehabilitation Counselor Certification for its Certified Rehabilitation Counselors. A copy of the CRC Code of Ethics can be found at this link: [CRC Code of Ethics](https://www.crc certification.com/filebin/pdf/Final_CRCC_Code_Eff_20170101.pdf) or [https://www.crc certification.com/filebin/pdf/Final\\_CRCC\\_Code\\_Eff\\_20170101.pdf](https://www.crc certification.com/filebin/pdf/Final_CRCC_Code_Eff_20170101.pdf)

Always be mindful of the following, as stated in the Preamble of the Code:

“Rehabilitation counselors are committed to facilitating the personal, social, and economic independence of individuals with disabilities. In fulfilling this commitment, rehabilitation counselors recognize diversity and embrace a cultural approach in support of the worth, dignity, potential, and uniqueness of individuals with disabilities within their social and cultural context. They look to professional values as an important way of living out an ethical commitment. The primary values that serve as a foundation for this Code include a commitment to:

- Respecting human rights and dignity;
- Ensuring the integrity of all professional relationships;
- Acting to alleviate personal distress and suffering;
- Enhancing the quality of professional knowledge and its application to increase professional and personal effectiveness;
- Appreciating the diversity of human experience and culture; and
- Advocating for the fair and adequate provision of services.”

### **TIMELINE STANDARDS**

The following guidelines are a combination of IDB and federal expectations and shall be used to ensure that applicants and clients are provided services in a timely manner. VR staff members are expected to follow these standards.

1. Status 02 must not exceed sixty calendar days from the date services were requested from IDB. The sixty-day period can be extended only with the written approval of the applicant.
2. Status 06 is a very temporary status and cases cannot remain in it for more than eighteen months.
3. Status 10 must not last more than ninety calendar days. This period may be exceeded only when additional assessments are needed for determining an IPE.

4. Status 12 should not exceed sixty calendar days from the date the IPE is signed.
5. Status 20 should not exceed 120 calendar days and documentation must indicate circumstances when this timeline is extended.
6. Status 22 should not exceed ninety calendar days and documentation must indicate circumstances when this timeline is exceeded.
7. Status 24 should not exceed three months. Documentation must indicate circumstances when additional time is needed.
8. Status 24 shall not exceed twelve months.

#### **REPORTING REQUIREMENTS – 34 C.R.F. § 361.88 (2002).**

IDB must file a report to the Rehabilitation Services Administration (RSA) within sixty days after the end of each quarter. The report shall describe client progress and ability to maintain employment after case closure. It must include the RSA-911 and RSA-113 data, which must be valid, accurate, and in a consistent format. Because of this, a concerted effort must be made to enter client information into the case management system accurately and expeditiously.

#### **SERVING CLIENTS WITH COMMUNICABLE DISEASES**

The IDB shall serve individuals with human immunodeficiency virus (HIV), AIDS, hepatitis, and other communicable diseases if those individuals meet the general criteria for eligibility. In order to ensure safety, staff shall follow the safety procedures provided under the Procedures section of this manual. The procedures will be reviewed annually to ensure that they reflect the most current professional practices.

### **III. Consumer Rights and Informed Choice**

34 C.F.R. §§ 361.38, 52, and 57 (2002).

This chapter provides identification of and guidance pertaining to consumer rights defined through 34 C.F.R. Part 361 (State Vocational Rehabilitation Services), the American's with Disabilities Act, the Civil Rights Act of 1964, the Iowa Code, and Chapter 111 of the Iowa Administrative Code. IDB in no way intends for this chapter to be interpreted as an exhaustive or comprehensive listing or citing of consumer rights, rather that the chapter identifies rights specific to VR services provided to applicants and eligible individuals receiving services.

In accordance with federal regulations pertaining to the provision of VR services, IDB has adopted policies and procedures to safeguard the confidentiality of all personal information of individuals who apply for or are receiving VR services through IDB. IDB assures that applicants and eligible individuals, their representatives, service providers, cooperating agencies, and interested persons are informed through appropriate forms of communication of the confidentiality of personal information and the conditions for accessing and releasing this information. 34 C.F.R. §361.38 (2002).

**INFORMED CHOICE – 34 C.F.R. § 361.52 (2002).**

IDB's state plan and VR policies and procedures ensure that individuals who apply for or are receiving VR services and, as appropriate, their representatives, are provided information and support services to assist the individual in exercising informed choice throughout the rehabilitation process consistent with section 102(d) of the Rehabilitation Act of 1973, as amended. Though the term "informed choice" is not specifically defined in the federal regulations pertaining to the provision of VR, the significant scope of choice provisions in the Rehabilitation Act of 1973, as amended, and the subsequent regulations serve to identify that all stages of the VR process require IDB to inform individuals about the availability of and opportunities to exercise informed choices.

In essence, informed choice means that the individual and as appropriate, their representative, partners with the VR counselor to enter into a decision-making process that includes review and analysis of information that the individual will need in order to understand the implications of choices they make pertaining to VR services. This



decision-making process takes into account in the individual's values, characteristics, the availability of resources and alternatives, and general economic conditions. RSA-TAC-98-01 issued on November 3, 1997. The VR counselor provides guidance and counseling to assist the individual to make relevant choices pertaining to establishing a vocational goal, vocational rehabilitation services that include evaluation and assessment services, and service providers.

Subsequently, IDB VR counselors shall:

1. Notify individuals who are applying for or receiving VR of their rights to exercise informed choices throughout the VR process.
2. Provide individuals with assistance as needed in identifying information necessary to make informed choices, including IDB Vocational Rehabilitation Policies and Procedures, to ensure they make informed choices consistent with related policy, regulations, and law.
3. When assisting eligible individual in developing their Individualized Employment Plan (IPE) or providing information to individuals who choose to develop their own IPE, this shall include, at a minimum, information relating to the cost, accessibility, and duration of potential services, consumer satisfaction with services to the extent that this information is available, the qualifications of potential service providers, the types of services offered by those providers, and the degree to which services are provided in integrated settings. 34 C.F.R. § 361.52 (2002). Notify and provide individuals who apply for or are certified as eligible for VR services (and their representatives as appropriate) opportunities to make informed choices throughout the VR process. VR counselors may use methods that include but are not limited to:
  - a. Referring individuals to local consumer groups or disability advocacy groups, or disability advisory councils qualified to discuss the services or service providers;
  - b. Provide state or regional lists of available services and vendors;

- c. Provide information on relevant accreditation or certification or other information relating to the qualification of service providers;
  - d. Provide the results of periodic consumer satisfaction surveys, to the extent available;
  - e. Provide opportunities to visit or experience various work and service provider settings; and
  - f. Relevant accreditation, certification, or other information relating to the qualifications of service providers.
4. The VR counselor shall document in the individual's case file the options discussed with the individual and the choices made by the individuals during the rehabilitation process.

Informed choice does not obligate IDB to sponsor specific VR services, service providers, or pay costs above those allowed by IDB policy.

Individuals who feel they have not been given the opportunity to exercise informed choice, regardless of the reason, must be informed of the right to appeal the decision. The VR counselor must provide the individual with information regarding the Client Assistance Program (CAP). Inform the client that CAP is located at the Iowa Commission of Persons with Disabilities, Department of Human Rights, Lucas State Office Building, Des Moines, Iowa 50319, and telephone contact can be made toll-free by calling 1-800-652-4298, or in Des Moines 281-8088 (voice) or 281-3164 ( TTY).

**PROTECTION, USE, AND RELEASE OF PERSONAL INFORMATION – 34 C.F.R. § 361.38 (2002).**

Personal information is defined by the Government Data Collection and Dissemination Act as all information that describes, locates, or indexes anything about an individual applying for or receiving VR services, including real or personal property holdings derived from tax returns, education records, financial transactions, medical records, ancestry, criminal records, employment records, or that affords a basis for inferring personal characteristics, such as finger and voice prints, photographs, or things done by or to such individual; and the record of

the individual's presence, registration, or membership in an organization or activity, or admission to an institution. Formats for personal information may include, but are not limited to, written records, photographs, audiotapes, videotapes, electronic data, or other media reproductions. IDB VR counselors, the VR Program Administrator, Intake Specialists, and agency administrators shall inform all VR program applicants, through the individual's native language or other appropriate mode of communication, to ensure the applicant understands the following. 34 C.F.R. § 361.38 (2002).

1. IDB's need to collect confidential information in order to provide VR services;
2. How an individual's personal information will be used;
3. That individuals applying for or receiving VR services are not legally required to provide their social security number to IDB (per) and that the impact of not providing the social security number may delay presumption of eligibility if the individual is a recipient of SSI or SSDI unless the individual can provide documentation of receipt of those benefits;
4. The consequences of not providing information that IDB requires in order to provide VR services;
5. Other agencies (if any) to which IDB routinely releases client information;
6. The individual's right to ask what information has been shared with whom and why;
7. That the individual's signed consent is required in order for IDB to obtain or release information in which the individual's identity is or may be readily ascertained except when disclosure without consent is allowed or mandatory under federal or state law or regulations;
8. The purpose and key provisions and protections of the IDB confidentiality release form. 34.C.F.R. § 361.38 (2002). This includes disclosure parameters (e.g., types of information to be disclosed, expiration date of release form, parties to be listed

on the release), the right to view the information released unless access is prohibited, and the individual's right to revoke and amend the release form.

- a. The VR counselor shall explain the consequences of not signing the release;
  - b. If the VR counselor determines that the individual does not understand the form or process, the individual's representative must sign the form;
  - c. The VR counselor cannot, under any circumstance, sign the release form or serve as the individual's legally authorized representative.
9. The VR counselor shall explain the individual's right to confidentiality by giving the individual materials in the individual's preferred format during the initial meeting, during VR counseling and guidance sessions, or in other instances where the individual's release of information is required to enable the individual to comprehend and respond to information.

**COLLECTION AND USE OF PERSONAL INFORMATION – 34 C.F.R. § 361.38 (2002).**

IDB has authority under federal and state law to collect, maintain, use, and disseminate only that personal information permitted or required by law, or necessary to accomplish a proper purpose of the agency 102-569 Rehabilitation Act of 1973, as amended in 1998, Title I, §§ 13, 14, 101(a)(10), 101(a)(15), 101(a)(18), 105(c)(3), 106(b), and 107; and 34 C.F.R. § 361.38 (2002).

1. Personal information shall be used only for the purposes directly connected with the administration of the IDB VR Program. The Intake Specialist and the VR counselors primarily collect, maintain, use, and disseminate personal information throughout the VR process including referral for VR services, application, eligibility determination, IPE development, and service provision, which includes evaluation of progress toward achieving the vocational goal identified in

the IPE and assisting the individual in receiving goods and services through vendors or other agencies. 34 C.F.R. § 361.38(b) (2002).

2. Medical consultants employed by IDB shall have access to confidential information in VR files and have authority to copy this information when necessary within the context of specific, assigned job duties or when necessary for case management and service delivery purposes.
3. If the individual applying for or receiving IDB VR services chooses not to provide personal information, the VR services provided by IDB may be limited. Examples include but are not limited to:
  - a. Financial aid and education records that are required for IDB to sponsor education and training;
  - b. Medical insurance and vendor information required for IDB to sponsor physical or restoration assessment and treatment services;
  - c. Training vendor reports for training services;
  - d. Information needed to identify and use comparable benefits.

**CONSENT TO RELEASE INFORMATION – 34 C.F.R. § 361.38 (2002).**

Personal information in which the identity of the client is or may be readily ascertained shall not be disclosed to, exchanged with, or requested from another person or entity unless the individual (or representative, as appropriate) gives informed written consent or unless federal or state law or regulations permit or require release without consent. 34 C.F.R. § 361.38 (2002).

1. Except as identified in numbers one and two of this section, IDB must make all requested information in the individual's record of services accessible to and must release the

information to the individual or the individual's representative in a timely manner.

2. IDB shall not release medical, psychological, or information the agency has deemed harmful to the individual directly to the individual, but must be provided to the individual through a third party chosen by the individual, which may include, among others, an advocate, a family member, or a qualified medical or mental health professional, unless a representative has been appointed by a court to represent the individual.
3. Personal information in the case record that IDB obtained from another agency or organization may be released only by, or under the conditions established by, the other agency or organization, unless specifically requested by judicial order. 34 C.F.R. § 361.38 (2002).
4. Regarding release of information to parents or legal guardians:
  - a. The parents or legal guardians of individuals who are applying for or receiving services who are under age 18 have the right to review the minor child's case record (including information about the child dropping out of school, sexual activity, etc.), discuss the individual's VR services, or make decisions about the individuals' VR (including signing IDB documents for the individual), without the individual's informed written consent except:
    - i. Any information regarding outpatient diagnosis, treatment, care, or rehabilitation for alcohol or other substance abuse, mental illness, or emotional disturbances; however, the individual's consent is not required for parental access to inpatient treatment, care, or rehabilitation, since minors cannot check themselves into an inpatient treatment program, or for parental access to other types of information (e.g., child is sexually active, child has dropped out of school, etc.), or

- ii. When parental rights have been terminated or a court has restricted or denied parental or representative access to the individual's confidential records, or
  - iii. When the individual is emancipated (e.g., married, court order, etc.), or
  - iv. Any information furnished in confidence to the Iowa Department of Social Services and an investigation is ongoing (e.g., on abuse or neglect charges) and any information Social Services provided to the VR counselor with a stipulation that release of the information is prohibited.
- b. For parents of individuals who are applying for or receiving services and are 18 or older and are legally competent, informed written consent is required in order for the parent to review or obtain a copy of the individual's VR case file, discuss the individual's VR services, or make VR decisions on the individual's behalf (including signing IDB documents). Informed written consent is required for parental access to special education records when the individual is 18 years or older (per P.L. 105-17 Individuals with Disabilities Education Act). 34 C.F.R. § 300.517 (2002).
- c. The parent cannot make decisions on behalf of a child who is 18 years or older unless the parent is a court-appointed legal guardian. The guardian must furnish personal identification (e.g., driver's license) and sign a written statement for the individual's IDB VR case file that he or she is the legal guardian. The VR counselor shall ensure that a copy of the identification document and statement are in the individual's VR case file.

5. Regarding law enforcement, fraud, or abuse:

- a. IDB has the authority to disclose requested personal information without consent in response to investigations in connection with law enforcement,

fraud, or abuse, unless expressly prohibited by federal or state law or regulations. 34 C.F.R. § 361.38 (2002).

6. Regarding Judicial Orders:

a. IDB has the authority to disclose requested personal information without consent in response to an order issued by a judge, magistrate, or other authorized judicial officer. 34 C.F.R. § 361.38 (2002).

i. IDB staff shall not respond directly to any judicial order without approval of and guidance from the Director, or the Director's representative.

ii. Within one calendar day of receipt, IDB staff shall scan the judicial order to the Director's Office.

iii. A representative of the Director's Office shall release the appropriate records as directed by the Iowa Attorney General's Office.

iv. No copies are authorized to be made unless directed by a representative of the Director's Office. There is no copying charge if the judicial order is issued by or on behalf of the individual applying or receiving VR services (client). For other judicial orders, unless it states there are will be no copying charges, IDB shall charge 50 cents per page for up to 50 pages and 25 cents per additional page for a copy from paper or other hard copy generated from computerized or other electronic storage. The check shall be made payable to Iowa Department for the Blind.

7. The VR counselor shall maintain a copy of the judicial order with a notation of the date of release and a copy of the IDB written response in the individual's case file. Regarding subpoena or subpoena duces tecum issued by a clerk of the court or an attorney.



- a. IDB shall not release any records from or associated with federally-funded VR program (including supported employment) or Independent Living program unless the individual applying for or receiving services gives informed written consent or by judicial order. 34 C.F.R. § 361.38 (2002).
- b. Medical or psychological records pertaining to the individual's VR services (or other agency programs or services) shall not be released unless the individual applying for or receiving VR services gives informed written consent. 34 C.F.R. § 361.38 (2002).
- c. The following procedures shall apply:
  - i. IDB staff shall not respond directly to any subpoena or subpoena duces tecum.
  - ii. IDB staff shall immediately fax the subpoena or subpoena duces tecum to the Director's Office
  - iii. A representative of the Director's Office will advise IDB staff of the actions to occur.
  - iv. The VR counselor shall keep in the individual's case record the subpoena or subpoena duces tecum with a notation of the date any information was released and a copy of the IDB written response to document the disclosure.
  - v. There is no copying charge if the subpoena or subpoena duces tecum is issued by or on behalf of the individual who is applying for or receiving VR services. Otherwise, unless it states there will be no copying charges, IDB shall charge 50 cents per page for up to 50 pages and 25 cents per additional page for a copy from paper or other hard copy generated from computerized or other electronic storage. The check shall be made payable to Iowa Department for the Blind.

8. Regarding the Rehabilitation Services Administration:

- a. IDB has the authority to disclose requested personal information without consent by the applicant or individual receiving vocational rehabilitation services in response to requirements of the Rehabilitation Services Administration (RSA) as allowed by law. IDB program staff are not required to record these disclosures in the individual's case record.

9. Regarding health and safety:

- a. IDB staff may disclose personal information in an emergency when the individual who is applying for or receiving vocational rehabilitation services poses a threat to his or her safety, safety of others, or a situation in which it is reasonable to believe that a delay would result in death, serious physical injury, or other danger to the individual or others. 34 C.F.R. § 361.38 (2002). Examples of emergency include, but are not limited to: inquiry by law enforcement regarding an emergency situation, emergency or commitment to a hospital, inquiry from an acute care hospital, etc.
- b. Consent is not required to disclose any alcohol or substance abuse records, including information that the person abuses alcohol or substances, to qualified medical personnel in a medical emergency. 42 CFR § 2.64 (2002).

10. Regarding Mandated Reporters:

- a. If an IDB staff member suspects that an individual applying for or receiving VR services is about to confide abuse, neglect, or exploitation of themselves, a child, or of another adult, the staff member should tell the individual that the IDB staff member is required by law to report complaints to the Department of Social Services but that all information relating to the complaint and any forthcoming investigation will remain confidential and will not be released without a judicial

order. The staff member must note in the individual's case file the date the report was made and list any documents IDB provided to the Department of Social Services.

- b. IDB staff must report, within 72 hours, to Department of Social Services any suspected abuse or neglect of child , even if the individual shares the information with the staff member in confidence. The staff member may be subject to a state fine for failing to report the information within 72 hours of first suspicion. The IDB staff member must report the information to the Social Services office in the locality where the individual resides, or where the alleged incident is believed to have occurred. Suspected child abuse and neglect may also be reported through the Social Services toll-free child abuse and neglect hotline. The report may be oral or in writing.
- c. IDB must immediately report any suspected abuse, neglect, or exploitation of a vulnerable adult, even if the individual shares the information with the staff member in confidence, to the adult protective services hotline or the Department of Social Services office in the locality where the individual resides or where the abuse, neglect or exploitation is believed to have occurred. The IDB staff must note in the case file the date the report was made and list any documents that were provided to the Department of Social Services. Any VR counselor who has reason or cause to suspect that an adult has died as a result of abuse or neglect must immediately report this suspicion to the appropriate medical examiner and law enforcement agency.
- d. The VR counselor may be subject to a fine for failing to immediately report the information upon reason to suspect and will be subject to a criminal conviction for making or causing to be made a false report.
- e. Even with informed written consent, IDB shall not release any information that the Department of Social

Services has indicated shall not be released, and also pursuant to 34 C.F.R. § 361.38 (2002).

11. Regarding audit, evaluation, or research:
  - a. IDB staff shall not respond directly to a request for information for the purpose of audit, evaluation or research by non-IDB staff. Staff shall refer the requester to the VR Program Administrator.
  - b. IDB Administrators or designated staff may disclose client personal information without consent for audit, evaluation, or research subject to the following guidelines:
    - i. The information must be used only for purposes directly connected with the administration of the VR program or for purposes that would significantly improve the quality of life for IDB VR clients. 34 C.F.R. § 361.38 (2002).
    - ii. The information may only be released if the organization, agency, or individual assures that
      1. The information will be used only for the purposes for which it is provided; will be released only to those officially connected with the audit, evaluation or research; will not be released to the participants; and will be managed in a manner to safeguard confidentiality, and
      2. The final product will not reveal any confidential identifying information without participant informed written consent. 34 C.F.R. § 361.38 (2002).
12. Alcohol or substance abuse information:
  - a. Information regarding alcohol or substance abuse diagnosis, treatment, care, or rehabilitation records for

federally-funded or state programs shall not be released unless with informed written consent, judicial order, or other legal requirement. 42 CFR §§ 2.31, 2.32, and 2.33 (2002). . For example, see subsection 8 above permitting disclosure in a medical emergency

13. Regarding Non-VR Program Staff:
  - a. Informed written consent shall not be required for other IDB divisions and staff of IDB who do not have responsibility for administering the VR program.
14. Regarding Advisory Bodies:
  - a. Information that does not contain identifiable personal information may be shared with the IDB Commission Board and other advisory bodies. Redacted hearing decisions shall be shared with the IDB Commission Board as required per Rehabilitation Act of 1973, as amended, § 101(a) (21) (A)).
15. Regarding Business or Potential Employers:
  - a. Informed written consent shall be required and shall routinely relate only to the job abilities and reasonable accommodation needs per P.L. 101-336 Americans with Disabilities Act of 1990, unless the individual receiving VR services details on the consent form other information that may be disclosed.
  - b. The consent may be blanket consent for all potential employers or a separate form for each potential employer.
16. Regarding providers.
  - a. Informed written consent from the individual to whom the VR services are being provided shall be required.

## **CIVIL RIGHTS**

Individuals applying for or receiving VR services have certain civil rights guaranteed by law. Among these rights are the rights to receive services on a nondiscriminatory basis without regard to race, color, creed, sex, national origin, age, political affiliation, or disabling condition; confidentiality of personal information, access (with certain exceptions) to case folders; and access to the Client Assistance Program administered in Iowa by the Iowa Client Assistance Project. The legal bases for these civil rights are the Americans with Disabilities Act of 1992, the Rehabilitation Act of 1973, as amended, the Civil Rights Act of 1962, and their implementing regulations.

1. All vendors of services for individuals who are applying for or receiving VR services from IDB must be in compliance with the Civil Rights Act. These include physicians, training institutions, hospitals, vocational schools, and those providing room and board or housing for clients.
2. IDB staff providing VR services to individuals who are applying for or receiving services must be familiar with addressing civil rights compliance requirements.

## **REVIEW OF VOCATIONAL REHABILITATION**

### **DETERMINATIONS – GRIEVANCES AND APPEALS – 34 C.F.R. §§ 361.43 and 57 (2002); 111 I.A.C. § 10.8(216B) (2012).**

1. Mandatory Notification to Individuals applying for or receiving VR services of their rights to appeal determination made by IDB Personnel
  - a. Based on the requirements of federal regulation 34 C.F.R. § 361.43 (2002), the procedures for ineligibility determination, and 34 C.F.R. § 361.57 (2002), the review of determinations made by designated State unit personnel, IDB shall ensure, using appropriate modes of communication, that individuals, or as appropriate the individual's representative, who are applying for or receiving services are made aware of their rights to obtain a review of IDB determinations that affect the provision of their VR services. Throughout this section, the words "individuals applying for or receiving VR services" also refers to, as appropriate, the individual's representative(s).

- b. This notification of rights to review determinations includes:
    - i. Information pertaining to the CAP and the rights to informal dispute resolution (including an informal administrative review), mediation, and to proceed directly to an impartial due process hearing;
    - ii. The names and addresses of individuals to whom requests for mediation or due process hearing may be filed. For the IDB, this is the VR Program Administrator; and
    - iii. An administrative review of the hearing officer's decision.
  - c. The VR counselor will both personally explain and provide in writing notice of these rights when:
    - i. The individual applies for VR Services;
    - ii. At the time the individual is assigned to a category in the IDB Order of Selection;
    - iii. At the time the individual's IPE is developed; and
    - iv. When the individual's services are reduced, suspended, or terminated.
2. Types of determinations that may be appealed
- a. Federal law and regulations do not define the types of determinations that may be appealed. RSA-PD-09-03 and 66 Federal Register, No 11, 4431, issued January 17, 2001. However, examples of determination for appeal include but are not limited to:
    - i. Determinations to conduct extended evaluations to determine eligibility for VR services;
    - ii. Determination of ineligibility for VR Services;
    - iii. The nature, content, and scope of the IPE;
    - iv. Delivery or quality of VR services;
    - v. Cost of services, including IDB's decisions to refuse payment of services, use of comparable benefits, and fee schedules;
    - vi. Closure of an individual's VR case.
3. Evidence and Representations
- a. Individuals who are applying for or receiving VR services, or as appropriate their representatives, have the opportunity to submit, during mediation or due process

hearing, evidence and other information that supports the individual's position. These same individuals may be represented by counsel or other advocates selected by the individual.

- b. Individuals have the right to present witnesses and evidence to support their concerns with complete freedom from reprisal.

4. Impact on provision of services

- a. Based on federal regulation 34 C.F.R. §361.57 (2002), IDB shall not suspend, reduce, or terminate VR services being provided to the individual applying for or receiving services while the individual is participating in informal administrative review, mediation, impartial due process hearing, or Administrative Review of a hearing decision unless the individual:
  - i. Requests a suspension, reduction, or termination of a service;
  - ii. IDB has evidence that services have been obtained through the individual's misrepresentation, fraud, collusion, or criminal conduct;
  - iii. The service puts the individual at risk based on new medical or psychological information provided by a physician;
  - iv. IDB personnel have reason to believe that the individual's behavior or action to be a danger to the health and safety to themselves or others.

5. The Client Assistance Program (CAP)

- a. According to 34 C.F.R. §§ 361.57 and 370 (2002), individuals applying for or receiving VR services and IDB staff may contact CAP advocates and attorneys for information about client rights and no-cost assistance in resolving issues with the individual's VR case. Individuals may request CAP representation during an appeal. The Governor of Iowa has designated the Iowa Commission for Persons with Disabilities in the Office of Human Rights to be the CAP agency for the Department for the Blind.

6. Dispute Resolution

- a. In addition to mediation and impartial due process individuals applying for or receiving VR services have the



opportunity to resolve disputes through an informal process.

- i. This informal process shall not be used to deny the right of the individual to a mediation and impartial due process hearing, and
  - ii. If either mediation or the informal process or both are not successful in resolving the dispute within 60 days from the individual's request for review of a determination made by IDB staff, a formal impartial due process hearing must be conducted within that same 60 day time period, unless the individual and the agency agree to a specific extension of time.
  - iii. During each step of the informal resolution process, the VR counselor, VR Program Administrator, and Director shall inform the individual of the CAP and of their rights to request mediation or to proceed directly to an impartial due process hearing.
- b. Informal Resolution between the Individual and the Vocational Rehabilitation Counselor
  - i. The VR counselor shall make every effort to resolve disputes with the individual based on relevant IDB Vocational Rehabilitation Policies and Procedures, federal regulations and law, and the Certified Rehabilitation Counselor Code of Ethics. VR counselors must document all concerns of the individual and subsequent actions taken to address those concerns in the individual's case file; there are no exceptions.
- c. Informal Resolution between the Individual and the Supervisor (Step One)
  - i. When issues or concerns of individuals who are applying for or receiving VR services from IDB cannot be resolved between the individual and the counselor within ten full working days, the individual may request in writing, by e-mail, by phone call, or in person, within that same ten days, to speak with the counselor's supervisor who shall be the VR Program Administrator.

- ii. The supervisor shall meet with the individual in a timely manner not to exceed 10 working days of receipt of the individual's request.
      - iii. The supervisor shall document all concerns of the individual and subsequent actions taken to address those concerns in the individual's case file and in the form of a letter or memorandum to the consumer in consumer preferred format; no exceptions.
- d. Informal Administrative Review or IAR (Step Two)
  - i. When issues or concerns of individuals who are applying for or receiving VR services from IDB cannot be resolved between the individual and the supervisor, the individual may request an IAR in writing, by e-mail, by phone call, or in person to speak with the Director of the agency.
  - ii. The Director shall meet, by phone or in person, with the individual in a timely manner not to exceed five working days of receipt of the individual's request for IAR.
  - iii. The Director shall prepare and submit to the individual by e-mail, hard copy, or scanned copy, a written report of the IAR within three working days of meeting with the individual.
  - iv. The IAR will contain documentation of review of the individual's case file, discussions with relevant IDB staff and the individual who has requested the IAR, and the rationale of the decision made during the IAR including identification of relevant laws, regulations, and IDB Policy.
  - v. The Director shall ensure that the report of the IAR is added to the individual's case file.
  - vi. In circumstances when the individual's concerns involve the Director, the IAR will be conducted by the IDB Commission Board.
  - vii. While the IAR is pending, IDB staff may request consideration of policy exceptions that would resolve the issue.
  - viii. The IAR decision shall become part of the individual's case file.

e. Mediation

i. The individual applying for or receiving VR services may request to proceed directly to mediation rather than participate in the IDB informal dispute resolution process.

1. Individuals seeking mediation must complete the IDB Request for Mediation or Fair Hearing Form, which includes their name and contact information, name of the VR counselor, concerns or issues the individual wants mediated, the resolution sought by the individual, accommodations required by the individual in order to participate in mediation, and the individual's signature.
2. Participation in mediation to resolve disputes is voluntary for the individual and for IDB personnel and may be terminated at any time once the mediation process has been initiated by either party.
3. Mediation shall not be used to deny the right of the individual to a mediation and impartial due process hearing.
4. Mediation is conducted by a neutral, qualified, and impartial mediator randomly selected from a list of such mediators maintained. IDB maintains a list of Supreme Court of Iowa certified mediators who meet federal requirements 34 C.F.R. §§ 351.5(b) (43) and 361.57 (2002).
5. While the mediation is pending, IDB staff may request consideration of policy exceptions that would resolve the issue.
6. Discussions that occur during the mediation process, other than those comments that are threats of bodily harm to self or others, including references to abuse or neglect, shall remain confidential and may not be used as evidence in any subsequent process hearings or civil proceedings. Participants may be required

- to sign a confidentiality pledge prior to the commencement of the mediation process.
7. The Mediation Agreement shall (per agency mandate) require VR Program Administrator pre-approval.
  8. A Mediation Agreement is valid when it is signed by the individual and IDB staff and is consistent with federal and state laws and regulations and IDB policy and procedure. 34 C.F.R. § 361.57 (2002).
  9. The agreement shall become part of the VR case record with a copy to the client, and it may be used as evidence in a hearing and civil proceeding. 34 C.F.R. § 361.57 (2002). It is not a contract. However, the client and staff are expected to adhere to it, and problems with compliance shall be addressed according to the established dispute resolution options. 34 C.F.R. § 361.57 (2002).
  10. Mediation sessions shall be scheduled in a timely manner and shall be held in a location and manner that is convenient for the individual and IDB staff.
  11. An agreement reached by the individual and the IDB staff shall be memorialized in a written Mediation Agreement that is facilitated by the neutral, qualified, and impartial mediator.
  12. The Mediation Agreement shall be signed by the individual and the IDB staff and copies of the Agreement must be sent to both parties.
  13. The costs of the mediation process, including reasonable accommodations and expenses incurred for or by the individual applying for or receiving VR for transportation or Personal Assistance Services, shall be paid by IDB.
  14. All costs associated with legal or other representation for the individual applying for or

receiving VR services will be paid by the individual.

15. The mediator shall manage the mediation process and arrange the date and location of the mediation meeting that is convenient to the participants.

f. Impartial Due Process Hearing

- i. When an individual applying for or receiving VR services requests an impartial due process hearing, an impartial hearing officer shall be randomly selected and an impartial due process hearing conducted within sixty days from the individual's request, unless an informal resolution or a Mediation Agreement is achieved prior to the sixtieth day or the parties agree to a specific extension of time.

- ii. Individuals requesting an impartial due process hearing must complete the IDB Request for Mediation or Fair Hearing Form, which includes their name and contact information, name of the VR counselor, concerns or issues the individual wants heard, the resolution sought by the individual, accommodations required by the individual in order to participate in an impartial due hearing, and the individual's signature.

- iii. The individual or the VR counselor must submit the IDB Request for Mediation or Fair Hearing Form to the VR Program Administrator within seven working days after the conclusion of the IAR or mediation if either of those options are chosen as a means of resolving the individual's disputes.

- iv. Upon receipt of the IDB request for Mediation or Fair Hearing, the VR Program Administrator shall send the individual a letter acknowledging the request, explanation of the hearing process, and CAP information.

- v. Impartial due process hearings are conducted by neutral, qualified, and impartial hearing officers who have been jointly selected by the IDB and IVRS State Rehabilitation Councils and who meet federal requirements. 34 C.F.R. §§ 351.5(b)(25) and 361.57

(2002). A list of these hearing officers is maintained by the IVRS.

- vi. The VR Program Administrator shall randomly select an impartial due process hearing officer from the list of impartial hearing officers maintained by IVRS.
- vii. The impartial hearing officer shall manage the impartial due hearing process.
- viii. The impartial hearing officer must make a decision regarding the individual's concerns that are based on the provisions of the IDB State Plan approved by the Rehabilitation Services Administration, the Vocational Rehabilitation Act of 1973, as amended, federal regulations pertaining to the provision of VR services, and IDB policies that are consistent with federal regulations.
- ix. The impartial hearing officer must provide to the individual and to IDB a full written report of findings and grounds for the decision within 30 days of completion of the hearing.
  - x. The decision is final, except that either the individual or IDB may request an Administrative Review of the hearing officer's decisions conducted by a representative of the Governor of Iowa.
- xi. While an impartial due process hearing is pending, IDB staff may request consideration of policy exceptions that would resolve the issue.
- xii. The costs of the hearing, including reasonable accommodations for accessibility under P.L. 101-336, the Americans with Disabilities Act of 1990, and expenses incurred for or by the individual applying for or receiving VR for transportation or Personal Assistance Services, will be paid by IDB.
- xiii. All costs associated with legal or other representation for the individual applying for or receiving VR services will be paid by the individual.
- xiv. Substantive issues shall not be discussed with the hearing officer off the record, or outside the hearing, or without the other party being present. All

communication to and from the hearing officer, excepting the scheduling of pre-hearing conferences and the hearing itself, must be in writing and the hearing officer shall ensure that all parties receive a copy. Scheduling pre-hearing conferences and hearings is not a substantive issue.

xv. While the impartial due process hearing is pending, the individual and the agency may try to resolve the issue.

xvi. The Director or his designee will represent IDB.

g. Preparation, conduct, and decision pertaining to the Impartial Due Process Hearing:

i. Pre-Hearing Conference Call: The impartial hearing officer, the individual requesting the hearing, or the IDB staff may request a pre-hearing conference to clarify issues to be addressed at the hearing or address any procedural matters. Procedural matters include scheduling, moving or postponing the hearing, witness and exhibit lists concerns, logistical considerations, and hearing officer disqualification. The impartial hearing officer determines the means (face-to-face, conference call, etc.), schedules, and presides over the pre-Hearing conference. Both parties and their representative (if there are any) must be included. Within 10 calendar days, the hearing officer documents the outcome of the pre-hearing conference in writing to the participants with a copy to the VR Program Administrator.

ii. Exhibit and Witness List: Before the hearing date, the hearing officer shall request a list of the proposed exhibits and witnesses from the individual and the IDB, and rule on any concerns raised by either party. The lists should include all exhibits and witnesses (including the individual and IDB staff) relevant to the hearing issue(s), even if listed by the other party, because the other party may decide not to use them at the hearing. The exhibit lists should

identify specific documents and include author and date for reports, case notes, communications, etc.

iii. Exhibits: Exhibits may be submitted before or during the hearing. Post-hearing submissions are accepted at hearing officer discretion. Exhibits may include, but are not limited to: IDB VR forms, EFORCE screens, purchase authorizations and cancelations and payment approvals, reports, communications including e-mails and letters, counseling and guidance and other case notes, policy, federal and state laws and regulations, federal policy guidance, etc. It is not necessary to submit the entire VR case record.

iv. Witnesses: The individual requesting the hearing is responsible for any costs associated with witnesses he or she chooses other than current IDB employees. IDB shall arrange for the presence of all current staff on the witness list of either the individual or the agency, or requested to be present by the hearing officer.

v. Cancelling the Hearing Request: The individual may cancel the impartial due process hearing by sending a written request to the hearing officer. The hearing officer's dismissal shall be in writing to the individual and IDB staff with a copy to the VR Program Administrator.

vi. Closed Hearing: All IDB impartial due process hearings shall be closed to everyone other than the participants and witnesses unless the hearing officer grants a request from the individual who has requested the hearing for the hearing to be open to the public. The hearing officer shall determine who from the public may be present.

vii. Testimony and Evidence: The impartial hearing officer does not, per 34 C.F.R. § 361.57 (2002), have authority to settle cases. The hearing officer shall preside over the hearing, determine the presentation order, allow the individual and IDB to make brief opening and closing statements, examine and cross-examine witnesses, and submit and refute written



evidence. All testimony shall be given under oath administered by the impartial hearing officer. Hearsay evidence is admissible at the discretion of the impartial hearing officer. The impartial hearing officer may question witnesses, exclude irrelevant, immaterial, insubstantial, privileged, or repetitive evidence, and introduce any regulation, law, policy directive, or other material believed to be relevant not otherwise presented by the individual or IDB staff. Neither party has the right to submit evidence after the hearing is adjourned unless requested by the impartial hearing officer. The impartial hearing officer may re-open the hearing to hear additional witness testimony and allow for examination or cross examination of the witness.

- viii. Verbatim Recording of Hearing: The impartial hearing officer shall ensure an accurate verbatim audio recording is made of the hearing and provide it to the VR Program Administrator after the decision is issued. The VR Program Administrator shall provide staff to operate the recording equipment. IDB shall maintain the verbatim record for fifteen years, as the Iowa Code mandates. The individual may receive one free copy of the verbatim recording to be provided in an ADA-compliant format determined by IDB.
- ix. No-Show and Case Dismissal: The impartial hearing officer is empowered to dismiss the case if the individual and his or her representative(s) fail to appear at the scheduled hearing, the hearing officer sends a written notice to show cause, and the individual does not show good cause that satisfies the hearing officer.
- x. Hearing Decision: The impartial hearing officer shall, per 34 C.F.R. § 361.57 (2002), issue a written decision to the individual and the IDB Director within 30 calendar days after the hearing. The decision shall, per 34 C.F.R. § 361.57 (2002), become part of the VR case record. The decision shall include the individual's and IDB's rights within 20 calendar days,

per 34 C.F.R. § 361.57 (2002), to request in writing an Administrative Review of a hearing decision. A hearing decision is final and IDB shall implement it within thirty calendar days after the decision date unless the individual or IDB requests an Administrative Review of the hearing officer's decision.

xi. Distribution of Hearing Decision: The VR Program Administrator shall send a redacted copy of the decision to the IDB Commission Board. Rehabilitation Act of 1973, as amended in 1998, Title I § 101(a)(21)(cc)), RSA, attached to the RSA-722 annual appeals report, and the other hearing officers (per agency mandate).

h. Administrative Review of the Hearing Officer's Decision (Administrative Review)

i. When an individual or IDB is dissatisfied with the decision made by the impartial hearing officer, an Administrative Review may be sought by either party.

ii. The request for an Administrative Review must be made within twenty days of the mailing of the impartial hearing officer's decision.

iii. The Administrative Review is a paper review and is conducted by an official from the Office of the Governor.

iv. The request for Administrative Review must be written, stating the specific decision(s) of the hearing officer to be reviewed, and may include additional information or evidence supporting the request.

v. The Administrative Review shall not include any new issues.

vi. The request for Administrative Review must be submitted to the VR Program Administrator, who will forward the request and notice of the rebuttal and decision deadline to the reviewing official and the other party and provide the reviewing official with a copy of the hearing decision and exhibits.

vii. Rebuttal: The party not requesting the Administrative Review of a hearing decision may

submit a written rebuttal within ten calendar days to the VR Program Administrator to be forwarded to the reviewing official and other party.

i. Standards of Review for Administrative Review of a Hearing Decision.

i. The reviewing official shall make an independent, final decision and shall not, per 34 C.F.R. § 361.57 (2002), delegate the responsibility for making the decision to any IDB staff.

ii. The reviewing official shall, per 34 C.F.R. § 361.57 (2002), provide the individual and IDB staff an opportunity to submit additional written evidence and information relevant to the final decision.

iii. The reviewing official shall, per 34 C.F.R. § 361.57, (2002), review the entire hearing record (decision and exhibits), and ensure that the hearing decision complies with the approved IDB state plan, the Rehabilitation Act of 1973, as amended, federal VR regulations, state law and regulations, and agency policies and procedures that are consistent with federal requirements, and the U.S. Constitution as well as the Iowa Constitution and the Code. The review shall consider all relevant issues of fact, law, and written procedures. If the review issue involves questions of federal or state law, regulation or procedures, the reviewing official may consult with appropriate federal officials and the Iowa Office of the Attorney General and consider their interpretations.

iv. Within thirty calendar days after receiving the request, the reviewing official shall send a written decision and the statutory, regulatory, or policy grounds for the decision to the individual and the IDB Director, with a copy to the VR Program Administrator to be forwarded to the IDB staff involved in the case. The decision shall become part of the VR case record. 34 C.F.R. § 361.57 (2002).

v. The reviewing official may affirm, modify, or reverse the hearing decision in whole or in part or refer or remand the case back to the hearing officer

for further proceedings. The reviewing official shall not overturn or modify a hearing decision, or part of a hearing decision that supports the individual's position, unless concluding, based on clear and convincing evidence, that the hearing decision is clearly erroneous on the basis of being contrary to the approved IDB state plan, the Rehabilitation Act of 1973, as amended in 1998, federal VR regulations, or state regulations or agency policies that are consistent with federal requirements. 34 C.F.R. § 361.57 (2002). The reviewing official may reverse or remand when finding the decision to be:

1. In violation of constitutional, statutory, regulatory, or written policy provisions;
2. In excess of the statutory authority of the agency; or
3. Made upon unlawful procedures; or
4. Affected by other errors of law, regulation, or written policy; or
5. Not reasonably supported by the evidence; or
6. Arbitrary, capricious, or characterized by abuse of, or clearly unwarranted, exercise of discretion. Iowa Code Chapter 17A.19 (2014).

vi. Implementing Reviewing Official Decision: Within thirty calendar days (unless the decision specified another time frame) after the reviewing official issues the Administrative Review decision, IDB shall implement the decision, regardless of whether the individual or IDB files a civil action.

vii. Distribution of Reviewing Official Decision: The VR Program Administrator shall send a redacted copy of the reviewing officials Administrative Review decision to the IDB Commission Board (per Rehabilitation Act of 1973, as amended in 1998, Title I § 101(a)(21)(cc)), RSA, attached to the RSA-722 annual appeals report, and the other hearing officers.

viii. If the individual or IDB brings an action in court following an Administrative Review of a hearing decision, pending review by the court, IDB shall

implement the hearing decision, including the final decision from an Administrative Review. 34 C.F.R. § 361.57 (2002).

#### **IV. REFERRAL** – 34 C.F.R. § 361.41(a) (2002).

The Iowa Department for the Blind shall make a good-faith effort to contact all individuals who have been referred to inform them of application requirements. All individuals referred to the IDB for VR services shall be assigned to work with an Intake Specialist (IS). If an application is taken, the applicant shall be assigned to work with a counselor based on geographic location or need for a specific sub-program and shall be registered in the computerized case management system. If an individual moves, his or her file will be transferred to the appropriate counselor in his or her new geographic region.

A contact by phone or by letter shall be made as soon as possible, but not to exceed five working days of receipt of the referral. The name and phone number of a friend or relative shall be obtained for use at times when the staff is having difficulty locating the individual. Funds for case services must not be expended on an individual until the individual is considered to have submitted an application for services.

#### **V. APPLICATION** – 34 C.F.R. § 371.41(b) (2002).

An individual has submitted an application when the individual, or as appropriate, the individual's parent, family member, guardian, advocate, or authorized representative, has signed an agency Application Form, has submitted a signed, written request for services, or has otherwise requested services and has provided information necessary to initiate an assessment for determining eligibility and priority of services, and the individual is available to complete the assessment process. 34 C.F.R. § 361.41(b)(2) (2002).

At the time of application, an individual should have a thorough understanding of what services and outcomes he or she might anticipate. An individual should also understand the choices he or she will need to make as well as his or her rights and responsibilities. He or she shall be made fully aware of the availability of the CAP. The individual or, as appropriate, the individual's designee, must sign the

Application Form. If the individual or his or her representative does not wish to sign the form, this should be documented on the form and if, a reason is given, this too should be documented. Services may be provided in spite of a refusal to sign. Once the application process has been completed, funds may be authorized to cover expenses related to assessing the individual's eligibility for services.

During this process and throughout the VR process, thorough demographic information, including information about secondary disabilities, must be obtained to ensure appropriate reporting of data in federal reports. 34 C.F.R. § 361.40 (2002).

## **VI. ASSESSMENT FOR DETERMINING ELIGIBILITY – 34 C.F.R. § 361.42 (2002).**

**ELIGIBILITY REQUIREMENTS** - In order to be eligible for VR services:

A. An individual must have a visual impairment as defined by Public Act 260:

B. Definition of Legal Blindness: The individual's visual acuity with best correction must be 20/200 or worse in the better eye or his or her visual fields must subtend an angle of less than 20 degrees in each eye; or

the individual must have a visual acuity with best correction of 20/70 or worse in the better eye with a prognosis of rapid deterioration of his or his visual fields must subtend an angle of less than 30 degrees in each eye; or

the vision impairment is a functional vision loss. 111 I.A.C. § 14(216B).

- a. The impairment must constitute or result in a substantial impediment to employment, 34 C.F.R. § 361.42(a)(1)(ii) (2002);
- b. It is presumed that the individual can benefit in terms of an employment and/or independent living outcome, 34 C.F.R. § 361.42(a)(1)(iv) (2002), and;

- c. In the case of vocational rehabilitation consumers, a determination is made that the individual requires vocational rehabilitation services to prepare for, enter, engage in, or retain gainful employment. 34 C.F.R. § 361.42 (a)(1)(iii) (2002).

Individuals who are Social Security Disability Insurance (SSDI) beneficiaries or are Social Security Supplemental Income (SSI) recipients because of blindness are presumed to be eligible for VR services without additional tests or procedures to assess the "intent" of applicants. These individuals are considered to be "individuals with a significant disability and should be presumed eligible for services." This information shall be documented in the Certification of Eligibility. 34 C.F.R. § 361.42(3) (2002).

There is no state residency requirement for the provision of rehabilitation services. Aliens may be eligible for services if they have the appropriate work permit; non-immigrant aliens may work if they have certain permits and may therefore be eligible for vocational rehabilitation services. The VR Program Administrator must be consulted in any matters relating to eligibility of IDB staff or their families to ensure appropriate handling and confidentiality.

### **Functional Limitations**

Eligibility for VR services is based on an assessment of an individual's functional limitations as they relate to impediments to employment. Functional limitations in the following areas should be considered when determining the 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, sign, 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 his/her 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.

Where possible, it is absolutely necessary to use pre-existing information and thorough counseling interviews to determine the individual's functional limitations. Regardless of the age of the information, it must reflect the current functioning of the individual. 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.

In the special case of the Iowa Department for the Blind, it is important to obtain visual acuities where there is a question regarding the individual's legal blindness. If this information is not available from currently existing sources, an optometric or ophthalmological exam must be obtained. In the case of an obvious visual disability such as a



person who has two enucleated eyes it is not necessary to obtain these reports for determining eligibility.

If an individual is determined eligible, a Certificate of Eligibility shall be completed and signed by the appropriate counselor. If the counselor believes the individual is not eligible due to the severity of the impairment such that the individual cannot benefit from services, the procedures for a trial work experience must be followed. If the individual's visual impairment does not meet the criteria for eligibility stated above, the individual must be referred to Iowa Vocational Rehabilitation Services or any other appropriate partner(s) of the America's Job Center Network.

Only individuals who are considered most severely impaired, i.e., who have three or more functional limitations based on the list above, are eligible for supported employment services. If appropriate, this must be documented in the Certification of Eligibility.

**PRESUMPTION OF BENEFIT** – 34 C.F.R. §§ 361.42(2) and (3) (2002).

All individuals who demonstrate their desire to work and meet the existing eligibility requirements are presumed to be able to benefit from VR services. If the counselor believes that an individual's disabilities are so severe that he could never obtain a job of any kind, the counselor must provide clear and convincing evidence before the applicant can be declared ineligible for services on the basis that his disabilities are too severe to benefit from vocational rehabilitation. To gather this clear and convincing evidence, the counselor will arrange for trial work experiences and, in limited circumstances, extended evaluations. 34 C.F.R. §§ 361.42(e), (f) (2002).

**CLEAR AND CONVINCING EVIDENCE** – 34 C.F.R. § 361.42 note (2002).

In order for the counselor to declare an individual ineligible for vocational rehabilitation services, a clear and convincing evidence principle is applied. The standard of clear and convincing evidence constitutes the highest standard used in the American civil system of law. Therefore, in order to conclude that an individual is ineligible for VR services because of an inability to benefit from such services in

terms of an employment outcome, the counselor must possess evidence that establishes this conclusion with a high degree of certainty.

In defining what would constitute clear and convincing evidence, it should be pointed out that the results of an intelligence test or psychological examination by itself would not meet the standard of clear and convincing evidence to declare an individual ineligible for VR. However, this standard could be met by gathering the information from these tests and combining it with additional information such as evidence drawn from functional assessments that demonstrate that the individual is not capable of benefiting from VR services. This additional evidence shall be provided to an individual with all of the necessary supports in place, and it must occur in a real-life setting. 34 C.F.R. § 361.42(e) (2002).

#### **APPLICANTS AND CLIENTS WHO HAVE AN OPEN CASE WITH ANOTHER VR AGENCY – 34 C.F.R. § 361.28 (2002).**

If an applicant or active client indicates that he or she is currently receiving VR services from another VR agency, consult with the Department's VR Program Administrator. A signed written agreement with the other agency must be in place before services can begin or continue for an eligible individual. The VR Program Administrator must be informed immediately of these situations. If an IDB client and counselor agree to pursue services through another VR agency, the VR Program Administrator shall be consulted.

#### **VII. TRIAL WORK EXPERIENCE – 34 C.F.R. § 361.42(e) (2002).**

The 1998 Amendments to the Rehabilitation Act revised the definition of assessment for determining eligibility and vocational rehabilitation needs by changing the statutory emphasis on extended evaluation to a new approach referred to as an exploration of the individual's abilities, capabilities, and capacity to perform in work situations, through the use of trial work experiences. If it is believed that an individual is incapable of benefiting in terms of an employment outcome from VR services because of the severity of the individual's disability, then the counselor must (in most instances) assess whether the individual can work by placing the individual in a trial work setting with appropriate supports. The trial work experience must be of a sufficient variety and over a

sufficient period of time to determine the eligibility of the individual or to determine the existence of clear and convincing evidence that the individual is incapable of benefiting from an employment outcome from VR services due to the severity of the individual's disability. 34 C.F.R. § 361.42(e)(1) (2002).

This new provision allows for the exploration of each individual's abilities to perform in realistic work situations before deciding that an individual is incapable of benefiting from VR services. Trial work experiences include supported employment, on-the-job training, or any other experiences using realistic work settings. The trial work experience requirement ensures that individuals with significant disabilities, including those with the most significant disabilities, have the opportunity to benefit from real work experiences as part of the eligibility determination process.

A trial work experience must explore an individual's abilities, capabilities, and capacity to perform in real work situations with appropriate supports and training provided by the agency. Any trial work experiences should, to the maximum extent possible, be consistent with the informed choice and rehabilitation needs of the individual and be provided in integrated work settings typically found in the community. A plan should be developed jointly with the individual. 34 C.F.R. § 361.42(e)(2)(ii) (2002).

The Department is required to provide trial work experiences whenever the agency believes that due to the severity of disability, the individual was incapable of benefiting from VR services in terms of an employment outcome. If clear and convincing evidence exists to support the rebuttal of the benefit presumption, then it can be determined that the individual is incapable of benefiting in terms of an employment outcome from VR services.

The unavailability of trial work settings shall not be used as a rationale to support the rebuttal of the benefit of presumption since the inability to find suitable realistic trial work experiences would not constitute clear and convincing evidence that the individual cannot benefit from VR services in terms of an employment outcome.

## **VIII. EXTENDED EVALUATION – 34 C.F.R. § 361.42(f) (2002).**

Whenever, in limited circumstances, real work tests and trial work experiences are impossible, or when an agency has exhausted trial work options without making a determination as to whether clear and convincing evidence exists to support the rebuttal of the benefit presumption or the eligibility of the individual for VR services, extended evaluation does exist as an alternative to the trial work experience. Following limited requirements, an extended evaluation that would be based on a written plan for determining eligibility and would provide for VR services in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the individual is an option.

## **IX. COMPREHENSIVE ASSESSMENT OF REHABILITATION NEEDS – 34 C.F.R. § 361.45(b) (2002).**

To the extent necessary, in order to make a determination of the goals, objectives, nature, and scope of vocational rehabilitation services to be included in the individual's IPE, there will be a comprehensive assessment of the individual's rehabilitation needs. This assessment shall be limited to that information which is necessary to identify the rehabilitation needs of the individual and to jointly develop an IPE with the individual. To the maximum extent possible and appropriate, this assessment will use primarily existing information and any information that can be provided by the individual and by the family of the individual. 34 C.F.R. § 361.45 (c) (2002).

The comprehensive assessment shall focus on the unique strengths, resources, priorities, interests, and needs, including the need for supported employment, of eligible individuals. It shall be conducted in a timely and efficient manner and shall be carried out in the most integrated setting, consistent with the informed choice of the individual. To the degree needed, the assessment shall include information about the following areas relative to the individual:

- A. An analysis of pertinent medical, psychiatric, psychological, and neuropsychological factors, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors and related functional limitations that affect the employment and rehabilitation needs of the individual;

- B. 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;
- C. An appraisal of the individual's patterns of work behavior and services needed to acquire occupational skills and develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance; and
- D. 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.

Current general medical information is necessary when an individual is being referred to the Iowa Department for the Blind Training Center for services. An individual who is blind may be more reliant upon his/her hearing, so special consideration should be given for the possible need of an audiological assessment. This must be discussed fully with the individual to make him or her aware of the importance and availability of such an assessment.

The comprehensive assessment shall include referral of the individual to appropriate resources for assistance in rehabilitation and any other relevant issues. Goods and services necessary to complete the assessment shall also be provided.

## **X. INDIVIDUAL PLAN FOR EMPLOYMENT (IPE) – 34 C.F.R. § 361.46 (2002).**

### **JOINT DEVELOPMENT – 34 C.F.R. § 361.45 (2002).**

An IPE shall be promptly developed (time period not to exceed 90 days) after an individual has been determined eligible, unless the staff person and the individual mutually agree that an extension is necessary due to unforeseen circumstances beyond the control of the individual or the agency. The individual or his or her representative and his or her counselor, taking into consideration the needs of the individual, shall agree upon the IPE. The IPE shall be designed to achieve the

employment objectives of the individual, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual. It shall include those services necessary to achieve his or her chosen vocational outcome. The case record shall contain documentation supporting the development of the vocational goal, the rehabilitation objectives, and the nature and scope of services in the IPE, as well as the Individual Educational Plan (IEP) if the applicant is a transition student. The individual or, as appropriate, his or her representative, and the counselor shall sign the IPE and a copy of it shall be provided to the individual or his or her representative in the individual's chosen mode of communication and, to the extent possible, in his or her native language.

**CONTENT – 34 C.F.R. §§ 361.45 and 46 (2002).**

Each IPE shall include a statement of:

- A. A description of the specific employment outcome that is chosen by the eligible individual based on the comprehensive assessment for determining VR needs including an assessment of career interests for the individual. The plan shall, to the maximum extent appropriate, include services and employment in integrated settings. The vocational goal need not be exact, but should identify a particular profession or occupation. 34 C.F.R. § 361.46(a)(1) (2002).
- B. The specific VR services to be provided to achieve the employment outcome, including, if appropriate, rehabilitation technology services and on-the-job and related personal assistance services, provided in the most integrated setting that is appropriate for the service involved and consistent with the informed choice of the eligible individual. 34 C.F.R. § 361.46 (a)(2) (2002).
- C. The projected dates for the initiation of each VR service, the anticipated duration of each service, a timeline for the achievement of the employment outcome, and the cost of each service. 34 C.F.R. § 361.46(a)(3) (2002).
- D. A description of the entity chosen by the eligible individual, or as appropriate, his or her representative, that will provide the VR

services and the methods used to procure those services. 34 C.F.R. § 361.46(a)(4) (2002).

- E. A description of the criteria to evaluate progress toward achievement of the employment outcome. 34 C.F.R. § 361.46(a)(5) (2002).
- F. How, in the words of the individual, or, as appropriate, in the words of the individual's representative, he or she was informed about and involved in choosing among alternative goals, objectives, services, providers, and methods used to procure or provide services.
- G. The terms and conditions for the provision of VR services, including:
  - 1. The responsibilities of the individual in implementing the IPE;
  - 2. The extent of the individual's participation in the cost of the services;
  - 3. The extent to which goods and services will be provided in the most integrated settings possible, consistent with the informed choices of the individual;
  - 4. The extent to which comparable services and benefits are available to the individual under any other program;
  - 5. The entity or entities that will provide the services and the process used to provide or procure the services. 34 C.F.R. § 361.46(a)(6) (2002).
- H. The rights of the individual and the means by which the individual may express and seek remedy for any dissatisfaction, including the opportunity for a review of counselor or teacher determinations. 34 C.F.R. § 361.45(c) (2002).
- I. The availability of assistance from the Client Assistance Program (CAP). 34 C.F.R. § 361.45(c) (2002).
- J. The basis on which the individual is determined to have achieved an employment outcome.

K. A statement concerning:

1. The expected need for post-employment services, based on an assessment during the development of the IPE;
2. A reassessment of the need for post-employment services prior to the determination that the individual has achieved an employment outcome;
3. A description of the terms and conditions for the provision of any post-employment services, including the anticipated duration of those services subsequent to the achievement of an employment outcome by the individual; and
4. If appropriate, a statement of how post-employment services will be provided or arranged through cooperative agreements with other service providers. 34 C.F.R. § 361.46(c) (2002).

L. If applicable, a description of how services for a student who is receiving special education services are coordinated with the IEP for that individual in terms of the goals, objectives and services identified in the IE. 34 C.F.R. § 361.46(d) (2002).

M. Information identifying other related services and benefits provided pursuant to any federal, state, or local program that will enhance the capacity of the individual to achieve his or her vocational objectives.

**INDIVIDUAL PLAN FOR EMPLOYMENT FOR SUPPORTED EMPLOYMENT – 34 C.F.R. § 361.46(b) (2002).**

In addition to the above items, an Individual Plan for Employment for Supported Employment (IPESE) of the most significantly impaired individuals shall contain the following:

- A. A description of the Supported Employment Services to be provided by the IDB; and
- B. 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 will become available.

**ANNUAL REVIEWS AND AMENDMENTS – 34 C.F.R. § 361.45(d) (2002).**

The counselor shall review an individual's IPE with the individual as often as necessary, but at least once each year, to assess the individual's progress in meeting the goals and objectives identified in the IPE. At that time, the individual or his or her representative shall be afforded an opportunity to review his or her IPE and jointly redevelop and agree to its terms. Each IPE shall be amended as necessary. Any major change to a goal, objective, or service resulting from such a review or at any time will require an amendment. Amendments shall not take effect until agreed to and signed by the individual or the individual's designee. Amendments shall be incorporated into and affixed to the IPE document.

**XI. SCOPE OF SERVICES – 34 C.F.R. § 361.48 (2002).**

Rehabilitation services shall be provided, as necessary, to an individual to assess his or her eligibility for services, to more specifically determine what services are necessary to attain his or her vocational objective, and to help him or her achieve his or her vocational objective.

Prior to receiving these services, an individual shall have an introduction to the "Skills of Blindness" as defined by the Department: the concepts, attitudes and techniques necessary for a blind or visually impaired individual to maximize his or her potential according to his or her individual abilities, needs, and aspirations.

These services shall be provided in the categories listed below.

**ASSESSMENT FOR DETERMINING VOCATIONAL REHABILITATION (VR) NEEDS – 34 C.F.R. § 361.48(a) (2002).**

The Department shall conduct an assessment to determine VR needs, if appropriate, for each eligible individual or, if the State is operating under an Order of Selection, for each eligible individual to whom the State is able to provide services. The purpose of the assessment is to determine the employment outcome and the nature and scope of VR

services to be included in the IPE. To the extent possible, the employment outcome and the nature and scope of rehabilitation services to be included in the individual's IPE shall be determined based on the data used for the assessment of eligibility and priority for services. If additional data is necessary to determine the employment outcome and the nature and scope of services to be included in the IPE of an eligible individual, the State unit must conduct a comprehensive assessment of the unique strengths, resources, priorities, concerns, abilities, capabilities, and interests, including the need for supported employment services of the eligible individual in the most integrated setting possible consistent with the informed choice of the individual. An assessment also includes information obtained 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.

In preparing the comprehensive assessment, the State unit must use, to the maximum extent possible and appropriate in accordance with confidentiality requirements, existing information that is current on the date of the development of the IPE, including: information available from other programs and providers, particularly information used by education officials and the Social Security Administration, information provided by the individual and the individual's family, and information obtained under the assessment for determining the individual's eligibility and VR needs.

## **SERVICE CATEGORIES**

### **VR COUNSELING AND GUIDANCE – 34 C.F.R. § 361.48(c) (2002).**

The Department will provide VR counseling and guidance services to all applicants and eligible individuals. This includes personal adjustment services and information and support services to assist an individual in exercising informed choice.

VR involves assisting individuals in preparing for, securing, retaining, or regaining employment. Counselors shall explain the effects of work on individuals who are receiving disability benefits and shall discuss techniques and adaptations that can be used in the work environment.

The Department believes that blind persons constitute a cross-section of the population and that the average blind person with proper training and opportunity can do the average job in the average place of business. Counselors shall instill a positive attitude toward blindness and shall assist an individual in seeking employment in a position that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. The counselor shall maintain an ongoing counseling relationship with the individual throughout the duration of the rehabilitation process.

**REFERRAL AND OTHER SERVICES NECESSARY TO ASSIST THE APPLICANT AND ELIGIBLE INDIVIDUAL – 34 C.F.R. § 361.48(d) (2002).**

The Department will implement an information and referral system adequate to insure that individuals with disabilities, including eligible individuals who do not meet the agency's Order of Selection criteria for receiving VR services if the agency is operating on an Order of Selection, are provided accurate VR information and guidance that may include counseling and referral for job placement using appropriate modes of communication to assist them in preparing for, securing, retaining, or regaining employment; and the Department will refer individuals with disabilities to other appropriate federal and state programs including, other components of the statewide workforce investment system.

In making referrals, the Department must refer the individual to federal or state programs, including programs carried out by other components of the statewide workforce investment system best suited to address the specific employment needs of an individual with a disability and provide an individual who is being referred a notice of the referral by the Department to the agency carrying out the program. A referral must contain information identifying a specific point of contact within the agency to which the individual is being referred and information and advice regarding the most suitable services to assist the individual to prepare for, secure, retain, or regain employment.

**PHYSICAL AND MENTAL RESTORATION SERVICES – 34 C.F.R. § 361.48(e) (2002).**

When it is determined that physical or mental restoration services can enhance an individual's employment outcome, the appropriate services will be provided to correct or substantially modify a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment. These services may include eye surgery, hearing aids and other prosthetic devices, corrective surgery and cosmetic surgery, as well as psychological or psychiatric services, and eyeglasses provided by qualified, licensed personnel according to state law.

After joint planning by the individual and the counselor, and full consideration of any comparable services and benefits available to the individual under any other program, the Department may purchase services with rehabilitation funds to meet, in whole or in part, the cost of physical and mental restoration services to the individual. Consideration of comparable benefits may be waived in circumstances where this consideration would significantly delay the provision of needed services for an individual who is at extreme medical risk. Services shall be provided in the most integrated setting possible consistent with the individual's informed choice.

**VOCATIONAL AND OTHER TRAINING SERVICES – 34 C.F.R. § 361.48(f) (2002).**

The Department will provide vocational and other training services including personal and vocational adjustment training, Adult Orientation and Adjustment Center training, books, tools, and other training materials, except that no training or training services and institutions of higher education (universities, colleges, community/junior colleges, vocational schools, technical institutes, or hospital schools of nursing) may be paid by the Department unless maximum efforts have been made to secure grant assistance in whole or in part from other sources. The Department will strongly encourage individuals to attend the Adult Orientation and Adjustment Center to increase their blindness skills and develop a positive attitude about the capabilities of persons who are blind.

The eligible individual, with guidance from the counselor, will exercise informed choice to determine which specific services will be needed to achieve the employment outcome. Specific services to individuals may

vary widely since each person's needs will be unique. Comparable benefits will be explored, and in cases such as college tuition, students must apply for financial aid before the Department will provide this training. College students must maintain a 2.5 grade point average and a competitive class schedule for the Department to continue ongoing tuition support. Services will be provided in the most integrated setting possible consistent with the individual's informed choice.

### **Senior Community Service Employment Program (SCSEP)**

The SCSEP is a community service and work-based job training program for older Americans and it is federally funded under Title V of the Older Americans Act.

In Iowa, there are 550 training positions divided between national and state grantees. These grantees are Experience Works, AARP Foundation, Senior Services of America, Inc., and the Older American Community Service Employment Program (Department on Aging). Authorized by the Older Americans Act, the program provides training for low-income, unemployed seniors until they can achieve unsubsidized employment. Participants also have access to employment assistance through American Job Centers. For more information, see <http://www.doleta.gov/seniors/>.

Individuals who are currently in one of the training positions do not constitute employment outcomes. These programs are designed to lead toward unsubsidized and competitive employment. These individuals are in Training and in Status 18. Once an individual is no longer participating in the SCSEP and their training is complete, the case moves into Status 20, ready for employment. After they are stable in an integrated position at a commensurate wage, they can be placed in Status 22.

There will be times when their training may become unsubsidized and integrated employment. It is imperative that, if a client is participating in a SCSEP, that the counselor or case manager fully understand the conditions of the training and employment. Best practice is to ensure you have a release to speak with the SCSEP grantee, meet with the SCSEP grantee and the client, and confirm

as a team whether the individual is in employment. If the client is participating in training, then you continue to provide services until the time the client is able to be competitively employed in an integrated setting at a commensurate wage. These training positions are time-limited; therefore, it is important that you, your client, and the SCSEP representative meet regularly as a team to determine at which time training goals have been met and the client is ready to begin a job search for competitive employment.

For additional information about Iowa's SCSEP grantees, see <https://www.iowaaging.gov/senior-community-services-employment-program-scsep>.

### **IDB-Sponsored College Students**

Provide each student a copy of the IDB College Student Manual when formalizing the IPE. Ensure that the student has an opportunity to read the Manual and obtain answers to any questions he or she may have about it well in advance of the start date of the first term. The student shall also receive and sign the written document "Terms and Conditions for IDB-Sponsored College Students", the content of which is detailed below.

**Scholarships and Grants:** IDB requires that all VR-sponsored college students apply for all Federal Financial Aid, including the Pell Grant and other available grants. It is the student's responsibility to apply for financial aid before the college deadline for accepting these applications. This may come from scholarships, personal savings, student loans, or any other non-public source. In most cases, the student should apply for scholarships and grants in the winter prior to the beginning of the next academic year. Exceptions should be discussed between the client and counselor and documented in the case file.

It is also the student's responsibility to send a copy of his or her Financial Aid Award Letter, the Student Aid Report (SAR), and all other pertinent information to the counselor no later than ONE MONTH before the new academic year begins. The student's failure to provide a copy of these verifications may result in IDB not providing sponsorship for that academic semester. If IDB

agrees to proceed with funding, the student will be responsible for all late fees added to the bill that result from the student's negligence to submit the necessary verifications in a timely manner.

**College Degree:** A full-time student is expected to complete required coursework within a "standard" period of time. For a bachelor's degree, ordinarily this would be for four academic years. In order to be a full-time student, at a minimum, the individual must take twelve hours per semester. IDB will allow students up to four years and two summer schools to complete the degree or up to nine semesters. Where special situations exist for the full-time student, the counselor must obtain supervisory approval for college sponsorship beyond four years and two summers, or nine semesters and no summer schools, and must provide appropriate justification for continuing the financial assistance. A two-year college program should be completed in four semesters and one summer school.

Occasionally, there are circumstances that will prevent a student from attending school full-time or from achieving a 2.5 grade point average. Situations such as working, surgery, medical or health crisis, or family crisis can have an impact on the student's ability to fully participate in school. The student must communicate with the counselor about the circumstances and provide any requested documentation that is needed to help the counselor make an exception to the rule. The counselor must consider all available information and consult with the VR Program Administrator before deciding whether or not to grant an exception to the full-time or 2.5 grade point average guidelines. If an exception is granted, it should not be given for more than a year at a time.

The student is responsible for informing the counselor, in advance, of any necessity to drop and/or add courses or to take in-completes during or before the semester ends. Students are also required to notify the counselor before changing their major or vocational goal. Failure to provide this notification may result in discontinuation of IDB's financial support for tuition, books and related costs.

**Undergraduate Performance:** Students must maintain a Cumulative Grade Point Average (GPA) of 2.5, or the required GPA for a specific program and grades must be submitted at the end of each academic semester. Failure to submit timely grade reports/transcripts may result in the student not receiving academic sponsorship from IDB for the upcoming academic semester. Submission of previous semester grade reports must occur prior to the next semester beginning. Students must inform their VR counselor if they receive notice that they are failing any course.

**Graduate Degree:** In order to receive funding for graduate school from IDB, the degree must be directly related to and necessary for the achievement of the client's vocational goal. Graduate students are required to carry an average of nine hours a semester and maintain a "B" average of a 3.0 Cumulative Grade Point Average. Graduate students must also apply for all available scholarships, fellowships, and assistantships, including federal financial aid.

**Program Requirements:** IDB will only sponsor students who attend accredited colleges or universities. IDB will only sponsor students attending programs that will allow them to comply with state licensure and employment requirements.

**Room and Board:** Students who reside in an institutional setting for the purpose of a training program and are receiving SSI or SSDI are expected to use those funds toward their room and board fees. IDB counselors will assist students in computing additional funds needed for participation in the training program. IDB does not fund room and board for students. When a student applies for and receives scholarships, the scholarships should be used to pay for room and board before tuition, books or anything else.

**Transportation:** Students must secure and manage their own transportation. Transportation options may include using public transportation, carpooling with other students, or getting rides from family or friends. If there is no transportation available, the VR counselor can help students develop long-term transportation



strategies and may provide short-term assistance. Short-term assistance is defined as no more than two round trips to and from school per academic semester.

**Reader Service:** The student is responsible to utilize reader services provided by the college as this is a comparable benefit. The student must inform the counselor when reader services are not available through the college. If not available through the college, reader service may be provided by IDB. Readers may be paid between minimum wage and \$10 per hour. The maximum amount authorized is 400 hours an academic year. The maximum for a summer session is 150 hours. Reader service assistance will be prorated for students that are in school less than fulltime because they have met exceptions to this rule. Payment for reader service cannot be made to the client's family members, state employees, or family members of current State of Iowa employees, including work study students at state funded institutions (Board of Regents Schools).

**Books and Supplies:** IDB has established a maximum amount for books and supplies per academic semester and summer season. The amount is \$400. A book list must be provided to the VR counselor prior to the authorization for books and supplies. IDB will authorize for the cost of books in "used" condition if available. All receipts must be provided to the VR counselor to be included in the case file.

**Comparable Benefits:** All grants or scholarships provided by any branch of government, an institution, or other public entity must be considered a comparable benefit. In some cases, monetary merit awards (scholarships) are not considered comparable benefits. The benefits must be used for tuition, room and board, and other college expenses. Students who receive SSI or SSDI will be required to use those payments for room, board, and incidentals.

**Grades and Written Reports:** The student is responsible to have grades and unofficial transcripts sent to his or her VR counselor at the end of each semester. Failure to provide these documents promptly may result in termination of financial sponsorship.

**Authorizations and Reimbursements:** All services and reimbursements must be authorized and approved prior to the purchase of the service or the service start date. It is the student's responsibility to keep his or her counselor informed about their schedule or registration, need for books and supplies, etc. IDB will not provide payment for services that were not planned, necessary and authorized prior to the purchase or start date. IDB will not authorize for the same class more than one time. Students are responsible for late fees to educational facilities.

**Exceptions:** Exceptions to this policy must be directed to the VR program administrator for approval.

### **INTERPRETER SERVICES – 34 C.F.R. § 361.48(j) (2002).**

The Department will provide interpreter services that are necessary to enable an applicant or eligible individual to achieve an employment outcome.

Joint planning between the individual and the counselor will be used to determine the amount of interpreter service to be provided. Consideration will be given to availability, preferred mode of communication, and cost. When possible, interpreter services will be provided by qualified personnel. Comparable services and benefits will be used to the maximum extent appropriate. Services will be provided in the most integrated setting possible consistent with the individual's informed choice.

### **READER SERVICES - 34 C.F.R. § 361.48(k) (2002).**

The Department will provide reader services to clients enrolled in an educational program when not provided by the educational institution or another source as a comparable benefit as outlined in the College Terms and Conditions. Clients seeking employment may request reader services to complete job search tasks, however the client and counselor will jointly determine which and to what extent specific services will be needed to achieve the employment outcome. Joint planning between the individual and the counselor will be used to determine the amount of reader service to be provided. Comparable services and benefits will be used to the maximum extent possible. Specific services to individuals may vary.

**REHABILITATION TEACHING AND ORIENTATION AND MOBILITY SERVICES - 34 C.F.R. § 361.48(k) (2002).**

The Department will provide rehabilitation teaching services and orientation and mobility services to applicants and eligible individuals when necessary to achieve an employment outcome. When possible, it is strongly encouraged that these services be provided by the Department staff. Clients will be encouraged to attend the Adult Orientation and Adjustment Center to obtain essential adjustment to blindness skills more quickly and efficiently than such skills may be obtained through itinerant training.

The individual and the counselor will jointly determine which and to what extent specific services will be needed to achieve the employment outcome. Specific services to individuals may vary widely since each person's need will be unique. Only in instances where Department staff are not available should outside sources be considered. Comparable services and benefits will be used to the maximum extent possible.

**JOB SERVICES - 34 C.F.R. § 361.48(l) (2002).**

The Department will provide job-related services including job search and placement assistance, job retention services, follow-up services, and follow along services to eligible individuals when these services are needed to achieve or maintain an employment outcome. These services may include: evaluation of an individual's job readiness; assistance and instruction in job seeking skills; employer contacts; coordination with and referral to the statewide workforce investment system; job analysis and modification; employee or supervisor consultation; advisement and training; and selective placement or post-placement follow-up.

The individual and the counselor will jointly plan job seeking, job placement, and job retention services needed to prepare for, secure, retain, or regain an employment outcome in the most integrated settings consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

**SUPPORTED EMPLOYMENT SERVICES - 34 C.F.R. § 361.48(m) (2002).**

The Department will provide supported employment services to an eligible individual with a most significant disability for whom competitive employment has not traditionally occurred, or for whom competitive employment has been interrupted or intermittent as a result of a significant disability.

Supported employment is competitive employment in an integrated setting or employment in integrated work settings where individuals are working toward competitive employment consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individuals with ongoing support services for individuals with the most significant disabilities.

These services will be provided for a period of time that will not exceed eighteen (18) months, except for special circumstances when the counselor and the eligible individual jointly agree to extend the time to achieve the employment outcome identified in the IPE.

The Department will provide intensive supported employment services and extended services after transition, as well as transitional employment for individuals with the most significant disabilities due to mental illness.

Supported employment services may include an assessment of the need for supported employment, the provision of skilled job trainers who accompany the individual for intensive job skill training at the work site, job development and placement, social skills training, regular observation or supervision of the individual, follow-up services including regular contact with the employers, the individuals, the parents, family members, guardians, advocates, or authorized representatives of the individuals, and other suitable professional and informed advisors in order to reinforce and stabilize the job placement, facilitation of natural supports at the work site, and any other service necessary to achieve an employment outcome.

The eligible individual, the counselor, and when appropriate, other extended service providers, will jointly plan supported employment services. Extended supported employment services shall be provided by other agencies, organizations, employers, or other available sources with whom cooperative arrangements are made. Comparable services

and benefits shall be used to the maximum extent appropriate. Services shall be provided in the most integrated setting possible consistent with the individual's informed choice.

**POST-EMPLOYMENT SERVICES - 34 C.F.R. § 361.48(o) (2002).**

The Department will provide post-employment services to all eligible individuals when the individual requires these services to maintain, regain, or advance in employment consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Post-employment services shall be jointly planned by the counselor and the eligible individual. All post-employment services are provided in the same manner as services provided prior to an employment outcome, including the use of comparable benefits. These services will generally be provided within one year following an employment outcome.

Post-employment services may include any services provided to eligible individuals except for the support services of maintenance, transportation, services to family members, and personal assistance services. These services will be provided to meet rehabilitation needs that do not require a complex and comprehensive provision of services and, therefore, are limited in scope and duration.

A complex provision of services would be defined as involving more than two services.

Comprehensive provision of services would be defined as a service that lasts thirty days or more or involves more than \$1,000.

If more comprehensive and complex services are required, then a new rehabilitation effort will be considered.

**OCCUPATIONAL LICENSES, TOOLS, EQUIPMENT, INITIAL STOCKS, AND SUPPLIES - 34 C.F.R. § 361.48(p) (2002).**

The Department will provide to eligible individuals those occupational licenses, tools, equipment, initial stocks, and supplies that are necessary to achieve an employment outcome and are consistent with an individual's informed choice.

Joint planning between the eligible individual and the counselor will be used to determine which occupational licenses, tools, equipment, initial stocks, and supplies will be provided. No associated training or related services will be provided if conditions exist which will prohibit the individual from obtaining licenses required to achieve an employment outcome.

The Department will not purchase any occupational licenses, tools, equipment, initial stocks, or supplies that are customarily furnished by the employer unless special adaptations are required. The Department will not purchase land or purchase or erect any buildings. Comparable services and benefits will be used to the maximum extent appropriate.

**REHABILITATION TECHNOLOGY - 34 C.F.R. § 361.48(b) (2002).**

The Department will provide rehabilitation technology services including the systematic application of technologies, engineering, methodologies, or scientific principles to meet the needs of individuals with disabilities in areas such as education, rehabilitation, employment, transportation, independent living, and recreation. This includes rehabilitation engineering, assistive technology devices, and assistive technology services when such rehabilitation technology is needed for assessment purposes or to achieve an employment outcome.

Before rehabilitation technology is planned, a thorough assessment of the need for and potential effectiveness of rehabilitation technology, including the individual's circumstances, needs, options, alternative techniques, abilities, and employment goals, shall be conducted. Based on this assessment, the individual and the counselor will jointly plan rehabilitation technology services as one component of a comprehensive set of services designed to complete assessments or to prepare for, secure, retain, or regain employment consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Client requests for technology shall be directed to VR counselors. Clients shall not make requests directly to the Technology Specialist.

If a counselor is unsure of the skill level of a client, the counselor can request a tech assessment to be completed by the Tech. Specialist. The counselor emails the Tech Specialist a Tech Assessment Referral.

## **VR Equipment Purchasing Policy**

### **Definitions:**

Assistive Technology (AT) equipment: For purposes of this document, AT equipment includes the following items:

- braille displays, smart displays, and note takers
- braille embossers
- screen reading and magnifying software
- handheld, portable, and desktop video magnifiers
- OCR apps or software
- digital audio recorders or players

Non-Assistive Technology (AT) Equipment: For purposes of this document, the following items are considered non-AT equipment

- printers
- scanners
- external monitors for laptops
- Microsoft Office software
- anti-virus
- computers
- tablets or phones
- Any software or hardware available on the general market that does not require modification or has been adequately modified

Accessories: For purposes of this document, the following items are considered accessories

- Bluetooth keyboards
- thumb drives or external card or DVD readers
- computer bags or back packs
- headphones or ear buds
- battery charging packs
- external speaker systems

**Rules:**

1. IDB does not purchase non-AT equipment and accessories as defined above. Exceptions can be made by the rehab counselor if all of the following criteria are met:
  - a. Failure to obtain this item will stop a client's progress toward his/her vocational goal and a full explanation is in the client's case file.
  - b. No other comparable benefit is available to obtain this item and documentation of attempts to locate a comparable benefit is in the client's case file.
  - c. Supervisor approval is obtained
2. A recommendation from a rehabilitation Technology Specialist (RTS) is required for any AT equipment purchase
3. An RTS may recommend a purchase of a software maintenance agreement or other warranty as part of the recommendation. Any maintenance agreement beyond this initial instance is the responsibility of the client and should be treated like a non-AT item (see Rule 1)
4. If an exception is made and the non-AT equipment in question is more than \$500, the RTS should assist the



counselor in obtaining and evaluating quotes. If the non-AT or accessory item is less than \$500, the counselor may purchase it without consulting the RTS. Any staff person involved in retrieving quotes MUST seek at least 2, preferably 3 quotes from various vendors and must properly keep documentation of those quotes in eFORCE. If a quote is not received within 5 business days, it can be noted in the file as requested but not received. In cases where the quote used is not the “most affordable” vendor quote, a thorough explanation as to why that quote was selected must be documented.

5. Because these solutions generally provide greater sustainability and the lowest long-term cost of ownership for the client, off-the-shelf and mainstream solutions are preferable to specialized solutions. Therefore, rehab tech specialists and clients will explore off-the-shelf, mainstream, and open source solutions before looking at specialized software and devices. However there will be occasions where a specialized device will provide a significant advantage to efficiency and productivity. The reasoning behind this decision will be clearly outlined by the rehab tech and client in the technology recommendation.
6. When requested by the client, rehab tech specialists will provide education to clients regarding hardware and software features and specifications to help the client make informed choices regarding their non-AT purchases.
7. Rehab techs and counselors will emphasize the need to have a backup plan – a way of accomplishing specific tasks if a particular piece of technology fails. Rehab techs will assist clients in formulating this plan when requested regardless of whether or not the equipment is purchased by IDB.
8. For accounting purposes, AT equipment should be listed as “Rehabilitation Technology” and non-AT equipment and Accessories should be marked as “other services”.

If client, VR counselor, and Tech Specialist do NOT agree, the Education and Training Program Administrator and the VR Program Administrator must be informed and arbitrate a resolution of the issue.

Purchase Orders shall contain the name of the Tech Specialist, client, of counselor and equipment shall be sent to the Tech Specials, client, or counselor. If the equipment is sent to the Tech Specialist, he or she shall ensure proper documentation of serial numbers and other important information. If the equipment is sent directly to the client or counselor, the counselor is responsible for such documentation including equipment receipts, which the client has signed.

### **TRANSITION SERVICES - 34 C.F.R. § 361.48(r) (2002).**

The Department will provide transition services as a coordinated set of activities for a student designed within an outcome-oriented process that promotes movement from school to post-school activities including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, and independent living or community participation.

The coordinated set of activities must be based upon the individual student's needs while taking into account the student's preferences and interests and must include instruction, community experiences, the development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skills and functional vocational evaluation.

Transition services must promote or facilitate the achievement of the employment outcome identified in the student's IPE.

The student and the counselor will jointly determine which transition services will be provided. This determination will be based on the student's needs and take into account the student's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

In accordance with 34 C.F.R. § 361.22 (2002), school officials will continue to be responsible for providing a free and appropriate public

education as defined by the Individualized Education Plan (IEP). The role of the rehabilitation system is primarily one of planning for the student's years after leaving school. Comparable services and benefits will be used to the maximum extent appropriate.

**TECHNICAL ASSISTANCE AND OTHER CONSULTATION SERVICES** – 34 C.F.R. § 361.48(s) (2002).

The Department will provide technical assistance and other consultation services, including conducting market analyses, developing business plans, and otherwise providing resources to the extent those resources are authorized to be provided through the statewide workforce investment system to eligible individuals who are pursuing self-employment, telecommuting, or operating a small business operation as an employment outcome.

Individuals who have selected an employment outcome in self-employment, telecommuting or operating a small business operation will be encouraged to utilize the services of the Iowa Self-Employment (ISE) Program or other small-business consulting groups.

An assessment of an appropriate market analysis and completion of a comprehensive business plan will be in place before further services can be planned. Choices involving these services will be consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

**OTHER GOODS AND SERVICES** – 34 C.F.R. § 361.48(t) (2002).

The Department will provide to all applicants and eligible individuals other goods and services which are necessary to achieve an employment outcome.

Joint planning between the individual and the counselor will be used to determine which goods and services will be provided. All goods and services will be provided in the most integrated settings possible consistent with the informed choice of the individual. The Department will not purchase land or purchase or erect any buildings. Comparable services and benefits will be used to the maximum extent appropriate.

**MAINTENANCE** – 34 C.F.R. §§ 361.5(35) and 48(g) (2002).

Maintenance means monetary support provided for those expenses such as food, shelter and clothing that are ***in excess of the normal expenses*** of the individual, and that are necessitated by the individual's participation in an assessment for determining eligibility and VR needs or while receiving services under an IPE. Examples of maintenance expenses include, but are not limited to:

- A. cost of uniforms or other suitable clothing required for an individual's job placement or job seeking activities;
- B. cost of short-term expenses, such as food and shelter, that is required in order for an individual to participate in assessment or vocational training at a site that is not within commuting distance of an individual's home;
- C. initial one-time costs, such as security deposits or charges for the initiation of utilities, that are required in order for an individual to relocate for a job placement; and
- D. cost of an individual's participation in enrichment activities related to that individual's training program.

### **Client Maintenance Policy**

The Department will provide monetary support to an individual for expenses such as food, shelter, and clothing that are *in excess* of the normal expenses of the individual and are necessitated by the individual's participation in an assessment for determining eligibility and vocational rehabilitation needs or the individual's receipt of vocational rehabilitation services under an Individualized Plan for Employment (34CFR 361.5(b)(35) and 361.48(g)(2002)).

Maintenance will be provided only in support of other core services. Joint planning between the individual and the counselor will be used to determine the need for and amount of maintenance to be paid. Factors to be considered include: the individual's extra day-to-day living expense requirements that result from participation in a rehabilitation program; the individual's income and resources; and comparable services and benefits available to the individual.

Clients who reside in an institutional setting for the purpose of a training program and are receiving SSI or SSDI are expected to use those funds toward their room and board fees. IDB counselors will assist the individual in computing additional funds needed for participation in the training program.

Individuals who receive either SSI or SSDI cash benefits are expected to use those funds for their normal living expenses, but not for payment of VR services. Before any IDB funds are committed for maintenance payments, the counselor must first exhaust the assistance available through other comparable services or benefits programs, community resources, and client resources.

Receipt of maintenance assistance should be provided so that it does not negatively impact (or cause loss of) other benefits the individual receives.

**Information:**

What are comparable services and benefits?

“Comparable services and benefits” are those benefits or services that are: 1) paid for, in whole or in part, by another Federal, State or local public agency or employee benefits; 2) available at the time the individual needs them; and 3) comparable to the services that the individual would receive from the VR agency. Merit-based awards and scholarships are not typically considered “comparable services and benefits.” Before providing certain VR services, the counselor must determine whether another source, such as medical insurance or Medicaid, etc., can pay for the service. However, the counselor is not required to look for a “comparable service benefit” if it would delay: 1) the individual’s progress toward achieving an employment outcome; 2) an immediate job placement; or 3) the provision of services to an eligible individual who is at extreme medical risk.

The following are examples of sources of comparable services and benefits:

- Veterans Administration,

- Medicare,
- Medicaid,
- Federal Student Aid such as Pell Grant or work study,
- disability services offices on college or university campuses, and
- other entitlement programs.

Am I required to apply for or use comparable services or benefits?

Using comparable services and benefits is mandated by federal law and regulations. Full consideration of comparable services and benefits prior to the expenditure of VR case service funds is required. The refusal or failure to apply for comparable benefits may result in the denial of paid services. The comparable benefit search is not required if it will delay your progress toward your employment goal, an immediate job placement, or if you are at extreme medical risk.

Why are community resources considered?

In addition to the comparable services and benefits listed above, there are often resources available locally which should be utilized in the client's vocational rehabilitation program. It is the responsibility of the vocational rehabilitation counselor and client to seek out locally available services and benefits and to assure their utilization.

What client resources are considered?

Clients receiving SSA benefits (SSI/SSDI) or other support intended for subsistence can receive maintenance only when maintenance requirements are increased because of the individual's participation in a VR plan. At the time of application/initial interview, counselors should determine how the applicant is meeting subsistence needs. Those without a means of support should immediately be referred and assisted as needed to apply for available subsistence help.

While not a comparable benefit, a client sometimes has personal and/or family resources which can be used to pay a portion of the cost of his/her vocational rehabilitation program. The vocational rehabilitation counselor has the responsibility for investigating these resources when available in determination of maintenance.

Is emergency food/shelter available for eligible individuals?

It is possible to provide short-term emergency financial assistance to eligible individuals who are homeless or deinstitutionalized when it is necessary for the individual to achieve an employment outcome. Beyond the emergency situation, however, RSA guidance indicates that welfare and other social service agencies are better equipped to support the everyday living expenses of the homeless or deinstitutionalized. [Reference: Regulatory guidance, Page 6313, Federal Register, February 11, 1997 and 361.48(a)(20)]

NOTES:

The maximum amount allowed for hotel/motel lodging payments is the current [State of Iowa approved rate](#).

The maximum amount allowed for food/meal payments is the current [State of Iowa meal allowance](#) for employees.

**Guidelines for paying for client attendance at national consumer conventions and other conferences**

1. The Iowa Department for the Blind will support individuals to attend National Consumer Conventions and other professional conferences when each of the following criteria are met:
  - a. the appropriate service and purpose is defined as part of the IPE;
  - b. attendance is appropriate and necessary for the individual to meet their employment goal; and
  - c. all requests for authorization or reimbursement are made prior to the service being delivered or purchased.

2. IDB will consider reimbursement for the following expenses:
  - a. Convention or conference registration.
  - b. Hotel (at convention/conference single rate); if sharing a hotel room with other individuals, the reimbursed rate would be for the client only.
  - c. Round trip flight with one bag (economy class). If ground transportation is more economical and appropriate, then this would be reimbursed at approved State of Iowa rates.
  - d. Transportation to and from the airport to the hotel (if no complementary shuttle service is provided by the convention/conference hotel); the most economical transportation must be used, this is typically a shuttle service from the airport; if sharing transportation with other individuals, the reimbursed rate would be for the client only.
3. All rules regarding authorizations must be followed and any questions should be directed to the VR counselor.
4. All clients must apply for whatever assistance is available through the sponsoring organization as this is a comparable benefit. This information must be provided to the VR counselor.
5. Payments will be made as reimbursements to clients after counselor receives applicable receipts and following the service or conference occurring.
6. Client is responsible for own food costs including banquets.
7. One parent or legal guardian will be covered only if the client is a minor.
8. Proper itemized and original receipts are required for reimbursement.
9. Client must submit copy of conference /convention agenda and report as to the benefit of attending the



conference/convention. Failure to complete the report may affect future funding for this type of event.

10. IDB will not generally sponsor attendance at more than two conventions or conferences in the same calendar year.
11. All exceptions require supervisor approval.
12. Any client is welcome to apply for a loan to attend a consumer convention from the Gifts & Bequests fund. All such requests must be submitted no less than one month prior to the conference or convention being requested.

**TRANSPORTATION – 34 C.F.R. § 361.48(h) (2002).**

The Department will provide transportation services in connection with the rendering of any VR service. Transportation means travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a VR service including expenses for training in the use of public transportation, vehicles, and systems.

Transportation will be provided only in support of other core services. Joint planning between the individual and counselor will be used to determine the amount of transportation to be provided. Consideration will be given to the availability and accessibility of public transportation, car-pooling, ride-sharing, and reimbursement of vehicle mileage via the most direct route. In those instances where cost may exceed the least expensive mode of transportation, exceptions may be made on an individual basis. In instances where a family member provides transportation, a wage will not be paid to the family member, however mileage costs can be reimbursed using the State of Iowa reimbursement rates. Comparable services and benefits will be used to the maximum extent appropriate for transportation services.

For students participating in College or University provided training: Students must secure and manage their own transportation.

Transportation options may include using public transportation, carpooling with other students, or getting rides from family or friends. If there is no transportation available, the VR counselor can help students develop long-term transportation strategies and may provide short-

term assistance. Short-term assistance is defined as no more than two round trips to and from school per academic semester.

**VR SERVICES TO FAMILY MEMBERS** – 34 C.F.R. § 361.48(i) (2002).

The Department will provide VR services to family members of an applicant or eligible individual, if necessary, to enable the applicant or eligible individual to achieve an employment outcome. Family member for purposes of receiving VR services means an individual who is either a relative or guardian of an applicant or eligible individual or lives in the same household as an applicant or eligible individual, who has a substantial interest in the well-being of that individual, and, whose receipt of VR services is necessary to enable the applicant or eligible individual to achieve an employment outcome.

The Department will provide these services to family members only in support of other core VR services. The Department may assist other family members in securing benefits and services if the lack of those services is impeding the individual's rehabilitation. Comparable services and benefits will be used to the maximum extent possible.

**PERSONAL ASSISTANCE SERVICES** – 34 C.F.R. § 361.48(n) (2002).

The Department will provide personal assistance services to individuals when these services are necessary to achieve an employment outcome. Personal assistance services must be designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability.

Personal assistance services may include training and managing, supervising, and directing personal assistance services.

The individual and the counselor will jointly plan the type and extent of personal assistance services consistent with the individual's informed choice. Personal assistance services will be provided only while the individual is receiving other core VR services. Comparable services and benefits will be utilized to the maximum extent appropriate.

**XII. OUTCOMES** – 34 C.F.R. § 361.56 (2002).

## **SUCCESSFUL REHABILITATIONS**

An individual who is rehabilitated has, at a minimum, maintained for a period of ninety days an employment outcome that is:

- A. The result of services provided under the individual's IPE;
- B. Commensurate with the individual's abilities, capabilities, interests, and informed choice;
- C. In the most integrated setting possible, consistent with the individual's informed choice; and
- D. The individual and the counselor or teacher agree that the employment outcome is satisfactory and that the individual is performing well on the job.

The case record shall contain evidence of the above criteria and evidence that the counselor provided referral to assist the individual in securing needed services available through other agencies. The Department considers individuals working full time in the community, at competitive wages, with significant fringe benefits, to be the most desirable rehabilitation outcome. For competitive rehabilitations including Supported Employment cases, there must be information in the case record that an individual is compensated at or above minimum wage but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who do not have disabilities.

### **CLOSURES BASED ON INELIGIBILITY – 34 C.F.R. § 361.43 (2002).**

An individual is not eligible for VR services if he or she cannot meet the eligibility criteria. In such cases, the VR counselor shall notify the applicant of the ineligibility determination in writing and shall include information regarding the individual's rights, responsibilities, and the availability of CAP assistance.

### **CLOSURES BASED ON REASONS OTHER THAN INELIGIBILITY – 34 C.F.R. § 361.44 (2002).**

An applicant's case may need to be closed for a reason other than ineligibility for services. These reasons include: unable to locate, refused

further services, failure to cooperate, or death. No closure letter is necessary if the applicant is deceased.

**PROVIDING CLOSURE NOTIFICATION TO THE CLIENT** – 34 C.F.R. §361.56 (2002).

The counselor shall provide written notification when closing a client's case. The letter should be tailored to the individual and include the reason for closure, a note indicating the client should contact the counselor if problems jeopardize the employment or he or she is considering leaving the job, and a note of congratulations.

**XIII. ORDER OF SELECTION INTRODUCTION** – 34 C.F.R. § 361.36 (2002).

An Order of Selection gives priority to persons with significant disabilities when there are insufficient resources to provide VR services to all eligible individuals who apply for services. After eligibility has been determined, each individual is assigned to a category group which is in rank priority order.

The Department will set aside sufficient funds to purchase services necessary to determine eligibility. Applications for services will be accepted without restriction. All individuals with disabilities including eligible individuals who do not meet the agency's Order of Selection criteria for receiving services will be provided with accurate VR information and guidance in an appropriate mode of communication to assist them in preparing for, securing, retaining, or regaining employment. Individuals with disabilities will be referred to other appropriate federal and state programs, including other components of the statewide workforce investment system, that are best suited to address the specific employment needs of an individual with a disability. These referrals will include a notice from our Department to the agency carrying out the program, information that identifies the specific person to be contacted at the agency carrying out the program and information and advice regarding the most suitable services that will help the individual prepare for, secure, retain, or regain employment.

All individuals who are receiving services under an IPE prior to implementation of the Order of Selection Policy are not affected. Services will not be interrupted. Individuals requesting post-employment services are not restricted from receiving services by Order of Selection.

The Order of Selection categories are based upon the requirements of the Rehabilitation Act and implementing regulations for VR (Title I) and supported employment services (Title VI-C). After eligibility for services has been determined, the individual will be assigned to the highest category for which the individual is qualified, and a rationale will be documented in the case file. If an individual's circumstances change, or new information has been acquired, the category assignment can be changed. 34 C.F.R. § 361.36(d) (2002).

Definitions:

1. "Individuals with most significant disabilities" means:
  - a. an individual with a severe physical or mental impairment or combination of impairments which profoundly 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; and
  - b. whose VR can be expected to require extensive or intensive multiple core services (at least four) for at least twelve months. 34 C.F.R. § 361.5(b)(30) (2002).
2. "Individual with significant disabilities" means:
  - a. an individual with 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; and
  - b. an individual who will require multiple services (substantial amount of at least three core services) over an extended period of time (at least six months); and

- c. an individual who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, other spinal cord conditions, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and VR needs to cause comparable, substantial, functional limitations. 34 C.F.R. § 361.5(b)(31) (2002).

3. "Core" VR services include:

- a. Counseling and guidance,
- b. Referral,
- c. Physical and mental restoration,
- d. Vocational and other training services,
- e. Interpreter services,
- f. Reader services, rehabilitation teaching services, and orientation and mobility services,
- g. Job-related services,
- h. Supported employment services,
- i. Post-employment services,
- j. Occupational licenses, tools, equipment, initial stocks, and supplies,
- k. Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices,

- l. Transition services,
- m. Technical assistance and other consultation, and
- n. Other goods and services determined necessary for an individual with a disability to achieve an employment outcome. 34 C.F.R. § 361.48 (2002).

In addition to the core services, support services include maintenance, transportation, services to family members, and personal assistance services. These support services will not be included in defining whether or not an individual meets the definition of most significant disability or significant disability based on the number of core services provided.

#### **CATEGORIES FOR THE ORDER OF SELECTION – 34 C.F.R. § 361.36(d) (2002).**

Category 1: Eligible individuals with most significant disabilities.

Category 2: Eligible individuals with significant disabilities.

An individual who is determined eligible for SSI or SSDI because of a disability meets the criteria for the definition of a significant disability and must be assessed like all other individuals to determine whether or not he or she meets the definition of most significant disability.

In the event that VR services cannot be provided to all eligible individuals in a given category, a waiting list based upon date of application for services is used within the category.

All individuals served by the Department meet the definition of individuals with significant or most significant disabilities. Under an agreement between the Department and Iowa Vocational Rehabilitation Services (IVRS), individuals with non-significant disabilities based upon visual impairments will be referred to IVRS.

## **IX. PROGRAM-SPECIFIC INFORMATION**

**BUSINESS ENTERPRISES PROGRAM (BEP)** – The Randolph-Sheppard Act, P.L. 93-516 (1974); 34 C.F.R. § 395 (2002); 111 I.A.C. § 7.1(216B) (2012).

The BEP provides opportunities to legally blind clients of the VR program to manage their own businesses. These blind entrepreneurs manage a wide variety of food-service operations including restaurants, coffee bars, vending locations, highway rest area vending sites, and catering. These businesses can be found at federal, state, county, municipal, and private locations throughout Iowa.

Please follow the following link to learn more about the Iowa Department for the Blind's BEP policies and procedures: [Iowa Department for the Blind Business Enterprises Program - Policy and Procedure Manual](#)

## **DEAFBLIND SERVICES**

Deafblind refers to any individual who has a combined loss of vision and hearing. Deafblind people vary widely with their backgrounds, experiences and methods of communication. A deafblind person can be:

- someone who has little or no usable vision or hearing
- someone who is blind and hard of hearing
- a person who is deaf and visually impaired, or
- someone who is visually impaired and hard of hearing

For example, a deafblind person receiving services from IDB may grow up as a blind person. He may have depended on his hearing for communication and environmental information, and is now experiencing a hearing loss. He may need equipment such as hearing aids, cochlear implants or assistive listening devices to improve his ability to hear others. He may also want to consider alternate means of communications such as learning sign language.

Another deafblind IDB client may grow up as a deaf or hard of hearing person, may use American Sign Language for communication, and is now experiencing vision loss. She may already be involved with the deaf community, but now needs to learn about accommodations for her vision loss, such as Braille, independent travel training, and tactile sign language (where she can feel and receive signs in her hands).



Yet another deafblind IDB client may have grown up with normal vision and hearing but is losing both senses as he gets older. He may need to become familiar with assistive devices for both his vision loss (such as a cane), and devices for his hearing loss (hearing aids and/or personal listening devices).

Deafblind individuals may require specialized services in the areas of communication, education, assistive technology, independent living and rehabilitation.

Deafblind IDB clients can receive specialized assessments to see what adaptive equipment they may need in the areas of communication and independent living. Examples include alerting devices for their homes so they know when the phone rings or someone is at the door, devices such as hearing aids and personal listening devices to help them communicate more easily with others. Where needed, IDB will make referrals to other agencies to help coordinate service needs. The Helen Keller National Center (HKNC) is one of many options to obtain information. HKNC is also the administrator for the National Deaf-Blind Equipment Distribution Program, which can provide information. Their contact number is 913-667-4562.

**INDEPENDENT LIVING (IL) PROGRAM** – 34 C.F.R. § 364 (2002); 111 I.A.C. § 11.1(216B) (2012).

The IL program serves individuals with vision loss caused by a condition that cannot be corrected with glasses and has affected the person's ability to complete daily activities such as driving, reading mail, dialing a telephone, cooking safely, and more. Individuals served under this program do not want to pursue paid employment and are at least age 55 or have other disabilities in combination with their vision loss. Rehabilitation Teachers in the IL program travel throughout the state to help individuals obtain the skills needed to live independently and participate in family and community life.

**LIBRARY SERVICES** – 36 C.F.R. §701.10 (2002); 111 I.A.C. §6.1(216B) (2012).

The Library for the Blind and Physically Handicapped provides reading materials free of charge to Iowans who cannot use standard print because of blindness, physical disability, or reading disability. The

library circulates books and magazines in digital format, Braille, and large print to eligible borrowers throughout the state. The library's staff also transcribes print materials into Braille and recorded formats. The Instructional Materials Center (IMC) of the library produces textbooks and other educational materials for Iowa's K-12 and college students who cannot use standard print. The library provides independent access to its collection through the On-Line Public Access Catalog (OPAC) and circulates videos enhanced with audio descriptions for both children and adults

**ORIENTATION AND ADJUSTMENT CENTER – 111 I.A.C. § 9.1(216B) (2012).**

The Orientation and Adjustment Center is a residential training program for adults who are blind or experiencing extensive vision loss. Located in Des Moines, the Center provides in-depth, individualized blindness training to students so that they can return to their home communities to live independently and work competitively in the careers they choose. Students receive training to develop a positive attitude toward blindness, build self-confidence, master the skills of blindness, achieve job readiness, and develop self-advocacy skills.

Each student is provided with the Adult Orientation and Adjustment Center Guidelines and Policies. Students are provided an opportunity to read the document and obtain answers to any questions he or she may have about these policies and guidelines. The student will sign acknowledgement of the guidelines and policies, the content of which is available here [Adult Orientation and Adjustment Center Guidelines and Policies](#) or at <https://blind.iowa.gov/policies-1>

**IOWA SELF-EMPLOYMENT PROGRAM – 34 C.F.R. § 28 (2002); 281 I.A.C. Chapter 56 (2010).**

Self-Employment is a vocational option that may be considered as part of an individual's informed choice. A program for self-employment has been developed under an agreement between Iowa Vocational Rehabilitation Services (IVRS) and Iowa Department for the Blind (IDB). It is available to active candidates of IVRS or IDB who are able to

become **self-sufficient** establishing, expanding or acquiring a small business.

**Purpose:** The purpose of Iowa Self-Employment (ISE) is to assist individuals to achieve a level of self-sufficiency (a minimum of 80% of Substantial Gainful Activity). Self-Employment is a vocational option that must be agreed upon by the individual and a counselor, and is available only to **for-profit** businesses intended for operation within the State of Iowa. The intent of self-employment services is to support an employment outcome that will significantly contribute to a candidate's financial self-sufficiency. The program is one that is designed to encourage and assist individuals to become entrepreneurs where the team works to enhance the entrepreneurial skills and knowledge of the candidate.

**Definition of Self-Employment:** Self-employment is a business that is owned, operated and actively managed by an individual who sells goods or services for the purpose of making a profit. The individual needs to be able to show ownership of at least 51% of the business. The definition of self-employment as an employment outcome in which an individual works for profit or fees in a business, profession or trade. Ultimately the Self-Employment Candidate's company will generate 80% of substantial gainful activity net income for the candidate to be considered a self-employment business that is supported as a fitted vocational goal.

Self –employment includes the following:

- Sole proprietorships
- Partnerships
- Corporations (C Corp, S Corp)
- Limited Liability Companies (LLC's)

#### **SELF-EMPLOYMENT ACTIVITIES THAT ARE NOT SUPPORTED**

- Hobbies or similar activities that are NOT income-producing at the level required for self-sufficiency.

- Business ventures that are speculative in nature or considered high-risk by the Better Business Bureau (or a similar organization). Examples of this might include multi-level marketing, investment schemes or stocks, authorship, etc.
- The purchase of real estate, real estate improvements, including leasehold improvements.
- Coverage for individual insurance needs.
- Vehicle lease or purchases unless documentation shows a vehicle is an integral part of a business and specifically related to a business equipment or service need. Final approval is required by Program Administrator.
- Non-profit 501(c) (3) or similar businesses cannot be supported due to the fact that funds are used to assist for-profit making ventures.
- E-Bay businesses.
- Businesses that may be determined to be inconsistent with community standards such as alcohol, tobacco, firearms, adult entertainment industry, pornography or drug paraphernalia.

Self-employment candidates interested in developing any of the above listed businesses that are considered to require meeting community standards. Candidates must initially approach communities or Chamber of Commerce centers, and City Council or other appropriate governing bodies in which the intended business will operate. Candidates must obtain primary approval, prior to secondary approval, to be explored by Administration through the Attorney General's office (State of Iowa).

**Self-employment as an option:** The process for developing a plan for self-employment is progressive and begins with an assessment of a candidate's potential for success based on the following conditions:

- The Exploration Phase *Is Small Business Right for You* and appropriate feasibility study reflects a self-employment aptitude and a good employment match.

- The income derived from a self-employment plan is to be the candidate's primary source of support.
- The candidate's informed choice is consistent with their unique strengths, resources, abilities, capabilities and interests.
- The candidate understands the complexities and their financial obligations and risks associated with this choice.
- The choice of self-employment will produce a greater likelihood of attaining and maintaining employment.

The Agency may limit or deduct the financial equivalent of ISE assistance to an applicant who has previously received educational or training equipment from the division through another rehabilitation program when such equipment could be used in the applicant's proposed business. This equipment may not be used as match.

When assistive technology is required for the business, the cost is planned and deducted from the financial assistance. If the assistive technology was purchased prior to ISE, the assistive technology amount spent reduces the FA dollars by that same amount.

If the assistive technology is for the individual person and no one else would/could use it but the candidate (i.e. artificial limb), it is not part of FA.

Before investing time and money into a self-employment venture, the candidate must complete an in-depth study about the business they intend to start. Counselors, the candidate, and the Business Development Specialists will outline a plan of action to help explore:

- an individual's qualifications and skills;
- the entrepreneurial idea; determination of the feasibility of the business idea;
- Facilitate Business Plan development should the idea demonstrate promise.

Iowa Economic Development, Iowa Small Business Development Centers, Service Corps of Retired Executives (SCORE) and the Abilities

Fund are organizations that can help with preliminary exploration of business ventures.

**Exception process:** A request for an exception shall originate with a counselor and the candidate, who shall detail the reason(s) why an exception is believed to be warranted by completing the appropriate form. The form shall be presented to the Program Administrator for determination. Their determination shall be documented by the supervisor in the designated place on the form and forwarded to ISE staff for review.

**Mediation or Appeal:** Applicants who are dissatisfied with a decision or service may file an appeal or request mediation through the regular IVRS/IDB appeal process

**Roles and Responsibilities:** Counselors play a vital role in advising candidates about the demands, risks and responsibilities of self-employment. Counselors and Business Development Specialists provide candidates with information and resources to research, evaluate and make an informed choice about the potential and feasibility of a self-employment proposal, and determine whether a self-employment option is viable. Business Development Specialists (BDS) provide guidance throughout the business planning process. Their role is to assist the client in developing their business plan, assess financial projections, and to provide technical assistance.

Clients drive the self-employment process and as such must provide information related to their ability to manage a small business, share information that will allow IDB/ISE program staff to assist with feasibility studies, business plans, and skill needs. Clients will also assume responsibility for completing and presenting a business proposal, and participate in meetings and technical assistance sessions to facilitate the business proposal's development and implementation of the business plan. Clients are also responsible to obtain quotes, provide monthly business financial information and to comply with all local, state and federal laws and requirements for small business.

**Purchasing Goods and Services:** The State of Iowa outlines specific purchasing principles that must be followed when contracting for services. It is the policy of the State of Iowa to obtain goods and services

from the private sector with the purpose of achieving value for the taxpayer through a process that is fair, open and objective. Vendors should state the type of goods or services to be obtained, the costs, and a timeline for delivery.

Authorization for goods or services shall be made by a counselor based upon the negotiated rate and terms agreed upon. A copy of each contract shall be filed with the division when the good or service exceeds the standard purchasing requirements. **Purchases of goods or services for a candidate's business should be recommended by a Business Development Specialist and approved by the counselor and supervisor prior to authorizing.**

**Purchasing Exceptions:** Counselors must complete a *Self-Employment Exception Request* form for the following reasons:

- Candidate is unable to provide at least 50% match for financial assistance funding
- Technical or Financial assistance Self-Employment purchase(s) which will exceed \$10,000
- Business rent which will exceed six months
- Situations in which the purchases do not conform to ISE Administration Rules
- Vehicle lease/purchase/maintenance, and repair or the purchase of vehicle insurance.

Program Administrator will be advised of request and the approving authority on the exception request.

**Vendor Payments:** Approval for payment of authorized goods or services shall be made by authorized division personnel. ISE authorization payments require the following:

1. **Self-Employment Candidate as payee:**
  - a. an original candidate signature on the authorization billing (R-450) copy AND

- b. **an original detailed receipt**/documentation attached to the R-450 which shows the products purchased or type of services provided, when purchased or provided, and the cost for each.

2. **Vendor as payee:**

- a. **an original invoice providing detail regarding the actual services and products provided** and the cost for each.
  - i. Services should include the actual dates, number of hours and cost per hour.
  - ii. Products should include the date purchased, quantity, name of each item and the cost.
- b. re-submitting an earlier proposal or bid as an invoice for payment is not acceptable without the detail noted above.
- c. A vendor signature is not required since an original invoice will be attached to the R-450 billing

**Tax Exempt Status:** As governmental subdivisions of the State are granted exemption from State sales and use taxes under Section 423.3(31) of the Iowa Code. This applies to all goods, wares, or merchandise and services purchased by the State for public purposes. A letter from the Iowa Department of Revenue substantiating agency tax exempt status can be provided to vendors as documentation of the exemption.

**Orientation/Exploration: Is Small Business Right For You?**

It is important for the ISE Candidate, the Counselor and the Business Development Specialist to discern if small business ownership is the best option. As a result the counselor and candidate consider the employment demands of small business to determine if this is a good job match before actively moving forward in small business development. The following questions are designed for the counselor and candidate to discern and discuss to make an informed decision about small business ownership.

- Describe how you will handle any physical demands of your business (including work schedule)



- In light of your disability, how will you handle the mental and emotional demands of your business?
- What concerns might you have related to owning, operating, and actively managing a business given the limitations posed by your disability?
- What kind of assistive aids, devices, technology or accommodations might be required in order for you to successfully run your business?
- Running your own business may require working long days, up to seven days a week as well as holidays. How will this work for you with your disability and personal life?
- Describe how you handle conflict.
- Describe your experience in providing this type of service or product.
- Describe your technical skills (i.e. education, experience, certification, etc.)
- What training do you require to be successful in owning and operating this business? (I.e. accounting, management, etc.)

**Financial Assistance:** Financial Assistance is only authorized for those goods and services and required by the business plan, and there is evidence of business need and the business is progressing according to plan. Financial Assistance funds may be awarded up to \$10,000 based upon an approved Business Plan Feasibility Study and the candidate's ability to demonstrate a dollar-for-dollar match based on the amount of funding needed. The match may be provided through approved existing business assets, cash, conventional financing or other permitted sources.

**Technical Assistance:** Technical assistance funds may be used for specialized consulting services as determined necessary by the counselor, the business development specialist, and the job candidate. Specialized technical assistance may include, but is not limited to, engineering, legal, accounting, and computer services and

other consulting services that require specialized education and training.

*Candidates receiving Self-Employment Financial and Technical Assistance should demonstrate ongoing cooperation, providing the Business Development Specialists with the financial information needed to assess business progress before additional funds are expended. At any time in the process that Business Plan projections do not meet anticipated expectations, the plan should be reviewed to consider the need for any revisions. The financial projections should be consistent to the level of income needed by the individual as agreed in the IPE and outlined within the Business Plan*

**Business Follow-Up:** Business Development Specialists will follow-up with a candidate entrepreneur to review business progress, provide assistance to address problems that may occur, and ensure business operations are progressing as planned. Additional follow-up may be provided on an as-needed basis or as requested by the entrepreneur. Follow-up will continue for up to two years or until mutual agreement is reached that follow-up is no longer necessary.

Within status 22, the Business Development Specialist coordinates the following:

- Monthly communication, checking with the candidate and counselor to ensure business operations are continuing as planned
- Collecting and analyzing financial forms to assure the business is on track for eventual closure in status 26

IDB counselors are involved in continual communication with Business Development Specialists during all phases of Self-Employment services prior to Business Follow-up. Counselors, having obtained signatures of entrepreneurs interested in publicizing and promoting their business through initiatives, will provide the Business Development Specialist with a copy of the Statement of Understanding (Publicity Release) form.