



NH Vocational Rehabilitation Policy Manual

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MISSION OF THE NEW HAMPSHIRE DEPARTMENT OF EDUCATION

The mission of the New Hampshire Department of Education is to provide educational leadership and services, which promote equal educational opportunities and quality services and programs that enable New Hampshire residents to become fully productive members of society. As an Agency of the Department of Education, the Vocational Rehabilitation program's mission is congruent with the Department's as well as the Rehabilitation Act, as amended, Titles I, VI, Part B, and VII and the policy, purpose, and findings contained therein.

Within the NH Department of Education New Hampshire Vocational Rehabilitation (NHVR) is a part of the Division of Career Technology and Adult Learning.

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Mission **To assist eligible New Hampshire citizens with disabilities secure suitable employment and financial and personal independence by providing rehabilitation services.**

Philosophy Work is a valued activity, both for individuals and society and fulfills the need of an individual to be productive, promotes independence, enhances self-esteem, and allows for participation in the mainstream of life in America. Disability is a natural part of human experience and in no way diminishes the right of individuals to live independently; enjoy self determination; make choices; contribute to society; pursue meaningful careers; and enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society. Increased employment of individuals with disabilities can be achieved through the provision of individualized training, independent living services, educational and support services, and meaningful opportunities for employment in integrated work settings through the provision of reasonable accommodations.

Principles The principles that guide the NHVR service delivery system include: respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on the informed choice of individuals with disabilities; respect for the privacy, rights and equal access of individuals with disabilities; inclusion, integration, and full participation of individuals with disabilities; support for the involvement of the family, advocates or authorized representatives, if desired or requested by the individual with a disability; and support for individual and systematic advocacy and community involvement.

- Values**
- We believe that persons with disabilities have a right to full participation in society;
 - We believe that ability, rather than disability, defines the person.
 - We believe that persons with disabilities can work.
 - We believe that persons with disabilities have the right to make choices about their lives.
 - We believe in respecting the dignity and worth of persons with disabilities.
 - We believe in the value and dignity of work and independent living as appropriate to the individual.
 - We believe in optimizing the potential of persons with disabilities to contribute to society.
 - We believe that disability is something that all persons experience at some time in their lives.
 - We believe that our primary customers are people with disabilities and their employers and we value their perspective.
 - We value working in an open, trusting environment which supports positive communication.
 - We respect each other and we value diversity within the organization and within society.
 - We are a learning organization which promotes positive growth and change.

Part 1 – General Provisions

The New Hampshire Vocational Rehabilitation agency assists eligible individuals with physical and mental impairments to achieve or maintain employment. Employment means entering or retaining full-time employment, or part-time competitive employment in the integrated labor market (including supported employment), the practice of a profession, self-employment, homemaking, farm or family work (including work for which payment is in kind rather than in cash), telecommuting, home-based employment, or other gainful work. The VR process is based upon an Individualized Plan for Employment which is oriented to the achievement of a suitable employment outcome. A suitable employment outcome is one which will enable a person with a disability to secure employment that is consistent with his or her unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. Services provided to individuals with disabilities must be necessary to overcome the vocational impediment and must be provided in a cost effective manner, utilizing comparable benefits whenever practicable. Reasonable accommodation will be made for all applicants to maximize each person's access to services that will enable the individual to achieve an employment outcome.

Purpose and Authority

1. Purpose. The purpose of the New Hampshire vocational rehabilitation services program is to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that they can prepare for and engage in gainful employment.

*References:
Federal Regulation: 34CFR 361.1
State Rules: Part Ed 1001.01)*

2. Authority: The Vocational Rehabilitation (VR) program is operated in compliance with the federal Rehabilitation Act of 1973, as amended. The legal authorities for the policies contained in the New Hampshire Vocational Rehabilitation Services Policy Manual are Title 29 U.S.C. SS SS 720 et. seq.: 34 CFR Part 361 issued on January 17, 2001 and January 22, 2001 update and 34 CFR Part 363 (Supported Employment), Rehabilitation Act Amendments of 1992, P.L. 102-569 enacted October 29, 1992; and Rehabilitation Act Amendments of 1998, P.L.105-220 enacted August 7, 1998.

NH Revised statutes annotated RSA 200-C and RSA 186-B serve as the state authority for the vocational rehabilitation program. Rule making authority for the State Board of Education is contained in RSA 186.5. The rules for the New Hampshire vocational rehabilitation services program (Chapter Ed 1000) implement the State Vocational Rehabilitation Services Program authorized by Title I of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 et seq.

Program Access

3. Program Access: The Agency does not discriminate on the basis of gender, sexual orientation, marital status, race, creed, age, color, national origin or disability in its programs, activities and employment practices.

- A. Eligibility is determined without regard to gender, sexual orientation, race, creed, age, color, national origin or type of disability.
- B. There is no residency requirement, durational or other, which would exclude from services an otherwise eligible individual who is in the State.
- C. NHVR will provide equal access to VR services for individuals with disabilities from minority backgrounds
 - (1) NHVR will maintain outreach efforts to individuals with disabilities from minority backgrounds.
 - (2) NHVR will identify a plan of action, outlining steps/procedures to identify and serve individuals with the most significant disabilities who are minorities
- D. NHVR will provide information and materials to applicants, eligible individuals, representatives of applicants or individuals, service providers, other cooperating agencies and organizations and interested parties through appropriate modes of communication, i.e., in the language or method of communication understandable to the individual or as appropriate the individual's representative.

Confidentiality

4. Confidentiality: Obtaining personal information about applicants and eligible individuals carries with it the obligation to fully inform applicants and eligible individuals about what information is gathered and how it will be used, to use the information confidential and to safeguard against unnecessary or inappropriate dissemination. The obligation to preserve confidentiality pertains to Agency use of information directly, and the release of personal information to third parties, other individuals and agencies. Release of personal information may also involve the individual's access to his or her own personal information and records.

- A. All applicants and eligible individuals or their representatives shall be informed through modes of communication appropriate to the individual of the of the agency's need to collect personal information and the policies governing its use, the principal purposes for the information, the authority under which the information is being requested (the Rehabilitation Act), whether requested information is mandatory or voluntary and the consequences of not providing requested information.
 - (1) At the time of the initial interview, and as appropriate through the rehabilitation process, the individuals shall be informed of NHVR's policies on acquiring, using and protecting personal information.
 - (2) If an individual refuses to grant permission to NHVR to release information or obtain needed information from another agency or source, the reasons for the refusal shall be discussed and the potential consequences explained to the individual. If the refusal results in NHVR being unable to share or obtain needed information, NHVR might be unable to proceed with the case.

- B. All information, written or stored, that is acquired by NHVR from applicants or eligible individuals (customers), such as pictures or lists of names, shall remain the property of the agency and shall be used and released only for purposes directly connected with the administration of the Vocational Rehabilitation program. Use and release of personal information acquired by NHVR shall conform to applicable state and federal regulations.
- C. For purposes of this policy, informed written consent shall:
- (1) be in language and format that the individual or his/her representative understands;
 - (2) be dated;
 - (3) be specific in designating NHVR as the agency authorized to disclose information;
 - (4) be specific as to the nature of the information which may be released;
 - (5) designate the parties to whom the information may be released;
 - (6) specify the purpose(s) for which the released information may be used;
 - (7) specify the consequences to the individual for not providing the requested information.
- D. Release to Applicant/Customer or His/Her Representative: Upon informed written consent by an applicant or customer or his/her representative, all information, except for information obtained from a third party, shall be made available in a timely manner.
- (1) A signed, written request shall be completed by the person requesting information concerning the applicant or individual indicating:
 - (a) The applicant's or eligible individual's name;
 - (b) The information being requested;
 - (c) The reasons why the material is being requested; and
 - (d) The name of the individual, agency, or organization assuming responsibility for the information and giving assurance that the information will not be released to any other individual, agency or organization.
 - (e) In addition to the above the person requesting information concerning the applicant or eligible individual shall also submit a written release of information authorization signed by the applicant

or individual, or his or her parent or guardian if the applicant or individual is under 18 years old or has a legal guardian, which includes the following statement:

"I _____, hereby authorize the release of information for the purpose of providing vocational rehabilitation services relating to me which is in the custody or control of the New Hampshire Department of Education, Division of Adult Learning and Rehabilitation. I have considered and understand the implications of this waiver. The release of this information is more important to me than the loss of privacy which may result directly or indirectly from the release."

- (f) When a third party requests particular information about an applicant or eligible individual, the third party shall provide the information listed above and submit a written request signed by the applicant or individual or their guardian designating the third party as a representative who may have access to client information. Third parties may include attorneys, service providers, and other public or private agencies or organizations.
 - (g) When requested in writing by the applicant or eligible individual or his or her representative, the division shall make all information in the record of vocational rehabilitation services accessible to the individual and release the information to him or her or the representative.
 - (h) Medical, psychological or other information that NHVR believes may be harmful to the individual may not be released 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, or a representative who has been appointed by a court.
 - (i) If personal information has been obtained from another agency or organization, it may be released only by or under conditions established by the other agency or organization.
- E. Release to Other Programs: Upon informed written consent of the applicant or customer or his/her representative, NHVR may release information to another agency or organization, when it has been determined that release of this information is supportive to the interests of the applicant/customer except information that is restricted by a third party.
- (1) NHVR must release personal information, with or without consent of the individual, if required by federal or state law, if in response to investigations in connection with law enforcement, fraud, or abuse, (except where expressly prohibited by federal or state laws or regulations), and in response to judicial order.

- (2) Court records relating to the placement at the Youth Development Center will not be released to any third party once the individual reaches 21, unless by court order (not subpoena) or a release by the individual.
 - (3) NHVR may release personal information without informed written consent of the applicant/customer in order to protect the individual or others when the individual poses a threat to his/her safety or the safety of others.
- F. Release for Audit, Evaluation or Research: At the discretion of the NHVR director, personal information may be released to an organization, agency, or individual engaged in audit, evaluation or research only for purposes directly connected with the administration of the Vocational Rehabilitation program, or for purposes which would significantly improve the quality of life for individuals with disabilities, and only if the organization, agency or individual assures that:
- (1) The information will be used only for the purposes for which it is being provided;
 - (2) The information will be released only to individuals officially connected with the audit, evaluation or research;
 - (3) The information will not be released to the involved individual;
 - (4) The information will be managed in a manner to safeguard confidentiality; and
 - (5) The final product will not reveal any personal identifying information without the informed written consent of the involved individual, or his/her representative.
- G. Subpoena for Release of Records or Testimony: An employee shall not testify in court, nor release records to the court without the consent of the applicant or customer unless served with an appropriate subpoena and ordered to do so by a judge.
- H. Information shall be released in a form which ensures confidentiality. When faxing information, the cover page will indicate that the information is confidential and for professional use only.
- I. Inaccurate or misleading information. An applicant or eligible individual who believes that information in the individual's record of services is inaccurate or misleading may request that the agency amend the information. If the information is not amended, the request for an amendment must be documented in the record of services

References:

Informed Choice

5. Informed choice: New Hampshire Department of Education, Division of Adult Learning and Rehabilitation recognizes that people with disabilities are active partners in their own rehabilitation program to achieve gainful employment and is therefore committed to creating an appropriate atmosphere to support informed choice. This means that customers will be provided information necessary to understand all aspects of the Vocational Rehabilitation process, including the selection of vocational goal(s), the importance of qualified service providers, and a thorough understanding of these available options. NH SRC authored this policy statement.

- A. NHVR will provide or assist applicants and eligible individuals (or, as appropriate, their representatives) in acquiring information that enables these individuals to exercise informed choice throughout the rehabilitation process, including making meaningful and informed choices. Each applicant or eligible individual shall exercise informed choice throughout the vocational rehabilitation process. The Agency shall implement informed choice by:
- (1) Informing each applicant and eligible individual, including students with disabilities who are making the transition from programs under the responsibility of an educational agency to programs under the responsibility of the division, through appropriate modes of communication, about the availability of and opportunities to exercise informed choice, including the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice throughout the vocational rehabilitation process;
 - (2) Assisting applicants and eligible individuals in exercising informed choice in decisions related to the provision of assessment services;
 - (3) Affording eligible individuals meaningful choices among the methods used to procure vocational rehabilitation services; and
 - (4) Assisting eligible individuals or, as appropriate, the individuals' representatives, in acquiring information that enables them to exercise informed choice in the development of their individualized plan for employment with respect to the selection of the:
 - (a) Employment outcome;
 - (b) Specific vocational rehabilitation services needed to achieve the employment outcome;
 - (c) Entity that will provide the services;

- (d) Employment setting and the settings in which the services will be provided; and
 - (e) Methods available for procuring the services.
- B. While individuals are encouraged to actively participate, make meaningful choices, and develop all or parts of the IPE, customer choice does not mean that they have complete control over their programs. Vocational rehabilitation counselors must review, consider, and approve all IPEs. They will apply their professional judgment; applicable laws, regulations, and policies; sound planning considerations; and responsible use of public funds.
 - C. Services must lead directly to employment goals that are feasible, timely and attainable within the fiscal constraints of the program. This means that NHVR will only support the most cost-effective option that leads to the individual's employment goal and that is required to meet the individual's needs. Cost effectiveness is determined by comparing cost, level of integration, duration, quality, timeliness, proximity and appropriateness of service options required to meet the individual's needs.
 - D. In some cases, there may be disagreement between the individual's choice and the counselor's professional judgment that cannot be reconciled through discussion and counseling. When this occurs, the mediation process, and impartial hearing process, as well as the availability of the Client Assistance Program, must be clearly explained and attempts to resolve the situation informally should continue.

References:

Federal Regulation: 34CFR 361.52

State Rules: Part Ed 1012:

Case Records

6. Case Records: NHVR will establish and maintain a case record for each person who applies for Vocational Rehabilitation services which includes, to the extent necessary, the following documentation:

- A. Documentation of an assessment to determine eligibility and priority for services (if in an order of selection); statement of eligibility with service priority and supporting evidence, including verification of eligibility of SSI or SSDI, when that is the basis of eligibility;
- B. Documentation that supports a decision of ineligibility when an applicant or service recipient is not eligible or no longer eligible for services;
- C. Documentation that describes the justification for closing a case for reasons other than ineligibility;
- D. Documentation supporting the designation of non significantly disabled, significantly disabled, and most significantly disabled;
- E. Documentation supporting the need for, and the plan relating to, the exploration of the abilities, capabilities, and capacity to perform in realistic

work situations through the use of trial work experience or, as appropriate, an extended evaluation to determine eligibility and the periodic assessments during the trial work experience or extended evaluation;

- F. The IPE and any amendments to the IPE;
- G. Documentation describing the extent to which the customer exercised informed choice regarding the provision of assessment services and the development of the IPE, including the selection of a vocational goal, specific Vocational Rehabilitation services, the selection of service providers, the selection in which the services will be provided, and the methods to procure the services;
- H. Justification to support an employment outcome in a non integrated setting, when appropriate for the customer;
- I. Verification that an individual is compensated at or above the minimum wage and that the individual's wage and level of benefits are not less than that customarily paid by the employer for the same or similar work performed by individuals who do not have a disability;
- J. Documentation of any request by a customer for a fair hearing or mediation;
- K. Documentation of any request by a customer that the case record be amended;
- L. Documentation on the nature and scope of services provided by the Vocational Rehabilitation program to an individual who is referred for services under another state program;
- M. Documentation that demonstrates that services provided under an IPE contributed to the achievement of a successful employment outcome;
- N. Documentation that the requirements regarding closure have been met (refer to policy part 2.6D(2) re: ineligibility and part 2.6D(3) for closure without an eligibility determination, and parts 2.17 and 2.18 for closure after an eligibility determination).

References:

Federal Regulation: 34CFR 361.47

State Rules: 1010.14:

Fees/Expenditures

7. Fees and Expenditures: Goods and services shall be purchased based on the individual services necessary to complete an assessment for the determination of eligibility or as specified in an Individualized Plan for Employment (IPE) in accordance with the Provider Fee Schedule and NH State Purchasing Rules and Procedures.

- A. Case service expenditures require written authorization prior to the

initiation of the service or the purchase of any equipment. Oral authorizations are permitted in emergency situations, but must be promptly confirmed in writing and forwarded to the provider.

- B. Counselors will refer individuals to other agencies and organizations to secure necessary services if such services are not available under the Rehabilitation Act as Amended or in those instances where a comparable benefit is available from other agencies or organizations.
- C. Prior to purchasing services the individual and/or his/her immediate family's ability to contribute financially to the provision of services shall be demonstrated through a financial needs test in accordance with part 3 of this policy manual and Part Ed 1008 of the NH Department of Education rules. If it is determined that an individual is able to participate in part or all of the costs of services under the program, he or she shall be required to do so prior to the expenditure of vocational rehabilitation funds.
- D. If an individual has been found financially eligible according to the needs test's guidelines administered by another state or federal agency, it shall be assumed that financial need exists under the program. Written evidence of this eligibility is required from those authorities. Examples would include but not be limited to a check for monthly SSI payment or a written notice of financial eligibility from the NH Div of Health and Human Services for Aide to the Permanently and Totally Disabled. Vocational rehabilitation services not requiring the demonstration of financial need shall be in accordance with VR policy part 3.1.
- E. Authorization of Service: a) authorization for services shall be initiated in writing by the VR counselor prior to service provision. Upon completion of the IPE, VR services shall be provided to an individual in accordance with the IPE provisions. Diagnostic and evaluation services may be provided to applicants prior to the determination of eligibility and IPE development, when existing information is not adequate to determine eligibility or to develop the IPE.
- F. Payment for services: Prior to approving invoices for payment, the VR counselor shall ensure that reports have been received identifying the nature of the service, including units, cost per unit and dates of services and when appropriate the impact of service.
- G. Providers of services including interpreters and providers of physical and mental restoration services shall be qualified in accordance with any applicable national or State approved or recognized certification, licensing or registration requirements that apply to the discipline or industry of the services provided.
- H. Choosing a Provider:
 - (1) The customer in need of the service may choose the provider unless:

- (a) The provider's fee substantially exceeds that of others in the field
 - (b) The provider refused to accept payment from New Hampshire Vocational Rehabilitation (NHVR) or from a comparable benefit source
 - (c) Travel and related costs to the Division to get to/from the provider of choice substantially exceed the costs to get to/from a closer provider (unless another source bears the costs)
- (2) If a customer chooses a providers whose fee substantially exceeds fees of others, NHVR may provide the lesser amount if the customer or another source provides the difference
- I. NHVR shall not accept a private donation from a donor that has placed conditions or restrictions, expressed or implied, on the expenditure of the donation requiring that the funds be used in a manner that would benefit the donor, an individual with whom the donor has a close personal relationship, or shares a financial interest.
- (1) Funds thus channeled create a reversion to donor problem.
 - (2) The purpose of this prohibition is to prevent funds from being channeled back to the original donor with the added benefit of federal matching funds.
 - (3) In order for a reversion to donor problem to exist there must be evidence that such a return was intended.
 - (4) Accordingly, if a donor is subsequently awarded a contract or sub grant by the State vocational rehabilitation agency under a fair and competitive process, with no evidence that the award was influenced by the donor's donation, a reversion to donor problem will not exist.

References:

Federal Regulation: 34CFR 361.50(c)

State Rules: Part Ed 1010.16

Appeals Process

8. NHVR Appeals Process

- A. An applicant for, or recipient of, vocational rehabilitation services who is dissatisfied with any determination made by the agency concerning the furnishing or denial of services may request a timely review of the determination.
 - (1) Each applicant or eligible individual or his or her representative (if appropriate) shall be informed (in a manner that is understandable to the individual or representative) of the procedure for requesting a review

and re-determination of agency action concerning the furnishing or denial of services, including the names and addresses of individuals with whom appeals may be filed and of the availability of qualified mediators and an explanation of their intended purpose, and the Client Assistance Program and how to contact them when the individual applies for services, a determination regarding eligibility is made, at the time of Plan development and whenever a change is made to the IPE.

- (2) NHVR shall make reasonable accommodation to the individual's disability in the conduct of the appeals process.
- (3) Whenever possible, NHVR will attempt to resolve conflicts informally at the lowest possible level between the counselor and the customer. When an applicant or customer requests a review of a decision, that request will be considered a request for fair hearing and so documented, unless it is made clear by the applicant or eligible individual that a less formal dispute resolution process, including mediation, is satisfactory. Any less formal dispute resolution process that is employed will be conducted and concluded within the time frame for the formal hearing when the individual has requested a fair hearing.
- (4) Continuation of Services Pending Completion of the Hearing: Pending a final determination of an appeal hearing or informal conflict resolution procedures, NHVR may not suspend, reduce, or terminate services being provided under an IPE or assessment services, unless the services were obtained through misrepresentation, fraud or collusion, or criminal conduct of the individual; or if the individual or his/her authorized representative, requests suspension, reduction, or termination of services. *Except: when discontinuation of the service is the result of a third party provider's decision over which the agency has no control. When the service is discontinued as a result of a third-party decision, the agency shall make every effort to assess the circumstances with the effected individual and make an appropriate and expedited amendment to the IPE]*

B. Fair Hearing

- (1) A Fair Hearing is a formal procedure whereby an individual who is dissatisfied with any determinations concerning the provision or denial of Vocational Rehabilitation services may seek a re-determination of the action before an impartial hearing officer.
- (2) The individual must request a Fair Hearing within thirty (30) days after notification by the agency of a decision or completion of any informal conflict resolution process agreed to by the customer and the Agency.
- (3) The request for a Fair Hearing shall be in writing and shall describe the complaint. In those instances where a written request is a burden to the

individual, oral requests or requests through a third party will be entertained.

- (4) The Fair Hearing shall be conducted within sixty (60) days of receipt of the request, unless otherwise agreed upon by all parties.
- (5) A Fair Hearing will be conducted by an impartial hearing officer selected at random from a pool of qualified persons identified jointly by the Director of the Agency and the State Rehabilitation Council.
- (6) The NHVR may not deny or dismiss a request for Fair Hearing unless the individual or his/her representative:
 - (a) withdraws the request in writing; or
 - (b) is adjudged by the Fair Hearing officer to be in default for failure to appear at the hearing without good cause.
- (7) The Fair Hearing shall be conducted and a recommended decision shall be issued in accordance with the New Hampshire Administrative Procedures Act. (RSA 541-A)
- (8) The Fair Hearing officer shall issue a decision within thirty (30) days of the completion of the hearing. Within twenty (20) days of mailing of the Fair Hearing officer's decision, either party, the individual or the DSU, may seek an impartial review of the impartial hearing officer's decision by the Commissioner of the Department of Education and give each party ten (10) days to submit additional evidence and information relevant to the decision. The final written decision rendered by the Commissioner must be provided to Vocational Rehabilitation, and the applicant or customer and this decision will be final except through the recourse of civil action. If neither the Director nor the individual makes written notification of the intent to request a review of the decision, the decision of the impartial hearing officer becomes the final decision.
- (9) The following standards of review will be utilized by the state reviewing official for reviewing decisions of the impartial hearing officer:
 - (a) Within twenty (20) days of the mailing of the Hearing Officer's decision to the applicant or client or, if appropriate, the individual's parent, guardian or other representative, the Commissioner shall notify such individual in writing of the intent to review such decision.
 - (b) The Commissioner's option to review the hearing decision shall be based on the following standards of review:
 - (i) The Commissioner may affirm the decision or remand the case to the Hearing Officer for further proceedings, or may modify the decision if it is clearly established that substantial rights of the

applicant or client have been prejudiced because the Hearing Officer's findings, inferences, conclusions or decisions are:

- 1) In violation of constitutional or statutory provisions;
 - 2) In excess of the statutory authority;
 - 3) Made upon unlawful procedure;
 - 4) Affected by other error of law;
 - 5) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
 - 6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.
- (ii) The Commissioner shall not substitute his or her judgment for that of the Hearing Officer as to the weight of the evidence or questions of fact.
- (c) If the Commissioner decides to review the decision, such individual(s) shall be provided an opportunity to submit additional relevant evidence and information within ten (10) days of the notice of intent to review. The Commissioner shall then review the entire record of the Fair Hearing and the additional evidence and information, if any, submitted by or on behalf of the applicant or client.
- (d) Within thirty (30) days of providing notice of intent to review the Hearing Officer's decision, the Commissioner will issue a final Agency decision which shall include findings of fact and conclusions of law to the applicant or client or, if appropriate, the individual's parent, guardian, or other representative.
- (e) The Commissioner cannot delegate responsibility to make any such final decision to any other officer or employee of the designated state unit.
- (f) The Hearing Officer's decision becomes the final Agency decision if the Commissioner fails to exercise the option to review and to provide the required ten (10) day notice of intent to review.
- (g) The decision, or part of the decision of the impartial hearing officer that supports the applicant or eligible individual can only be overturned or modified by the reviewing official based on clear and convincing evidence that the decision of the impartial hearing officer is clearly erroneous since it is contrary to the approved State Plan, the Act, Federal Regulations or any state regulation or policy that is consistent with Federal requirements.

- (h) The Fair Hearing decision shall be considered final by the agency pending the outcome of further civil action. Either party may file a civil action challenging the independent hearing officer's decision or the decision of the commissioner, depending on which decision represents the final administrative decision in the case. The civil action may be filed in state court or in federal district court. Should a civil action be filed, records relating to the hearing and the commissioner's review will be provided to the court, which can hear additional evidence at the request of either party; and render a decision, based on the preponderance of evidence, and grant appropriate relief.

C. Mediation

- (1) Any applicant for or recipient of services has the right to receive mediation services chosen at random from a pool of mediators who have knowledge of Vocational Rehabilitation when the applicant for or recipient of services disagrees with a Vocational Rehabilitation decision and wishes to have the decision reviewed by a mediator.
- (2) Applicants for or recipients of services who choose mediation over a formal hearing will also be eligible for a formal hearing before an impartial hearing officer within 60 days from the point of filing a request for the hearing.
- (3) Mediation services will be arranged at a time that is convenient to the applicant for or recipient of services and a designated Vocational Rehabilitation staff person within 30 days from the time a written request is received.
- (4) At the initial meeting with a mediator the applicant for or recipient of Vocational Rehabilitation services and the Vocational Rehabilitation staff person will agree on the issue to be decided and process and time period during which mediation will occur.

References:

Federal Regulation: 34CFR 361.57

State Rules: Part Ed 1004

Order of Selection

6.0 Order Of Selection: The Rehabilitation act places emphasis on VR services for persons with the most significant abilities and assigns priority to meeting the needs of that group. This requirement is to assure that, in event that VR services cannot be provided to all eligible persons, the needs of those with the most significant disabilities will be given priority. This section of policy identifies the order to be followed in selecting persons with disabilities to be provided rehabilitation services when it has been determined that that Agency cannot provide services to all persons who apply and have been determined eligible.

- A. NHVR shall either provide the full range of vocational rehabilitation services to all individuals or, in the event that these services cannot be provided to all eligible individuals who apply for services, implement an order of selection to be followed in selecting eligible individuals to be provided vocational rehabilitation services.
- B. When the NHVR Agency determines that services cannot be provided to all eligible individuals who apply, an Order of Selection will be implemented as follows:
 - (1) Priority One: shall include individuals who are determined to be eligible for services prior to the effective date of the implementation of the order of selection as provided in Ed 1006.03(a)(3), and individuals who are determined to be eligible for services after the effective date of the implementation of the order of selection and who are individuals with a most significant disability
 - (2) Priority Two shall include individuals with a significant disability and public safety officers as defined in RSA 507:8-h who are disabled in the line of duty in law enforcement or protection of life or property and who are not included in priority one; and
 - (3) Priority Three shall include all other eligible individuals who do not have a significant disability.

References:

Federal Regulation: 34CFR 361.36

State Rules: Part Ed 1005 and Part Ed 1006

Part 2 – Process

Process

VR Process progresses from referral to closure through a series of steps or ‘statuses’.

Referral (status 00)

1. Referral - This status represents entrance into the vocational rehabilitation process.

A. A referral is defined as any individual who has been brought to the attention of NH Vocational Rehabilitation by letter, telephone, direct contact or by other means for whom the following minimum information has been furnished:

- Contact information (i.e., name, address, phone)
- Disability
- Age and Gender
- Date of referral
- Source of referral

- Social Security Number (although not required at this time, best practice to obtain it if possible)

B. NHVR will promptly handle referrals of individuals for service. Good faith efforts shall be made in a timely fashion to inform these individuals of application requirements and to gather information necessary to initiate an assessment for determination of eligibility. To accomplish this the Agency will make every effort to:

(1) Within 24 hours of contact with the agency, a referral will have an appointment date for an initial interview that is scheduled as soon as possible, and no longer than 30 calendar days from the initial contact.

(2) In the case of customers who require a coordinated meeting requiring others to be in attendance, (e.g., guardian, school personnel, interpreters) an appointment should be set within 5 working days of the initial contact. The appointment date that is set should be no longer than 30 calendar days from the initial contact.

C. There is no residency requirement for an individual to be referred and apply for services in New Hampshire if they are available in the state to participate in services, e.g., attend meetings with counselor, participate in the steps identified in their Individual Plan for Employment (IPE).

D. If the individual does not respond or cannot be located, attempts to contact may end. Individuals who do not apply are closed status 99.

References:

Federal Regulation: 34CFR 361.41(a)

State Rules: 1010.01

Applicant (status 02)

2. Applicant for vocational rehabilitation services: Once an individual submits an application requesting vocational rehabilitation services, he/she is an applicant of NHVR.

A. An individual is considered to have submitted an application when they, or their representative (as appropriate):

(1) Submits a completed and signed application form (VR-1); Submits a signed/dated document requesting services; or, in those instances where this is a burden to the individual, makes an oral request or request through a third party;

(2) Has provided information necessary to initiate an assessment to determine eligibility; and

(3) Is available to complete the assessment process.

- B. Any individual who applies for services shall undergo an assessment for determining eligibility, the results of which shall be shared with the individual.
- C. Eligibility for vocational rehabilitation services shall be determined within a reasonable period of time, not to exceed sixty (60) days after the application for services has been received or other request for services is made unless:
- (1) The applicant is notified that exceptional and unforeseen circumstances beyond control of the Agency preclude the completion of the determination within the prescribed timeframe and the applicant agrees that an extension of time is warranted, or
 - (2) An exploration of the individual's abilities, capabilities, and capacity to perform in work situations is carried out utilizing trial work experiences or, if appropriate, an extended evaluation.
 - (3) If no agreement can be reached the eligibility determination shall be made on the available information.

References:

Federal Regulation: 34CFR 361.41(b)

State Rules: 1010.02

Assessment for determining eligibility or the Preliminary Assessment

3. Preliminary Assessment is an assessment for determining eligibility and occurs during applicant status.

A. The assessment is conducted in the most integrated setting possible, consistent with the individual's needs and informed choice; and

B. The assessment is conducted in accordance with the provisions of:

- (1) The basic eligibility requirements;
- (2) Prohibited factors;
- (3) Review and assessment of data;
- (4) Trial work experience; and
- (5) Extended evaluation.

References:

Federal Regulation: 34CFR 361.42

State Rules: 1010.03

Trial Work

4. Trial Work experience for individuals with significant disabilities is an exploration of the individual's abilities, capabilities and capacity to perform in realistic work situations.

A. Before an individual with a disability can be determined to be incapable of benefiting from vocational rehabilitation services in terms of an employment outcome due to the severity of that individual's disability, there must be an exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations to determine whether or not there is clear and convincing evidence to support such a determination.

B. A written plan must be developed to assess periodically the individual's abilities, capabilities, and capacity to perform in work situations through the use of trial work experiences, which must be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the individual.

(1) The plan must specify the services to be provided, the provider, estimated costs, and the time frames during which the service(s) will be provided.

(2) The goal of the plan is to develop evidence that supports a determination of eligibility or clear and convincing evidence that the individual cannot benefit from services in terms of an employment outcome.

(3) The Action Plan may be used to develop this written assessment plan and should be labeled as such and signed and dated by the counselor and the customer, or as appropriate the customer's representative.

C. Trial work experiences include supported employment, On-The-Job training, and other experiences using realistic work settings.

D. Trial work experiences must be of sufficient variety and over a sufficient period of time to determine that:

(1) There is sufficient evidence to conclude that the individual can benefit from the provision of vocational rehabilitation services in terms of an employment outcome; or

(2) There is clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome due to the severity of the individual's disability.

E. During the Trial work experience the Agency must provide appropriate supports, including assistive technology devices and services and personal assistance services, to accommodate the rehabilitation needs of the individual during the trial work experiences.

References:

Federal Regulation: 34CFR 361.41(e)

State Rules: 1010.07

**Extended Evaluation
(status 06)**

5. Extended evaluation for certain individuals with significant disabilities occurs in those limited circumstances if an individual cannot take advantage of trial work experiences, or if options for trial work experiences have been exhausted before the Agency is able to make the determination of eligibility.

A. During the extended evaluation period, vocational rehabilitation services must be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the individual.

B. Prior to the extended evaluation period, the Agency must develop a written plan for providing services necessary to make a determination.

(1) The plan must specify the services to be provided, the provider, estimated costs, and the time frames during which the service(s) will be provided.

(2) The goal of the plan is to develop evidence that supports a determination of eligibility or clear and convincing evidence that the individual cannot benefit from services in terms of an employment outcome.

(3) The Action Plan may be used to develop this written assessment plan and should be labeled as an Extended Evaluation Plan and signed and dated by the counselor and the customer, or as appropriate the customer's representative.

C. During the extended evaluation period, the designated State unit provides only those services that are necessary to make the determinations and terminates extended evaluation services when the State unit is able to make the determinations.

D. There is no time limit for extended evaluation, however, individuals placed in extended evaluation must be moved from this status when sufficient information has been obtained that either

(1) there is a reasonable expectation that the individual can benefit in terms of employment, i.e., eligible for vocational rehabilitation services (status 10), or

(2) it is demonstrated that the individual cannot benefit in terms of employability, i.e., ineligible for vocational rehabilitation services (status 08).

References:

Federal Regulation: 34CFR 361.42(f)

State Rules: 1010.08

Eligibility
(status 10)

6. Eligibility: In order to determine whether an individual is eligible for vocational rehabilitation services the Counselor must conduct an assessment for determining eligibility. The assessment must be conducted in the most integrated setting possible, consistent with the individual's needs and informed choice, and in accordance with the following provisions: basic eligibility requirements, prohibited factors, review and assessment of data, and as necessary, the opportunity for trial work experiences and extended evaluation prior to a determination of eligibility.

A. Basic eligibility requirements: An applicant's eligibility for vocational rehabilitation services shall be based only on the following requirements:

(1) A determination that the applicant has a physical or mental impairment.

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

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

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

(a) It must be presumed that an applicant who meets the eligibility requirements in (1) and (2) above can benefit in terms of an employment outcome *unless* it can be demonstrated, based on clear and convincing evidence, that the applicant is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the applicant's disability.

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

(i) The Agency is responsible for informing individuals, through its application process for vocational rehabilitation services, that individuals who receive services under the program must intend to achieve an employment outcome.

(ii) The applicant's completion of the application process for

vocational rehabilitation services is sufficient evidence of the individual's intent to achieve an employment outcome, **and no additional demonstration on the part of the applicant is required.**

(5) Presumption of eligibility for Social Security recipients and beneficiaries: any applicant who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act is—

- (i) Presumed eligible for vocational rehabilitation services; and
- (ii) Considered an individual with a significant disability.

B. Prohibited Factors: The following factors shall not be considered in determining eligibility:

- (1) **Residency:** no duration of residence requirement shall be imposed that excludes from services any applicant who is present in the State.
- (2) **Disability:** No applicant or group of applicants shall be excluded or found ineligible solely on the basis of the type of disability.
- (3) **Characteristics:** Eligibility requirements shall be applied without regard to the age, gender, race, color, creed, national origin, financial status or sexual orientation of the applicant.
- (4) **Services needs:** Eligibility requirements shall be applied without regard to the particular service needs or anticipated costs of services required by the applicant or the applicant's family.
- (5) **Employment outcome:** Eligibility requirements shall be applied without regard to type of expected employment outcome.
- (6) **Referral Source:** Eligibility requirements shall be applied without regard to the source of referral for vocational rehabilitation services.

C. Review and assessment of data for eligibility determination: determination of eligibility must be based on:

- (1) A review and assessment of existing data, including counselor observations, education records, information provided by the individual or the individual's family, particularly information used by education officials, and determinations made by officials of other agencies; and
- (2) To the extent existing data do not describe the current functioning of the individual or are unavailable, insufficient, or inappropriate to make an eligibility determination, an assessment of additional data resulting from the provision of vocational rehabilitation services, including trial work experiences, assistive technology devices and services, personal assistance

services, and any other support services that are necessary to determine whether an individual is eligible; and

(3) In the case of an applicant who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act, the Agency presumes that the individual meets each of the basic eligibility requirements.

D. Certification of eligibility or ineligibility: upon completion of the eligibility assessment, the counselor shall make and certify one of the following decisions:

(1) Eligibility - For each individual determined eligible for Vocational Rehabilitation services, the case record must include a statement of eligibility, dated and signed by the counselor, which documents:

(a) that the applicant has a physical or mental impairment, and

(b) that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the individual, and

(c) that the applicant can benefit in terms of an employment outcome from the provision of Vocational Rehabilitation services, and

(d) that the applicant requires Vocational Rehabilitation services to prepare for, enter into, engage in, or retain employment consistent with the applicant's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(e) The agency will presume that an applicant who meets the eligibility requirements in (i) and (ii) can benefit in terms of employment unless it demonstrates, based on clear and convincing evidence, that the applicant is incapable of benefiting in terms of an employment outcome from Vocational Rehabilitation due to the severity of the disability.

Ineligibility
(Status 08)

(2) Ineligibility: For each individual determined ineligible for Vocational Rehabilitation services NHVR will:

(a) Make the determination only after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative;

(b) Inform the individual in writing, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of:

(a) The ineligibility determination, including the reasons for that determination;

- (b) The means by which the individual may express and seek remedy for any dissatisfaction, including the procedures for review of the determination.
 - (i) Provide the individual with a description and with information on how to contact that program;
 - (ii) Refer the individual:
 1. To other programs that are part of the One-Stop service delivery system under the Workforce Investment Act that can address the individual's training or employment-related needs; or
 2. To local extended employment providers if the ineligibility determination is based on a finding that the individual is incapable of achieving employment.
- (c) Review within 12 months and annually thereafter if requested by the individual or, if appropriate, by the individual's representative any ineligibility determination that is based on a finding that the individual is incapable of achieving an employment outcome.

References:

Federal Regulation: 34CFR 361.42 and 34CFR 361.43

State Rules: Part Ed 1010.04-1010.06 and 1010.10

Closure without an Eligibility Determination (status 08)

(3) Closure without Eligibility Determination. If the applicant declines to participate in, or is unavailable to complete, an assessment for determining eligibility, the Agency may close the case record prior to a determination of eligibility. Prior to this closure NHVR will make an minimum of two attempts to contact the applicant or, if appropriate, the applicant's representative to encourage the applicant's participation.

References:

Federal Regulation: 34CFR 361.44

State Rules: Part Ed 1010.11

Comprehensive Assessment

7. Comprehensive Assessment is the assessment for determining vocational rehabilitation needs for the eligible individual and occurs after the determination of eligibility to determine the employment outcome, as well as the nature and scope of vocational rehabilitation services to be included in the Individualized Plan for

Employment (IPE).

A. The individualized plan for employment shall be prepared based on a comprehensive assessment as follows:

(1) If additional data are necessary to determine the employment outcome and the nature and scope of services to be included in the individualized plan for employment of an eligible individual, the division shall conduct a comprehensive assessment of the unique:

- (a). Strengths;
- (b). Resources;
- (c). Priorities;
- (d). Concerns;
- (e). Abilities;
- (f). Capabilities;
- (g). Interests; and
- (h). Informed choice, including the need for supported employment services, of the eligible individual, in the most integrated setting possible, and consistent with the informed choice of the individual

(2) In preparing the comprehensive assessment, the Agency shall use, as a primary source of information, and to the maximum extent possible and appropriate and in accordance with confidentiality requirements, existing information that is current as of the date of the development of the individualized plan for employment, including:

- (a) Information available from other programs and providers, including information used by education officials and the Social Security Administration;
- (b) Information provided by the individual and the individual's family; and
- (c) Information obtained under the assessment for determining the individual's eligibility and vocational rehabilitation needs.

(3) The comprehensive assessment may include, to the degree necessary to make a determination of vocational needs and develop an IPE-

- (a) An analysis of pertinent medical, psychiatric, psychological, neuropsychological, 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 experiences, 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 to develop work attitudes, work habits, work tolerance, and social and behavioral patterns suitable for successful job performance, including the use of work in real job situations to assess and develop the capacity of the individual to perform adequately in a work environment;

(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.

(4) The comprehensive assessment shall be conducted in the most integrated setting possible, consistent with the informed choice of the individual.

(5) The comprehensive assessment will be limited to information that is necessary to identify the rehabilitation needs of the individual and to develop an individualized plan for employment.

References:

Federal Regulation: 34CFR 361.45(b)(1) and 34CFR361.45(f)

State Rules: Part Ed 1010.12(b), Part Ed 1010.12(g) and Part Ed 1010.12(h)

**Individualized
Plan for
Employment
(IPE) (status
12)**

8. An Individualized Plan For Employment (IPE) is a plan that is developed and jointly agreed upon with the individual with a disability and as appropriate their representation and the counselor which outlines the vocational goal and the services needed to achieve that goal.

A. An individualized plan for employment shall be developed and implemented for each individual determined to be eligible for vocational rehabilitation services.

- (1) After an individual is determined eligible for NHVR services, an individualized plan for employment (IPE) will be developed within the time standard established by the Agency.
- (2) In cases where additional time is necessary to determine the employment outcome and the nature and scope of services to be included in the IPE, an action plan will be developed that outlines the anticipated activities and timeline expected to develop the IPE

B. The individualized plan for employment shall be:

- (1) A written document prepared on forms provided by the Agency
- (2) Developed and implemented in a manner that gives eligible individuals the opportunity to exercise informed choice, in selecting:
 - (a). The employment outcome, including the employment setting;
 - (b). The specific vocational rehabilitation services needed to achieve the employment outcome, including the settings in which services will be provided;
 - (c). The entity or entities that will provide the vocational rehabilitation services; and
 - (d). The methods available for procuring the services;
- (3) Agreed to and signed by the eligible individual or, as appropriate, the individual's representative;
- (4) Approved and signed by a vocational rehabilitation counselor or other qualified personnel employed by the division;
- (5) Provided to the eligible individual along with a copy of any amendments to the individualized plan for employment in writing or, as appropriate, to the individual's representative, and, if appropriate, in the native language or mode of communication of the individual;
- (6) Reviewed at least annually by a vocational rehabilitation counselor or other qualified personnel and the eligible individual or, as appropriate, the individual's representative to assess the eligible individual's progress in achieving the identified employment outcome;
- (7) Amended, as necessary, by the individual or, as appropriate, the individual's representative as follows:
 - (a). The individualized plan for employment shall be amended in collaboration with a representative of the division or a vocational rehabilitation counselor or other qualified personnel, to the extent determined to be appropriate by the individual;
 - (b). The individualized plan for employment shall be amended if there are substantive changes in the employment outcome, the vocational rehabilitation services to be provided, or the providers of the vocational rehabilitation services; and
 - (c). Amendments to the individualized plan for employment shall not take effect until agreed to and signed by the eligible individual or, as appropriate, the individual's representative and by a vocational rehabilitation counselor employed by the division; and

(8) Developed for a student with a disability receiving special education services:

(a). In consideration of the student's individualized education plan; and

(b). In accordance with the plans, policies, procedures, and terms of the interagency agreement required under the state plan.

C. The division shall provide the following information to each eligible individual or, as appropriate, the individual's representative, in writing and, if appropriate, in the native language or mode of communication of the individual or the individual's representative:

(1) Information on the available options for developing the individualized plan for employment, including the option that an eligible individual or, as appropriate, the individual's representative may develop all or part of the individualized plan for employment with or without assistance from the division or other entity or individual.

(a) Options for developing the IPE will be offered to eligible individuals or their representative.

(b) The options for developing all or part of the IPE include the following:

(i) With assistance from the Vocational Rehabilitation counselor, to the extent determined appropriate by the individual; or

(ii) With technical assistance from the Vocational Rehabilitation program or other program representative selected by the individual; or

(iii) The individual without assistance.

(c) No matter what method is chosen to develop the IPE; the Plan needs to be agreed upon by both the customer and the counselor

(2) Additional information to assist the eligible individual or, as appropriate, the individual's representative in developing the individualized plan for employment, including:

(a). Information describing the full range of components that shall be included in an individualized plan for employment;

(b). As appropriate to each eligible individual:

(i). An explanation of the criteria in Ed 1008 for determining an eligible individual's financial commitments under an individualized plan for employment;

(ii). Information on the availability of assistance in completing division forms required as part of the individualized plan for employment; and

(iii). Additional information that the eligible individual requests or the division determines to be necessary to the development of the individualized plan for employment;

(3). A description of the rights and remedies available to the individual,

(4). A description of the availability of a client assistance program and information on how to contact the client assistance program.

D. Content of the Individualized Plan for Employment. Each individualized plan for employment shall include:

(1) A description of the specific employment outcome that is chosen by the eligible individual and that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice;

(2) A description of the specific rehabilitation services under Ed 1010.15 that are:

(a). Needed to achieve the employment outcome, including, as appropriate, the provision of assistive technology devices, assistive technology services, and personal assistance services, including training in the management of those services; and

(b). Provided in the most integrated setting that is appropriate for the services involved and that is consistent with the informed choice of the eligible individual;

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

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

(5) A description of the criteria that will be used to evaluate progress toward achievement of the employment outcome; and

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

- (a). The responsibilities of the division;
- (b). The responsibilities of the eligible individual, including:
 - (i). The responsibilities the individual will assume in relation to achieving the employment outcome;
 - (ii). If applicable, the extent of the individual's participation in paying for the cost of services; and
 - (iii). The responsibility of the individual with regard to applying for and securing comparable services and benefits as described in Ed 1007; and
- (c). The responsibilities of other entities as the result of arrangements made pursuant to the comparable services or benefits requirements in Ed 1007.

(7) An individualized plan for employment for an individual with a most significant disability for whom an employment outcome in a supported employment setting has been determined to be appropriate shall:

- (a) Specify the supported employment services to be provided by the division;
- (b) Specify the expected extended services needed, which may include natural supports provided through the people and environments a person encounters that enhance the potential for inclusion more effectively than relying on specialized services and personnel, such as:
 - (i). Relationships with coworkers;
 - (ii). The social support of family and friends;
 - (iii). Social networks; and
 - (iv). Established resources within one's community including religious centers, recreational activities and support groups;
- (c) Identify the source of extended services or, to the extent that it is not possible to identify the source of extended services at the time the individualized plan for employment is developed, include a description of the basis for concluding that there is a reasonable expectation that those sources will become available;

(d) Provide for periodic monitoring to ensure that the individual is making satisfactory progress toward meeting the weekly work requirement established in the individualized plan for employment by the time of transition to extended services;

(e) Provide for the coordination of services provided under an individualized plan for employment with services provided under other individualized plans established under other federal or state programs;

(f) To the extent that job skills training is provided, identify that the training will be provided on site; and

(g) Include placement in an integrated setting for the maximum number of hours possible based on the unique strengths; resources; priorities; concerns; abilities; capabilities; interests; and informed choice of individuals with the most significant disabilities.

(8) The individualized plan for employment for each individual shall contain, as determined to be necessary, statements concerning:

(a) The expected need for post-employment services prior to closing the record of services of an individual who has achieved an employment outcome;

(b) A description of the terms and conditions for the provision of any post-employment services; and

(c) If appropriate, a statement of how post-employment services will be provided or arranged through other entities as the result of arrangements made pursuant to the comparable services or benefits requirements in Ed 1007.

(9) The individualized plan for employment for a student with a disability who is receiving special education services shall be coordinated with the individualized education plan of that individual in terms of the goals, objectives, and services identified in the individualized education plan.

E. The case record must support the selection of the vocational goal by the individual.

F. Services beyond assessment for determining eligibility and priority for services and assessment for determining vocational rehabilitation needs; may be provided only in accordance with the IPE.

G. The IPE is not a legal contract between NHVR and the customer. It is an agreement of intent.

H. Amendments to the IPE will be incorporated into or affixed to the IPE, and will not take effect until agreed to and signed by the individual, parent, guardian, or representative of the individual and the rehabilitation counselor.

I. Adequate and timely notification of any proposed change to the IPE must be provided to the individual with a disability. Notification of any proposed adverse change must be made in writing at least ten (10) work days prior to the effective date of change and the right to appeal, with services continuing pending the decision unless the individual with disabilities has signed the IPE, indicating agreement with the change or unless the period of notification would be contraindicated by state or federal requirements. The notification must state:

(1) the basis for the intended action;

(2) the effective date of the action;

(3) the right to appeal the decision with services continuing pending the decision; and

(4) the specific means (including time frames) to do so.

References:

Federal Regulation: 34CFR 361.45 and 34CFR361.46

State Rules: Part Ed 1010.12 and Part Ed 1010.13

**Service Statuses 14 –
16 – 18 –19 - 20 – 22
& 24**

(Prior to the initiation of any service the case record will indicate (a) the service is substantial and necessary for the customer, i.e., the service will assist the customer in reaching their employment goal, (b) the service is planned with the customer and (c) there has been a consideration of financial needs and comparable benefits, as appropriate. Further information regarding nature and scope of services is located in part 3 of this policy manual).

**Counseling and
Guidance (status 14)**

9. Counseling and Guidance: It is intended that this status be used only for those cases having an approved IPE which outlines counseling, guidance, and placement provided by the VR Counselor as the primary services provided to prepare the customer for employment. Assessment services may be provided in this status.

- A. This status is not used to reflect the counseling and guidance which takes place during the course of the development of the Plan or provided by the counselor during the progress of training or physical restoration services.
- B. Where it has been determined that substantial counseling and guidance is essential to the successful placement and rehabilitation of the customer, status 14 may be used after the provision of other services provided that an IPE amendment has been completed and counseling, guidance and placement are the only additional services required to prepare the customer for employment.

Physical and mental restoration (status 16)

10. Physical and mental restoration services: This status is used when the primary service(s) the customer is receiving are physical or mental restoration services.

Training (status 18)

11. Training services: This status is used when the primary service(s) the customer is receiving are training services such as: job preparation / job search training, work adjustment training (including Transitional Employment Preparation (TEP)), On-The-Job training, college training, orientation and mobility training, rehabilitation teaching, or other training

Employed and receiving services (status 19)

12. Employed receiving services: This status is used when the customer is employed and receiving a substantial service which includes physical and mental restoration, Transitional Employment Preparation (TEP), Orientation and mobility training, Rehabilitation teaching, or other training

Ready for Employment (status 20)

13. Ready for employment: The customer is placed in this status when s/he has completed preparation for employment (counseling and guidance; physical/mental restoration; and/or training) and is ready to accept a job but has not yet been placed or has been placed, but not yet begun employment.

In Employment (status 22)

14. In employment: A customer is placed in this status when s/he has been prepared for, placed in and begun employment. The customer must be in this employment status for a minimum of 90 days prior to being closed rehabilitated (status 26) to insure the adequacy and stability of the employment in accordance with the needs and limitations of the individual.

Services Interrupted (status 24)

15. Services interrupted: A customer is placed in this status if services are interrupted while the customer is in one of the statuses 14, 16, 18, 19, 20, or 22. Such cases are held in this status until the customer returns to one of the active statuses or until the case is closed. Diagnostic services may be provided in this status if it is determined such services are necessary.

Closure after Eligibility (Statuses 26, 28 and 30)

16. Closure After Eligibility: The counselor shall close an individual's case record at any time in the Vocational Rehabilitation process when it is determined that the individual is not eligible, is unavailable for diagnostic or planned services, chooses not to participate, or is rehabilitated.

17. Successfully Rehabilitated (status 26): Closure of Case Records of Individuals Determined to be Rehabilitated - After a customer has completed his/her rehabilitation program (IPE) and has been working for a minimum of 90 days, their case may be moved to status 26 – successful rehabilitation.

A. In order to determine a customer is rehabilitated, the case record must document that New Hampshire Vocational Rehabilitation:

- (1) Found the individual eligible;
- (2) Provided an assessment for eligibility and determining vocational rehabilitation needs;
- (3) Provided counseling and guidance;
- (4) Provided appropriate and substantial vocational rehabilitation services in accordance with the IPE, and the services contributed to the achievement of the employment outcome;
- (5) Determined that the customer has maintained suitable employment for at least ninety (90) calendar days;
- (6) Provided an opportunity for customer involvement in the closure decision;
- (7) Reassessed the need for and informed the customer of the purpose and availability of post-employment services, when necessary;
- (8) Provided written notification of closure to the customer;
- (9) Demonstrated that the individual achieved a successful vocational outcome, to the extent possible in competitive employment in the most integrated setting possible, consistent with the individual's informed choice.
- (10) Demonstrated that the employment outcome is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice; and
- (11) Demonstrated that at the end of the ninety (90) days of employment the individual and the rehabilitation counselor consider the employment outcome to be satisfactory and agree that the individual is performing well on the job.

B. Closure of Case Records of Individuals in Supported Employment:
Customers in supported employment are determined rehabilitated when the following conditions are met:

- (1) the individual has substantially met the goals and objectives of his/her IPE;
- (2) extended support services are immediately available to preclude any interruption in the provision of the ongoing support needed to maintain employment;
- (3) the individual has maintained employment for at least ninety (90) days after the transition to extended services;

- (4) for customers closed working in a temporary transitional employment (TEP) placement, the extended support services must include continuous job placements until job permanency is achieved; and
- (5) Other provisions as noted in part 2.17.A above.

**Case Closure /
Reasons other than
successful
employment (status
28, status 30)**

18. Case Closure for reasons other than successful employment: Includes two status categories, status 28 and status 30. Status 28 identify cases which are closed unsuccessfully after services initiated when the case has been certified eligible and at least one service identified in the IPE has been initiated, however, because of unforeseen circumstances the IPE could not be completed or amended to achieve a successful vocational outcome through the provision of vocational rehabilitation services. Status 30 identify cases which are closed unsuccessfully before services initiated when the Case was certified eligible but because of unforeseen circumstances the IPE could not be developed (or initiated) to achieve a successful vocational outcome through the provision of vocational rehabilitation services.

A. Ineligibility:

(1) The person has:

- (a) no impairment or
- (b) no substantial impediment to employment or
- (c) the individual does not require Vocational Rehabilitation services to achieve an employment outcome, or
- (d) there is clear and convincing evidence after an exploration of the individual's abilities, capabilities, and capacity to perform in work situations or after a period of service provision under an IPE, a trial work experience, or an extended evaluation that the individual with a disability is incapable of benefiting from Vocational Rehabilitation services due to the severity of disability in terms of achieving an employment outcome.

(2) Requires:

- (a) Opportunity for individual's or his/her representative's participation in closure decision
- (b) Written notification of closure decision
- (c) Written notification of appeal rights, including the name and address of the person with whom an appeal may be filed, and of the availability of the Client Assistant Program
- (d) IPE amendment, when an IPE has been developed
- (e) Certification of ineligibility in case record that documents the reasons for closure and is dated and signed by the

counselor

- (f) Referral to other agencies and community rehabilitation programs as appropriate
- (g) Review of the ineligibility determination within twelve (12) months for those cases where the ineligibility is based on the disability being too significant, i.e., is incapable of benefiting from Vocational Rehabilitation services due to the severity of disability in terms of achieving an employment outcome. A review is not required in situations where the individual refuses it, the individual is no longer present in the state, the individual's whereabouts are unknown or the individual's medical condition is rapidly progressive

B. Closure For Reasons Other Than Ineligibility

(1) The counselor may close a case when an individual is unavailable (due to death, institutionalization, or change of address) for an extended period of time for an assessment for determining eligibility and vocational rehabilitation needs or to participate in planned vocational rehabilitation services, and the counselor has made repeated efforts to contact the individual and to encourage the individual's participation.

(2) The counselor may also close a case after the individual has been found eligible for services when there is sufficient evidence to conclude that the customer refuses to cooperate. When a customer refuses to participate in a part of planning or service provision that can be demonstrated to be critical to success, and the customer has been so advised in writing and still refuses to participate, the file may be closed.

(3) Requires:

- (a) Rationale for closure documented in the case record
- (b) Unless the customer is unavailable, written notification of the closure action and appeal rights, including the name and address of the person with whom an appeal may be filed and the availability of the Client Assistance Program (unless the customer is unavailable)
- (c) IPE amendment, when an IPE has been developed (unless the customer is unavailable)

C. Periodic Review of Extended Employment Closures refers to those individuals who were closed while the individual is in extended employment on the basis that the individual is unable to achieve an employment outcome or that the individual made an informed choice to remain in extended employment.

(1) For all individuals closed in extended employment in rehabilitation facilities, New Hampshire Vocational Rehabilitation must conduct a review

and reevaluation, at least annually, of the status of each individual with a disability who is placed in an extended employment setting in a community rehabilitation program (including a workshop) or other employment to determine the interests, priorities, and needs of the individual for employment or training for competitive employment in an integrated setting in the labor market, and;

(2) Provide for input into the review and reevaluation by the individual with a disability, or, if appropriate, a parent, a family member, a guardian, an advocate, or an authorized representative of the individual, if the individual requests, desires, or needs assistance;

(3) Provide for maximum efforts, including the identification of vocational rehabilitation services, reasonable accommodations, and other support services, to enable such an individual to benefit from training or to be placed in employment in an integrated setting; and

(4) Provide for services designed to promote movement from extended employment to integrated employment, including supported employment, independent living, and community participation.

Post Employment Services (Status 32)

19. Post Employment Services: If after a customer is successfully rehabilitated they need some additional services to help him/her maintain their employment they are moved into status 32

Closed after the Provision of Post Employment Services (34,36,40)

20. Closed after the provision of Post Employment Services: Cases are closed after the provision of post employment services using the following status codes.

- A. 34 Closed From Post Employment Services; reopen as VR case
- B. 36 Closed From Post Employment Services; Successfully Completed
- C. 40 Closed From Post Employment Services; Not Successfully Completed

Part 3 – Services

CUSTOMER PARTICIPATION IN THE COSTS OF VOCATIONAL REHABILITATION SERVICES AND USE OF COMPARABLE BENEFITS

1. Customer Participation in Cost of VR Services: When customers can participate in the costs of Individualized Plan for Employment (IPE) services, as evidenced by a financial needs assessment, they will be required to do so except for the following services, which are exempt:

- A. Assessment for determining eligibility and priority for services and assessment for determining vocational rehabilitation needs;
- B. Vocational rehabilitation counseling, guidance (including information and support services to assist an individual in exercising informed choice), and referral;
- C. Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;
- D. Any auxiliary aid or service (e.g. Interpreter services for deaf, reader services for blind, personal assistance services) that an individual with a disability requires in order to participate in planned services;
- E. Personal assistance services;
- F. Supported employment services that would be included under (A-E) above;
- G. Post-employment services that would be included under (A-F) above;
- H. Services to individuals who have been determined eligible for social security benefits under titles ii or xvi of the social security act (SSI or SSDI);
- I. Services under D, E and F are exempt when provided in support of the determination of eligibility, development of the IPE, or in support of and necessary to the attainment of the IPE goals.

References:

Federal Regulation: 34CFR 361.54

State Rules: Part Ed 1008

2. Comparable Benefits: If comparable benefits and/or services are available, they must be utilized to meet, in whole or part, the cost of Vocational Rehabilitation services except in the following situations:

- A. If comparable services or benefits exist under any other program, but are not available to the individual at the time needed to satisfy the rehabilitation objectives in the individual's IPE, the agency shall provide vocational rehabilitation services until those comparable services and benefits become available.

- B. If the determination of the availability would delay the provision of Vocational Rehabilitation services to any individual with disabilities who is at extreme medical risk. A determination of extreme medical risk shall be based upon medical evidence provided by an appropriate licensed medical professional and shall mean a risk of substantially increasing functional impairment or risk of death if medical services are not provided expeditiously.
- C. If an immediate job placement would be lost due to a delay in the provision of comparable benefits or if the search for comparable benefits would delay or interrupt the progress of the individual toward achieving the employment outcome identified in the IPE .
- D. The following services are exempt from the requirement that comparable benefits be applied:
 - (1) Assessment For Determining Eligibility And Priority For Services And For Determining Vocational Rehabilitation Needs;
 - (2) Vocational Rehabilitation Counseling, Guidance (Including Information And Support Services To Assist An Individual In Exercising Informed Choice),And Referral,
 - (3) Job-Related Services Including Job Search And Placement Assistance, Job Retention Services, Follow-Up Services, And Follow-Along Services,
 - (4) Rehabilitation Technology Services;
 - (5) Post-Employment services that would be included under (1)-(4) above.
- E. The governor, in consultation with the agency and other appropriate agencies, will ensure the implementation of an interagency agreement or a proxy for the coordination between the agency and other appropriate public entities for the provision of non-exempt VR services including:
 - (1) A method to determine agency financial responsibility;
 - (2) Terms and conditions under which the agency can obtain reimbursement for incurred costs for services that are the responsibility of other agencies;
 - (3) Dispute resolution procedures; and
 - (4) Procedures for coordination/timely delivery of services.
- F. Student loan default: If a consumer is in default of a student loan, financial aid including Pell will not be available to the individual. NHVR is prohibited from paying for any training or related services at a post-secondary program

which is eligible for federal assistance such as Pell funds (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 consumer has worked out a satisfactory repayment plan with the Higher Education Services Corporation, lending institution or grantor and has re-established eligibility for financial aid.

References:

Federal Regulation: 34CFR 361.53

State Rules: Part Ed 1010.07

**VOCATIONAL
REHABILITATION
SERVICES**

3. Informed Choice in the provision of Vocational Rehabilitation Services: The Agency recognizes that individuals with disabilities, and as appropriate, their families and representatives, are partners with their vocational rehabilitation counselor in the vocational rehabilitation program. The active involvement of individuals in their program contributes to the success of, and satisfaction with, the employment goal and degree of independence they achieve. To assist in this process applicants and eligible individuals or, as appropriate, their representatives are provided information and support services to assist applicants and eligible individuals in exercising informed choice throughout the rehabilitation process in accordance with policy part 1.5.

(Authority: Sections 12(c), 101(a)(19); 102(b)(2)(B) and 102(d) of the Act; 29 U.S.C. 709(c), 721(a)(19); 722(b)(2)(B) and 722(d))

References:

Federal Regulation: 34CFR 361.

State Rules: Part Ed 1012

4. Vocational Rehabilitation Services: As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's informed choice, the vocational rehabilitation services identified in policy part 3.5 will be available to assist the individual with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(Note: effective 10/01/02 – Services in Individual Plans for Employment (IPE) developed or added after 10/01/02 will be subject to the current policy regarding customer participation in the costs of vocational rehabilitation services. Services in IPEs developed prior to 10/01/02 will continue to follow the previous policy relative to customer participation in the costs of vocational rehabilitation services.)

- A. New Hampshire Vocational Rehabilitation will provide, as appropriate to the Vocational Rehabilitation needs of each customer, any goods or services necessary to enable the individual to achieve an employment outcome that is appropriate to the potential and choices of the individual.

- B. Financial Need will be examined prior to the provision of any service that is not identified as exempt.
- C. Comparable Benefits and services will be explored and if available, they must be utilized to meet, in whole or part, the cost of Vocational Rehabilitation services except in the situations identified in policy part 3.2.
- D. Equipment and other goods purchased for a customer under an Individualized Plan for Employment shall be the property of the customer for whom the product was purchased.
- E. Cost measures can be waived by the Director (or the Director's designee), based on such factors as change in disability; availability of alternative programs, or other grounds when it can be demonstrated that the individual would otherwise be unable to obtain the service resulting in an inability to achieve the employment outcome identified in their Individualized Plan for Employment.

5. Nature and Scope of vocational rehabilitation services. The extent and scope of services include, but is not limited to:

A. **An assessment for determining eligibility and vocational rehabilitation needs.**

(1) As appropriate to the individual case, **assessment for determining eligibility and vocational rehabilitation needs** means a review of existing data -- and to the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data -- to determine if an individual is eligible for vocational rehabilitation services and identify the anticipated employment outcomes and the vocational rehabilitation services to be included in the individualized plan for employment.

(2) an assessment for determining eligibility or preliminary assessment means, as appropriate in each case,

(a) A review of existing data to determine if an individual is eligible for vocational rehabilitation services.

(b) To the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data to make the eligibility determination and assignment.

(3) an assessment for determining vocational needs or comprehensive assessment is used to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment, of the eligible individual. This comprehensive assessment--

(a) Is limited to information that is necessary to identify the rehabilitation needs of the individual and to develop the individualized plan of employment of the eligible individual;

- (b) Uses as a primary source of information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements—
 - (i) Existing information obtained for the purposes of determining the eligibility of the individual and assigning priority for an order of selection for the individual; and
 - (ii) Information that can be provided by the individual and, if appropriate, by the family of the individual;
- (c) May include, to the degree needed to make such a determination, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the individual and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that affect the employment and rehabilitation needs of the individual;
- (d) May include, to the degree needed, an appraisal of the patterns of work behavior of the individual and services needed for the individual to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the use of work in real job situations to assess and develop the capacities of the individual to perform adequately in a work environment;
- (e) May include referral, for the provision of rehabilitation technology services to the individual, to assess and develop the capacities of the individual to perform in a work environment;
- (f) May include an exploration of the individual's abilities, capabilities, and capacity to perform in work situations, which must be assessed periodically during trial work experiences, including experiences in which the individual is provided appropriate supports and training.
- (4) Financial needs – exempt from financial need requirements
- (5) Comparable benefits – exempt from comparable benefit requirements

B. Counseling, guidance, referral, and work-related placement services, including information and support services to assist an individual in exercising informed choice.

- (1) Vocational rehabilitation **counseling** means assisting the individual through verbal interaction to deal effectively with important issues or concerns related to vocational rehabilitation, which differentiates it

from other types of counseling. Counseling techniques may vary based on the individual's needs and the counselor's approach.

- (2) **Guidance** means the counselor gives information and acts as a coordinator and advocate or mediator.
- (3) **Referral and other services** means to assist applicants and eligible individuals to secure needed services from other agencies, including other components of the NHWorks system which is the statewide workforce investment system in New Hampshire, and to advise those individuals about client assistance programs
- (4) The counselor provides vocational rehabilitation counseling, guidance and referral throughout the vocational rehabilitation process to all consumers, including applicants. Establishment of a professional counseling relationship with the consumer is the foundation for providing the other services necessary to achieve a successful employment outcome. Regular contacts are crucial if emerging problems are to be identified and resolved.
- (5) Counseling and guidance issues may include, but are not limited to:
 - (i) The vocational rehabilitation process; roles and responsibilities and expectations of consumer and counselor; explanation of agency policies and procedures and decisions affecting the consumer (such as eligibility, Employment Plan content, and case closure); consumer informed choice; consumer rights and avenues of appeal, etc.
 - (ii) Comparable benefits available to the individual.
 - (iii) Assessment of the individual's real and perceived disabilities, functional abilities and limitations, vocational strengths and limitations (including education and work history and job skills), impediment to employment, resources, family support, vocational rehabilitation services needed, motivation level, job placement options and an initiation of tentative job placement plans, employer expectations (i.e., attendance, sick leave, staying on task, appropriate dress, hygiene, behavior, etc.), salary expectations, job modification and attitudinal barriers, and other factors affecting the achievement of an employment outcome.
 - (iv) Job search and job placement assistance
 - (v) Job retention issues
 - (vi) Transportation, housing, and leisure time needs.
 - (vii) Availability of support services and referral to other agencies and programs.
 - (viii) Self-advocacy.
 - (ix) Understanding and following medical advice.
 - (x) Personal adjustment counseling.
 - (xi) Other issues as appropriate.

- (6) Financial needs – exempt from financial need requirements
- (7) Comparable benefits – exempt from comparable benefit requirements

C. **Physical and mental restoration services** necessary to correct or to substantially modify a physical or mental condition of an individual that is stable or slowly progressive.

(1) Physical and mental restoration services mean –

- (a) Corrective surgery or therapeutic treatment
- (b) Diagnosis of and treatment for mental or emotional disorders by qualified practitioners licensed or certified to provide services in the state of New Hampshire
- (c) Dentistry
- (d) Nursing services
- (e) Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment
- (f) Drugs and supplies
- (g) Prosthetic, orthotic, or other assistive devices including hearing aides
- (h) Eyeglasses and visual services including visual training and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids provided by practitioners licensed or certified to provide these services in the State of New Hampshire
- (i) Occupation therapy
- (j) Speech or hearing therapy
- (k) Other medical or medically related rehabilitation services

(2) When physical or mental restoration services are provided, there must be documentation that the clinical status of the individual with disabilities is stable or slowly progressive. Physical and mental restoration services may be provided to correct or substantially modify within a reasonable time a physical or mental condition which is stable or slowly progressive (based on findings from physical or psychological examinations) and which results in a substantial impediment directly affecting a person's ability to reach an employment outcome.

- (a) Providers of physical and mental restoration services shall be qualified in accordance with any applicable national or State approved or recognized certification, licensing or registration requirements that apply to the discipline of the services provided.
- (b) Choosing a Provider: The customer in need of the service may choose the provider unless: (refer to earlier policy)
- (c) A maximum of 20 hours of therapy (e.g., psychotherapy, physical

therapy, occupational therapy, speech therapy) may be provided after exploring comparable benefits. When more than 20 are needed, approval by the Regional Leader is required, in consultation with the medical or psychiatric consultant if appropriate,

- (d) Financial needs –financial need requirements apply to the provision of physical and mental restoration services
 - (e) Comparable benefits –comparable benefit requirements apply to the provision of physical and mental restoration services
- (3) Fees paid for such services comply with the limits established in the New Hampshire Vocational Rehabilitation Fee Schedule with exceptions granted by the Chief Medical Consultant.
- (4) Specific Requirements related to the **purchase of hearing aids**. For the Purchase of Hearing Aids the following limits apply*:
- (a) NHVR has arranged for discounts with some manufacturers. These manufacturers will provide discounts for hearing aids through the audiologists for NHVR consumers.
 - (b) NHVR will pay for hearing aids on the following schedule:
 - (i) For the first hearing aid purchased, NHVR may provide up to 50% of the cost after the discount is applied.
 - (ii) For a second hearing aid after five years, NHVR may provide up to 25% of the cost after the discount is applied.
 - (c) Any cost measures can be waived by the Director (or his designee), based on such factors as change in disability; availability of alternative programs, or other factors when it can be demonstrated that the individual would be unable to obtain the service resulting in an inability to achieve the employment outcome identified in their IPE.
 - (d) These limits apply to IPE's developed, or amended to add hearing aids as a new service after 10/01/02.
 - (e) Financial needs –financial need requirements apply to the provision of hearing aid services and equipment
 - (f) Comparable benefits –comparable benefit requirements apply to the provision of hearing aid services and equipment

D. Vocational and other training services – Policy updated 5/1/15

PART 3.5 – Nature and Scope of Services

D. VOCATIONAL AND OTHER TRAINING SERVICES

May 2015

Section I. General Policy

Section II: Personal and Vocational Adjustment Training

Section III: Post-Secondary Training

Criteria for participation

Conditions VR not providing funding for training

Selection of facility

Participation in Costs

Academic progress

Graduate Study

Additional considerations:

How long will VR participate

Full time enrollment

Summer or inter-current semester

Trial semester

Previous certification / degree

Scholarships, work-study and loans

Online courses/distance education

Tutoring

Section IV: On-the-Job Training

Section I. General Policy

(1) Vocational and other training services means –

- (a) Job preparation / job search training,
- (b) Work adjustment training (including Barrier Intervention Program (BIP)),
- (c) On-The-Job Training (OJT),
- (d) College training, or
- (e) Other training

(2) Training can be provided from any source such as a public or private school, a commercial or industrial establishment, rehabilitation or other facility, by an individual teacher or instructor, or by distance learning.

Section II: Personal and vocational adjustment training

(3) Specific Requirements related to **Personal and vocational adjustment training**, including job preparation and job search training, employment preparation assessment and training, and work adjustment training and related books and training materials.

(a) Training to address conditions within both the individual and the work environment that support a good “match” and may include adjustment to the specific work tasks, human relations in the workplace, stress, time and career management, understanding barriers and accommodations, communicating with others, orientation, training and development, conflict resolution, diversity, group and team dynamics and managing change.

(b) Provided by approved community rehabilitation programs.

(c) Exempt from Financial Need.

(d) Exempt from Comparable Benefit.

Guidance:

Reference information on: Customer Guide to Job Placement Services

Link: http://education.nh.gov/career/vocational/placement_guide.htm

And Community Rehabilitation Program (CRP) Forms and Processes

Link: <http://education.nh.gov/career/vocational/crp.htm>

Section III: Post-Secondary Training

(4) Specific Requirements related to **Post-Secondary training at colleges, universities, trade, business and other schools**, including books, tools and other training materials.

(a) Criteria for Participation:

(i) NHVR may assist in supporting college and other postsecondary school training only when the individualized plan for employment (IPE) establishes a specific employment goal requiring this level of training and this training is necessary to achieve a vocational goal consistent with an individual's capacities, abilities, and choices.

1. The Counselor has determined that the education will enhance the person's potential to become employed in his/her field of training; and

2. The Counselor has conducted a comprehensive assessment of all the factors that may impact the person's ability to take advantage of his/her education when completed. Such factors may include medical stability and prior work history.

(ii) Training received at these schools must provide the individuals with the occupational knowledge and skills necessary to reach the agreed upon vocational goal.

(iii) The person has been accepted for admission to a post-secondary program as identified in their IPE.

GUIDANCE:

The question, "Will the disability continue to impede job acquisition, retention, etc. even after post-secondary education is completed?" should be asked and discussed with the person in order to make an informed choice about pursuing this type of education.

A college degree is not a guarantee to a job and may not be needed to get a meaningful job in the field of choice.

(b) Conditions Where VR Would Not Provide Funding For Training

(i) If the employment goal is inconsistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

(ii) If jobs are not available in the field.

(iii) If the customer is not following through with what has been identified on their IPE and/or treatment plan if working with another department, program or agency.

(iv) When the grade point average falls below 2.00 per term, or falls below the grade point average specified for their field of study. Exceptions need to be approved by the regional leader.

(v) If VR Counselor doesn't receive a copy of the student's transcript prior to the beginning of a semester or quarter.

(vi) If the client refuses to apply for available aid and comparable benefits (grants and scholarships).

(vii) Student loan default: If a consumer is in default of a student loan, financial aid including Pell will not be available to the individual. NHVR is prohibited from paying for any training or related services at a post-secondary program which is eligible for federal assistance such as Pell funds (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 consumer has worked out a satisfactory repayment plan with the Higher Education Services Corporation, lending institution or grantor and has reestablished eligibility for financial aid.

(viii) VR will not pay for a class that a student has previously failed.

(ix) VR will not pay for a class that a client withdrew from without consulting with their Counselor.

(x) Funding for school expenses may be jeopardized if a student does not consult with their Counselor prior to making curriculum changes including withdrawal from a class.

Guidance: Exceptions needing to be approved by the Regional Leader should be documented in the Case Notes.

(c) Selection of Facility

(i) In selecting the appropriate facility the factors below must be considered:

1. The facility must be properly accredited for the field in which the person is to be trained; and

2. The curriculum must be suitable, as determined by the person and the Counselor, to meet the person's proposed goal; and

3. Accessibility and accommodations necessitated by the disability must have been discussed with the institution. The Division may advocate for changes to assure that the person can participate in the training.

(ii) Provider standards

1. All postsecondary training institutions and programs utilized must meet applicable statutory and regulatory accreditation, licensing, certification, health and safety, and accessibility standards.

2. Institutions of higher education must:

a. be a degree or vocational certificate granting institutions;

b. participate in the federal student financial aid program; and

c. be fully accredited by the appropriate regional accreditation authority recognized by the Office of Postsecondary Education of the U.S. Department of Education.

3. Proprietary schools must be fully accredited by the Department of Education or the equivalent authority in the state in which they are located.

4. Industry-certified training programs must be nationally recognized by the applicable industry and its manufacturers and employers as providing necessary competency skills.

5. Occupational skills training programs must be recognized by local business and industry and/or utilized by Workforce Development.

6. Correspondence and distance learning programs must be administered under authority of an institution or program described in paragraphs 2 through 5 of this section.

(d) Participation in Costs

(i) NHVR may participate in costs of training or training services in an institution of higher education (examples: universities, colleges, community or junior colleges, vocational schools, technical institutes, or hospital schools of nursing) only if maximum efforts have been made to secure grant assistance in whole or in part from other sources to pay for that training. Individuals will be required to seek out and apply for grant assistance from other resources, including the PELL grant. The grant funds would then need to be applied to tuition before NHVR funds are used.

1. The Division cannot pay for direct school costs of post-secondary education unless maximum efforts have been made by the Division and the individual to

secure grant assistance in whole or in part from other sources to pay for that training.

2. Commitment of Agency funds will not be made until a need has been confirmed. The grant award must be reviewed in order to calculate the need, if any, for direct school costs.

3. The Division will not pay if the person has failed to meet applicable financial aid filing deadlines.

(ii) NHVR may provide for cost of tuition, fees, room, books, and supplies on an annual basis, an amount up to the amount provided under a WIA individual training account (ITA) in the State of NH. This exact figure may change as the ITA levels are updated.

1. This rate will be applied to support costs of in-state or out-of-state programs and institutions.

2. When purchasing supplies, which includes but is not limited to, tools, uniforms, lab equipment, cosmetology or culinary materials for a student an effort will be made to determine the necessity of said supplies required for the program.

3. NHVR shall purchase a computer or computer technology which includes devices such as IPADs and tablets for a customer's schooling only when the computer is necessary due to the customer's disability.

a. An assessment shall be completed that identifies the specific assistive technology needed for the successful completion of their program prior to the purchase of any device.

b. Loaner computers should be utilized prior to any computer purchase.

4. Board costs are the responsibility of the student.

5. The cost of transportation necessary to access training may be provided as an additional service and is not included in the amount of the WIA Individual Training Account.

6. Exception: If a student needs to access a program based on their disabilities, NHVR may provide funds up to the equivalent of the University of New Hampshire in-state costs for tuition, fees, room, books, and supplies.

7. Cost measures can be waived by the Director (or the Director's designee), based on such factors as change in disability; availability of alternative programs, or other grounds when it can be demonstrated that the individual

would otherwise be unable to obtain the service resulting in an inability to achieve the employment outcome identified in their Individualized Plan for Employment.

(e) Academic Progress and Requirements for Continuation of Division Funding

(i) To be eligible for the continuation of funding by NHVR an individual shall:

1. Maintain a grade point average that meets the school's requirement for graduation in the individual's field of study;
2. Maintain eligibility for financial assistance in accordance with the institution of post-secondary education's written criteria for satisfactory academic progress toward a degree or certificate;
3. Meet the requirements and responsibilities regarding the application for financial assistance;
4. Make timely progress towards meeting the goal of the IPE;
5. Follow the institution's rules for academic honesty. Expulsion from the institution for academic dishonesty will result in NHVR's sponsorship being terminated for continued post-secondary education;
6. Maintain attendance at the institution; and
7. Maintain status as a full-time student unless a medically documented disability related issue makes this impossible.

(ii) If the individual is placed on academic probation, s/he has one grading period in which to attain good standing. Sponsorship will terminate after that grading period unless the individual achieves good standing.

(iii) If a participant does not pass a course(s) or withdraws following the designated drop period for the post-secondary institution, s/he is responsible to cover costs to repeat the course(s). This understanding should be documented on the IPE that supports the training services.

(iv) If a participant takes an incomplete, s/he is responsible to complete the course(s) as designated by the institution and may be responsible to pay for the repeat of the course(s) based upon whether or not active participation in the original coursework was demonstrated as agreed upon in the IPE. Disability-related interruptions will serve as justification for an incomplete, but should be carefully assessed to determine the feasibility of extending a particular program. If a

participant is unable to complete a course(s) due to a disability related issue, NHVR may assist in coordinating with the institution to resolve the matter (examples: finances, withdrawals, incompletes, etc.).

(v) Expulsion from a post-secondary program for academic dishonesty will result in NHVR sponsorship being terminated for continued post-secondary education.

Guidance:

Repeated Courses

DVR will not provide financial assistance for courses that must be repeated due to a failing grade or withdrawal from the course(s) following the designated drop period for the post-secondary institution.

If an individual takes an incomplete, they are responsible to complete the course(s) as designated by the institution. If course(s) are not completed in a timely manner resulting in a failing grade, the individual will be responsible to cover cost to repeat the course(s).

(f) Graduate Study:

(i) Graduate study may be supported only when approved by the Director of Vocational Rehabilitation or the Director's designee.

(ii) Consideration for approval will be based on demonstrated capacity of the individual and the employment potential with and without the degree.

GUIDANCE: The following are suggested considerations for the Counselor before providing financial support for a graduate program:

1. The person seeking services has explored other vocational options considering other transferable skills and the person's undergraduate degree, and none realistically exist.

2. The person has been successfully employed in the chosen field using current credentials but the disability, rather than the lack of an advanced degree, impedes advancement in the field without a higher level degree.

3. The future job market indicates stability or growth in the field, and the likelihood of locating a job in the field with an advanced degree is good. A statement from a prospective employer, such as "If this person gets a Master's Degree, we'll hire her", would be very convincing.

4. The person is ineligible for job advancement due to disability-related barriers and needs re-training with an advanced degree.

(g) Cost measures can be waived by the Director (or the Director's designee), based on such factors as change in disability; availability of alternative programs, or other grounds when it can be demonstrated that the individual would otherwise be unable to obtain the service resulting in an inability to achieve the employment outcome identified in their Individualized Plan for Employment.

(h) Subject to Financial Need.

(i) Subject to Comparable benefit

(j) Additional Considerations:

(i) Length of VR support for post-secondary training

1. For four-year degree – up to 12 semesters/18 quarters based on the degree plan.
2. For a two-year program – up to 6 semesters/9 quarters based on the degree plan.
3. Exceptions will need to be approved by the counselor and the regional leader including assisting with school expenses (tuition, fees, books and tools) where clients have previous attempts at college coursework.

Guidance

Exceptions needing to be approved by the Regional Leader should be documented in case notes.

(ii) Full Time Enrollment

1. The expectation is that students will attend training on a full-time basis, as defined by the institution, so that employment is achieved in a timely manner.
2. Exceptions for part-time attendance related to disability factors will be considered on an individual basis and require Regional Leader's approval.
3. Medical documentation related to the need for part-time attendance shall be updated at least annually.
4. Because most state and federal financial aid programs are based on a minimum of half-time enrollment, the Agency will generally not support training at a less than half-time enrollment status.

(iii) Summer School or Inter-current Sessions

1. DVR financial assistance for summer school or inter-current sessions shall be provided only when the courses to be taken:
 - a. Are not available during the fall or spring semesters or other standard grading period; and/or
 - b. Will enable the individual to graduate earlier.
 - c. Are included in the school year's calculations for support using the ITA rate maximum.

Guidance:

The VR Counselor should consider encouraging students to participate in work activities related to the employment goal during the summer and other school breaks in order to gain employment experience.

(iv) Trial Semester

1. DVR may, at its discretion, provide financial support to an individual in one trial term or semester with at least one subject in the student's chosen major if there is doubt about the individual's ability to succeed in post-secondary training. Additional trial terms or semesters may not be supported with DVR funds. A semester or term of developmental or remedial study shall not count as a trial semester.

(v) Previous Certification/Degree

1. Division support for a post-secondary degree or certificate is provided only for individuals who have not already earned a degree or certificate. This does not apply:
 - a. To an IPE, including a bachelor's degree when the individual achieves an associate's degree as a step toward the bachelor's degree.
 - b. In exceptional circumstances when the disability precludes achievement of an employment outcome with current credentials, consideration may be

given to DVR financial assistance for another certificate or degree. Approval from the VR regional leader is required in such instances.

c. When selected courses will update skills and improve employment opportunities. These courses may be provided on an individual basis with the approval of the VR counselor.

Guidance:

Approval needed by the Regional Leader should be documented in case notes.

Scholarships: Scholarships are financial support for educational programs provided by sources other than DVR which does not need to be repaid. Grants and scholarships for which the individual qualifies are a comparable benefit. Scholarships based on merit, e.g., National Merit Scholarships, are not counted as a similar benefit.

DVR has the expectation that scholarships will be applied toward the cost of schooling.

Work-Study and Loans: Through the application for federal financial aid, students with demonstrated financial need may be offered the opportunity to work in exchange for money for college expenses. Likewise, students and their families may be offered low interest loans. While DVR does not require that individuals take out loans or work in work-study programs, students may choose to use these means to defray educational costs.

(vi) On-line Courses/Distance Learning

1. Participation in an educational program consisting of on-line courses or distance learning may be considered if it meets the disability-related needs of the individual and is offered through an accredited institution of post-secondary education. Distance learning falls under the same guidelines as above; NHVR will support up to the ITA rate.

Guidance:

When considering online, distance courses the counselor should bear in mind that while an online method of education can be a highly effective alternative medium of education for the mature, self-disciplined student, it is an inappropriate learning environment for more dependent learners.

For consideration/discussion about online learning:

What does it take to be a successful online learner?

Answer the following questions. All students that are willing to work hard can be successful online students. Even if you don't naturally come by the following skills, everyone can develop the following skills and be successful as an online learner!

- Do I own or have access to a computer with Internet access and email?
- Am I willing and able to learn and apply new software applications?
- Can I set a personal schedule and complete assigned work by the required dates?
- Can I solve problems and work through difficulties independently?
- Can I read and follow detailed instructions on my own?
- Are my writing and communication skills average or am I willing to work to develop my communication skills?
- Am I comfortable using the Internet as a means of communication and research?
- Do I know how to, or am I willing to learn to, copy, cut, and paste text/files between programs?
- Can I devote at least as much time to my online class as to my other classes?
- Can I fit in my online studies with my traditional academic pursuits, personal life, extracurricular activities, volunteer activities, and paid job?

Source: Florida Virtual School

Online asynchronous education gives students control over their learning experience, and allows for flexibility of study schedules for non-traditional students; however, this places a greater responsibility on the student.

In order to successfully participate in an online program, student must be well organized, self-motivated, and possess a high degree of time management skills in order to keep up with the pace of the course.

For these reasons, online education may not be appropriate for customers who are dependent learners and have difficulty assuming responsibilities required by the online paradigm.

Given the wide variety of online programs, need to pay attention to the viability of the job goal.

(vii) Tutoring

1. DVR will pay for tutoring only after the individual has exhausted no-cost tutoring services available from the post-secondary institution. Tutoring is typically provided when it is recommended by the course instructor and/or the individual is at risk of course failure.
2. DVR will not fund tutoring as a general academic support in order for an individual to maintain an average grade point average. The cost for the tutoring services must be reasonable and based upon the education level and expertise of the tutor. DVR will not pay a family member for tutoring services.

Section IV On-The-Job-Training

(5) Specific Requirements related to **On-The-Job Training**

- (a) On-The-Job Training (OJT) means a structured process conducted at the employee's work place to provide the employee with the knowledge and skills to perform job tasks.
- (b) On-The-Job Training is a means of providing short-term training for a particular job in an actual work setting.
 - (i) An employer teaches a customer the specific skills he/she needs to perform the job.
 - (ii) The customer is given an opportunity to demonstrate employment potential and to achieve job competency for placement upon successful completion of the training.
 - (iii) The expected outcome is employment with that employer or with another employer in the same or related field.
- (c) When an individual with disabilities is receiving On-The-Job Training, the conditions of training and wage payment must comply with State and Federal wage and hour laws.
- (d) On-The-Job training requires a written agreement among the individual with a disability, the counselor, and the employer. The agreement must state the hourly wage, responsibility for Workers' Compensation coverage, and any other conditions of employment.
- (e) The payment of training fees is not subject to economic need and is computed on cost of training the individual.
- (f) Exempt from Financial Need.
- (g) Subject to comparable benefits

Guidance:

On-The-Job-Training (OJT)

- Process
- Flow Chart
- Contract
- Competencies
- Progress Report
- Training Invoice

E. Interpreter services and note taking services for individuals who are deaf, including sign language or oral interpreting for individuals who are deaf or hard of hearing and tactile interpreting for individuals who are deaf-blind.

(1) **Interpreter Services** are provided to individuals who are hard of hearing or deaf or people with severe speech impediments who, because of their disabilities, experience limited verbal communication skills and have the ability to use interpreter services. People who are hard of hearing or deaf communicate in a variety of modes, such as American Sign Language (ASL) or a specific language system such as Signing in Exact English (SEE), Pidgin Signed English (PSE) or Signed English. The services provided by an interpreter or a team of interpreters include:

- (a) Interpreting, which is to convey spoken English to American Sign Language;
- (b) Transliterating, which is to convey spoken English to a signed code of English;
- (c) Oral Interpreting, which is conveying what is spoken without voice using natural lip movements; and
- (d) Voice Interpreting, which is conveying that which is signed into spoken English.

(2) **Note taker Services** is taking notes in classes or other training situations. Note taker services are provided if there is no viable alternative such as volunteers, teacher notes, or preprinted material.

(3) Exempt from Financial Need.

(4) Subject to Comparable benefit

F. Reader services, rehabilitation teaching services, note taking services and orientation and mobility services for individuals who are blind.

(a) **Reader Services** are provided with NHVR funds only if there is no alternative such as the Readers Aid Program, volunteer readers, reading machines, magnification devices, Braille, or large print resources and may include the following:

- (i) reading and recording notes for later listening by the individual;
- (ii) recording textbooks or other printed materials;
- (iii) use of amanuensis during test or written examinations;
- (iv) use of a laboratory assistant when an individual must participate in laboratory experiments or exercises; and
- (v) reading work related materials for an individual with a disability in an employment setting.

(b) **Rehabilitation Teaching** is instruction and guidance in adaptive independent living skills, enabling adults who are blind and visually impaired to confidently carry out their daily activities.

(c) **Note taker Services** is taking notes in classes or other training situations. Note taker services are provided if there is no viable alternative such as volunteers, teacher notes, or preprinted material.

(d) **Orientation and Mobility Services** involve the training of specific orientation skills used to find one's way in the environment and the mobility skills needed to travel safely and efficiently at home, school, work, and in the community.

(e) Exempt from Financial Need.

(f) Subject to Comparable benefit

G. **Recruitment and training services** to provide new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement and other appropriate public service employment.

(1) Subject to Financial Need.

(2) Subject to Comparable benefit

H. **Occupational licenses, tools, equipment, initial stocks and supplies** necessary in order to enter an occupation.

(1) Land or buildings will not be purchased.

(2) Subject to Financial Need.

(3) Subject to Comparable Benefit

I. **Supported Employment services.** Subject to Financial Need unless otherwise exempted.

(1) Supported Employment means

(i) Competitive work in integrated work settings for individuals with the most severe disabilities for whom competitive employment has not traditionally occurred; or

for whom competitive employment has been interrupted or intermittent as a result of a severe disability; and

who, because of the nature and severity of their disability, need intensive supported employment services from the designated State unit and extended services after transition in order to perform this work.

(ii) Transitional employment for individuals with the most severe

disabilities due to mental illness.

(b) As used in the definition of supported employment, the following terms are defined as follows:

(i) competitive work means work that at the time of transition is performed weekly on a full-time basis or on a part-time basis, as determined in the IPE, and for which an individual is compensated consistent with wage standards provided for in the Fair Labor Standards Act;

(ii) Integrated setting means a setting typically found in the community in which an individual with the most severe disabilities interacts with non-disabled individuals, other than non-disabled individuals who are providing services to that individual, to the same extent that non-disabled individuals in comparable positions interact with other persons.

(iii) supported employment services means on-going support services provided by the designated state unit with Title VI-C for a period not to exceed 18 months, unless under special circumstances a longer period to achieve job stabilization has been jointly agreed to by the individual and the rehabilitation counselor and established in the IPE, before an individual with the most significant disabilities makes the transition to extended services; and

As discrete post-employment services following transition when these services are not available from an extended services provider and are necessary to maintain the job placement, such as job station redesign, repair and maintenance of assistive technology, and replacement of prosthetic and orthotic devices.

(iv) extended services means ongoing support services and other appropriate services provided by a State agency, private non-profit organization, employer, or any other appropriate resource, from funds other than Titles I, VI-C or III-D of the Federal Rehabilitation Act, after an individual with the most significant disabilities has made the transition from State vocational rehabilitation agency support and transitional employment services.

(v) transitional employment services (TEP) means a series of temporary job placements in competitive work in an integrated work setting with on-going support services for individuals with the most severe disabilities due to mental illness. In transitional employment the provision of on-going support services must include continuing sequential job placements until job permanency is achieved.

(vi) on-going support services means services that are needed to support and maintain an individual with the most significant disabilities in supported employment;

Identified based on a determination by the designated State unit of the individual's needs as specified in the IPE; and

Furnished by the designated State Unit from the time of job placement until transition to extended services, (or discrete post-employment services) and following transition, by one or more extended services providers throughout the individual's term of employment in a particular job placement or multiple job placements if those placements are being provided under a program of transitional employment. On-going support services must include, at a minimum, twice monthly monitoring at the work site of each individual in supported employment to assess employment stability, unless under special circumstances, especially at the request of the individual, the IPE provides for off-site monitoring, and, based upon that assessment, the coordination or provision of specific services at or away from the work site, that are needed to maintain employment stability. If off-site monitoring is determined to be appropriate, it must, at a minimum, consist of two meetings with the individual and one contact with the employer each month.

(g) on-going support services consist of any--

particularized assessment needed to supplement the comprehensive assessment of rehabilitation needs;

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 such as regular contact with the employers, the individuals, the parents, family members, guardians, advocates or authorized representatives of the individuals, and other suitable professionals and informed advisors in order to reinforce and stabilize the job placement;

facilitation of natural supports at the work site;

any other service identified in the scope of rehabilitation services;

any service similar to the foregoing services.

J. Post-Employment Services. An individual who was determined rehabilitated may receive services necessary to assist that individual to maintain, regain, or advance in suitable employment. Post-Employment services (PES) require an amendment to the IPE. Post-Employment services are subject to Financial Need and comparable benefits to the same extent as services provided prior to closure.

(1) Post-employment services means one or more of the services that are provided subsequent to the achievement of an employment outcome and that are necessary for an individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(1) Post-employment services are intended to ensure that the employment outcome remains consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. These services are available to meet rehabilitation needs that do not require a complex and comprehensive provision of services and, thus, should be limited in scope and duration. If more comprehensive services are required, then a new rehabilitation effort should be considered.

(2) Post-employment services are to be provided under an amended individualized plan for employment; thus, a re-determination of eligibility is not required.

(3) The provision of post-employment services is subject to the same requirements in this part as the provision of any other vocational rehabilitation service.

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

(5) In order to provide Post-employment services to maintain, regain or advance in employment, all of the following conditions must exist:

(a) The individual must have achieved an employment outcome after NHVR services;

(b) Additional NHVR services are required as a result of the person's disability limiting his/her ability to maintain, regain or advance in

employment; and

(c) Services must be limited in scope and duration. The provision of PES can not entail a complex or comprehensive rehabilitation effort. Long term, extensive, multiple services require a new eligibility determination.

(7) Post-employment services can be provided to advance in employment when all the criteria in Section A above are met, and

(a) the existing employment is no longer consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, and interests;

(b) the individual's disability and resulting functional limitations are an impediment to advancement and prevent opportunities for advancement to a higher level of employment without NHVR support; and

(c) the individual does not have access to other resources or comparable benefits to advance in employment, such as employer sponsored training or financial aid. The need for financial support alone, unrelated to the impediments imposed by the individual's disability, is not sufficient reason for NHVR to provide PES to advance in employment.

(8) Counseling and guidance are as essential during the post-employment service period as they are during other phases of the vocational rehabilitation process and should constitute the core services around which all other post-employment services are provided.

(9) Post-employment services may include any vocational rehabilitation services which are not complex or comprehensive, but which are necessary to assist the individual in maintaining, regaining or advancing in employment.

(10) A new determination of eligibility is not required and PES are provided under an amendment to the IPE.

(11) A new determination of economic need and/or comparable benefits must be made, if any service to be provided under PES is contingent upon economic need and/or comparable benefits.

(12) Support services, such as maintenance, transportation and personal assistance services, can only be provided in conjunction with a primary vocational rehabilitation service.

(13) All services provided under PES are subject to the same policies that apply before an employment outcome is achieved.

K. Rehabilitation technology services may be provided to meet the needs and address the barriers confronted by individuals with disabilities during any part

of the rehabilitation process. Subject to Financial Need.

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

(2) Specific Requirements related to **vehicle modification**

(a) NHVR may not purchase vehicles, including vans

(b) Vehicles may be modified when it is demonstrated that it is necessary to the attainment of the IPE goal.

(c) Limits are as follows:

(i) Purchase of and installation of vehicle lifts, hand controls, and other assistive technology for a vehicle that will be used to support the achievement of objectives of the IPE or to travel to and from employment may be provided by the agency after applying financial needs and comparable benefits.

(ii) Conditions and stipulations

1. NHVR will provide modifications on owned vehicles as follows:

- First modification: NHVR may provide up to 100% cost of modifications
- For repeat modifications within three years of the first modification, NHVR will not provide any financial assistance*.
- For repeat modifications more than three years and at least 54,000 miles, NHVR may provide up to 50% of the cost of equipment transfer or modifications*.
- For repeat modifications which occur more than five years after the original modification and at least 90,000 miles on the vehicle, NHVR may provide up to 100% of the cost of the modification.
- *Exception: if the need for repeat modification is necessitated by a change in the disabling condition, NHVR may provide up to 100% cost of modification.

2. Costs for vehicle registration and insurance are the responsibility of the customer.

3. Electrical modifications must meet the Society of Automobile Engineers specifications and all modifications must meet or exceed federal motor vehicles safety standards.

4. All vehicle modification vendors providing adaptive equipment modification services to the customers of the Division of Adult Learning & Rehabilitation (DAL&R) must be accredited by the endorsed agency of the National Mobility Equipment Dealers Association (NMEDA) for their Quality Assurance Program (QAP) or have an established and verified site survey date for accreditation which is no later than **July 1, 2001**. Dealers/modifiers will only be allowed to bid on modifications **equivalent** to the category(ies) for which they have earned QAP accreditation (QAP accreditation can be earned on different categories of work performed. Dealers/modifiers can only bid on those modifications which are in the category(ies) for which they have earned QAP accreditation).

(d) Financial Need is prerequisite to modifying vehicles.

(e) Comparable benefit – vehicle modification is exempt from comparable benefit requirement

(f) Cost measures can be waived by the Director (or the Director's designee), based on such factors as change in disability; availability of alternative programs, or other grounds when it can be demonstrated that the individual would otherwise be unable to obtain the service resulting in an inability to achieve the employment outcome identified in their Individualized Plan for Employment.

(g) *Note: These limits apply to IPE's developed, or amended to add vehicle purchase or modification as a new service after 10/01/02. For services in an approved IPE prior to 10/01/02 the following policy applies:

(i) Vehicle Purchase or Modification. Vehicles may be purchased or modified when it is demonstrated that it is necessary to the attainment of the IPE goal. Limits are as follows:

(ii) Purchase of and installation of lifts, hand controls, and other assistive technology for a vehicle that will be used to support the achievement of objectives of the IPE or to travel to and from employment may be provided by the agency after applying financial needs and comparable benefits.

(iii) Participation in the purchase of a new or used vehicle: Participation in the purchase of a new or used vehicle primarily intended for transportation costs directly incurred in support of an objective of, or goal

of, the IPE may be considered an appropriate Vocational Rehabilitation expense. The amount of the allowable expense is determined by estimating the percentage of vehicle use for attainment of specific objectives in the IPE to obtain employment, or going to and from work. An amount up to that percent of the full cost of the vehicle may be applied to the total cost of the vehicle, unless it can be demonstrated that an individual would be denied a necessary service when the limits were applied. Under those circumstances the director could then waive agency financial limits and the agency would consider the full costs associated with the purchase of the vehicle as an appropriate expense. If no such demonstration can be made then the remaining percentage of costs associated with the purchase of the vehicle will be the responsibility of the customer.

(iv) Conditions and stipulations: If the vehicle requires the installation of assistive technology, such as a vehicle lift, then up to the full purchase and installation costs of the assistive technology may be provided, in addition to the pro-rata amount for purchase. If a new or used vehicle is purchased that is already equipped with assistive technology in place, such as a lift, then the cost of the assistive technology may be provided in full and the remainder of the cost of the vehicle may then be pro-rated based on the determined or estimated percent of use of the vehicle in support of objectives in the IPE or transportation to and from work. When the actual cost of the assistive technology is not known, the replacement cost of such technology, when purchased as new, will be applied.

(3) Specific Requirements related to **Home Modification services**. Home Modification services may be provided to individuals when Financial Need is demonstrated and the cost of modification is less than alternative housing.

(a) Home Modification means reasonable and necessary additions or alternations to an entrance or room(s) of a domicile of a person with disabilities; the intent is to maximize independence as related to achieving the customer's employment goal. Home modification services may include minor structural changes; adaptive equipment and household equipment provided to meet the functional needs of a consumer in the home within the context of an Individualized Plan for employment. In providing such services, the Agency must consider the extent and type of services to be provided within the context of the vocational objective. Independence in self-care and other activities of daily living cannot be considered a vocational goal.

(b) Home modification and/or adaptive equipment may be provided to a consumer for the primary purpose of obtaining access to the house or apartment, or to make features of the residence more accessible i.e., those home features that are critical to participation in job preparation services or necessary for employment of the consumer.

(i) Home Modification - Minor structural changes such as widening doorways and construction of ramps.

(ii) Adaptive Equipment - Equipment which may require installation but usually does not result in permanent structural changes, and can be used elsewhere such as stair glides and lifts.

(iii) Household Equipment - Equipment for household chores which is specially designed, selected or altered to enable the consumer to perform homemaker duties despite the handicap.

(c) The following limits apply to the modification of a consumer's home:

- VR will modify individual's home for accessibility purposes as determined by the IPE
- Modifications will be limited to existing structures
- Only one entrance will be modified
- Least costly method will be used
- Modification Parameters:
 - For the first modification, NHVR may pay up to 100% of the cost modifications
 - For subsequent modification, NHVR may pay up to 50% of the cost of further modifying a home based on change in a disability
 - If subsequent modification is due to relocation - NHVR may pay up to 75% of the cost of modification of a new home, if the move was necessitated by a change of employment of at least 50 miles.

(d) Cost measures can be waived by the Director (or the Director's designee), based on such factors as change in disability; availability of alternative programs, or other grounds when it can be demonstrated that the individual would otherwise be unable to obtain the service resulting in an inability to achieve the employment outcome identified in their Individualized Plan for Employment.

(e) *Note: These limits apply to IPE's developed which included home modification in the original document prior to 10/01/02, or amended to add home modification as a new service after 10/01/02. For services in an approved IPE prior to 10/01/02 the following policy applies:

(i) The following financial restrictions apply but may be waived by the Director when it can be demonstrated that the individual would be denied the necessary service if not provided:

1. For site and structure \$5,000 when the modification is to a temporary residence, such as a rented home or apartment.
2. For site and structure, \$10,000 without Director's approval when the modification is to a permanent residence. (With the approval of the Director, an additional \$10,000).

(ii) Financial Need must be demonstrated.

L. **Services to an applicant/customer's family members** may be provided when those services are necessary to the adjustment or rehabilitation of the individual.

(1) Family member, for purposes of receiving vocational rehabilitation services means an individual

(a) Who either--

(i) Is a relative or guardian of an applicant or eligible individual;
or

(ii) Lives in the same household as an applicant or eligible individual;

(b) Who has a substantial interest in the well-being of that individual;
and

(c) Whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible individual to achieve an employment outcome.

(2) Subject to Financial Need.

(3) Subject to Comparable benefit

M. **On-The-Job or other related personal assistance services** may be provided while an individual with a disability is receiving other Vocational Rehabilitation services.

(1) Personal assistance services means a range of services provided by one or more persons designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability. The services must be designed to increase the individual's control in life and ability to perform everyday activities on or off the job. The services must be necessary to the achievement of an employment outcome and may be provided only while the individual is receiving other vocational rehabilitation services.

(2) The services may include training in managing, supervising, and directing personal assistance services.

(3) NHVR can provide personal assistance services only as support services when necessary to determine eligibility, assess vocational needs or achieve an employment goal as part of an Individualized Plan for Employment (IPE).

(4) Personal assistance services may be provided for up to 60 days after the individual with a disability becomes employed if all of the following conditions are met:

- they are necessary for the individual to maintain the job;
- no other sources of support are available; and
- arrangements have been made or are being made for the personal assistance services to continue through other sources after the 60 day period ends.

(6) Personal assistance services may be the responsibility of agencies, programs and employers as reasonable accommodations under the Americans with Disabilities Act and/or under Section 503 or 504 of the Rehabilitation Act. NHVR will not provide personal assistance services that are available as reasonable accommodations to enable individuals to fully participate in their programs, services or employment.

(7) Exempt from Financial Need.

(8) Subject to Comparable Benefit.

N. Transition services (school to work) that promote or facilitate the accomplishment of long-term rehabilitation goals and objectives may be provided, subject to Financial Need.

(1) Transition services means a coordinated set of activities for a student designed within an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based upon the individual student's needs, 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.

(2) Transition services must promote or facilitate the achievement of the employment outcome identified in the student's individualized plan for employment.

O. Supportive Services

(1) Specific Requirements related to **Maintenance** for additional costs incurred while participating in rehabilitation may be provided,

(a) Maintenance means monetary support provided to an individual for

	<p>expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the individual and that are necessitated by the individual's participation in an assessment for determining eligibility and vocational rehabilitation needs or the individual's receipt of vocational rehabilitation services under an individualized plan for employment.</p> <p>(b) Subject to Financial Need.</p> <p>(c) Subject to comparable benefit</p> <p>(2) Transportation, - transportation policy updated 5/1/15</p>
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PART 3.5 – Nature and Scope of Services, Section O – Supportive Services

(2) TRANSPORTATION

May 2015

3.5.O(2). **Transportation**, including adequate training in the use of public transportation vehicles and systems means travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service.

(a) Transportation may be provided only in connection with the provision of another VR service, when needed by the individual to achieve an employment outcome; or to enable the customer to participate in the informal review or administrative hearing procedures. Transportation services may include, but are not limited to, public transportation costs, travel reimbursement, vehicle repair, relocation and other costs such as expenses for training in the use of public transportation vehicles and systems.

(b) Customers are expected to provide their own transportation. NHVR will only participate in transportation costs when comparable services, benefits and customer resources are not available. The least expensive method will always be chosen unless contraindicated by the disability.

(i) Public Transportation: Only customary fares shall be paid

(ii) Travel reimbursement: Reimbursement for transportation in a privately owned vehicle shall be determined by the following formula, taking into account the individual's unique circumstance and any available comparable services and benefits. To compute the amount paid for mileage, multiply the mileage for one trip by the number of trips; divide that by average gas mileage of the vehicle. Then multiply that number by the average cost of gas per gallon. The customer is responsible for the cost of regular maintenance to the vehicle.

1. **Amount Paid for Mileage = $\frac{\text{Mileage per trip} \times \# \text{ trips}}{\text{Average Gas Mileage}} \times \text{Avg. Gas Cost}$**
2. Prior to mileage reimbursement authorization for a privately owned vehicle, the customer must present a valid driver's license.
3. If the individual is not a driver, the individual must provide a plan to the counselor that describes how he/she will utilize family members, personal care attendants or others as drivers in support of the rehabilitation plan; the counselor will document this in the case record.

GUIDANCE:

Use the Travel calculator in DOE_Citrix (CMS) to help calculate travel reimbursement for privately owned vehicles.

(iii) Vehicle repair – Maintaining and repairing a private vehicle is primarily the responsibility of the owner. NHVR does not routinely pay for vehicle registration, license plates, insurance, inspection, depreciation and/or routine maintenance for vehicles because these are part of the typical costs of maintaining a vehicle. Repair can be used to assist customers in travel when this would be the least expensive method of providing necessary travel for rehabilitation services to be provided.

1. NHVR will not pay for routine maintenance. Routine maintenance includes tune-ups, oil changes, tire rotation, tire replacements, fluids, filters, spark plugs, light bulbs, and wipers.
2. Assistance with vehicle repair is intended for emergency situations where services have been initiated under the IPE and participation in the IPE cannot continue without the repair. Generally, this will mean that the vehicle cannot be driven without the repair. If the vehicle needs emergency repair, the cost of that repair shall not exceed the blue book value of the car.
 - a. Prior to agreeing to pay for a car repair, the VR counselor must determine that the vehicle can legally be driven and that the driver can legally drive.
 - b. Automobile repairs will not be supported until after an IPE has been developed and approved.
 - c. Proof of registration will be provided prior to vehicle repair.
 - d. Prior to IPE implementation counselors and customers will find other means to meet the customer's transportation need.
 - e. VR support for car repair is limited to \$2000 for the lifetime of the case including post-employment services including amendments or no greater than the total blue book value of the car per customer during the life of the case including post-employment services
 - i.) Any exception to the car repair limit must be reviewed by a supervisor and approved by the Director, exceptions must be based on unique disability related needs of an individual
 - ii.) In the case of an exception, VR will only pay for 80% of the eligible car repair that exceeds the \$2000. The customer will be responsible for the remaining 20%.
 - f. Towing costs and diagnostic testing related to the specific vehicle repair can be paid for by NHVR.
 - i. These costs are separate and should not be factored into the overall blue book value car repair limit.

- g. Vehicle repairs will be provided only by qualified dealers or repair shops that can provide a warranty/guarantee for their services.
- h. Prior to repair, three quotes must be obtained. The three quotes must contain the same repair information; NHVR will choose the lowest quote unless justification is provided.

(iv) Vehicle Purchasing – NHVR will not provide financial assistance in the purchase or lease of a vehicle.

(v) Other Related Expenses - Other transportation related expenses can be paid for by NHVR if they are required to assist the customer in achieving their employment goal. Examples include: bicycles, parking permits.

1. NHVR will not pay for parking/traffic fines.
2. NHVR will not pay for driver's license renewal. (see below for guidance on driver training and securing an initial driver's license.)

***Exceptions to these policies may be made at the discretion of the VR Director or his/her designee.

(c) Driver evaluation or driver training will be provided when in support of the objectives in the IPE or the employment goal. Driver instructors or evaluators must be a Certified Driver Rehabilitation Specialist by ADED Association of Driver Educators for Disabled).

(i) Driver Evaluation and Training is a means by which NHVR can work with an individual with a disability and his/her family to determine if the individual can drive a vehicle, or, if not, what the needs are to be a passenger; and what type of vehicle will meet their needs.

(ii) Driver evaluation and training services may be provided to eligible individuals with a transportation barrier to achieving their employment outcome.

(iii) **Driver Evaluation** - This is an assessment of an individual's abilities and/or potential to become a safe, independent driver. The driver evaluation will provide information on the person's current driving ability, and when applicable, recommend driver training needs, and equipment needs for the individual.

Driver evaluation is also used when the individual expresses an interest in purchasing a vehicle. A referral to the Driver Rehabilitation Specialist is done requesting an evaluation of appropriate vehicle and factory equipment the individual needs to look for, when shopping for a vehicle.

(iv) **Driver Training** - This training must assist the individual in restoring or developing "behind the wheel" competency in a variety of actual traffic situations to ready the individual for obtaining or retaining a driver's license.

Prerequisites: The following must be met before starting driver training:

- Driving must not be medically contra-indicated
- The individual has a valid driver's license or eligible to apply for a driver's license
- NHVR has determined that the individual will have access to an appropriate vehicle for training and employment
- Comparable benefits have been explored and the individual is not eligible for training services under other programs (e.g., Veterans Administration or High School driver training program)

- When applicable economic need is determined

(v) Public transportation or other means of transportation are either unavailable or unsuitable. Individuals with significant physical or cognitive limitations must obtain the driver evaluation from a NHVR approved Driver Rehabilitation Specialist. For other individuals the option of obtaining a driver evaluations from an approved Department of Motor Vehicles (DMV) driving school is available.

(vi) **Adaptive Driver Training** - The training is provided on a vehicle with appropriate equipment matched to the driver's needs. The training must develop "behind the wheel" competency in a full range of roadway environments to ready the individual for obtaining or retaining a driver's license.

Only individuals requiring modifications, specialized training and/or adaptive equipment because of his/her disability should enroll in this training. The training should be based on the evaluation report of the Driver Rehabilitation Specialist.

P. **Other Vocational Rehabilitation goods and services** that can reasonably be expected to benefit an individual with disabilities in terms of employability may be provided when Financial Need is demonstrated.

Q. Vocational Rehabilitation services may be provided to **groups of individuals** and may include the following:

- (1) In the case of groups of any type of small business operated by individuals with the most significant disabilities, the operation of which can be improved by management services and supervision provided by the State agency, the provision of such services and supervision, along or together with the acquisition by the State agency of vending facilities or other equipment and initial stocks and supplies.
- (2) The establishment, development, or improvement of community rehabilitation programs, including, under special circumstances, the construction of a facility, and the provision of other services including services offered at community rehabilitation programs which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the Individualized Plan for Employment of any one individual with a disability. Such programs shall be used to provide services that promote integration and competitive employment.
- (3) The use of existing telecommunication systems (including telephone, television, satellite, radio, and other similar systems) which have the potential for substantially improving service delivery methods and the development of appropriate programming to meet the particular needs of individuals with

disabilities.

- (4) The use of services providing recorded material for individuals who are blind and captioned films or video cassettes for individuals who are deaf; and
 - (5) Technical assistance and support services to businesses that are not subject to title I of the Americans with Disabilities Act of 1990 (43 U.S.C.12111 et seq.) and that are seeking to employ individuals with disabilities.
6. Cost measures can be waived by the Director (or the Director's designee), based on such factors as change in disability; availability of alternative programs, or other grounds when it can be demonstrated that the individual would otherwise be unable to obtain the service resulting in an inability to achieve the employment outcome identified in their Individualized Plan for Employment.

Federal Regulation: 34CFR 361.48
State Rules: Part Ed 1010.15

Part 4 – Other Policy

Self Employment

1. **Self-employment as a vocational option** – This policy addresses specific requirements related to the choice of pursuing self-employment/business ownership as part of an employment goal. NHVR’s primary goal is to assist eligible individuals to attain a suitable competitive employment outcome that results in financial independence. Self-employment is one of the occupational alternatives which may be considered in the wide array of employment options available to a person. The successful self-employment enterprise requires an array of skills and abilities, including organization, business and financial management, marketing and other talents, as well as, knowledge and expertise in the goods or services being produced. It is essential that the customer is well informed of potential risks, and efforts are made to minimize those risks. To be successful, a NHVR/customer partnership to create a self-employment venture must show:
 - a significant commitment of customer time and personal or family resources to the new venture,
 - a well thought out, realistic first-year business plan that includes the best possible estimate of revenues and expenses,
 - plan evaluation by an outside expert, when necessary, and
 - acknowledgement that the guidelines utilized by NHVR personnel and the customer to consider, evaluate, plan, and implement a self-employment rehabilitation are a multi-stage process that may require extended time to complete.

A. Definition of Self-employment

Self-employment: is defined as any work that is self-initiated and does not occur solely at the direction and compensation of another.

Business ownership and self-employment involve selling or providing goods and services to others for a profit. A business is an organization, which applies human resources, products or services, and organizational resources in order to make a profit. Self-employment means earning income directly from ones own trade or profession, rather than a salary from an employer. An independent contractor, who provides services to another business for a fee rather than a salary, is a form of self-employment.

Self-employment/business ownership in itself is not an employment outcome. The type of business, the nature of the self-employment is an integral part of this selection. A business must be about something, it must provide some specific goods or services. Selection of a specific business is part of the selection of a self-employment/business outcome. Both the type of occupation/business and the objective to be self-employed need to be considered in the process of assessment and approval of the employment outcome.

Note: Home based businesses should not be confused with home-based employment. If an individual's home is the location for performing job duties as an employee, such as telecommuting, and the individual is working for someone else, the person is not 'self-employed.'

B. Other Definitions relative to Self-employment

- (1) Business ownership is defined as an individual operating and owning at least 51% of the business enterprise.
- (2) An Evaluative Review of the business plan or business proposal is a review by an independent, impartial business consultant to assess the-
 - (a) viability of the business and likelihood of success,
 - (b) likelihood of the customer achieving the projected net income stated in the plan, and
 - (c) identification of weaknesses that need to be addressed.
- (3) Hobby is defined as a spare-time recreational pursuit. A hobby is an activity for which there is not an expectation of profit.
- (4) Passive ownership - Passive business ownership involves purchasing an ownership interest in a business and deriving a dividend income from the profit of the business as a result of the ownership of the interest, rather than actively managing the business operations and producing income from one's efforts. Passive business ownership is more of an investment and is not considered to be an employment outcome.
- (5) Self-employment costs: The cost of starting the business as addressed in the business plan. Self-employment costs do not include training, business plan development, assistive technology or disability related job site or vehicle modifications (refer to Part 3.5.K(2) for policy relating to vehicle modification).
- (6) Self Sufficiency is defined as needing no supplemental income from public sources such as SSI, SSDI and TANF. Substantial Gainful Activity (SGA), as determined by the Social Security Administration, can be an indicator of self-sufficiency. A person may continue to receive public benefits such as food stamps and MEAD and be considered self-sufficient.
- (7) Speculative Businesses are defined as ventures that involve a high degree of risk in hopes to profit from anticipated activities such as price movement. Examples include gambling and trading in commodities, bonds, equities and currencies, and other ventures where the expectation is to make quick and large gains.

- (8) Start up costs: means expenses for-
- equipment for the business, improving a site to suit the business and licenses needed to open a business;
 - insurance deposits for such things as rent and utilities, payment of rent and utilities for a maximum of six (6) months; and
 - initial stock and supplies as defined below:
- (a) Initial stocks and supplies are further described:
- (i) “Initial Stock” – The initial inventory of merchandise or goods a business sells, or prepares for resale, either wholesale or retail. The initial stock should be limited to the amount necessary for the customer to open his/her place of business and to carry the business through the first month of operation.
 - (ii) “Supplies” – Those items used on the premises and necessary to carry out the day-to-day operations of the business. Under normal conditions, initial supplies would be those needed during the first month of operation of the business. The business plan should contain documentation to show how the amount was determined.
- (7) Supplemental income is defined as income at the level that allows the continuance of public financial support from public sources such as SSI, SSDI and TANF. (Note: Continuance of public benefits such as food stamps and MEAD can be considered as self-sufficiency).
- (8) Telecommuting means to work at home by use of an electronic linkup with a central office. An individual who telecommutes is still an employee, even though performing work functions at home.
- (9) Unprofitable business operation - a business which does not generate a profit can become a substantial economic liability. By definition, a business must produce a profit. If the business does not generate enough income to meet its expenses, including the cost of the owner’s time and efforts, there is usually no advantage to business ownership

C. Parameters of the Businesses/Self-employment Endeavors NHVR Can Support

- (1) A wide spectrum of business ventures may be considered for self-employment. Businesses supported by NHVR must:
- Comply with all relevant state, federal and local laws, codes, regulations and licensing requirements;
 - Involve majority ownership and management of the business by an eligible individual served by the agency;
 - For supported business enterprise, involve majority ownership and

- participation in a core business function by the individual served with management of the business by an identified support person(s);
- Be established in an integrated, community work setting;
 - Not involve speculative activities, i.e., engagement in risky business deals on the chance of large, quick profits; and
 - Be designed to be the major source of income for the individuals; for supplemental (Tier 1) and supported business enterprise, be designed as a source of income for the individual. (See section D. Funding for definition of Tier 1).

(2) Disallowed Businesses: NHVR does not support businesses involving:

- Passive ownership,
- Speculative ventures,
- Unprofitable business ventures,
- Income opportunities based solely or primarily on recruiting sales people to continue building the enterprise (commonly known as Ponzi or pyramid schemes),
- Enterprises prohibited by law or that sell products prohibited by law, or
- Hobbies.

D. Funding:

(1) Tier 1 and Tier 2: NHVR has two processes or levels of support for meeting the self-employment goals of customers. The first level (Tier 1) applies to self-employment plans that are intended to supplement other income and require minimal approval processes. The second level (Tier 2) applies to self-employment plans that lead to self-sufficiency and involve highly critical analysis and approval by the agency staff and an objective outside consultant. NHVR may provide up to \$3,000 for business ventures intended to supplement other income and up to \$10,000 for ventures intended to lead to self-sufficiency. Costs should be outlined before dollar amounts to be provided by the Agency are discussed. NHVR's allowable contribution shall not be viewed as an 'automatic grant.'

(a) Tier 1 Self-employment Plan: Tier 1 is a plan where the customer is not expecting to be self-sufficient through the self-employment venture alone. This type plan is for a person who is supplementing an existing lifestyle. Examples include a person living in a rural/remote area who needs a cash income to supplement their lifestyle; a person who can only work part-time and needs to supplement the family income; or a person who wishes to work with the continuation of public benefits such as SSI, SSDI and TANF. The overall cost of the Tier 1 plan is not to exceed \$3000.

(b) Tier 2 Self-employment Plan: The purpose of a Tier 2 Self-

Employment plan is to assist an individual in becoming self-sufficient and self-supporting through the operation of a small business. Unlike a Tier 1 plan, a Tier 2 plan is for a person who is committed to being financially independent and desires to operate a business and assume all the risks that it entails as their method for becoming financially independent. Therefore, the Tier 2 plan should not be used for someone who is planning to supplement a lifestyle or who is not planning to give up such financial supports as may be provided by other governmental programs. NHVR should not be the sole funding source for a Tier 2 Plan. It is expected that individuals pursuing Tier 2 plans will demonstrate the ability for income resources to continue the business after the implementation of initial NHVR support.

(2) **Comparable Benefits:** The customer must make application for all available comparable services, such as micro enterprise grants, Small Business Administration assistance, and Individual Development Accounts. For experienced help in developing a business plan and other business support, customers can use comparable benefits that are available from:

- Some workforce development one-stop centers,
- The Small Business Administration,
- Small Business Development Centers, and
- Similar organizations.

(3) **Financial need:** Subject to financial need requirements (policy Part 3.1), the customer should contribute toward the cost of the planned services to the maximum of their abilities

(4) **Plan for Achieving Self-Support (PASS)** is an optional Social Security work incentive program. A PASS is not considered a comparable service or benefit; however, it is an excellent resource for customers that:

- Permits the exclusion of income and resources when considering continued eligibility for SSI;
- Assists Social Security beneficiaries in investing towards their own specific occupations tools, including self-employment;
- Allows customers to set aside income and resource to pay for:
 - Supplies,
 - Tools and equipment,
 - Associated training costs. and
 - Expenses in developing a business plan for self-employment.

(5) **Customer Loan** - If the customer is pursuing a loan from a lending institution or other source and the funds are critical to the business start-up, the customer must provide-

- Documentation of the loan application, and
- Documented assessment from the lending institution or other source of the likelihood of loan approval before the expenditure of VR funds on the business

E. Process: If self-employment is to be the placement of choice, the decision needs to be made as early as possible in the rehabilitation process. Active participation by both the rehabilitation counselor and the customer are extremely critical in this decision. Owing to the very challenging nature of self-employment both the advantages and disadvantages should be carefully considered. Self-employment shall be consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice. Because of the demands, responsibility and risk inherent in owning a small business, structured and extensive assessment and planning are required in order to provide the individual with information needed to make decisions which will lead to successful employment outcomes. To assure this, prior to the development of an Individualized Employment Plan that includes self-employment/business ownership as part of the vocational goal, the following steps need to be completed as part of the Comprehensive Assessment:

(1) Discussion and assessment: When a customer states interest in self-employment, the counselor and the customer need to first carefully consider what is involved in operating a business and consider whether the customer has the strengths, abilities, and resources necessary to be successful in such a venture. At this time the counselor must discuss the business idea with the customer including the advantages and disadvantages of self-employment. This step also includes evaluating the individual's entrepreneurial potential. A person who wants to begin a business should take responsibility for determining if they have the attributes necessary to operate a successful business. Customers may participate in a variety of self-assessment activities which can include standardized business assessments, interviewing business owners, or other creative means of assessing their own business potential. The Counselor will have a variety of material for the customer to use to explore their own suitability for being self-employed. The person should examine their own expertise, commitment and persistence, and other factors relevant to self-employment. Counselor judgment and data gathered will play important roles in this process since no single factor can determine whether a person will succeed at a business. Before proceeding to the next step the counselor and customer will analyze the assessment and other related documentation to demonstrate that the individual has the personal ability to succeed in small business ownership.

(2) Exploration: Once it has been determined that the individual has the personal ability to succeed in small business ownership, the other question is whether the business under consideration is viable. Included in this exploration phase is the identification of sources for self-employment training, education, business plan development and support. This step expands on the evaluation of the individual's entrepreneurial potential and includes evaluating the feasibility of the proposed business.

(a) Feasibility Study: The customer completes an outline of the proposed business plan utilizing the NHVR self-employment Checklist. The VR counselor can assist the customer in completing the checklist or advise the customer of other resources that can assist them. The VR counselor and customer then jointly review and critically analyze the completed information. The VR counselor assists the customer in carefully analyzing the financial feasibility and viability of the proposed self-employment venture as well as the customer's skills, preparedness, aptitude, financial status and other abilities necessary for starting and operating the enterprise.

An important issue is the customer's access to capital. The feasibility study should show the customer has adequate access to capital through other resources than NHVR funding. In order to move to the next step, the feasibility study should show the customer has the ability to perform and/or to manage the core functions of the business to actually produce the product or service to a profitable level.

(b) When the checklist is complete, the VR counselor and customer review it to determine whether self-employment still appears to be a viable option for the customer after looking at more detailed information.

(3) Proposal developed: After assessment of the individual and the proposed business the individual is required to complete a business plan or proposal.

(a) Tier 1 cases: The individual does not need to complete a complete business plan. Tier 1 plans require a description and proposal of the self-employment venture that is clear and provides adequate information for the Agency to understand and approve the venture and the expenditures and includes:

- (i). Description of the proposed self-employment/business,
- (ii). Reasons for wanting to establish an enterprise where there is a high risk of failure, rather than prepare for and/or find employment for a wage or salary,
- (iii). A list of past training or work experience that qualifies the individuals to manage and operate the proposed enterprise,
- (iv). Evidence of the need for the proposed service or business in the community,
- (v). Demonstrate how the price of merchandise and charge for services are competitive and make a fair profit,
- (vi). Description of plans and arrangements for merchandising, marketing, business development, advertising and for getting the cooperation and interest of the community in the enterprise,
- (vii). Description of arrangements to set up and maintain

- accounting records for the business,
- (viii). Estimated total amount of money needed to start the business and the proposed source for the funds, e.g., customer, NHVR (up to \$3,000), and.
- (ix). Financial estimate of first 12 months of operation including estimated expenses, income, profit, taxes, income after taxes, and other money income from sources other than business (i.e., Social Security, spouse's wages, retirement pensions, etc.).

(b) Tier 2 cases: Except as noted in NHVR Policy 4.1.G, all self-employment ventures require the development of a business plan prior to approval of NHVR support for the business/self-employment. If the VR counselor and customer jointly conclude that it is appropriate to proceed with the self-employment option, a detailed business plan is then developed. The customer is expected to develop the business plan based on realistic market information collected from thorough research, as well as other pertinent information. The purpose of this plan is to assure that information regarding all relevant facets of the proposed business venture, and the VR customer's goals and abilities are considered in sufficient detail. This will ensure that the VR counselor and customer employ a recognized business planning process to determine whether the venture's potential for success outweighs possible risks or liabilities, and whether it meets criteria to advance to the next stage of VR self-employment planning process.

The Business plan should include, at a minimum, the required elements identified in NHVR Policy Part 4.1.F

In the event the customer needs additional assistance to complete their own business plan, the VR counselor can arrange for a qualified vendor or other qualified resource to assist. If this service is purchased from a vendor, the cost of developing the business plan is not deducted from the start-up self-employment services. No-cost consultation from the Small Business Administration, Small Business Development Center, Chamber of Commerce, other community resources, or more experienced VR counselors should be sought as needed to assist in development of the business plan.

(4) Approval: The decision to use NHVR funds to support a business start-up will be based on a variety of factors, including but not limited to total start-up costs, viability of the business plan, potential for other financial sources and Counselor judgment.

(a) Tier 1 approval process:

- (i) Once the customer's business proposal is completed, the VR counselor reviews it. If the counselor determines that the

venture warrants NHVR support, the proposal is presented and recommended by The VR counselor and the customer to the Regional Supervisor for initial review.

- (ii) The Regional Supervisor reviews the proposal and the case file for completeness in accordance with Agency policy and if complete, forwards the business proposal to the Administrative Office. Any deficiencies must be corrected prior to the business plan being submitted to the Administrative Offices.
- (iii) The Administrative Office Self-employment Coordinator reviews the proposal to assure that it has all the required elements and that it is sound and understandable. The Administrative Office Self-employment Coordinator then forwards the business plan to the Director or the Director's Designee with recommendation. If the Administrative Office Self-employment Coordinator needs assistance in the review process or in determining appropriateness of the proposal, the Administrative Office Self-employment Coordinator may utilize an outside impartial business consultant to complete an evaluative review of the planned venture. Any deficiencies must be corrected prior to the proposal being submitted to the Director or Director's Designee.
- (iv) After review of the proposal and consideration of the Administrative Office Self-employment Coordinator's recommendations, the Director/Designee reviews the proposal and makes the decision on approval of support for self-employment services. Any deficiencies must be corrected prior to receiving an approval. The Director/Designee must approve the customer's business proposal before an intermediate objective of self-employment is agreed to and included on the customer's IPE.
- (v) Feedback received at each of the stages of approval is shared with the counselor and the customer. This allows the customer (or counselor, if appropriate) the opportunity to respond to the concerns, to get additional information and/or correct the issue that is identified.

(b) Tier 2 approval process:

- (i) Once the customer's business plan is completed, the VR counselor reviews it. If the counselor determines that the business plan is complete and the venture warrants NHVR support, the business plan shall be presented and recommended by The VR counselor and the customer to the Regional Supervisor for initial review.
- (ii) The counselor presents the business plan and the case to the Regional Supervisor for initial review.
- (iii) The Regional Supervisor reviews the business plan and the

case file for completeness in accordance with Agency policy and forwards the business plan to the Administrative Office. Any deficiencies must be corrected prior to the business plan being submitted to the Administrative Offices.

(iv) The Administrative Office Self-employment Coordinator reviews the business plan to assure that it has all the required elements and that it is sound and understandable and forwards the business plan to an impartial business consultant for an evaluative review of the business plan.

(v) The Business Consultant reviews the business plan for and provides feedback to the Administrative Office Self-employment Coordinator regarding the viability of the business and likelihood of success; the likelihood of the customer achieving the projected net income stated in the plan; and the identification of weaknesses that need to be addressed.

(vi) The Administrative Office Self-employment Coordinator then forwards the business plan to the Director (or the Director's Designee) with recommendation. Any deficiencies must be corrected prior to the business plan being submitted to the Director (or Director's Designee).

(vii) After review of the proposal and consideration of the Administrative Office Self-employment Coordinator's recommendations, the Director (or Director's Designee) reviews the plan and makes the decision on approval of support for self-employment services. Any deficiencies must be corrected prior to receiving an approval. The Director (or Director's Designee) must approve the customer's business plan before a vocational goal that includes self-employment is agreed to and included on the customer's IPE.

(viii) Feedback received at each of the stages of approval is shared with the counselor and the customer. This allows the customer (or counselor, if appropriate) the opportunity to respond to the concerns, to get additional information and/or correct the issue that is identified.

(5) Decision not to continue: If it is determined that self-employment is not a reasonably attainable option for the customer at any point throughout the process, the VR counselor should provide counseling and guidance to assist the customer in understanding the reasons for this determination. They will then work together to identify a new vocational goal. If the determination not to continue is based on an agency decision not to approve the proposed self-employment venture, the counselor will provide the customer with the rationale for the decision and notice of the appeal process and of the availability of the Client Assistance Program.

F. Required Elements of the Business Plan (Tier 2): A business plan is an important tool in developing and managing a small business. The business

plan explains the major concepts of starting and managing a small business including financial, marketing, managing, growth and other related factors. The business plan shall consist of the following components:

- (1) Professional Profile: A description of personal experience and related factors that would make this customer successful in a self-employment setting. This should also incorporate barriers/impediments and the plan to overcome these through a self-employment approach. Address characteristics, skills and abilities required to run a business (e.g. organizational abilities, bookkeeping, marketing products or services).
- (2) Business Profile: A description of the self-employment product or service to be marketed by the customer, the type of business, the geographic area to be served by the enterprise, licenses or permits, zoning considerations, etc. This is to include a summary of marketing strategy and the plan for developing a stable customer base, as well as an operations overview that itemizes the equipment, supplies, inventory and other items needed during the first six months to start-up the venture along with their associated costs. The self-employment place of business shall also be identified. [NOTE: In order to operate a viable self-employment enterprise there must be a stable, permanent place of business. This may be the customer's home or another location; in any event, the location must be stable and not subject to change during the first 12 months of operation.] As part of the marketing strategy this section should include a Market analysis (i.e., identification of customers, target market, projected changes to the market, competitors and their strengths and weaknesses, etc) and a marketing plan (i.e., promotional strategies, pricing methods, advertising, public relations, description of how the proposed products or services are different from any competitors, etc).
- (3) Financial Profile: A financial management plan of the projected monthly income and expenses for the first 12 months, including start-up and subsequent operating costs, break-even analysis, cash flow analysis, income statement, and balance sheet. This section should also include as attachments: a current credit report; listing of collateral the customer intends to use in securing capital for the self-employment venture; copies of appropriate insurance, licenses, permits needed for the business; copies of the customer's Federal Income Tax filings for the previous two years; and a completed personal financial statement showing assets, liabilities and monthly expenses.
- (4) Summary Statement: An overview of the first year projections related to hours to be worked, projected earnings, length of period required to run independently and show an income that meets their monthly financial needs. This should also include an outline of "critical issues", such as unexpected repair of equipment, which are potential barriers to success and a plan of action designed to overcome these issues.
- (5) Attachments: any supporting documents including an attachment that

describes the list of items requested to be paid for by NHVR and their cost and items and resources that the customer will contribute to the plan if this information is not already included within the plan.

G. When a Business Plan is not needed: All self-employment ventures require the development of a business plan prior to approval of NHVR support for the business/self-employment except when:

- (1) The self-employment venture is a low-cost, home-based plan where the customer is not expecting to be self-sufficient through the self-employment venture alone (Tier 1). In these cases, the individual would need to complete a business proposal as outlined in NHVR Policy Part 4.1.E (3) (a).
- (2) The rehabilitation services needed by the individual are not associated with starting or maintaining a business
- (3) The customer returns to or continues in their own business that has a history of being successful; in these instances, the customer must provide copies of income tax returns or other financial documents, which indicate the existence of a viable business.

H. Special Considerations in IPE Development for self-employment plans: Once self-employment is agreed to by the VR counselor and customer and the necessary approvals are obtained, an IPE is developed which incorporates self-employment as a part of the vocational goal and includes the following elements as part of the plan:

- (1) A clear statement defining the nature and extent of NHVR's support and participation (time lines, dollar amounts, specific goods and/or services to be provided, etc.);
- (2) A clear statement of the role and responsibilities of the customer, including a statement that the customer agrees to report all income in accordance with State and Federal requirements;
- (3) A clear statement of the customer contribution of other resources to assist in establishing and maintaining the business;
- (4) Clear criteria for measuring progress and a plan to monitor and evaluate the success of the self-employment objective through periodic reviews or activities and financial reports. Essential issues for review during the first three to six months include marketing/outreach activities and cash flow. Continued VR support to the business venture should be contingent upon the periodic review and submission of financial reports, as scheduled;
- (5) The agreed upon point when the business is considered stable and clear criteria for determining when the business will be considered to have a successful employment outcome, such as when the business has passed the break-even point and is producing an acceptable income to the customer.

The break-even point is defined as the point at which business income equals expenses;

(6) Identification of any training services, e.g., Training in how to start a business, Bookkeeping, Tax prep and reporting, etc. Participation in training in operating a small business is highly recommended, if the customer has no previous training or experience. Optional classes, memberships, meetings, mentoring relationships that the individual will be involved in to increase their opportunities for success shall also be listed; and

(7) A listing of comparable services and benefits that will contribute to support of the self-employment enterprise. The customer will be expected to pursue comparable benefits and other resources to support business development as a part of the IPE.

I. Special Considerations In The Provision Of Services For Self-Employment Plans

(1) NHVR may only contribute in purchasing of initial stocks and supplies and other start-up costs identified in an approved business plan for self-employment. NHVR shall not provide funding for ongoing operating costs.

(2) NHVR may purchase technical assistance or consultative services from individuals or organizations that provided assistance in developing a business plan; developing a marketing plan; conducting a market analysis; and/or developing a profit and loss projection, etc. Prior to use of NHVR funds for these services, no-cost consultation from the Small Business Administration, Small Business Development Center, Chamber of Commerce, or other community resources should be sought as needed to assist the customer.

(3) The following purchases and/or expenditures are prohibited:

- (a) Any merchandise not related to the owning and operating of the business,
- (b) Bankruptcy proceedings,
- (c) Experimental items,
- (d) Underwriting loans,
- (e) Real estate, land or buildings,
- (f) Any vehicle requiring licensure for street use,
- (g) Existing debt or refinancing of debt,
- (h) Routine operating expenses beyond start-up /operating capital, and
- (i) Stocks.

J. Follow up and Monitoring

(1) The VR counselor and customer should meet regularly as defined on the IPE to review the customer's self-employment progress, address any

problems that may occur, and assure that start-up operations proceed as planned.

(2) The customer should be requested to provide monthly financial reports, such as profit and loss statements, a computer printout from an accounting software package or an accountant's report to compare to the original financial profile of the self-employment venture during the first six months of operation. This report shall include total monthly revenues and expenses, including the dollar amount of goods or services sold, receivables, categorical listing of operating expenses, customer salary or draw, and net income or loss.

(3) Before a determination of success can be made, the record must indicate some measure of success based on the evaluation criteria listed on the IPE. Examples of measures of success include profit and loss statements indicating the business is at least breaking even, the customer's statement of satisfaction with the business, and the belief the business will continue to be successful.

K. Criteria for Successful Closure

(1) There should be a clear understanding at the time the IPE is written the basis to be used for determining success. This measure will be individually determined.

(2) When the IPE has been completed the person should be informed of the additional support available through post-employment services.

(3) Before closing a case in Self-employment as successful, ensure that it meets all criteria required for a successful rehabilitation (policy Part 2.17) and that:

(a) The business has been in operation for at least 180 days. (In operation is defined as the business is up and running providing goods and services; and that start up services and funding from VR and other resources have been provided.)

(b) The business stability has been achieved. Business stability is the point agreed upon by the counselor and the customer, as recorded on the IPE, where the business has achieved a specified levels of income, e.g.,

(c) The revenue equals or exceeds operating costs as shown on a financial statement,

(d) A copy of the most recent financial statement is obtained, and

(e) Employment is verified

L. Waiver: Cost measures can be waived by the Director (or the Director's

designee), based on such factors as change in disability; availability or alternative programs, or other grounds when it can be demonstrated that the individual would otherwise be unable to obtain the service resulting in an inability to achieve the employment outcome identified in their Individualized Plan for Employment.

Part 5 – Definitions

Act	Act means the Rehabilitation Act of 1973, as amended (29 U.S.C. 701 et seq.). Reference: Ed 1002.01 ; CFR361.5(b)(1)
Active case	Active case means the case for an individual who has been certified as meeting the basic eligibility requirements for vocational rehabilitation services because he or she has a physical or mental disability which constitutes or results in a substantial handicap to employment, and there is a reasonable expectation that vocational rehabilitation services might be of benefit in terms of employability. Reference: Ed 1002.02
Applicant	Applicant means an individual who submits an application for vocational rehabilitation services in accordance with Sec. 361.41(b) (2). (Authority: Section 12(c) of the Act; 29 U.S.C. 709(c))
Appropriate modes of communication	Appropriate modes of communication means specialized aids and supports that enable an individual with a disability to comprehend and respond to information that is being communicated. Appropriate modes of communication include, but are not limited to, the use of interpreters, open and closed captioned videos, specialized telecommunications services and audio recordings, Braille and large print materials, materials in electronic formats, augmentative communication devices, graphic presentations, and simple language materials. (Authority: Section 12(c) of the Act; 29 U.S.C. 709(c)) Reference: Ed 1002.05 34 CFR 361.5(b)(5).
Assessment for determining eligibility and vocational rehabilitation needs	Assessment for determining eligibility and vocational rehabilitation needs means, as appropriate in each case— <ol style="list-style-type: none">1. A review of existing data—<ol style="list-style-type: none">A. To determine if an individual is eligible for vocational rehabilitation services; andB. To assign priority for an order of selection described in Sec. 361.36 in the States that use an order of selection; andC. To the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data to make the eligibility determination and assignment;2. To the extent additional data are necessary to make a determination of the employment outcomes and the nature and scope of vocational rehabilitation services to be included in the individualized plan for employment of an eligible individual, a comprehensive assessment to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment, of the eligible individual. This comprehensive assessment—

A. Is limited to information that is necessary to identify the rehabilitation needs of the individual and to develop the individualized plan of employment of the eligible individual;

B. Uses as a primary source of information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements--

(1) Existing information obtained for the purposes of determining the eligibility of the individual and assigning priority for an order of selection described in Sec. 361.36 for the individual; and

(2) Information that can be provided by the individual and, if appropriate, by the family of the individual;

C. May include, to the degree needed to make such a determination, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the individual and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that affect the employment and rehabilitation needs of the individual; and

D. May include, to the degree needed, an appraisal of the patterns of work behavior of the individual and services needed for the individual to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the use of work in real job situations to assess and develop the capacities of the individual to perform adequately in a work environment;

3. Referral, for the provision of rehabilitation technology services to the individual, to assess and develop the capacities of the individual to perform in a work environment; and

4. An exploration of the individual's abilities, capabilities, and capacity to perform in work situations, which must be assessed periodically during trial work experiences, including experiences in which the individual is provided appropriate supports and training.

(Authority: Section 7(2) of the Act; 29 U.S.C. 705(2))

Reference: Ed 1002.06; 34 CFR 361.5(b)(6).

Assistive technology device

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

(Authority: Section 7(3) of the Act; 29 U.S.C. 705(3))

Reference: Ed 1002.07; 34 CFR 361.5(b)(7).

Assistive technology service

Assistive technology service means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device, including—

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

(Authority: Sections 7(4) and 12(c) of the Act; 29 U.S.C. 705(4) and 709(c))
Reference: Ed 1002.08; 34 CFR 361.5(b)(8).

Community rehabilitation program

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

1. Medical, psychiatric, psychological, social, and vocational services that are provided under one management.
2. Testing, fitting, or training in the use of prosthetic and orthotic devices.
3. Recreational therapy.
4. Physical and occupational therapy.
5. Speech, language, and hearing therapy.
6. Psychiatric, psychological, and social services, including positive behavior management.
7. Assessment for determining eligibility and vocational rehabilitation needs.
8. Rehabilitation technology.
9. Job development, placement, and retention services.
10. Evaluation or control of specific disabilities.
11. Orientation and mobility services for individuals who are blind.

12. Extended employment.
13. Psychosocial rehabilitation services.
14. Supported employment services and extended services.
15. Services to family members if necessary to enable the applicant or eligible individual to achieve an employment outcome.
16. Personal assistance services.
17. Services similar to the services described in paragraphs (1) through (16) of this definition.

For the purposes of this definition, the word program means an agency, organization, or institution, or unit of an agency, organization, or institution, that provides directly or facilitates the provision of vocational rehabilitation services as one of its major functions.

Reference: Ed 1002.09; 34 CFR 361.5(b)(9).

Comparable services and benefits Comparable services and benefits means—

1. Services and benefits that are--
 - A. Provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits;
 - B. Available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment in accordance with Sec. 361.53; and
 - C. Commensurate to the services that the individual would otherwise receive from the designated State vocational rehabilitation agency.
2. For the purposes of this definition, comparable benefits do not include awards and scholarships based on merit.

(Authority: Sections 12(c) and 101(a)(8) of the Act; 29 U.S.C. 709(c) and 721(a)(8))
Reference: Ed 1002.10 : 34 CFR 361.5(b)(10).

Competitive employment Competitive employment means work--

1. In the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and
2. For which an individual is compensated at or above the 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 are not disabled.

(Authority: Sections 7(11) and 12(c) of the Act; 29 U.S.C. 705(11) and 709(c))
Reference: Ed 1002.11; 34 CFR 361.5(b)(11).

Department Department" means the New Hampshire department of education, the designated state

agency for administering the state plan for vocational rehabilitation services in accordance with 34 CFR 361.13(a).

Reference: Ed 1002.12

Designated State agency or State agency

Designated State agency or State agency means the sole State agency, designated in accordance with Sec. 361.13(a), to administer, or supervise the local administration of, the State plan for vocational rehabilitation services. The term includes the State agency for individuals who are blind, if designated as the sole State agency with respect to that part of the plan relating to the vocational rehabilitation of individuals who are blind.

(Authority: Sections 7(8)(A) and 101(a)(2)(A) of the Act; 29 U.S.C. 705(8)(A) and 721(a)(2)(A))

Designated State unit or State unit

Designated State unit or State unit means either—

1. The State vocational rehabilitation bureau, division, or other organizational unit that is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities and that is responsible for the administration of the vocational rehabilitation program of the State agency, as required under Sec. 361.13(b); or

2. The State agency that is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities.

(Authority: Sections 7(8)(B) and 101(a)(2)(B) of the Act; 29 U.S.C. 705(8)(B) and 721(a)(2)(B))

Division

"Division" means the division of career technology and adult learning in the New Hampshire department of education, the designated state unit that oversees the daily operations of the state vocational rehabilitation services program, as defined in 34 CFR 361.5(b)(14).

Reference: Ed 1002.13

Eligible individual

Eligible individual means an applicant for vocational rehabilitation services who meets the eligibility requirements of Sec. 361.42(a).

"Eligible individual" means an applicant for vocational rehabilitation services who meets the eligibility requirements of Ed 1010.04(a)-(h).

(Authority: Sections 7(20)(A) and 102(a)(1) of the Act; 29 U.S.C. 705(20)(A) and 722(a)(1))

Reference: Ed 1002.14

Employment outcome

Employment outcome means, with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market to the greatest extent practicable; supported employment; or any other type of employment, including self-employment, telecommuting, or business ownership, that is consistent with an individual's strengths, resources, priorities, concerns, abilities,

capabilities, interests, and informed choice.

(Authority: Sections 7(11), 12(c), 100(a)(2), and 102(b)(3)(A) of the Act; 29 U.S.C. 705(11), 709(c), 720(a)(2), and 722(b)(3)(A))
Reference: Ed 1002.15; 34 CFR 361.5(b)(16).

Extended employment

Extended employment means work in a non-integrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act and any needed support services to an individual with a disability to enable the individual to continue to train or otherwise prepare for competitive employment, unless the individual through informed choice chooses to remain in extended employment.

(Authority: Section 12(c) of the Act; 29 U.S.C. 709(c))
Reference: Ed 1002.17 ; 34 CFR 361.5(b)(19).

Extended services

Extended services means ongoing support services and other appropriate services that are needed to support and maintain an individual with a most significant disability in supported employment and that are provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource, from funds other than funds received under this part and 34 CFR part 363 after an individual with a most significant disability has made the transition from support provided by the designated State unit.

(Authority: Sections 7(13) and 623 of the Act; 29 U.S.C. 705(13) and 795i)
Reference: Ed 1002.18 34 CFR 361.5(b)(20).

Extreme medical risk

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

(Authority: Sections 12(c) and 101(a)(8)(A)(i)(III) of the Act; 29 U.S.C. 709(c) and 721(a)(8)(A)(i)(III))

Ed 1002.19 34 CFR 361.5(b)(21).

Family member, for purposes of receiving vocational rehabilitation services

Family member, for purposes of receiving vocational rehabilitation services in accordance with Sec. 361.48(i), means an individual—

1. Who either--

- A. Is a relative or guardian of an applicant or eligible individual; or
- B. Lives in the same household as an applicant or eligible individual;

- (1) Who has a substantial interest in the well-being of that individual; and
- (2) Whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible individual to achieve an employment outcome.

(Authority: Sections 12(c) and 103(a)(17) of the Act; 29 U.S.C. 709(c) and

723(a)(17)) Ed 1002.20 34 CFR 361.5(b)(23).

Impartial hearing officer

Impartial hearing officer means an individual who--

1. Is not an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education);
2. Is not a member of the State Rehabilitation Council for the designated State unit;
3. Has not been involved previously in the vocational rehabilitation of the applicant or eligible individual;
4. Has knowledge of the delivery of vocational rehabilitation services, the State plan, and the Federal and State regulations governing the provision of services;
5. Has received training with respect to the performance of official duties; and
6. Has no personal, professional, or financial interest that would be in conflict with the objectivity of the individual.
7. An individual is not considered to be an employee of a public agency for the purposes of this definition solely because the individual is paid by the agency to serve as a hearing officer.

(Authority: Section 7(16) of the Act; 29 U.S.C. 705(16)); Ed 1002.21 RSA 541-A:1,XIV. 34 CFR 361.5(b)(25))

Individual who is blind

Individual who is blind means a person who is blind within the meaning of applicable State law.

(Authority: Section 12(c) of the Act; 29 U.S.C. 709(c))

"Individual who is blind" means a person whose central acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200 is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees, and who has been examined by a physician skilled in diseases of the eye, or by an optometrist, whichever the individual selects, to make the determination that the individual is blind

Reference: Ed 1002.23

Individual with a disability

Individual with a disability, except as provided in Sec. 361.5(b)(29), means an individual—

1. Who has a physical or mental impairment;
2. Whose impairment constitutes or results in a substantial impediment to employment; and

3. Who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

(Authority: Section 7(20)(A) of the Act; 29 U.S.C. 705(20)(A))
Ed 1002.24 34 CFR 361.5(b)(28) and (29).

Individual with a most significant disability

Individual with a most significant disability means

1. An individual with a significant disability who meets the designated State unit's criteria for an individual with a most significant disability. These criteria must be consistent with the requirements in Sec. 361.36(d)(1) and (2).
2. Who has a significant mental or physical impairment that seriously limits 2 or more functional capacities such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance and work skills, or work tolerance or work skills in terms of employment outcomes; and
3. Whose vocational rehabilitation can be expected to require 2 or more vocational rehabilitation services, in addition to guidance, counseling, service coordination and job placement over an extended period of time of 6 months or longer.

(Authority: Sections 7(21)(E)(i) and 101(a)(5)(C) of the Act; 29 U.S.C. 705(21)(E)(i) and 721(a)(5)(C))
Reference: Ed 1002.25

Individual with a significant disability

Individual with a significant disability means an individual with a disability—

1. Who has a severe physical or mental impairment that 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;
2. Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and
3. 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, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

(Authority: Section 7(21)(A) of the Act; 29 U.S.C. 705(21)(A))

Ed 1002.26 34 CFR 361.5(b)(31).

Individual's representative

Individual's representative means any representative chosen by an applicant or eligible individual, as appropriate, including a parent, guardian, other family member, or advocate, unless a representative has been appointed by a court to represent the individual, in which case the court-appointed representative is the individual's representative.

(Authority: Sections 7(22) and 12(c) of the Act; 29 U.S.C. 705(22) and 709(c))
Ed 1002.27 34 CFR 361.5(b)(32).

Integrated setting

Integrated setting,--

1. With respect to the provision of services, means a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals other than non-disabled individuals who are providing services to those applicants or eligible individuals;
2. With respect to an employment outcome, means a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals, other than non-disabled individuals who are providing services to those applicants or eligible individuals, to the same extent that non-disabled individuals in comparable positions interact with other persons.

(Authority: Section 12(c) of the Act; 29 U.S.C. 709(c))
Ed 1002.28 34 CFR 361.5(b)(33).

Maintenance

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

(Authority: Sections 12(c) and 103(a)(7) of the Act; 29 U.S.C. 709(c) and 723(a)(7))

Examples: The following are examples of expenses that would meet the definition of maintenance. The examples are illustrative, do not address all possible circumstances, and are not intended to substitute for individual counselor judgment.

Example 1: The cost of a uniform or other suitable clothing that is required for an individual's job placement or job-seeking activities.

Example 2: The cost of short-term shelter that is required in order for an individual to participate in assessment activities or vocational training at a site that is not within commuting distance of an individual's home.

Example 3: The initial one-time costs, such as a security deposit or charges for the initiation of utilities, that are required in order for an individual to relocate for a job placement.

Example 4: The costs of an individual's participation in enrichment activities related to that individual's training program.

Ed 1002.30 34 CFR 361.5(b)(35)

Mediation

Mediation means the act or process of using an independent third party to act as a mediator, intermediary, or conciliator to assist persons or parties in settling differences or disputes prior to pursuing formal administrative or other legal remedies. Mediation under the program must be conducted in accordance with the requirements in Sec. 361.57(d) by a qualified and impartial mediator as defined in Sec. 361.5(b)(43).

(Authority: Section 12(c) of the Act; 29 U.S.C. 709(c))
Ed 1002.31 34 CFR 361.5(b)(36).

Ongoing support services

Ongoing support services, as used in the definition of "Supported employment"

1. Means services that are—

A. Needed to support and maintain an individual with a most significant disability in supported employment;

B. Identified based on a determination by the designated State unit of the individual's need as specified in an individualized plan for employment; and

C. Furnished by the designated State unit from the time of job placement until transition to extended services, unless post-employment services are provided following transition, and thereafter by one or more extended services providers throughout the individual's term of employment in a particular job placement or multiple placements if those placements are being provided under a program of transitional employment;

2. Must include an assessment of employment stability and provision of specific services or the coordination of services at or away from the worksite that are needed to maintain stability based on—

A. At a minimum, twice-monthly monitoring at the worksite of each individual in supported employment; or

B. If under specific circumstances, especially at the request of the individual, the individualized plan for employment provides for off-site monitoring, twice monthly meetings with the individual;

3. Consist of—

A. Any particularized assessment supplementary to the comprehensive assessment of rehabilitation needs described in paragraph (b)(6)(ii) of this section;

B. The provision of skilled job trainers who accompany the individual for

intensive job skill training at the work site;

C. Job development and training;

D. Social skills training;

E. Regular observation or supervision of the individual;

F. 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;

G. Facilitation of natural supports at the worksite;

H. Any other service identified in the scope of vocational rehabilitation services for individuals, described in Sec. 361.48; or

I. Any service similar to the foregoing services.

(Authority: Sections 7(27) and 12(c) of the Act; 29 U.S.C. 705(27) and 709(c))

Ed 1002.33 34 CFR 361.5(b)(38).

Personal assistance services

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

(Authority: Sections 7(28), 102(b)(3)(B)(i)(I), and 103(a)(9) of the Act; 29 U.S.C. 705(28), 722(b)(3)(B)(i)(I), and 723(a)(9))
Ed 1002.34 34 CFR 361.5(b)(39).

Physical and mental restoration services

Physical and mental restoration services means—

1. Corrective surgery or therapeutic treatment that is likely, within a reasonable period of time, to correct or modify substantially a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment;
2. Diagnosis of and treatment for mental or emotional disorders by qualified personnel in accordance with State licensure laws;
3. Dentistry;

4. Nursing services;
5. Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services;
6. Drugs and supplies;
7. Prosthetic and orthotic devices;
8. Eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids prescribed by personnel that are qualified in accordance with State licensure laws;
9. Podiatry;
10. Physical therapy;
11. Occupational therapy;
12. Speech or hearing therapy;
13. Mental health services;
14. Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical and mental restoration services, or that are inherent in the condition under treatment;
15. Special services for the treatment of individuals with end-stage renal disease, including transplantation, dialysis, artificial kidneys, and supplies; and
16. Other medical or medically related rehabilitation services.

(Authority: Sections 12(c) and 103(a)(6) of the Act; 29 U.S.C. 709(c) and 723(a)(6))

Ed 1002.35 34 CFR 361.5(b)(40).

Physical or mental impairment

Physical or mental impairment means—

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

(Authority: Sections 7(20)(A) and 12(c) of the Act; 29 U.S.C. 705(20)(A) and 709(c))
Ed 1002.36 34 CFR 361.5(b)(41).

Post-employment services

Post-employment services means one or more of the services identified in Sec. 361.48 that are provided subsequent to the achievement of an employment outcome and that are necessary for an individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(Authority: Sections 12(c) and 103(a)(18) of the Act; 29 U.S.C. 709(c) and 723(a)(18))
Ed 1002.37 34 CFR 361.5(b)(42).

Note to paragraph: Post-employment services are intended to ensure that the employment outcome remains consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. These services are available to meet rehabilitation needs that do not require a complex and comprehensive provision of services and, thus, should be limited in scope and duration. If more comprehensive services are required, then a new rehabilitation effort should be considered. Post-employment services are to be provided under an amended individualized plan for employment; thus, a re-determination of eligibility is not required. The provision of post-employment services is subject to the same requirements in this part as the provision of any other vocational rehabilitation service. Post-employment services are available to assist an individual to maintain employment, e.g., the individual's employment is jeopardized because of conflicts with supervisors or co-workers, and the individual needs mental health services and counseling to maintain the employment; to regain employment, e.g., the individual's job is eliminated through reorganization and new placement services are needed; and to advance in employment, e.g., the employment is no longer consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Qualified and impartial mediator

Qualified and impartial mediator means an individual who—

1. Is not an employee of a public agency (other than an administrative law judge, hearing examiner, employee of a State office of mediators, or employee of an institution of higher education);
2. Is not a member of the State Rehabilitation Council for the designated State unit;
3. Has not been involved previously in the vocational rehabilitation of the applicant or eligible individual;
4. Is knowledgeable of the vocational rehabilitation program and the applicable Federal and State laws, regulations, and policies governing the provision of vocational rehabilitation services;
5. Has been trained in effective mediation techniques consistent with any State-approved or -recognized certification, licensing, registration, or other requirements; and

6. Has no personal, professional, or financial interest that would be in conflict with the objectivity of the individual during the mediation proceedings.

7. An individual serving as a mediator is not considered to be an employee of the designated State agency or designated State unit for the purposes of this definition solely because the individual is paid by the designated State agency or designated State unit to serve as a mediator.

(Authority: Sections 12(c) and 102(c)(4) of the Act; 29 U.S.C. 709(c) and 722(c)(4))
Ed 1002.39 34 CFR 361.5(b)(43).

Quality Assurance Program (QAP)

The Quality Assurance Program, or QAP, is a nationally recognized accreditation program for the adaptive mobility equipment industry. National Mobility Equipment Dealers Association's (NMEDA) Quality Assurance Program, in fact, is the only accreditation program within the adaptive equipment industry governing personal transportation.

Rehabilitation engineering

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

(Authority: Section 7(12)(c) of the Act; 29 U.S.C. 709(c))
Ed 1002. 34 CFR 361.5(b)(44).

Rehabilitation technology

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

(Authority: Section 7(30) of the Act; 29 U.S.C. 705(30))
Ed 1002.41 34 CFR 361.5(b)(45).

Statewide workforce investment system

Statewide workforce investment system means a system described in section 111(d)(2) of the Workforce Investment Act of 1998.

(Authority: Section 7(34) of the Act; 29 U.S.C. 705(34); Section 111(d)(2) of the Workforce Investment Act of 1998, 29 U.S.C. 705(34).
Ed 1002.44

Substantial impediment to employment

Substantial impediment to employment means that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, communication, and other related factors) hinders an individual from preparing for, entering into, engaging in, or retaining employment consistent with the individual's abilities and capabilities.

(Authority: Sections 7(20)(A) and 12(c) of the Act; 29 U.S.C. 705(20)(A) and 709(c))
Ed 1002.46 34 CFR 361.5(b)(52).

**Supported
employment**

Supported employment means—

1. Competitive employment in an integrated setting, or employment in integrated work settings in which 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—

A. 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; and

B. Who, because of the nature and severity of their disabilities, need intensive supported employment services from the designated State unit and extended services after transition as described in paragraph (b)(20) of this section to perform this work;

or

2. Transitional employment, as defined in paragraph (b)(54) of this section, for individuals with the most significant disabilities due to mental illness.

(Authority: Section 7(35) of the Act; 29 U.S.C. 705(35))
Ed 1002.47 34 CFR 361.5(b)(53).

**Supported
employment services**

Supported employment services means ongoing support services and other appropriate services needed to support and maintain an individual with a most significant disability in supported employment that are provided by the designated State unit—

1. For a period of time not to exceed 18 months, unless under special circumstances the eligible individual and the rehabilitation counselor or coordinator jointly agree to extend the time to achieve the employment outcome identified in the individualized plan for employment; and

2. Following transition, as post-employment services that are unavailable from an extended services provider and that are necessary to maintain or regain the job placement or advance in employment.

(Authority: Sections 7(36) and 12(c) of the Act; 29 U.S.C. 705(36) and 709(c))
Ed 1002.49 34 CFR 361.5(b)(54).

Transition services

Transition services means a coordinated set of activities for a student designed within an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult

services, independent living, or community participation. The coordinated set of activities must be based upon the individual student's needs, 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 individualized plan for employment.

(Authority: Section 7(37) and 103(a)(15) of the Act; 29 U.S.C. 705(37) and 723(a)(15))

Reference: Ed 1002.51 ; 34 CFR 361.5(b)(55).

Transitional employment

Transitional employment, as used in the definition of "Supported employment," means a series of temporary job placements in competitive work in integrated settings with ongoing support services for individuals with the most significant disabilities due to mental illness. In transitional employment, the provision of ongoing support services must include continuing sequential job placements until job permanency is achieved.

(Authority: Sections 7(35)(B) and 12(c) of the Act; 29 U.S.C. 705(35)(B) and 709(c)
Reference: Ed 1002.52 34 CFR 361.5(b)(56).

Transportation

Transportation means travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service, including expenses for training in the use of public transportation vehicles and systems.

(Authority: 103(a)(8) of the Act; 29 U.S.C. 723(a)(8))

Examples: The following are examples of expenses that would meet the definition of transportation. The examples are purely illustrative, do not address all possible circumstances, and are not intended to substitute for individual counselor judgment.

Example 1: Travel and related expenses for a personal care attendant or aide if the services of that person are necessary to enable the applicant or eligible individual to travel to participate in any vocational rehabilitation service.

Example 2: The repair of vehicles, including vans, but not the modification of these vehicles, as modification would be considered a rehabilitation technology service.

Example 3: Relocation expenses incurred by an eligible individual in connection with a job placement that is a significant distance from the eligible individual's current residence.

Reference: Ed 1002.53 ; 34 CFR 361.5(b)(57).

Vocational rehabilitation

Vocational rehabilitation services—

services

1. If provided to an individual, means those services listed in Sec. 361.48; and
2. If provided for the benefit of groups of individuals, also means those services listed in Sec. 361.49.

(Authority: Sections 7(38) and 103(a) and (b) of the Act; 29 U.S.C. 705(38), 723(a) and (b))

Reference: Ed 1002.54 ; 34 CFR 361.5(b)(58).