Rehabilitation Services for the Blind
Policy and Procedure Manual
For the Vocational Rehabilitation Program
Version 1.5

Table of Contents

- Chapter 1 – The Status System and Case Processing
- Chapter 2 - Eligibility for Vocational Rehabilitation Services
- Chapter 3 - Informed Client Choice
- Chapter 4 - Authorization of Services
- Chapter 5 – The Case Record
- Chapter 6 - Comparable Services and Benefits
- Chapter 7 – Trial Work Period
- Chapter 8 - Certification of Eligibility or Ineligibility
- Chapter 9 - Vocational Rehabilitation Services for the Individual
- Chapter 10 – Vocational Planning and the Individualized Plan for Employment
- Chapter 11 - Training Costs
- Chapter 12 – Physical and Mental Restoration
- Chapter 13 - Support Services
- Chapter 14 - Supported Employment
- Chapter 15 - Transition Services
- Chapter 16 – Pre-Employment Transition Services for Students with Disabilities
- Chapter 17 - Extended Employment and limitations on the use of sub-minimum wage
- Chapter 18 - Case Closure
- Chapter 19 - Standards for Facilities and Other Providers of Services
- Chapter 20 Small Business Enterprises
- Chapter 21 Facilities and Services for Groups of Individuals with Disabilities
- Chapter 22 - Order of Selection
- Chapter 23 - Review Procedures
- Chapter 24 - Exceptions to Policy
- Chapter 25 - Confidentiality of Information
- Forms and Letters
- Version History
  - 1.1 Update
  - 1.2 Update
  - 1.3 Update
  - 1.4 Update
  - 1.5 Update

Chapter 1 - The status system and case processing

Federal Regulations
34 CFR 361.5 – Definitions
34 CFR 361.41 – Processing Referrals and Applications
34 CFR 361.43 – Procedures for ineligibility determination
34 CFR 361.44 – Closure without eligibility determination
34 CFR 361.56 - Requirements for closing record of services of a client who has achieved an employment outcome

State Rules
13 CSR 40-91.020

Case Processing
Case actions and supporting documentation should be recorded and processed in the case management system or filed within the paper case record as soon as feasible. Ideally, the information should be recorded and paperwork processed the same day as the action. See Chapter 5 for further information on requirements for case documentation.

The Status System
RSB uses a status system for tracking and processing cases from referral to case closure. Below is a chart with the numbered status, a brief description of that status, any applicable timeframes for that status, and the allowable next statuses (which statuses the case can move into next), followed by more detailed information on each status.

Status	Description	Timeframe in status (if any)	Next Statuses
00	Referral	45 days	02, 08
02	Applicant	60 days – can be extended	06, 08, 10
06	Trial Work Plan		08, 10
08	Closed from referral or applicant status		
10	Eligible – Assessment - Plan Development	90 days – can be extended	12, 30
12	Plan Complete		18,20,30
18	Training		20, 22, 24, 28
20	Training complete – job ready	90 days	18, 22, 24, 28
22	Employed	At least 90 days for status 26 closure	18, 20, 24, 26, 28
24	Services Interrupted	90 days	18, 20, 22, 28
26	Closed – Successfully Rehabilitated		
28	Closed – Unsuccessful, after plan implementation		
30	Closed – Unsuccessful, prior to plan implementation		
32	Post-Employment Services		33, 35
33	Closed from Post-Employment – Employment maintained		
35	Closed from Post-Employment to reopen in status 00		00

Active Case Statuses

Referral (Status 00)

- Move a client into this status when an individual potentially in need of services comes to the attention of the agency.
- No Services are to be purchased in status 00
  - Should interpreting services be required for an initial meeting, contact head of bill paying unit in State Office
- Can proceed to statuses
  - 02 with signed application, or

    - 08 if determined ineligible or closed for other reasons

Applicant (Status 02)

- Move a client into status 02 as soon as the individual signs an application for VR services
- This status is used to gather information to make a determination of eligibility/ineligibility
    - See Chapter 2 for further information on determining eligibility
    - See Chapter 4 for further information on authorizing services
- Timeline for determining eligibility is 60 days from the date of application, but this can be extended with client agreement (see Chapter 3)
- Can proceed to statuses
    - 06 for a Trial Work period (see Chapter 7)
    - 08 if determined ineligible or closed for other reasons
    - 10 if determined eligible

Trial Work Plan (Status 06)

- Move to this status when further information is needed to determine if the client is able to benefit from VR services in terms of an employment outcome (see Chapter 7 for more information)
- To be used prior to determining that a client is too severely disabled to achieve an employment outcome
- District Supervisors must sign off on any Trial Work Plans
- Can move to statuses
    - 08 if determined ineligible or closed for other reasons
        - See Chapter 18 for further information on follow up requirements for closures from status 06
    - 10 if determined eligible

Plan Development (Status 10)

- Move to this status when the client is determined eligible for VR services
- Signed Certification of Eligibility letter sent to client and copied for case record
- Status 10 is used to develop the Individualized Plan for Employment with the client to determine the vocational goal as well as the nature and scope of services (see Chapter 10 for further detail on vocational planning)
- Timeline for plan development is 90 days, but this can be extended to a specific date with client agreement
- Can move to statuses
    - 18 - Plan is developed and signed by client
    - 30 - Closed, unsuccessfully, prior to plan implementation

Plan Complete – Status 12

- Move to this status when the IPE has been completed and signed by counselor and client
- Can move to statuses
    - 18 – Training/IPE services have begun
    - 30 – Closed, unsuccessfully, prior to plan implementation

Training – Status 18

- Move to status when training/IPE services are initiated
    - see Chapter 9 for descriptions of available VR services
- VRC must review IPE with client at least annually
- Can move to statuses

    - 20 - training is complete (can proceed immediately to status 22 from status 20 if employment has also been obtained)
    - 24 - services interrupted
    - 28 – unsuccessful closure

Job Ready – Status 20

- Move to status 20 when
    - training is complete, <u>and</u>
    - client is ready for job placement, <u>or</u>
    - has been offered a job and has not begun employment yet
- 90 day limit on this status
    - If the client has/is expected to exceed 90 days in status 20, staff should document in the case record the actions being taken to secure employment and that the client continues to have no further training needs.
- Move to status
    - 18 should further training be required
    - 22 on start date of employment
    - 24 if the client is currently not able to participate in the VR program
    - 28 if it is determined the case should be closed unsuccessfully

Employed – Status 22

- Move to status when the client has begun employment and training is complete
    - Unforeseen and/or minor services can be authorized while the client is in status 22
    - If significant services are required in status 22, the 90 day clock will be extended for the duration that the client is receiving the service
- Move to status
    - 18 should further training be required
    - 20 should the client lose their job, but not require further services in order to be job ready
    - 24 if the client loses their job and is not able to participate in the VR program
    - 26 if the client has maintained employment for 90 days
    - 28 – unsuccessful closure

Service Interrupted – Status 24

- Move into this status if the client has experienced a significant change in circumstances such that they are no longer able to participate in the VR program
- Should not exceed 90 days in this status
    - If the client's situation prevents them from returning to full participation in their VR plan past 90 days, document in the case record the reason for the extended break in service and a new agreed upon target date to begin services
- Move out of this status when
    - 18 if the client is able to participate in the VR program again and requires further training
    - 20 if the client is able to participate in the VR program again and is job ready
    - 22 if the client has begun employment and needs no further significant services
    - 28 if it is determined to close the case unsuccessful

Post-Employment Services – Status 32

- Move a client into this status from status 26 if
    - The client needs services to maintain employment, and
    - The services are limited in scope and duration.

- Move a client to status
    - 33 – Post-Employment services are complete and the client successfully retained employment
    - 35 – It is determined that more extensive VR services are necessary – the client will move directly into status 00 and a new VR case will begin

Closure Statuses

For all closures

- Refer to Chapter 18 for further info
- Notify client of closure, per Chapter 8
- Complete federal reporting requirements in the case management system
- Review record, ensuring all pertinent records are present
    - Signed application
    - Certification of eligibility for VR services and ineligibility if now appropriate
    - Authorizations for services must be paid or the remaining balance canceled
    - All signed IPEs are present

Closure from 00, 02, or 06 into status 08

- Move to this status when determination is made that client is not accepted for VR services

Successful Closure – Status 26

- Move client into this status when they have obtained employment consistent with their vocational goal and have maintained that employment for 90 days

Unsuccessful Closure after plan implementation – status 28

- Move a client into this status if they have achieved status 18 or higher, but there is some reason/circumstance that prevents attainment of a vocation

Unsuccessful Closure prior to plan implementation – status 30

- Move client into this status if the client has not yet achieved status 18 and it is determined that circumstances prevent the client from participating in VR services

Closed from Post-Employment Services – Status 33

- Move a client into this status if Post-Employment services have been completed and client has maintained employment

Closed from Post-Employment Services to reopen in status 00 – Status 35

- Move a client into this status (and immediately into status 00) if the client receiving Post-Employment services has been unsuccessful in retaining employment and requires extensive VR services

TOC

Chapter 2 - Eligibility for Vocational Rehabilitation Services

Federal Regulations

34 CFR 361.5 – Definitions

34 CFR 361.42 – Assessment for Determining Eligibility and Priority for Services

34 CFR 361.43 – Procedures for ineligibility determination

34 CFR 361.44 – Closure without eligibility Determination

State Rule

13 CSR 40-91.020

(A) Basic Conditions of Eligibility - An individual's eligibility for vocational rehabilitation for the blind services is based only upon the following criteria: 361.42(a)

1. A determination by qualified personnel that the applicant has a physical or mental impairment and the individual meets the visual disability requirements of RSB

   A. Visual disability means that an individual with a non-progressive disease or defect of the visual system that results in a central visual acuity of twenty/two hundred (20/200) or less in the better eye with best correction; or, if the central visual acuity with best correction is more than twenty/two hundred (20/200) in the better eye, there is a visual field defect in which the widest diameter of the visual field subtends an angle distance no greater than twenty degrees (20Å); or has a visual efficiency **(see visual efficiency resources below)** that does not exceed twenty percent (20%); 361.5(c)(27), Sec.7(20), 361.5(c)(26)

   B. Visual disability means than an individual with a progressive disease or defect of the visual system that results in a central visual acuity of twenty/seventy (20/70) or worse in the better eye with best correction, or has a visual efficiency **(see visual efficiency resources below)** that does not exceed sixty four percent (64%), or has near vision that is decreased to the extent that the individual cannot read print that is smaller than Jaeger nine (J9) with best correction.

   Visual Efficiency Resources: Visual Efficiency Worksheet and Charts

2. A determination by qualified personnel that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant. 361.5(b)(52)
3. A determination by a qualified vocational rehabilitation counselor employed by the designated State unit that the applicant requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain competitive integrated employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
4. A presumption, in accordance with 361.42(a)(2) of the final regulations for the Rehabilitation Act as amended, that the applicant can benefit in terms of an employment outcome from the provision of vocational rehabilitation services. 361.42(a)(2)

(B) Prohibited factors

1. RSB shall not apply any durational or other residence requirement that would exclude from services any applicant or eligible individual who is present in the state.
   - Note: Citizenship status may affect a client's eligibility for service, as the individual must be available to achieve a competitive integrated employment outcome in order to receive services. Therefore, in order to be considered eligible for vocational rehabilitation services (including assessment to determine eligibility), an individual must be either a U.S. citizen or possess a Green Card, which verifies their right to live and work permanently in the United States. Individuals who have entered the country under a student or temporary worker visa who wish to apply for vocational rehabilitation services must apply for and receive a Green Card from the U.S. Citizenship and Immigration Services in order to be considered eligible for vocational rehabilitation services.
   - **Note:** Standard for residency shall be "Present in the state."361.42(c)(1), Sec.101(a)(12)
2. RSB shall not exclude any applicant or group of applicants from services solely on the basis of the type of disability.

3. The eligibility requirements are applied without regard to the applicant's
    - age, sex, race, color or national origin;
    - type of expected employment outcome;
    - source of referral;
    - anticipated service needs and/or associated case costs;
    - employment history or current employment status;
    - educational status or current education level.

(C) Assessment for Determining Eligibility for Services - RSB shall carry out a comprehensive diagnostic study of each applicant for vocational rehabilitation services. The purposes of the comprehensive diagnostic study are to determine whether the applicant meets the basic conditions of eligibility stated in subsection (A) of this chapter

1. Eligibility should be determined soon as possible, but not later than 60 days after the date of application, unless the VRC and the eligible individual agree to an extension of that deadline. For the purpose of determining timely case movement from applicant status to eligibility, RSB will consider the date the application is received in the district office as the start date of eligibility.

(D) Presumptive Eligibility

1. Any applicant who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act (SSI/SSDI) as a result of visual impairment is presumed to be eligible for vocational rehabilitation services and is considered to be an individual with a significant disability (in satisfaction of the eligibility criteria in paragraph (A)1. above). Documentation must be present in every case record detailing that presumptive eligibility has been considered and whether or not presumptive eligibility applies. 361.42(a)(3)(i)(A-B)
2. Any eligible individual, including an individual whose eligibility for vocational rehabilitation services is based on the individual being eligible for Social Security benefits, 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. RSB's application for vocational rehabilitation services specifies that individuals who receive services under the program must intend to achieve an employment outcome; therefore the applicant's completion of the application for vocational rehabilitation services is sufficient evidence of the individual's intent to achieve an employment outcome. 361.42(a)(4)(ii)
3. An individual whose eligibility for vocational rehabilitation services is being considered based on their receipt of Social Security benefits under Title II or Title XVI of the Social Security Act will be considered to be capable of benefiting in terms of an employment outcome unless RSB can demonstrate by clear and convincing evidence that the individual cannot benefit due to the severity of their disability. Sec.102(a)(3)(A)(ii)
4. If an applicant for vocational rehabilitation services asserts that he or she is eligible for Social Security benefits under Title II or Title XVI of the Social Security Act, they must verify their eligibility by providing appropriate evidence such as an award letter. 361.42(a)(3)(ii) If this document is not available, the RSB staff member should request verification of eligibility for Social Security benefits under Title II or Title XVI of the Social Security Act based on blindness from RSB's Central office.

(E) Consultation with Missouri Division of Vocational Rehabilitation - The Missouri Division of Vocational Rehabilitation provides vocational rehabilitation services to individuals who do not meet visual disability requirements stated in this rule but who are visually impaired and who meet all eligibility requirements of the Missouri Division of Vocational Rehabilitation. RSB and the Missouri Division of Vocational Rehabilitation consult regarding individuals for whom there is a question as to which agency should provide vocational rehabilitation services to the individuals. For Deaf-Blind individuals, RSB has developed an agreement with Missouri Division of Vocational Rehabilitation outlining how both agencies can work together to best serve the client.

Chapter 3 - Informed Client Choice

Federal Regulations

34 CFR 361.52 – Informed Choice

Those persons who apply for, or who are eligible to receive vocational rehabilitation services from Rehabilitation Services for the Blind (RSB), have the opportunity as well as the responsibility to make appropriate informed choices during the vocational rehabilitation process. RSB views these persons as clients of its services and throughout its policies refer to these persons as clients. RSB will strive to assist clients in an even-handed, fair and objective manner to acquire the information needed to exercise informed choice. The vocational rehabilitation process includes, among other things, the selection of: assessment services; an employment outcome; the specific vocational rehabilitation services that will assist the client achieving this outcome; the entity or source that will provide these services; and the location where the services will be provided. It is the client's responsibility to ask questions, engage in realistic self-evaluation, seek out information, take initiative, follow through on tasks, gain experience in the world of work, and commit to an employment outcome and to challenge the system when necessary. RSB will assist and treat the client as an **active and full partner** in the vocational rehabilitation process, from application to the final goal of employment. Informed choice does not mean unfettered choice, but rather refers to choices that facilitate a successful employment outcome and that are consistent with client's strengths, resources, priorities, concerns, abilities, and capabilities. Vocational Rehabilitation funding comes from the taxpayers of our state and nation, and RSB has a responsibility to the public trust to assure that these monies are spent in a responsible and effective manner. If clients and the RSB disagree during the vocational rehabilitation process, the client has the right and obligation to question decisions that appear unclear or unfair, to exercise both informal and formal appeal rights, and to seek the assistance of the Client Assistance Program.

RSB philosophy is that the client has the ultimate responsibility for making his or her own life choices and living with the consequences of those choices. RSB's goal is to develop the client's own ability to make informed choices and to take effective charge of their life so that they can achieve a successful employment outcome. RSB's efforts to facilitate the client's exercise of informed choice includes providing encouragement, offering even-handed, fair, objective and factual information, and assisting the client to explore their potential and range of possibilities.

RSB informs each applicant and eligible individual (including transition students), through appropriate modes of communication, about the availability of, and opportunities to exercise, informed choice, including availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice, throughout the vocational rehabilitation process. RSB will distribute a document entitled Informed Choice to every client at time of application, during Individualized Plan for Employment (IPE) development and at any other time questions surrounding choice arise.

Section #1: How RSB informs each applicant and eligible individual (including transition students), through appropriate modes of communication, about the availability of, and opportunities to exercise, informed choice, including availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice, throughout the vocational rehabilitation process.

RSB has developed a document entitled Informed Choice that it will provide to every client at the time of application and annually thereafter until the client ceases to utilize the services provided by RSB. In addition, Informed Choice will be made available at any time during the vocational rehabilitation process in response to a client's request to RSB. Informed Choice sets the stage for the client by discussing what informed choice means and how it is part of the entire rehabilitation process. RSB will provide this document in any reasonable medium the client chooses, including braille, tape, large print, etc. RSB will also provide support services, as needed, for individuals with cognitive or other disabilities based on the need of the particular individual. Support services may include interpreters, readers, etc. In addition, RSB will work with the client, and if the client so chooses, representatives or family members, etc., in order to facilitate the vocational rehabilitation process.

In addition, RSB will train its staff to (a) encourage clients to exercise informed choice; (b) recognize opportunities for the client to exercise informed choice; and (c) develop techniques that will assist clients to take greater advantage of their opportunities to exercise informed choice.

Section #2: How RSB will assist applicants and eligible individuals in exercising informed choice in decisions related to the provisions of assessment services under this title.

RSB will first discuss with clients the client's own assessment of their strengths, resources, priorities, concerns, abilities, and capabilities. As part of this process, RSB will review with the client various kinds of information already available to assist the client in determining what types of assessment services are necessary to develop and reach an employment goal. As assessment needs are identified, RSB will provide the client with information concerning the potential assessment choices for the client. RSB will also encourage the client to identify his or her own assessment choices. For example, if an ophthalmologist eye exam is needed by the client, the RSB counselor could provide names of the board registered ophthalmologists he or she is aware of. Likewise, if the client needed a low vision evaluation, RSB could provide information on statewide resources for that service. If the client was interested in a comprehensive assessment from a community rehabilitation program, RSB would provide a list of contracted providers, information about those providers, and results of client satisfaction surveys. In addition, RSB would, in these circumstances, assist and encourage the client to independently search out information about these service providers. The document Informed Choice given to clients establishes their opportunity for exercising informed choice in the selection of assessment services.

Section #3: How RSB will develop and implement flexible procurement policies and methods that facilitate the provision of services, and that afford eligible individuals meaningful choices among the methods used to procure services under vocational rehabilitation.

RSB will strive to implement the most flexible and effective procurement policies possible, consistent with the State of Missouri's Purchasing Laws (Chapter 34 RSMo) and the Rehabilitation Act, as amended 1998. For example, once the scope of the client's need for computer equipment and adaptive technology is determined, the client will be permitted to choose the specific kind of equipment desired, as well as the provider. Informed choice does not dictate that RSB must obtain for the client the most expensive type of technology, or all of the various options that may be available. But, RSB will strive to provide the client the technology necessary to achieve the employment goal and to provide as much choice as possible in this process.

RSB will provide training for its staff to (a) identify services that may benefit clients; (b) encourage clients to identify relevant information about services; and (c) provide relevant, factual information in an even-handed, fair, and objective fashion.

State of Missouri Purchasing Laws (Chapter 34 RSMo) do require state contracts and a state bid process for providers of services over specified amounts. RSB staff will work closely with the Office of Administration and the Contract Manager for Division of Family Services to make that process work as smoothly and efficiently as possible. RSB has been able to obtain a waiver to the state bid process from the Office of Administration for some client services, such as computer equipment/ adaptive technology, medical services and rehabilitation engineering services. (Rehabilitation engineers do, however, sign state contracts with RSB.) RSB will continue to seek such waivers in the future when appropriate.

During the vocational rehabilitation process, RSB will train its staff to regularly inform clients that they have the opportunity to exercise informed choice in the selection of any service provider contracted with RSB, as well as for any of the many services provided by RSB that are outside the state bid processes.

Section #4: How RSB will provide or assist eligible individuals in acquiring information that enables those individuals to exercise informed choice under this title in the selection of: a) the employment outcome; b) the specific vocational rehabilitation services needed to achieve the employment outcome; c) the entity that will provide the services; d) the employment setting and the settings in which the services will be provided; and e) the methods available for procuring the services.

RSB will provide all clients with the document Informed Choice. In addition, RSB will encourage clients to seek out the information that may be of assistance in the selection of: a) an employment outcome; b) the specific vocational rehabilitation services needed to achieve the employment outcome; c) the entity that will provide the services; d) the employment setting and the setting in which the services will be provided; and e) the methods available for procuring the services. In addition, RSB will strive to provide ongoing training for its staff and educate them about employment opportunities, vocational rehabilitation services available to persons seeking employment, and the methods by which such services can be procured. RSB staff will then be expected to provide clients, in appropriate cases, with even-handed, objective, factual information about available services. RSB also intends, through its staff, to develop tools and establish relationships between clients and other organizations, both public and private, that will be of assistance to its clients. RSB will strive to educate its staff about the existence of these newly developed tools and relationships with other organizations and encourage staff to share this information with clients in appropriate cases and encourage and

assist clients in acquiring information about resources this organization may offer. RSB will endeavor to sponsor or deliver, either alone or in conjunction with other public or private organizations, programs which will assist clients in exercising informed choice during the rehabilitation process.

Throughout this process, RSB will facilitate achievement of the rehabilitation goal by providing encouragement and support, factual information about resources and by assisting the client in exploring the range of possibilities available to that client. In appropriate circumstances, RSB will provide career counseling, vocational testing, assessment services, job shadowing, and work experiences needed to determine that the client's employment goals are consistent with that client's strengths, resources, priorities, concerns, abilities, and capabilities.

RSB will train its staff to encourage clients to be an active partner in the vocational rehabilitation process and to respect the fact that the client has the ultimate responsibility for making their own life choices and living with the consequences of those choices.

RSB will give its clients a brochure which gives an overview of RSB services.

RSB will provide clients with satisfaction surveys, when available, as well as other factual information, that would assist the client in exercising informed choice.

In addition, through both formal and informal mentoring programs, RSB will put clients in touch with other clients who can share their experiences and information.

RSB will encourage clients to seek employment in integrated settings.

Section #5: How RSB ensures that the availability and scope of informed choice provided under this section is consistent with the obligations of the designated State agency under this title:

The RSB Rehabilitation Council has reviewed and approved these policies and procedures and will review any changes to these policies and procedures in the future. RSB will work with the client as an active and full partner to achieve their employment outcome. RSB will inform clients of the appeals process in the Informed Choices document at the onset of services, during the development of their Individual Plan for Employment, when a case is closed or when there is a complaint.

TOC

Chapter 4 - Authorization of Services

Federal Regulations
34 CFR 361.5 – Definitions

State Rules
13 CSR 40-91.020

(A) RSB shall not pay for any vocational rehabilitation service unless RSB authorized the service before it was provided. Authorization may be done verbally, but if so it should immediately be recorded in the case narrative. The authorization form should then be completed as soon as possible, but must have an authorization date prior to the actual start date of services.

(B) Following a verbal authorization, or when any authorization is given that must be typed and processed prior to providing to a vendor, authorizations may be "post-dated" or typed following the date the authorization was given within the following time limits:

1. A counselor may sign an authorization prepared up to 15 calendar days following the service start date.
2. Any authorization prepared in excess of 15 calendar days following the service start date will require an approval signature by the Deputy Director or his designee and must go through the exception process outlined in Chapter 24 of the VR Policy Manual.

(C) A request for payment for services provided without prior approval may not be approved at the district office. In order to authorize a service that was begun without prior approval, the authorization must go through the exception process outlined in Chapter 24 of the VR Policy Manual. Such an exception must contain information that shows: 1) the service requested is a planned IPE service; and 2) that the case manager agrees that the service would have been provided if they were informed by the client in a timely manner.

(D) Staff should authorize therapy by both psychologists and psychiatrists at UCR. Psychiatrists will be paid based on the CPT code submitted on the invoice and psychologists will be paid at our current established rate.

(E) A vendor who provides services that are authorized by RSB must agree not to charge or accept any payment from an applicant or eligible individual or from a member of the applicant's or eligible individual's family unit unless the amount of the charge or payment is previously known to and approved by RSB. 361.50(e)

(F) Expenditure Limits

1. Authorized expenditures must be tracked so that when expenditure thresholds are reached the appropriate approvals are obtained.
2. Purchase of equipment in support of full VR services are subject to the limitations outlined in Chapter 13, paragraph (C)1.
3. Physical and Mental Restoration services are subject to the limitations outlined in Chapter 12, paragraph (C)5.
   Expenditure Threshold Table

TOC

Chapter 5: The Case Record

Federal Regulations
34 CFR 361.5 – Definitions
34 CFR 361.47 - Record of services

State Rules
13 CSR 40-91.020

RSB must maintain for each applicant and eligible individual a record of services that includes, to the extent pertinent, the following documentation:

NOTE: Click on the following link for guidance on Good Practices in Case Narration.

Eligibility/Ineligibility Determinations

- **(A)** If an applicant has been determined to be an eligible individual, the comprehensive diagnostic study supporting that determination in accordance with the requirements under 361.42 - Assessment for determining eligibility and priority for services, and as outlined within Chapter 2, subsection (C) of this policy manual.
- **(B)** If an applicant or eligible individual receiving services under an individualized plan for employment has been determined to be ineligible, documentation of the reason for the ineligibility determination as well as the documentation supporting that determination in accordance with the requirements under 361.43- Procedures for ineligibility determination, as outlined within Chapter 18 subsections (B) and (C) of this policy manual.
- **(C)** Documentation that describes the justification for closing an applicant's or eligible individual's case if that closure is based on reasons other than ineligibility. This documentation must be detailed and inclusive in support of 361.44 - Closure without eligibility determination. As outlined within Chapter 18 subsection (A)

Significance of Disability

- **(D)** If an individual has been determined to be an individual with a significant disability or an individual with a most significant disability, documentation supporting that determination, as outlined within Chapter 22 subsections (11) and (12).
- **(E)** If an individual with a significant disability requires an exploration of abilities, capabilities, and capacity to perform in realistic work situations through the use of trial work experiences to determine whether the individual is an eligible individual, documentation supporting the need for, and the plan relating to, that exploration and documentation regarding the periodic assessments carried out during the trial work experiences in accordance with the requirements under 361.42(e)- Trial work experiences for individuals with significant disabilities, as outlined in Chapter 7.
- **(F)** For each eligible individual to whom physical and mental restoration services are provided, documentation that supports RSB's determination that the eligible individual's clinical status is stable or slowly progressive, as provided for within Chapter 12 of this policy manual.

Individualized Plan of Employment

- **(G)** The individualized plan for employment, and any amendments to the individualized plan for employment, consistent with the requirements under 361.46- Content of the individualized written rehabilitation program, as outlined in Chapter 10 of this policy manual.
- **(H)** Documentation describing the extent to which the applicant or eligible individual exercised informed choice regarding the provision of assessment services and the extent to which the eligible individual exercised informed choice in the development of the individualized plan for employment. This documentation is in respect to the selection of the specific employment outcome, the specific vocational rehabilitation services needed to achieve the employment outcome, the entity to provide the services, the employment setting, the settings in which the services will be provided, and the methods to procure the services, as provided for within Chapter 3 of this policy manual.

(I) In the event that an individual's individualized plan for employment provides for vocational rehabilitation services in a non-integrated setting leading toward competitive integrated employment, a justification to support the need for the non-integrated setting, as outlined in Chapter 14 within this policy manual.

Measurable Skill Gain and Credential Attainment

(J) In the event an individual attains a credential, verification of such attainment. Credentials include either a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent. A recognized postsecondary credential is defined as a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal government, or an associate or baccalaureate degree, as well as graduate degrees. Acceptable forms of documentation of credential attainment are as below:

a. a copy of the credential,
b. records from the school, or
c. a case note documenting the verification of the achievement from the education or training provider or the individual.

(K) Measurable skill gains are used to measure the interim progress of clients who are enrolled in education or training services. Depending upon the type of education or training program in which a participant is enrolled, documentation verifying the client's progress is outlined below:

a. Educational Functioning Level (EFL)
    i. Adult High School transcript showing EFL gain through the awarding of credits or Carnegie units
    ii. Enrollment records or case note documenting postsecondary education or training enrollment
b. Postsecondary Education progression
    i. Transcript
    ii. Report Card
c. Secondary Education Progression
    i. Transcript
    ii. Report Card
d. Training Milestone (such as OJT or Registered Apprenticeship program)
    i. Positive evaluation from employer or training provider
    ii. Record of successful completion of OJT or Registered Apprenticeship
e. Skills progression (Occupation Specific Skills)
    i. Results of knowledge-based exam or certification of completion.
    ii. Documentation demonstrating progress in attaining technical or occupational skills
    iii. Documentation from training provider or employer
    iv. Copy of a credential that is required for a particular occupation and only is earned after the passage of an exam

Case Closure

(L) In the event that an individual obtains competitive employment, verification that the 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 non-disabled individuals in accordance with 361.5(c)(9)(i)- Definition of competitive integrated employment, and as outlined within Chapter 18 subsection (E) of this policy manual.

(M) In the event an individual achieves an employment outcome in which the individual is compensated in accordance with 14(c) the Fair Labor Standards Act or RSB closes the case of an individual in extended employment on the basis that the individual is unable to achieve an employment outcome or that an eligible individual through informed choice chooses to remain in extended employment, documentation will be produced including the results of the semi-annual and annual reviews required under 361.55 - Semi-annual and annual review of individuals in extended employment and other employment under special certificate provisions of the Fair Labor Standards Act, including the individual's input into those reviews, and if appropriate, the

individual's representative's acknowledgment that those reviews were conducted, as provided for within Chapter 17 of this policy manual.

(N) In the event that a client's case is closed successfully under 361.56- Requirements for closing the record of services of an individual who has achieved an employment outcome, documentation that demonstrates the services provided under the individual's individualized plan for employment contributed to the achievement of the employment outcome.

(O) Decision to provide post-employment services after the eligible individual achieves his/her employment objective, the basis upon which RSB develops the post-employment plan, a description of the services RSB provides and the outcome of the services.

Post-Exit

(P) Post-Exit employment information, as provided for within Chapter 18 of this policy manual.

Client Requests

(Q) Documentation concerning any action or decision resulting from a request by an individual under 361.57- Review of determinations made by designated State unit personnel, as provided for within Chapter 23 in this policy manual.

(R) In the event that an applicant or eligible individual requests under 361.38(c)(4)- Protection, use, and release of personal information, that information in their case record be amended, the documentation in question, within the case record, shall be amended and if the documentation is not amended, documentation will be produced of the request and the reason for inaction, per Department policy 5-103.

Client Referrals

(S) In the event an individual is referred to another program by RSB, documentation shall be maintained within the case record of the referral, consistent with the requirements of 361.37- Information and referral programs.

Additional Documentation Items

(T) Documentation of the determination of maintenance, as outlined in Chapter 13 within this policy manual.

(U) Eligible individual's use of any comparable service or benefit.

(V) RSB advised the eligible individual or applicant of the confidentiality of all information pertaining to the eligible individual's case, see Chapter 25 of this policy manual.

TOC

Chapter 6 - Comparable Services and Benefits

Federal Regulations

34 CFR 361.5 – Definitions

34 CFR 361.53 – Comparable Services and Benefits

State Rules

13 CSR 40-91-020

(A) Before RSB provides any vocational rehabilitation service to an eligible individual or members of the eligible individual's family, RSB shall determine whether comparable services and benefits are available under any other program, except when RSB is providing the following services: 361.5(c)(8); 361.53(b)

1. Assessment for determining eligibility and vocational rehabilitation needs;
2. Counseling and guidance;
3. Information and Referral Services;
4. Vocational and other training services, including personal and vocational adjustment, books, tools and other training materials, that are not provided in institutions of higher education;
5. Job search and placement;
6. Rehabilitation Technology services and devices; and
7. Any Post-employment services that include rehabilitation services listed above (paragraphs (6)(A)1.-6).

(B) RSB shall require that if comparable services and benefits are available to an eligible individual, the eligible individual must utilize the comparable services and benefits to meet, in whole or in part, the cost of the eligible individual's vocational rehabilitation services, except in the situations stated in Subsections (C) and (D) below.

1. Eligible individuals whose IPE includes college-level academic study must apply for Pell Grant assistance regardless of eligibility and annually provide a copy of the Student Aid Report (SAR) in order to satisfy this requirement. (Per Page 20-23, RSB College Handbook)
    - Pell, and any other applicable comparable service and benefit for Tuition, Fees, Books and Supplies (see B2 below), is to be applied to the amount RSB would otherwise pay if that assistance were not available (see Chapter 11). For example, if a student exercises informed choice to attend a private or out of state college or university and the cost of Tuition, Fees Books and Supplies were more than the rate referenced in Chapter 11, subsection A3, the scholarship/grant would be applied to reduce RSB's allowable cost, not the client's cost.
2. RSB does not consider as comparable benefits those awards and scholarships based on merit, or those which are not restricted to specific college-related expenses (tuition, books, college expenses). (Per Sec. 101(a)(8)(A)(ii) Rehabilitation Act Amendments, RSA-PAC-90-7
    - Ex. A student has been awarded a Bright Flight (merit) scholarship. This scholarship, as it is merit-based, will not be considered a comparable benefit.
    - Ex. A student receives an unrestricted scholarship through the National Eagle Scout Association which is based on membership in the NESA and community involvement. This scholarship, though it is a non-merit scholarship, should not be considered a comparable benefit as it is unrestricted as to its use.
3. The following list represents the most commonly encountered comparable benefits in the RSB service community and should be checked before service delivery on all cases:
    - Medicaid
    - Medicare
    - Pell Grant
    - Non-merit based scholarships
    - Any scholarships that are specifically dedicated to specific educational costs such as Tuition, books/supplies, paid directly to the school and are non-transferrable to the student
    - Private medical insurance

- Any other medical insurance
- Veteran's Administration (for health care and rehabilitation center programming)
- Worker's Compensation (when a person has been injured on the job)

(C) RSB shall not determine whether comparable services and benefits are available under any other program if the determination of the availability of comparable services and benefits would delay the provision of vocational rehabilitation services to any eligible individual who is at extreme medical risk. RSB shall base a determination of extreme medical risk upon medical evidence provided by an appropriate licensed medical professional. 361.5(c)(20), 361.53(a)(3)

(D) RSB shall not require consideration of comparable services or benefits if to do so would result in delays in 1) progress toward achieving an employment outcome identified in the IPE or 2) an immediate job placement.361.53(a)(1-2) Sec.101(a)(8)

TOC

Chapter 7 - Trial Work Period

Federal Regulations
34 CFR 361.5 – Definitions
34 CFR 361.42 – Assessment for Determining eligibility and priority for services

State Rules
13 CSR 40-91-020

RSB shall provide vocational rehabilitation services to an applicant during a Trial Work Period, under the following circumstances: 361.42(e)

(A) RSB determines that an applicant has a mental or physical disability(ies) that, for the applicant, constitutes or results in a substantial impediment to employment but RSB cannot determine, from information obtained during the comprehensive diagnostic study described in Chapter 2, subsection (C), that the applicant will benefit in terms of an employment outcome from the provision of vocational rehabilitation services;

NOTE: The Trial Work Period shall only be used in cases where it cannot be determined whether an eligible individual may benefit in terms of an employment outcome. Any other questions of eligibility must be satisfied within the 60 day eligibility time limit, or within an extension to that time limit (see Chapter 2, paragraph (C)1.).

(B) RSB shall provide only those services that the eligible individual must have so that RSB can determine the individual's eligibility for vocational rehabilitation services; 361.42(e), Sec. 102(a)(2)(B)

(C) The Trial Work Period shall begin on the date that RSB approves a written plan and certifies the applicant for a Trial Work Period as discussed in Chapter 8 subsection (B);

(D) Trial Work Experiences must be of sufficient variety and provided over a sufficient time period in order to determine:

1. There is sufficient evidence to conclude the individual can benefit from VR services in terms of an employment outcome; or
2. There is clear and convincing evidence that the individual is unable to benefit from VR services because of the severity of the individual's disability.

NOTE TO 361.42: Defines "Clear and Convincing" evidence standard.

(E) RSB shall make a thorough assessment of the eligible individual's progress as often as necessary but at least once every ninety (90) days from the date of the certification for trial work services. This assessment shall include periodic reports from each rehabilitation facility or person who is providing services to the eligible individual;

(F) RSB shall end the provision of services at any time before the end of the Trial Work Period when RSB is able to determine whether the eligible individual is eligible for vocational rehabilitation services;

(G) RSB shall not certify more than one (1) period of trial work during the time the eligible individual's case is opened; and

(H) If RSB closes an eligible individual's case and the individual reapplies for vocational rehabilitation services, RSB may provide another period of trial work if the individual needs to receive VR services in order for RSB to determine the individual's vocational potential.

(I) Should the case record of an individual be closed as there is clear and convincing evidence (NOTE TO 361.42: Defines "Clear and Convincing" evidence standard) that the individual is unable to benefit from VR services because of the severity of the individual's disability, the VRC must review this decision within 12 months and annually thereafter if requested by the individual, or by the individual's representative, unless the individual refuses review, is no longer present in the state, cannot be located, or if the individual's condition is rapidly progressive or terminal.

Chapter 8 – Certification of Eligibility or Ineligibility

Federal Regulations

34 CFR 361.5 - Definitions

State Rules

13 CSR 40-91-020

(A) Certification of Eligibility. As soon as RSB determines that an applicant is eligible for vocational rehabilitation services, RSB shall complete a certification of eligibility. The certification shall include the statement that the applicant meets the basic conditions of eligibility stated in Chapter 2, subsection (A). An appropriate RSB staff member shall sign and date the certification.

(B) Certification for Trial Work Experience. As soon as RSB determines that an applicant meets the requirements stated in Chapter 7, subsection (A), a Trial Work plan will be developed, and an appropriate RSB staff member shall complete, sign and date the plan for trial work and provide a copy of the Trial Work Plan to the client, which shall serve as the certification of the Trial Work Experience.

(C) Certification of Ineligibility. As soon as RSB determines that the applicant or eligible individual is not eligible for vocational rehabilitation services, an appropriate RSB staff member shall complete, sign and date a certification of ineligibility. RSB shall assure that the certification states the reasons for the ineligibility determination. RSB shall carry out all activities stated in Chapter 18, subsections (B) and (C).

TOC

Chapter 9 - Vocational Rehabilitation Services for the Individual

Federal Regulations

34 CFR 361.5 – Definitions

34 CFR 361.48 – Scope of vocational rehabilitation services for individuals with disabilities

State Rules

13 CSR 40-91-020

As appropriate to the vocational rehabilitation needs of each applicant or eligible individual, RSB shall make available the vocational rehabilitation services that are listed in this section. To the extent possible, within the limitations of 34 CFR 361, 34 CFR 365, 34 CFR parts 74-81, Chapter 34, RSMo, 13 CSR 40-91.020 and RSB's Informed Choice Policy (see Chapter 3) the applicant or eligible individual may select the vendor(s) to provide each service. RSB shall provide services in the most cost effective manner in order to assist the individual with a disability in preparing for, securing, retaining, advancing in, or regaining an employment outcome that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. The procedures for the provision of the following services and the limitations on the provision of certain services will be addressed in later chapters: 361.48, Sec.103(a), 361.5(b)(57), Sec. 7(38)

(A) PRE-EMPLOYMENT TRANSITION SERVICES

Pre-employment transition services may be provided to all students with disabilities. Services are provided to potentially eligible students with disabilities, or to eligible VR clients under an IPE. See Chapter 16 for further information on providing these services to students with disabilities.

1. **Job Exploration Counseling**
2. **Work-Based Learning Experiences -** In-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment to the maximum extent possible.
3. **Counseling on Enrollment Opportunities -** Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education.
4. **Workplace Readiness Training -** Workplace readiness training to develop social skills and independent living.
5. **Instruction in Self-advocacy -** Instruction in self-advocacy (including instruction in person-centered planning), which may include peer mentoring (including peer mentoring from individuals with disabilities working in competitive integrated employment)

(B) CAREER SERVICES

1. **Assessment -** Services provided and activities performed to determine an individual's eligibility for VR services and/or to determine the nature and scope of VR services to be included in the IPE. See also 34 CFR 361.5(c)(5) and 34 CFR 361.48.
2. **Physical Restoration/Diagnosis and Treatment of Impairments –** as discussed in Chapter 12
3. **Vocational Rehabilitation Counseling and Guidance -** Vocational rehabilitation counseling and guidance includes information and support services, including adjustment to blindness counseling, to assist an individual in exercising informed choice and is distinct from the case management relationship that exists between the counselor and the individual during the VR process.
4. **Job related career services** - will be provided to eligible individuals as identified in their IPE to assist the individual in obtaining, retaining or maintaining suitable employment. These services may be provided by RSB staff and/or contracted providers of supported employment and short term community- based employment services.

A. **Job Search Assistance** - Job search activities support and assist an individual in searching for an appropriate job. Job search assistance may include help in resume preparation, identifying appropriate job opportunities, developing interview skills, and making contacts with companies on behalf of the consumer.
B. **Job Placement Assistance -** Job placement assistance is a referral to a specific job resulting in an interview, whether or not the individual obtained the job.
C. **Short Term Job Supports -** Support services provided to an individual who has been placed in employment in order to stabilize the placement and enhance job retention. Such services include short-term job coaching for persons who do not have a supported employment goal consistent with the employment goal on the IPE.
D. **Supported Employment Services** - On-going support services and other appropriate services needed to support and maintain an individual with a most significant disability in supported employment for a period of time generally not to exceed 24 months. Services, such as job coaching, are for individuals who have supported employment and long-term supports identified on the IPEs. On-the-job support services with a supported employment goal are funded using Title VI and Title I funds.

5. **Information and Referral Services** - provided as needed to assist the applicant or eligible individual in securing needed goods and services not available through Rehabilitation Services for the Blind from other agencies or programs, including other components of the statewide workforce development system and the Client Assistance Program. This service shall be made available to all applicants and eligible individuals, without consideration of significance of disability (see Order of Selection, Chapter 22), comparable services and benefits or the eligible individual's financial participation. This service will include counseling and referral for job placement if RSB is operating under an order of selection. In the event that an individual is referred to another agency, the client will be provided with a notice of the referral to the agency, specific contact information for the agency to which they are referred and information and advice regarding the most suitable services to assist them in preparing for, securing, retaining, advancing in, or regaining employment
6. **Benefits Counseling -** Typically involves an analysis of an individual's current benefits, such as SSDI and SSI, the individual's financial situation, and the effect different income levels from work will have on the individual's future financial situation. This service is intended to provide the individual an opportunity to make an informed choice regarding the pursuit of employment.
7. **Customized Employment Services –** The flexible strategies leading to a customized employment outcome; includes job exploration by the individual or working with an employer to facilitate placement.
8. **Extended Services –** Ongoing support services and other appropriate services needed to support and maintain an individual with a most significant disability in supported employment, as provided for in Chapter 14 part (A)3.C.(II).

(C) TRAINING – See Chapter 11 for the policy on training costs. Below are the available training service categories

1. **Graduate College or University Training -** Academic training leading to a degree recognized as beyond a baccalaureate degree, such as a Master of Science, Arts (M.S. or M.A.) or Doctor of Philosophy (Ph.D.) or Doctor of Jurisprudence (J.D.). Such training would be provided by a college or university.
2. **Four-Year College or University Training -** Academic training leading to a baccalaureate degree, a certificate, or other recognized educational credential. Such training may be provided by a four-year college or university or technical college.
3. **Junior or Community College Training -** Academic training above the high school level leading to an associate degree, a certificate, or other recognized educational credential. Such training may be provided by a community college, junior college, or technical college.
4. **Occupational or Vocational Training -** Occupational, vocational, or job skill training provided by a community college and/or business, vocational/trade or technical school to prepare students for gainful employment in a recognized occupation, not leading to an academic degree. This would include selected courses or programs of study at a community college, four-year college, university, technical college or proprietary schools or programs.
5. **On-the-job Training -** Training in specific job skills by a prospective employer. Generally the trainee is paid during this training and will remain in the same or a similar job upon successful completion. See On-the-Job Training (OJT) Contract form for further details.

6. **Registered Apprenticeship Training -** A registered apprenticeship program is a work-based employment and training program that combines hands-on, on-the-job work experience in a skilled occupation with related classroom instruction. Structured apprenticeship programs generally have minimum requirements for the duration of on-the job work experience and classroom instruction, and/or could utilize competency-based elements but should have mechanisms in place to ensure quality and consistency of skills acquisition. Other elements that distinguish apprenticeship programs from other work-based efforts including co-op education, on-the-job training, and internships are the following: includes supervision and structured mentoring; provides for wage increases as an apprentice's skills increase; is based on an employer-employee relationship; and provides an industry recognized certificate of completion of the program.
7. **Basic Academic Remedial or Literacy Training -** Literacy training or training provided to remediate basic academic skills that are needed to function on the job in the competitive labor market.
8. **Job Readiness Training -** Training provided to prepare an individual for the world of work (e.g., appropriate work behaviors, getting to work on time, appropriate dress and grooming, increasing productivity).
9. **Disability-Related Skills Training, including;**
    A. *Rehabilitation teaching services*, including assessment of the extent of rehabilitation needs of the individual in such areas as home management, personal management, communication skills, interpersonal social skills in the home, community and workplace, as well as training in systematic compensatory and accommodative techniques of blindness and low vision that allow the individual to achieve self-sufficiency and independence in society. Rehabilitation teaching services are provided to eligible individuals as identified in the Individualized Plan for Employment (IPE), and may be delivered by RSB staff, contractors or through the use of contracted facilities for Personal and Vocational Adjustment to Blindness (PVA), and;
    B. *Orientation and mobility services* including assessment of the eligible individual's level of orientation and mobility skills, training in the use of mobility aids and devices, protective techniques, and compensatory orientation skills, including the use of strategies for orientation in the home, workplace and community. These services are available to all eligible individuals with an identified service need in the IPE in the area of orientation and mobility. These services may be delivered by RSB staff, contractors, or through the use of contracted facilities for Personal and Vocational Adjustment to Blindness (PVA).
10. **BEP training** – see Chapter20
11. **Customized Training** – A training program designed to meet an employer's special requirements. The employer has entered into an agreement to hire individuals trained to meet their specific needs. Training can be provided at the employer's site, or by a 3rd party vendor.
12. **Miscellaneous Training** – Any training not covered in the other training categories, for example GED or other training leading to a diploma, or courses taken at post-secondary institutions not leading to a certificate or diploma.

(D) OTHER SERVICES

1. **Transportation -** as discussed in Chapter 13, subsection (A);
2. **Maintenance** - as discussed in Chapter 13, subsection (B), monetary support provided for those expenses such as food, shelter and clothing that are in excess of the normal expenses of the individual, and that are necessitated by the individual's participation in an assessment for determining eligibility and VR needs or while receiving services under an IPE.
3. **Rehabilitation Technology –** as provided for within Chapter 13, subsection (C) of this policy. Rehabilitation technology means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, blind and visually impaired individuals in areas that include education, rehabilitation, employment, transportation, independent living, recreation, home and vehicular modification, other assistive devices including, but not limited to hearing aids, low vision aids and wheelchairs. Rehabilitation technology includes rehabilitation engineering, assistive technology devices, and assistive technology services. This service may be provided directly by RSB staff, contractors or through the use of contracted facilities for Personal and Vocational Adjustment to Blindness (PVA). See also 34 CFR 361.5(c)(45).
4. **Personal Assistance Services -** are a range of services provided by one or more persons designed to assist an individual to perform daily living activities on or off the job that the individual would typically perform without assistance if he or she did not have a disability and which cannot be performed by the individual through the use

of alternative techniques of blindness or assistive technology (examples include, but are not limited to, bathing, feeding, dressing, etc.). 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 1) necessary to the achievement of an employment outcome and 2) provided only while the individual is receiving other VR services. These services are provided to an eligible individual only in conjunction with, or after the maximum utilization of comparable services and benefits.

5. **Technical Assistance Services** - provided to eligible individuals who are pursuing a vocational goal of self-employment, telecommuting or establishing a small business operation, including the development of business plans, marketing analyses, and resource development, in keeping with the RSB Self-Employment Resource Guide and Chapter 13, subsection (D). This will include assisting the eligible individual in gathering data on the feasibility and specifics of the business concept, refinement of the business concept based on the market research and analyses regarding a business idea, development of financial projections and plans, including break-even analysis, and putting the individual's plan into a presentable form. These services may be performed by RSB staff, contracted vendors or other entities with expertise in the creation and maintenance of small businesses. Eligible individuals who express an interest in self-employment in the Business Enterprise Program will be provided services as outlined in Chapter 22 of the VR Policy and Procedure Manual, and in 13 CSR 40-91.010.
6. **Reader Services -** Reader services include, in addition to reading aloud, transcription of printed information into Braille or sound recordings if the individual requests such transcription.
7. **Interpreter Services** - Sign language or oral interpretation services for individuals who are deaf or hard of hearing and tactile interpretation services for individuals who are deaf-blind. Also include here real-time captioning services for persons who are deaf or hard of hearing. (Please Note: Language interpretation is to be provided under "other services")
8. **Other Services -** other goods and services that can be expected to benefit an eligible individual in terms of employability, not specified elsewhere, including but not limited to;
    - occupational licenses,
    - tools and equipment,
    - initial stocks and supplies,
    - child care,
    - language interpretation

TOC

Chapter 10 - Vocational Planning and the Individualized Plan for Employment

Federal Regulations

34 CFR 361.5 – Definitions
34 CFR 361.5(c)(5) – Assessment for determining eligibility and VR needs
34 CFR 361.45 - Development of the IPE
34 CFR 361.46 - Content of the IPE

State Rules

13 CSR 40-91-020

(A) Comprehensive Assessment - For each eligible client, the Vocational Rehabilitation Counselor will conduct a comprehensive assessment in order to determine the client's employment goal and the nature and scope of Vocational Rehabilitation services to be included in the IPE.

1. The IPE must be designed to achieve a specific competitive integrated employment outcome that is selected by the individual consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
2. The comprehensive assessment of rehabilitation needs will include information provided by the client, and information obtained in determining the client's eligibility.
3. The comprehensive assessment may include an assessment of the following factors if they affect the vocational rehabilitation needs of the client:
    - Personality
    - Career interests
    - Interpersonal skills
    - Intelligence and related functional capacities
    - Educational achievements
    - Work experience
    - Vocational aptitudes
    - Personal and social adjustments
    - Employment opportunities
    - Medical
    - Psychiatric/psychological
    - Other pertinent vocational, educational, cultural, social, recreational and environmental factors
4. The comprehensive assessment of vocational rehabilitation needs should also include an appraisal of the client's patterns of work behavior and services needed for the client to acquire and/or develop:
    - Occupational skills
    - Work tolerance, habits and attitudes, and
    - Social behavior patterns necessary for successful job performance.
5. In providing quality customer service, contact with the client should be regular and ongoing.
    - The IPE must be developed as soon as possible, but not later than 90 days after the date of determination of eligibility, unless the VRC and the eligible individual agree to an extension of that deadline. RSB requires that the agreement is recorded within a case note in the case file.
6. During the vocational planning process, assist the client in making an informed choice regarding his/her vocational goal by:
    - Determining there is reasonable expectation the client can secure employment
    - Providing the client with current labor market information
    - Determining accommodations required, if any
    - Determining the need for assistive technology devices or assistive technology services
    - Discussing services to be provided and options for service providers

- Reviewing and discussing cost-effective programs/services.
- Considering available comparable benefits/services
- Explaining client and counselor responsibilities

7. For clients receiving benefits under title II or XVI of the Social Security Act (SSI/SSDI), the VRC must provide general information on additional supports and assistance – including benefits planning - available to individuals with disabilities seeking to enter the workforce.

(B) Individualized Plan for Employment (IPE) Development

1. The Individualized Plan for Employment (IPE) is a written document which outlines a plan to achieve the client's chosen vocational goal and is developed through an assessment of the client's individual rehabilitation needs consistent with his/her unique strengths, resources, abilities and interests.
2. The IPE should be developed and implemented as soon as feasible after eligibility determination. Staff should act with a sense of urgency in working with the client to complete this process.
   - The IPE must be developed as soon as possible, but not later than 90 days after the date of determination of eligibility, unless the VRC and the eligible individual agree to an extension of that deadline. RSB requires that the agreement is recorded within a case note in the case file.
3. In developing the IPE, clients have the opportunity to exercise informed choice when selecting:
   - The employment outcome/employment setting
   - The specific VR services needed to achieve the employment outcome
   - The entity(ies) that will provide the VR services, and
   - The methods available for procuring the services
4. In discussing the nature and scope of VR services to be provided in developing the IPE, meet with the client to review and discuss the following:
   - Comparable services
   - Cost-effective programs/services
   - Vocational goal and current labor market information
   - Accommodations required, if any
   - Services to be provided, including the anticipated need for Post-Employment services
   - Client and counselor responsibilities
   - Client's rights to due process hearing and/or mediation.
5. Include, as appropriate, the provision of assistive technology devices, assistive technology services, and personal assistance services, including training in the management of those services.
6. All services necessary for the client to achieve their goal – including in-house services such as those provided by RT or O&M staff or those services financed by comparable services and benefits providers (i.e. scholarship for tuition) – are to be appropriately documented within the IPE and recorded within the case record for purposes of RSA-911 reporting.
7. The IPE will be jointly developed, agreed upon and signed by the counselor and the client and/or his/her representative. The client/representative has the right to develop his/her own IPE, however the vocational goal and services must be mutually agreed upon. If the VRC cannot support the client's informed choice, the client should be informed of their rights to administrative review, mediation and/or fair hearing (see Chapter 23) as well as the availability of the Client Assistance Program.
8. A copy of the initial IPE, all IPE amendments, and any authorizations for service that are completed in accordance with the IPE, will be provided to the client.
9. For Students with Disabilities, the IPE is developed to be consistent with the student's IEP or 504 services.
10. The IPE is reviewed at least annually by the VRC and the client or the client's representative to assess the client's progress towards achieving the identified employment outcome. This review should be documented in the client record.

(C) Amended IPE

1. The IPE is amended, as necessary, by the individual or, as appropriate, the individual's representative, in collaboration with the VRC, if there are substantive changes in:

- the employment outcome
- the vocational rehabilitation services to be provided
- the providers of the vocational rehabilitation services

2. Amendments to the IPE do not take effect until agreed to and signed by the eligible individual or, as appropriate, the individual's representative and by the counselor.

(D) Ticket to Work

1. RSB participates in the Cost Reimbursement system with SSA for SSI/SSDI beneficiaries who meet the appropriate criteria. A client's signing of their initial IPE also effectively assigns their Ticket to RSB.
2. For dual cases, such as deaf-blind clients, working with both RSB and Missouri Vocational Rehabilitation, refer to the MOU for further guidance on which agency retains the ticket assignment.

TOC

Chapter 11 - Training Costs

Federal Regulations

34 CFR 361.5 – Definitions

34 CFR 361.50 – Written policies governing the provision of services for individuals with disabilities

State Rules

13 CSR 40-91-020

RSB provides training to an eligible individual when the eligible individual needs training in order to achieve a vocational goal that is recorded in the eligible individual's IPE. Training includes the areas of personal and vocational adjustment, academic training and vocational training. 361.5(c)(57), Sec. 7(38)

(A) Tuition, Fees, Books and Supplies: RSB applies the following limitations to payment of tuition, fees, books and supplies: 361.48, (Per Page 20-23, RSB College Handbook)

1. RSB limits payment of tuition, fees, books and supplies for academic and vocational training to an eligible individual's completion of the academic or training curriculum required in order to obtain employment in keeping with the eligible individual's vocational goal, as recorded in the IPE.
2. RSB may pay tuition and fees at state or other public colleges and universities in Missouri, vocational schools or rehabilitation facilities at current verified rates.
3. RSB may pay tuition and fees at private college or universities in Missouri and at colleges or universities outside of Missouri up to but not to exceed the residential rate for on-campus courses at University of Missouri-Columbia for students at a comparable academic level (undergraduate, graduate or post-graduate).

   Note: For computation of what RSB may pay at private colleges or universities in Missouri, or at any college or university outside of Missouri, similar costs of tuition and fees at UMC shall include the resident per-credit hour educational fee, plus the recreation facility fee, the student activity fee, the information technology fee and the student health fee. No other "specialized" fees shall be included in this cost.
4. If a deaf-blind eligible individual attends Gallaudet University, RSB may pay the full cost of tuition and fees at Gallaudet University.
5. Comparable Services and benefits must also be considered and applied appropriately, as outlined within Chapter 6 within this policy manual.
6. Any request for consideration to pay tuition and fees at private colleges or universities in Missouri and at colleges or universities outside of Missouri *at a rate higher than that established at UMC* will be subject to the exception provisions expressed in Chapter 24. Exceptions will be considered based on comparable degrees and/or outcomes at the private or out of state programs versus those offered at UMC.

(B) Selection of Personal and Vocational Adjustment to Blindness (PVA) Facility

1. Prior to authorization of PVA services at a contracted facility, eligible individuals will be provided with a copy of **PVA At a Glance** (PVA Facilities) and allowed to gather additional information on available facilities. When they have decided which facility they wish to attend, they must fill out and sign the PVA Facility Selection Form which should be filed in the case record.

2. District supervisors will review and sign off on PVA authorizations beyond six months or any extensions past six months.

(C) Support Services Associated with Training: RSB pays for necessary support services associated with training, in accordance with Chapter 13 of the VR Policy and Procedure Manual.

(D) Out of State Training for Minors: Minors may attend training out of state as long as RSB has a contract for the service in place. In order to ensure safety of the client, the parent or legal guardian must accompany the child to and from the facility. As outlined in the contract, the facility provides supervision during the training period.

TOC

Chapter 12 - Physical and Mental Restoration

Federal Regulations

34 CFR 361.5 – Definitions

34 CFR 361.50 – Written policies governing the provision of services for individuals with disabilities

State Rules

13 CSR 40-91-020

(A) General Provisions Within the limitations in 34 CFR 361, 34 CFR, parts 74-79 and 13 CSR 10-91-020, RSB may provide services stated in this policy to a vocational rehabilitation eligible individual, to correct or substantially modify a physical or mental health condition that is stable or slowly progressive and which contributes to the eligible individual's impediments to employment. 361.48(b)(5), 361.5(c)(39), Sec.103(a)(6)

(B) Types of Physical or Mental Restoration

1. Corrective surgery or therapeutic treatment that is likely, within a reasonable period of time, to correct or modify substantially a physical or mental impairment that constitutes a substantial impediment to employment;;
2. Diagnosis and treatment for mental or emotional disorders are provided to an eligible individual to correct or substantially modify a mental health condition that is stable or slowly progressive and which results in a significant impediment to employment for the individual. Services are provided as described in the IPE following examination by a licensed physician or psychologist, the report of which must include findings necessary to determine the mental health of the individual and the characteristics of the impediment to employment to be treated. Services may be provided by physicians, psychologists and other mental health-related professionals. These services may be provided in a hospital setting (in-patient and out-patient), doctor's office, rehabilitation facilities, State Hospitals and mental health facilities. Consideration may be given to convalescent and intermediate residential care facilities, half-way house and other special living arrangements.
3. Dentistry, when the general and/or special medical examination reveals the existence of serious maxillofacial problems and/or diseases of the gums and teeth that result in or exacerbate problems of speech, personal appearance, personal adjustment or other specific health problems which result in a substantial impediment to employment; NOTE: Ordinarily, dental conditions such as caries (cavities) or gum abscess do not constitute a substantial impediment to employment for the applicant, nor do multiple extractions with the provision of dentures.
4. Nursing services;
5. Inpatient or outpatient hospitalization needed in connection with surgery or treatment and clinic services;
6. Drugs and supplies;
7. Prescription of prosthetics and/or orthotics related to the individual's diagnosed disability and is necessary for the achievement of the employment outcome;
8. Prescription of eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids, that are prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the eligible individual may select;
9. Podiatry;
10. Physical, occupational, speech or hearing therapy;
11. Mental health services;
12. Treatment of either acute or chronic medical complications and emergencies which are associated with or arise out of the provision of physical and mental health restoration services, or which are inherent in the condition under treatment;
13. Special services for the treatment of end-stage renal disease, including transplantation, dialysis, artificial kidneys, and supplies; and

14. Other medical or medically related rehabilitation services.
15. Medical care for acute conditions arising during provision of rehabilitation and which constitute a barrier to achieving the employment outcome.

(C) Payment for Physical or Mental Restoration All comparable services and benefits that are available from any source to meet, in whole or in part, the cost of an eligible individual's physical or mental health restoration shall be utilized, unless to utilize these services or benefits would delay the provision of vocational rehabilitation services to any eligible individual who is at extreme medical risk, as defined in subsection (6)(C). A determination of extreme medical risk shall be based upon medical evidence provided by an appropriate licensed medical professional. Comparable benefits and services shall include, but not be limited to, Title XVIII (Medicare), Title XIX (Medicaid), public or private health insurance, Veterans Administration medical benefits and Worker's Compensation.

1. RSB may pay for medical services, including hospital facility fees, physician services, laboratory and X-ray fees and anesthesia services, at a rate that is determined by the Department of Social Services to be reasonable; and
2. RSB may pay for medical services received outside Missouri at the rates paid by the vocational rehabilitation agency in that state, unless the provider participates in the Missouri Title XIX program, in which case RSB limits payment to Missouri Title XIX rates.
3. Selection of provider. To the extent possible, RSB shall purchase physical and mental restoration services (including dental services) for eligible individuals who are eligible for Title XIX benefits from Title XIX providers who are located in Missouri.
4. Dental Fee Schedule. Dental services may be authorized and paid at the 50th percentile rate established by the Ingenix Dental Customized Fee Analyzer.
5. When costs of physical and mental health restoration services reach twenty-five thousand dollars ($25,000) regardless of the number of times the eligible individual receives services under the terms of an IPE, requests for additional physical or mental health restoration services must be reviewed and approved by the deputy director or designee.

TOC

Chapter 13 - Support Services

Federal Regulations
34 CFR 361.5 – Definitions
34 CFR 361.50 – Written policies governing the provision of services for individuals with disabilities

State Rules
13 CSR 40-91-020

RSB may pay the cost of support services to or in behalf of an applicant or eligible individual undergoing assessment(s) to determine eligibility and the nature and scope of services. Additionally, RSB may pay the cost of support services to or in behalf of an eligible individual in order for the individual to benefit from physical or mental restoration, academic vocational and other training, or job-related services (job search/placement/retention), as appropriate according to the individual's rehabilitation plan. Comparable services and benefits must be considered and applied appropriately, as outlined within Chapter 6 within this policy manual.

(A) Transportation: RSB may pay the cost of the most economical source of transportation that meets the applicant or eligible individual's rehabilitation service needs. RSB pays the cost of mileage traveled by private automobile at a rate not to exceed the rate per mile currently allowed state employees by the Department of Social Services; bus fare and train fare at actual charges; and cab fare, only when other methods of transportation are not available, at actual charges. When an eligible individual must travel by plane, coach fare at the most feasible travel plan may be paid. 361.48(b)(8), 361.5(c)(56)

1. **Physical or mental restoration**. RSB may pay costs of transportation that an eligible individual needs in order to obtain physical or mental restoration that is prescribed by a provider who meets the standards in subsection (19)(D).
2. **Personal and vocational adjustment training**. RSB may pay costs of transportation that an eligible individual needs in order to participate in personal and vocational adjustment evaluation or training at a rehabilitation facility that meets the standards in subsections (19)(A) and (B).
    A. When an eligible individual stays in rehabilitation facility residential quarters, RSB shall limit payment to the necessary trips the individual makes between their home and the rehabilitation facility during the time they are in evaluation or training activities at the facility. The decision regarding the number of trips that are necessary is made by RSB, the rehabilitation facility and the eligible individual.
    B. When an eligible individual lives at home and commutes, the total monthly payment for transportation shall not exceed the cost of lodging that is available at or in conjunction with the rehabilitation facility, as described in subparagraph (13)(B)3.C.
3. **Academic training and vocational training**. RSB may pay costs of transportation that an eligible individual needs in order to participate in academic training or vocational training.
    A. If an eligible individual lives at home and commutes to a public college or university in Missouri that has dormitories, the total monthly payment for transportation shall not exceed the cost of double occupancy dormitory charges at the college or university the eligible individual attends, as described in subparagraph (13)(B)3.A.
    B. If an eligible individual attends a private college or university in Missouri, a public college or university in Missouri that has no dormitories, or a college or university outside of Missouri, the total monthly payment for transportation shall not exceed the cost of double occupancy dormitory charges at the University of Missouri-Columbia, as described in subparagraph (13)(B)3.A.
4. **Job-related services ((job search/placement/retention)**. RSB may pay costs of transportation that an eligible individual needs in order to participate in job-related services, including to seek employment.
5. **Relocation expenses**. RSB may pay costs of transportation that an eligible individual needs in order to relocate after obtaining employment. Payment of these transportation expenses is limited to payment of

moving expenses from the eligible individual's home locale to the location of the eligible individual's employment.

(B) Maintenance: Maintenance means limited monetary support provided to an individual for expenses, such as food, shelter, clothing and other subsistence items (i.e. personal toiletries) that are in excess of 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. RSB does not base maintenance on the individual's economic or financial situation.

1. Authorization of Maintenance:
   A. The amount of maintenance must be justified based on the specific circumstances and the justification must be documented in the case record.
   B. District supervisors will sign off on all authorizations for maintenance. If the district supervisor is not available for signature, another district supervisor, the Deputy Director or other administrative staff may approve.
2. General limitations on Maintenance:
   A. Meals not covered under a specific contract will be paid at the maximum state rate, per DSS Administrative Travel policy 7-101. (see (13)(B)3. below for limitations on meals in support of academic and vocational training).
   B. Housing not covered under a specific contract (i.e. hotel room charges) will be paid at the maximum state rate, per DSS Administrative Travel policy 7-101. (see (13)(B)3. below for limitations on housing in support of academic and vocational training)
   C. Maximum not to exceed $120 per month for other subsistence items that are additional expenses in excess of normal living expenses necessitated by participation in an assessment or IPE
3. Maintenance to support academic and vocational training:
   A. **For in-state public institutions** the maximum payment shall not exceed the cost of a double occupancy dormitory charge with maximum meal plan at the state university's rate.
   B. **For private and out of state institutions**, **and in-state public institutions that have no dormitories**, the maximum payment shall not exceed the cost of double occupancy dormitory charge with maximum meal plan at UMC unless a comparable academic or vocational program is not offered at in-state public institutions, in which case RSB's payment shall be reasonable (i.e. the least expensive goods and services to meet the recipient's needs) and shall not exceed actual costs.
   C. **For Personal and Vocational Adjustment to Blindness (PVA) training at a contracted Community Rehabilitation Program (CRP),** maintenance will be paid at the contract rate. Those maintenance costs not covered by a PVA contract will be paid in accordance with paragraphs (13)(B)1. and (13)(B)2. above.
   D. Maintenance for academic or vocational training is contingent on maintaining acceptable academic standing and maintaining full-time status as dictated by the institution. The district supervisor must approve maintenance in support of less than full-time status with justification.
   E. RSB may pay continuous maintenance to an eligible individual if the eligible individual is attending consecutive semesters and the term between semesters is less than 6 weeks.
4. Maintenance to support job-related services.
   i. RSB may pay maintenance in support of job-related services (such as job search) in accordance with paragraphs (13)(B)1. and (13)(B)2.
   ii. RSB may pay the necessary costs of establishing a new living arrangement in order for an eligible individual to accept employment. Payment will be limited to expenses incurred for no more than two weeks prior to the start date of the employment, and may continue until the eligible individual has been employed for one full month (30) days. 361.5(c)(34), Sec.103(a)(7)

(C) Assistive Technology Devices, Other Equipment, Tools and Supplies: RSB may pay for Assistive Technology Devices as well as other necessary equipment, tools and supplies that the eligible individual needs to participate in academic, vocational or other training, and to perform required job duties following employment.

1. **Purchase of equipment.** Authorizations for equipment purchase with a cost of less than $3,000 may be signed by the VRC. Purchase of equipment with a cost of $3,000 or more is authorized as follows;
    A. District supervisors will review and sign off on all equipment items of $3,000 or more.
    B. Equipment that costs more than $2,999 requires that the VRC must obtain three price comparisons from vendors that are acceptable to the eligible individual. The specifications for these price comparisons should include warranties and any service requirements the eligible individual has. If staff obtain price comparisons over the telephone, the information will be recorded on a Price Comparison Request Sheet. If the lowest price is not selected, the VRC must document in the case record why this particular item/vendor was chosen.
    C. District supervisors may approve case expenditures above $10,000 and up to $17,000 for equipment related to training and job placement. It is the district office's responsibility to track the accumulated purchases and identify when the limit has been reached.
    D. All exceptions to the $17,000 equipment limit must be in writing and approved by the deputy director or his/her designee.
    E. If the district supervisor is not available for signature, another district supervisor, the Deputy Director or other administrative staff may approve.
    F. When the cost of equipment purchased for an eligible individual who is in post-employment status reaches five thousand dollars ($5,000) regardless of the number of times an eligible individual's case is opened for post-employment services, requests for purchase of additional equipment must be reviewed and approved by the deputy director or designee.
    G. Furniture for eligible individual use may be purchased from vendors other than Missouri Vocational Enterprises, provided that the furniture is to be delivered directly to the eligible individual's residence. If the furniture is to be delivered to the RSB office and then delivered to the eligible individual, it must be ordered from Missouri Vocational Enterprises.

(D) Start up costs for small businesses. RSB may pay no more than seventy five percent (75%) of an eligible individual's start-up costs for establishing a small business. When RSB's payment reaches $17,500 (including equipment for the client to do his/her job in the small business) requests for payment of additional start-up costs must be reviewed and approved by the deputy director or designee. Requests for payment of additional start-up costs beyond one (1) year after the initial payment must be reviewed and approved by the deputy director or designee. Detailed information regarding small business start-ups is found in the document Funding Small Business Start-Ups and the RSB Self-Employment Resource Guide. This rule does not apply to start-up costs for vending facilities that RSB supervises according to 13 CSR 40 91.010. Sec.103(a)12-13)

(E) Home Modification: Home modification is an allowable expense under the following circumstances:

1. It is essential in order for the eligible individual to achieve an established vocational goal;
2. The eligible individual is in an active status (06 or higher); (Note: This service cannot be provided in Status 02, 10, or 24)
3. The home being modified is owned or being purchased by the eligible individual or the eligible individual's immediate family and is the eligible individual's place of residence.
4. If the eligible individual resides in rental property, the only modification allowed will be ramping or a lift.
5. When a ramp or lift is being provided for rental property, there must be written permission from the landlord in the case file prior to the service being authorized.

(F) Reader Service: RSB may provide reader service that an eligible individual needs in order to participate in a rehabilitation program, including orientation to employment. RSB will pay the cost of reader service for an eligible individual who is in post-secondary training using funds that are available from the State Reader's Fund as matching funds, as authorized in sections 178.160 and 178.180, RSMo. 361.48(b)(11), Sec.103(a)(10)

(G) Language/Sign/Tactile Interpreting Services: Staff should utilize the state contract for language interpreting services whenever possible. Otherwise, RSB may pay the cost of interpreting services when an individual needs interpreting services in order to participate in a rehabilitation program, including orientation to employment. RSB may pay the rate that is charged by a qualified interpreter who is available to an individual. Sec. 103(a)(10), 361.48(b)(10)

(H) Services to Family Members: RSB may provide services to members of an eligible individual's family, when the provision of such services is necessary in order for the eligible individual to become rehabilitated. 361.48(b)(9), Sec.103(a)(17)

(I) Other Support Services: Include, but are not limited to additional costs incurred for child care and personal assistance services for individuals with most significant disabilities necessary to participate in VR services.

(J) Exceptions: All service limitations expressed in this Chapter are subject to the exception provisions expressed in Chapter 24.

TOC

Chapter 14 - Supported Employment

Federal Regulations
34 CFR 361.5 – Definitions
34 CFR 363 – THE STATE SUPPORTED EMPLOYMENT SERVICES PROGRAM

State Rules
13 CSR 40-91-020

RSB shall provide vocational rehabilitation services that will lead to supported employment for individuals with the most significant disabilities who are eligible for these services.

(A) The following definitions apply to the supported employment program:

1. **Supported employment** means competitive integrated employment, including customized employment, or employment in an integrated work setting in which an individual with a most significant disability, including a youth with a most significant disability, is working on a short-term basis toward competitive integrated employment,
   A. For whom competitive integrated employment has not historically occurred, or for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability;
   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 in order to perform the work; ~~or~~
      (I) An individual with a most significant disability, whose supported employment in an integrated setting does not satisfy the criteria of competitive integrated employment is considered to be working on a short-term basis toward competitive integrated employment so long as the individual can reasonably anticipate achieving competitive integrated employment—
         (a) Within six months of achieving a supported employment outcome; or
         (b) In limited circumstances, within a period not to exceed 12 months from the achievement of the supported employment outcome, if a longer period is necessary based on the needs of the individual, and the individual has demonstrated progress toward competitive earnings based on information

2. **Competitive Integrated Employment means work that;**
   A. is performed on a full-time or part-time basis (including self-employment), and for which an individual is compensated at a rate that
      (I) is not less than the higher of the federal minimum wage, or the rate specified in the applicable state or local minimum wage law; and
      (II) is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; or
      (III) in the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and
      (IV) is eligible for the level of benefits provided to other employees;

   B. That is at a location
      (I) Typically found in the community; and

(II) where the employee interacts with other persons who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons; and

C. Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

3. **Ongoing support services** 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 RSB of the individual's needs as specified in an IPE; and
   C. Either:
      (I) **Time-Limited Services**: Provided singly or in combination and are organized and made available in such a way to assist an eligible individual in entering or maintaining competitive integrated employment
         (a) On-going support services: Provided by RSB through a supported employment service provider, or as natural supports from the time of job placement until transition to extended services.
         (b) Provided for a period not to exceed 9 months, unless an exception is made by the RSB State Office.
         (c) Post-employment services following transition to extended services that are unavailable from an extended services provider and that are necessary to maintain the job placement. (e.g. job station redesign, repair and maintenance of assistive technology, and replacement of prosthetic and orthotic devices).
         (d) May be provided as natural supports.

OR

      (II) **Extended Services: (<u>may only be provided to youth with the most severe disabilities</u>.)**
         (a) Provided by one or more extended services providers such as a State agency, a private non-profit organization, or any other appropriate resource including natural supports, after an individual has made the transition from RSB financial support.
         (b) Provided 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 short-term employment.
         (c) Must include, at a minimum, twice-monthly monitoring at the work site of each individual in supported employment to assess employment stability, unless 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.
         (d) If off-site monitoring is determined to be appropriate, a minimum of two meetings with the individual and one contact with the employer each month.

4. **Traditionally time-limited post-employment services** means services that RSB provides to support and maintain an eligible individual in supported employment following case closure. Post-employment services are provided when:
   A. Needed services are unavailable from the extended services provider.
   B. They are necessary to maintain the job placement.
   C. Include services such as job station redesign, repair and maintenance of assistive technology, and replacement of prosthetic and orthotic devices. 361.5(c)(41)

5. **Community service agency** means the Department of Mental Health, Senate Bill 40 Boards authorized by sections 205.968- 205.972, RSMo, relatives, employers and other public and private agencies that are perceived

as the long-term support system for eligible individuals who have severe disabilities due to developmental disabilities, sensory impairments or chronic illness.

(B) RSB shall provide a number of rehabilitation services through the use of regular vocational rehabilitation case service funds in order to facilitate the delivery of services to severely disabled or visually impaired eligible individuals under the provisions of the supported employment program. These services include:

1. Evaluation of rehabilitation potential, to determine an individual's eligibility for regular vocational rehabilitation services and eligibility for services through the supported employment program;
2. Counseling and guidance;
3. Personal and vocational adjustment evaluation and training;
4. Physical and mental restoration; and
5. Adaptive equipment that an eligible individual may need prior to participating in supported employment activities.

(C) RSB shall use supported employment case service funds for purchase of supported employment services from rehabilitation facilities with which Missouri has contracts for the provision of supported employment services. The services RSB purchases from rehabilitation facilities will consist primarily of job placement services that include development of job sites; contacts with potential employers to encourage them to accept severely disabled blind or visually impaired eligible individuals; and on-the-job skill training and support during the nine (9)-month period following job placement. RSB may use supported employment case service funds to provide these services.

(D) At the end of the nine (9)-month period following the eligible individual's job placement during which supported employment case service funds may be used to meet the cost of on-the-job skill training and support, the responsibility for providing ongoing support to the eligible individual is transferred to the local funding agency that has contracted with rehabilitation facilities to provide this support. RSB cannot spend either regular vocational rehabilitation case service funds or supported employment case service funds for supported employment activities after the end of the nine (9)-month period.

(E) After an eligible individual has been determined to be eligible to receive supported employment services, RSB shall meet the cost of those services with supported employment case service funds. If RSB exhausts the supported employment case service funds that are available to it, RSB may meet the cost of supported employment services for an eligible individual with regular vocational rehabilitation case service funds up to, but not exceeding, the nine (9)-month period following the eligible individual's job placement.

(F) **Supported Employment to Youth with the Most Significant Disabilities**

WIOA makes special provisions that allow for RSB to provide Supported Employment services to Youth with the most significant disabilities. RSB must use half of the allotment of supported employment funding for the provision of supported employment services to youth, including extended services. The following reflect RSB's provision of services to only to Youth with the most significant disabilities seeking a Supported Employment Outcome in a competitive-integrated employment.

1. **Supported Employment** - Individuals may receive supported employment services for up to 24 months, but it may be extended under special circumstances.
2. **Extended Services** - Funds **may** be used to provide extended services to **only** youth with the most significant disabilities.
   A. Extended services not to exceed 4 years or until such time that a youth reaches the age of 25 and no longer meets the definition of a youth with a disability under 34 CFR 361.5(c)(58), whichever occurs first.

(G) All service limitations expressed in this Chapter are subject to the exception provisions expressed in Chapter 24.

TOC

Chapter 15 - Transition Services

Federal Regulations
34 CFR 361.5 – Definitions

State Rules
13 CSR 40-91-020

(A) RSB's Mission in Transition Services: RSB's mission in transition is to provide students with the opportunities, training and supports necessary to prepare them for life after their secondary school experience, whether that involves employment, post-secondary education, technical training or independent living. By providing these services, it is expected that these students will be better prepared and more successful in their post-secondary education, employment and in society.

RSB's role is important in the overall transition process because as a Vocational Rehabilitation (VR) provider it is often able to continue to provide necessary services both before and following the student's graduation or exit from secondary education. This involvement prevents delays or gaps in the student's movement from school to post-secondary education, training, or employment.
Successful transition planning for students with disabilities involves looking ahead, into the student's future, preparing not just for graduation but for life after graduation. One of the most important aspects of a student's future involves employment; however, students often are unaware of what type of work they would like to do, or of the career options are available. It is imperative that students learn about different careers and employment prior to graduation or exit from school, both to provide direct exposure to and hands-on exploration of a variety of careers as well as assisting them in defining vocational choices and setting employment goals that are believed to be attainable.

(B) Transition Is...: Transition is an all-inclusive process that focuses on improving a student's employment, independent living, and social network outcomes after leaving school. The transition planning process focuses on the unique needs and goals of the student. The transition plan, documented in the Individualized Education Program (IEP), Individualized Plan for Employment (IPE) and Independent Living Plan (ILP), provides the framework for identifying, planning, and carrying out activities that will help each student make a successful transition to adult life. It identifies the types of skills to be learned, which transition services will be needed, and when they will be provided. It also documents those responsible for providing related transition services. Transition planning involves a team of people drawn from different parts of the student's life such as family, school personnel, and community and agency personnel who are or may be involved with the student. If students have the knowledge, skills, services, and supports to deal effectively with the various demands of adulthood, it is more likely they will succeed in adult life.

1. **Legislative Foundation:**
   A. **IDEA** (as amended in 2004): Transition is defined in the IDEA (2004, section 300.29) as:

      .....a coordinated set of activities for a student with disabilities that is designed within an outcome-oriented process, which promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, and/or community participation.

      IDEA further states that transition services are based upon the following:
      The individual student's needs, taking into account the student's preferences and interests; and includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and if appropriate, the acquisition of daily living skills and functional evaluation.

B. **Rehabilitation Act: (as amended in 1998)**: Under Title 1 of the Rehabilitation Act 1998 Amendments any student with a disability who receives special education services or who is enrolled in regular classes, and who may need Vocational Rehabilitation services to prepare for, obtain or maintain employment may be referred to Vocational Rehabilitation. Students with disabilities are eligible for VR services if they meet the following criteria:

- Student has a physical, learning, or mental impairment;
- which substantially limits their ability to be employed;
- and the student requires VR services to prepare for, obtain, or maintain employment 361.5(c)(55).

(C) Vocational Rehabilitation Overview

Local school districts are responsible for providing transition services to students with disabilities who are still in the secondary school system. However, RSB may also provide VR transition services that involve planning and preparing for the student's vocational future after he/she exits school. Quality transition planning, therefore, involves local school districts working collaboratively with vocational rehabilitation to provide a continuum of services for students with disabilities. In an effort to minimize gaps and delays from school to post-school activities, vocational rehabilitation's role in the transition planning process focuses on:

- Providing consultation to the student/parent
- Providing technical assistance to the school
- Creating early awareness of VR
- Appropriately identifying students who may benefit from VR services
- Participating in the planning and coordination of transition services
- Establishing eligibility for VR services prior to exit from school
- Providing transition services if they are beyond the scope of special education
- Providing employment related services both before and after the student exits school

In response to the need for developing a coordinated services system that links students to vocational rehabilitation prior to graduation from school, the Missouri Department of Elementary and Secondary Education, Divisions of Vocational Rehabilitation, Special Education, and Vocational and Adult Education prepared a "Joint Memorandum of Understanding". This memorandum, and the following "Cooperative Work Experience Program Agreement" which included Missouri Rehabilitation Services for the Blind, outlined the general parameters in which vocational rehabilitation agencies may be able to participate in the transition planning process for students with disabilities who are still in school.

As stated in the Rehabilitation Act, Vocational Rehabilitation is a program operated with federal and state funds, designed to assist persons with a physical or intellectual disability to become employed. In Missouri, the following two agencies provide VR services:

- Missouri Vocational Rehabilitation (MVR) operated by the Department of Elementary and Secondary Education. MVR provides services to persons [students] with all types of physical or intellectual disabilities (except visual disabilities).
- Rehabilitation Services for the Blind (RSB) operated by the Department of Social Services, Family Support Division. RSB provides services to students with visual disabilities (including those who have visual in addition to other disabilities)

(D) Referral Process

Appropriate referrals to RSB may include:

- Any student with a visual disability who receives special education services (either an IEP or 504 plan), or
- Any student with a visual disability who is enrolled in general education classes who may be in need of services to prepare for, obtain, or maintain employment.

Referral does not automatically result in the individual's eligibility for vocational rehabilitation services. Although students with disabilities are entitled to a free appropriate public education (FAPE), they must be determined eligible for VR services through an individualized assessment process.
Referral does not automatically result in an application for VR services. In some cases, the student may be served by RSB without opening a vocational rehabilitation case; in others it will be necessary to apply for vocational rehabilitation services. The criteria used in determining whether a VR case must be opened are found in "**(E) Services Prior to Application**" and "**(F) Application for Vocational Rehabilitation**" below.

Referral to RSB's VR program can occur as early as age 14, but at least by the time student turns 16. Students who may be able to benefit from VR services may be referred as early as age 14.
Students with disabilities may be referred to RSB's VR program by:

- local school district personnel
- Student's parent or guardian
- Student self-referral
- Medical professionals
- Other agencies/organizations

RSMO 162.1139 requires school districts, with parental consent, to refer students with visual impairment to RSB.
The Office of Special Education within DESE has developed a website describing the referral process and form, found at https://dese.mo.gov/rehabilitation-services-blind

(E) Services Prior to Application

Once a referral has been made, some services may be provided by RSB without opening a VR case. In addition, services may be provided to those students determined to be potentially eligible for Pre-Employment Transition services. To be considered "Potentially Eligible" the individual must be a (secondary, non-traditional, or post-secondary) student between the ages of 14 and 21, and be eligible for or receiving special education services or related services under IDEA; or is an individual with a disability for purposes of section 504 of the rehabilitation ace. Additional information regarding Pre-Employment Transition Services can be found in the Pre-Employment Transition Chapter.
Those transition services which may be provided as early as middle/junior high school by the Vocational Rehabilitation Counselor/Children's Specialist without opening a vocational rehabilitation case may include:
Consultation to Students and Families: General information is provided regarding the basic VR program, general eligibility guidelines, and services. This may also include information on employment/training opportunities, career exploration, and/or referral to other agencies. Consultation may be provided via the telephone, in person to a small group of students, or one-on-one with the student and/or family member(s); depending upon the individual needs of the student.
Technical Assistance to Schools: Specific information is provided regarding various aspects of the vocational rehabilitation program as it applies to students with disabilities served within the secondary school setting. This information may be personally presented during in-service training or more formal presentations at the school, or local career fairs. Technical assistance may also be provided via the telephone or through written information.
Participation in IEP meetings: This may also be a form of consultation. While VRCs will not be able to attend all IEP meetings, the VRC or Children's Specialist will make a determination regarding participation based upon their schedule, the needs expressed by the school district, and the student's individual needs. For students who are not yet determined eligible for services, the VRC will consider the student's year in school, the student's age, and the complexity of their disability.
Independent Living Rehabilitation Services/Children's Services: The following services may be provided by RSB's Independent Living or Children's Services staff:

- Training in the student's home on alternative techniques for performance of activities of daily living, including personal care, communication, and travel.
- Parent education on their child's visual disability and techniques for assisting her/him in the acquisition of physical, social, emotional, and intellectual abilities, which will enable her/him to participate successfully in the educational system.

(F) Application for Vocational Rehabilitation

A student who has been referred to RSB who meets the following criteria should complete an application for vocational rehabilitation services (with parental consent for students under age 18). If a student is over 14 years of age, and;

- the student has an identified vocational goal and require vocational rehabilitation services to prepare for that goal; **OR**,
- the student requires vocational rehabilitation services to assist them in identifying a vocational goal; or,

(G) Eligibility for Vocational Rehabilitation

The person from RSB who will work directly with the student in establishing VR eligibility is called the Vocational Rehabilitation Counselor (VRC). Eligibility for services will be established based upon the following:

- The student has a physical, learning or intellectual disability, of which one must be a visual disability meeting RSB's visual disability requirements, and
- The student's impairment substantially limits their ability to be employed, and
- VR services are required for the student to obtain or maintain employment.

It is important to remember that RSB's eligibility standards are based upon the student's vocational limitations as a result of their impairment, not just the existence of a physical, learning, or intellectual disability alone. Therefore, a diagnosis of ocular albinism by itself, for example would not be enough to establish eligibility.

(H) Identification of an Employment Outcome and VR Services

Once eligibility has been determined, the VRC will schedule a meeting with the student and parent/guardian and, as appropriate, the school to discuss the student's possible post-school outcomes or vocational plans. It is at this time that VR transition planning and the determination of appropriate services are reviewed and discussed.

If the student and parent/family are not sure what type of employment or career options would be best, and together they are unable to identify a vocational goal through general career counseling and exploration, then the VRC may offer the student an opportunity to participate in a vocational evaluation, transition or supported employment assessment through a local Community Rehabilitation Program (CRP), Supported Employment Service Provider (SESP) or other entity.

In determining which type of evaluation or assessment might be most beneficial to the student, the VRC should review the student's medical, psychological, and vocational/educational history. Although the exact type of evaluation or assessment will need to be based upon the individual student's interests and needs, informed choice, and the availability of services in the area, the following general types of evaluation may be considered:

- Comprehensive Personal and Vocational Assessment – student has a significant disability, very limited/no work experience, history of multiple/significant disabilities and there are several questions regarding the student's physical, social, intellectual or emotional work tolerances. Both long and short term vocational goals will need to be identified.
- Supported Employment Assessment (SEA)/Job Development – generally same as the comprehensive transition assessment, however does not require as much community based assessment.

(I) The Individualized Plan for Employment (IPE)

Once the student is determined eligible for VR services and an employment outcome has been identified; the student and VR counselor or RSB staff member will develop a plan outlining specific services needed for the student to reach their employment goal. This plan is called the "Individualized Plan for Employment" (IPE). (It should be noted that if the student is under the age of 18, his/her parent or guardian should be involved in developing this plan for services, and would be required to sign the plan as well.)

The IPE indicates the specific services to be provided, list service providers, and include any special services or assistance the student may require in order to successfully achieve their goal. In addition, the IPE is an outcome-oriented plan developed with the student, based upon their interests, abilities, and choices.
The student's IPE and IEP should be coordinated to ensure a seamless transition from school-based services to post-school activities/services. Every attempt should be made by RSB to develop the IPE before the student graduates or exits from the secondary school setting.

(J) Services After Eligibility Determination

After the student has been determined eligible, transition services may be provided based upon the individual student's needs and in accordance with RSB policy guidelines. While many of the services provided by RSB are considered to be "no-cost", RSB may also "purchase" services for eligible students with disabilities who are still in school.
Examples of "no-cost" services may include:

- Career guidance and counseling
- Assistance with job-placement and job development
- Sheltered workshop certification No cost on-the-job training (Cooperative Work Experience Program)
- Training in the student's home on alternative techniques for the performance of activities of daily living, including alternative techniques for personal care, travel, and communication.

Examples of "purchased services" may include:

- Vocational evaluation/specialized transition assessments
- Transition training at Community Rehabilitation Programs (CRP's)
- Paid, unpaid, subsidized or unsubsidized on-the-job training, work experience, job shadowing, job try-outs, or job mentoring
- Supported employment assessment and training
- Assistive technology assessment and devices/services Personal/vocational/adjustment training
- College preparation training

Transition services which require RSB to authorize the expenditure of funds, are considered to be "purchased" services. The VRC should only purchase services when they are beyond the scope of the special education program or 504 guidelines and are required for the student to reach an employment outcome or participate in the VR program. Both no-cost and purchased services may be provided at any time after the student has been determined eligible for the VR program.

(K) Purchasing Services

1. **Vocational Rehabilitation and the Purchase of Diagnostics**
   The IEP team may consider providing updated testing/diagnostics as part of the transition planning process, especially when the student's post-school outcome involves college or vocational training.
   While it is clear that RSB cannot purchase updated diagnostics/formalized testing for educational purposes or as a part of the re-evaluation process; if a student is referred to RSB, and the VRC determines that additional formalized testing is needed in order to establish eligibility or to determine appropriate nature and scope of services, RSB may purchase diagnostics. The VRC is strongly encouraged to utilize existing medical records and testing information to establish a student's eligibility for services and it should only be on a very rare occasion, based upon the individual situation that RSB would ever purchase updated testing. Prior to purchasing any additional diagnostics for students with disabilities, the VRC is encouraged to review and discuss the student's existing medical/educational records with their district office supervisor to determine if the purchase of additional testing is necessary.
   In an effort to save diagnostic costs, school districts and RSB are encouraged to partner closely with one another in the sharing and purchasing of diagnostic information for students during the transition planning process. Schools and RSB district offices in Missouri may even split the costs of a diagnostic battery of tests,

such as the school providing and purchasing the achievement testing (Woodcock Johnson, etc.) and RSB purchasing the McCarron-Dial comprehensive vocational evaluation battery of tests.

2. **Vocational Evaluations and Supported Employment Assessments**
   Two common types of transition services that RSB can provide for students with disabilities in the secondary school system are vocational evaluations and assessments and computer access evaluations and assessments. These services are provided by RSB for students who need assistance in clarifying and/or identifying career, post-secondary education/training or employment options upon graduation.
   It should be noted that not all students need or want to participate in vocational evaluations and/or assessments. Therefore, vocational evaluations and assessments should not be viewed as a "gate" that all students must pass through before accessing or receiving other RSB services. For those students however, who have been determined eligible for RSB services, but do not have a clear understanding of the type of career/employment options that are available and have not been able to identify post-school outcomes that are in line with their interests, skills and abilities; vocational evaluations and assessments can play a major role in successful transition planning and identifying appropriate VR services.
3. **Work Experiences During Transition**
   One of the best ways that a student can learn about different careers and employment is to be exposed to and participate in work experiences prior to graduation or exit from school. Work experiences provide students with direct exposure to and hands-on exploration of a variety of careers; assisting them in defining vocational choices and setting employment goals that actually seem attainable.

   Work experiences also provide an opportunity to extend learning from the classroom into the community, utilizing the workplace as an active learning environment in which students can develop positive work attitudes, appropriate work behaviors, and an understanding of the concept of teamwork, in addition to learning job-specific skills. Through work experiences students are able to explore career interests, develop work skills based upon their strengths, and learn how to advocate for the supports and accommodations they need to be successful in a particular work environment or career.
   RSB will support work experiences, including job shadowing, job try-outs, vocational mentoring and/or on-the-job training for transition students, paid or unpaid, subsidized or unsubsidized. RSB may provide these services in conjunction with the Cooperative Work Experience program (COOP) and local school district Work Experience Coordinator, or on an individual basis as fits the student's identified needs and IPE goals.
4. **Fiscal Responsibility for Transition Services**
   When there is overlap of educational and rehabilitation goals and services, a cost sharing arrangement may be negotiated between RSB and the school district. To know for sure who will pay for a service, the school district staff and the VRC must review the necessary services and determine whether the purpose of those services is educational or vocational in nature. The following are general guidelines to help understand how decisions can be made. These guidelines are NOT absolutes since individual situations are different from student to student.
   1. The purpose of the service--Is it related more to an employment outcome or education?
   2. Customary Services--Is the service one that the school customarily provides under IDEA part B?
   3. Eligibility--Is the student with a disability eligible for transition services under IDEA?

(L) Services After Graduation/Exit from School

Once the student exits the secondary school setting, the VRC becomes even more directly involved with the student, and becomes the primary coordinator/provider of services. It is at this time that the VRC takes the lead role in helping the student reach successful employment. The VRC will work closely with the student to search career options and will provide guidance and counseling in the areas of disability awareness, accommodations, and self-advocacy.
Once the student exits the secondary school setting, RSB may also be able to provide assistance with the cost of formal training at a vocational technical school, community college or university; transportation to/from an evaluation or training program; and personal maintenance while participating in evaluation or training. Additional services may include interpreter and reader services, rehabilitation teaching services, orientation and mobility services, and adaptive computer technology and training.

It should be noted that the above services described in this section are not an exhaustive list of all of the different services VR may be able to provide, but rather a general outline of the types of services that may be provided based upon the unique needs of each individual student. In addition, the provision of some services may depend upon other types of financial aid such as the Federal Pell Grant or medical insurance, which may also be utilized to assist with financial costs associated with some VR services.

(M) Exceptions:

All service limitations expressed in this Chapter are subject to the exception provisions expressed in Chapter 24.

TOC

Chapter 16 –Pre-Employment Transition Services for Students with Disabilities

Federal Regulations

34 CFR 361.5 – Definitions

34 CFR 361.48(a) – Pre-Employment transition services

State Rules

13 CSR 40-91-020

(A) RSB provides Pre-Employment Transition Services to students with disabilities through the Vocational Rehabilitation (VR) program to:

- prepare students with disabilities to move from receiving education services to receiving VR employment services; and
- help minimize potential delays in service delivery during the transition from school to employment or independence.

1. Students with disabilities may receive Pre-Employment Transition services prior to applying for VR services as a potentially eligible student with a disability, or through the full VR program as provided for under an Individualized Plan for Employment (IPE). A student with a disability, who receives Pre-Employment Transition Services from RSB prior to applying for VR services, is considered a potentially eligible individual, and is not automatically eligible for RSB's full range of VR services, but would need to go through the VR application and assessment process to receive other VR services under an IPE.
2. For information on other available transition services, see Chapter 15.
3. See RSB Pre-Employment Transition Guide for further information and resources.

(B) Student with a Disability Definition

A student with a disability is anyone who—

- is 21 years old or younger; and
- who is enrolled in a secondary, postsecondary or other recognized education program; and
- Is receiving services through the Individuals with Disabilities Education Act (Special Education) or considered an individual with a disability under section 504 of the Rehab Act.

(C) Providing Pre-Employment Transition Services

1. Case expenditures for Pre-Employment Services must align with or be in support of one of the five required activities and are paid under the client's case record. Authorized Pre-Employment Transition Services are typically capacity building services, which will be provided and paid for with another mechanism (i.e. will not be authorized under the client record). Time spent on coordinating Pre-Employment Transition Services should be reported on staff activity reports as Pre-Employment Transition Services.
2. Required activities (see for 9(A) for more detail)
    A. Job exploration counseling;
    B. Work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment to the maximum extent possible;
        I) The Work Based Learning Experience Agreement will be used when arranging for experiences outside of RSB's contracts.
    C. Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
    D. Workplace readiness training to develop social skills and independent living;

E. Instruction in self-advocacy, which may include peer mentoring.

3. Authorized activities
   A. Implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces;
   B. Developing and improving strategies for individuals with intellectual disabilities and individuals with significant disabilities to live independently, participate in postsecondary education experiences, and obtain and retain competitive integrated employment;
   C. Providing instruction to vocational rehabilitation counselors, school transition personnel, and other persons supporting students with disabilities;
   D. Disseminating information about innovative, effective, and efficient approaches to achieve the goals of this section;
   E. Coordinating activities with transition services provided by local educational agencies under the Individuals with Disabilities Education Act
   F. Applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel, in order to better achieve the goals of this section;
   G. Developing model transition demonstration projects;
   H. Establishing or supporting multistate or regional partnerships involving States, local educational agencies, designated State units, developmental disability agencies, private businesses, or other participants to achieve the goals of this section; and
   I. Disseminating information and strategies to improve the transition to postsecondary activities of individuals who are members of traditionally unserved populations.

      Note: Supported Employment, including all assessments and benchmarks, is not a Pre-Employment Transition Services service.
4. Pre-employment transition coordination, including
   A. Attending IEP meetings when invited;
   B. Working with the local workforce development boards, one stop centers, and employers to develop work based learning experience opportunities;
   C. Working with schools to coordinate and ensure the provision of Pre-Employment Transition Services, and;
   D. Attending person-centered planning meetings, when invited.
5. For information regarding financial responsibility for transition services, see Chapter 15.
6. For information regarding limits on these services, see Chapter 11.

(D) School Referral

1. RSMO 162.1139 requires school districts, with parental consent, to refer students with visual impairment to RSB. The Office of Special Education within DESE has developed a website describing the referral process and form, found at https://dese.mo.gov/rehabilitation-services-blind

TOC

Chapter 17 – Extended Employment

Federal Regulations

34 CFR 361.5 – Definitions

34 CFR 397 – LIMITATIONS ON USE OF SUBMINIMUM WAGE

State Rules

13 CSR 40-91-020

Extended employment is defined as work in a "non-integrated or sheltered setting for which compensation is in accordance with the Fair Labor Standards Act." If the individual is working in an environment where a majority of the employees have disabilities, the employment is not considered integrated. Similarly if the eligible individual is being compensated at less than minimum wage under the Fair Labor Standards Act, the wage is not considered a competitive wage cannot be considered as a competitive-integrated employment outcome.

As of July 22, 2016 the Workforce Innovation and Opportunity Act (WIOA) placed emphasis on competitive-integrated employment outcomes for Vocational Rehabilitation clients. Under WIOA vocational goals for working in extended employment do not meet the requirement for competitive-integrated employment outcomes and thus cannot be supported under the Vocational Rehabilitation Program. Cases whereby an eligible individual chooses to go to work in a sheltered or extended setting cannot be closed as Status 26 (Closed, Rehabilitated). Equally important, an individual who expresses a goal of working in an extended setting does not have a vocational goal that satisfies the requirement for eligibility for Vocational Rehabilitation (VR) services.

Due the low numbers of RSB clients seeking or requiring subminimum wage "Extended Employment", ALL cases of clients seeking Extended Employment MUST be coordinated through RSB State Office.

RSB may become aware of an individual with a visual disability currently working in extended employment or that has expressed an interest in working in extended employment via the vocational rehabilitation process, self-referral, or by referral from another agency, or an entity.

The actions/requirements taken by RSB staff are dependent upon whether the applicant is a Youth with a Disability or a Non-Youth with a Disability:

(A) Common Requirements applicable both Youth and Non-Youth

1. Explain that VR services are intended to achieve an employment outcome in a competitive-integrated employment setting. The applicant or eligible individual must be informed that Vocational Rehabilitation Services are available should the applicant wish to pursue competitive-integrated employment.
2. Provide career counseling, information and referral services. These services must be provided within 30-days. The career counseling and information and referral services provided may include benefits counseling. The services shall:
    A. Be provided by RSB in a manner that facilitates informed choice and decision-making by the individual, or individual's representative, as appropriate;
    B. Not be for subminimum wage employment;
    C. These services must be carried out once every six months for the first year of the individual's subminimum wage employment and annually thereafter for the duration of such employment.
    D. The applicable intervals required to provide these services to individuals employed at subminimum wage, will be calculated based upon the date the individual becomes known RSB.
    E. RSB MAY coordinate with Missouri Vocational Rehabilitation (MVR) to provide group career counseling sessions. Please contact RSB State Office for further details.

3. Inform the individual that services under the Vocational Rehabilitation Program can be provided to eligible individuals in an extended employment setting if necessary ONLY for purposes of training or otherwise preparing for employment in a competitive integrated setting.
   A. For purposes of this policy, any period of extended employment planned for less than 6 months will be considered as transitional employment. Any plan which proposes extended employment in excess of 6 months must be approved by the Deputy Director or designee. If the employment cannot be considered as transitional employment. Any plan which proposes extended employment in excess of 6 months must be approved by the Deputy Director or designee. If the employment cannot be considered as transitional employment leading to competitive employment, the case should be closed in Status 28 or 30 as appropriate.
4. Documentation timelines common to Youth and Non-Youth:
   A. RSB must provide documentation, as outlined in subsections (B) and (C), to the individual as soon as possible, but no later than–
      (I) 45 calendar days after completion of the activities required under this section; or
      (II) 90 calendar days, if additional time is necessary due to extenuating circumstances, or
      (III) In the event that either a Youth or, if applicable, the Youth's parent or guardian, or a Non-Youth refuse to participate in activities as outlined in (B)2. and (C)2., documentation must be provided within 10 calendar days from the refusal to participate.

(B) Documentation content specific to Youth with Disabilities seeking subminimum wage employment

1. If RSB becomes aware of a Youth with a Disability seeking subminimum wage employment the following services must be provided, documented, and documentation provided to the Youth with a Disability:
   A. Youth's name
   B. VR Eligibility Determination made, including a summary of the reason for the determination, or description of the service or activity completed.
   C. Completion of transition services under IDEA provided by School Official:
   D. Completion of pre-employment transition services if a student:
      (I) Job exploration counseling
      (II) Work-based learning experiences
      (III) Counseling on opportunities for post-secondary educational programs
      (IV) Workplace readiness training
      (V) Instruction in self-advocacy, to include peer mentoring
   E. Documentation of Vocational Rehabilitation Services provided
   F. RSB must provide a cover sheet which itemizes each of the documents that have been provided to the youth.

2. In the event a youth with a disability or, as applicable, the youth's parent or guardian, refuses, through informed choice, to participate in the activities listed above, such documentation must at a minimum contain the:
   A. Youth's name;
   B. Description of the refusal and the reason for such refusal;
   C. Signature of the youth or, as applicable, the youth's parent or guardian;
   D. Signature of the RSB staff or educational personnel documenting the youth's refusal;
   E. Date of signatures; and
   F. Date and method (e.g., hand-delivered, faxed, mailed, e-mailed, etc.) by which documentation was transmitted to the youth.

(C) Documentation content specific to Non-Youth with a Disability seeking subminimum wage employment

1. Documentation for Non-Youth either currently working in or seeking subminimum wage employment must include:
   A. Name of the individual

B. Description of the service or activity completed
C. Name of the provider of the service or activity
D. Dates the service were completed
E. Signature and date of the individual documenting the completion of the activity
F. Signature and date of the individual transmitting the documentation
G. Date and method by which the documentation was delivered (hand, faxed, mailed, e-mailed, other)

2. In the event an individual with a disability or, as applicable, the individual's representative, refuses, through informed choice, to participate in the career counseling, documentation must be provided to the individual and must include:
   A. Name of the individual
   B. Description of the refusal and reason for the refusal
   C. Signature of the individual or as applicable the individual's representative
   D. Signature and date of the individual documenting the completion of the activity
   E. Date of signatures
   F. Signature and date of the individual transmitting the documentation
   G. Date and method by which the documentation was delivered (hand, faxed, mailed, e-mailed, other)

(D) Students with a disability seeking subminimum wage employment

1. Students with Disabilities may not enter into subminimum wage employment. If the individual is a student in a school district, the student cannot participate in subminimum wage employment. Upon being notified that a Student with a Disability is seeking subminimum wage employment following must take place:
   A. Explain that RSB cannot provide services to obtain subminimum wage employment.
   B. Explain that VR services are intended to achieve an employment outcome in a competitive-integrated employment setting. The student must be informed that Vocational Rehabilitation Services are available should the applicant wish to pursue competitive-integrated employment.
   C. Section 511 ensures that students with disabilities are given the opportunity to receive Pre-Employment Transition Services. Provide information regarding RSB's Pre-Employment Transition Services (PETS).

TOC

Chapter 18 - Case Closure

Federal Regulations
34 CFR 361.5 – Definitions
34 CFR 361.43 – Procedures for ineligibility determination
34 CFR 361.44 – Closure without eligibility determination
34 CFR 361.56 - Requirements for closing record of services of a client who has achieved an employment outcome

State Rules
13 CSR 40-91-020

RSB shall close an applicant's or eligible individual's vocational rehabilitation case at any time in the vocational rehabilitation process when RSB has determined that an applicant is not eligible for vocational rehabilitation services; the eligible individual has completed vocational rehabilitation services that RSB planned to provide and additional vocational rehabilitation services are either unnecessary or inappropriate, except services that RSB may provide as post-employment services; or an applicant or eligible individual is not available to receive vocational rehabilitation services.

(A) Case Closure Without an Eligibility Determination RSB shall close an applicant's case without a determination of eligibility when the applicant either declines to participate in, or is unavailable during an extended period of time to complete an evaluation of vocational rehabilitation potential and RSB has documented repeated, reasonable efforts to contact the applicant or, as appropriate, the applicant's representative, to encourage the applicant's participation. 361.44

(B) Case Closure Due to a Determination of Ineligibility Before IPE Development When RSB determines, on the basis of clear evidence, that an applicant does not meet one (1) or more of the basic conditions of eligibility for vocational rehabilitation services or that an eligible individual no longer meets one (1) or more of the basic conditions of eligibility, RSB shall close the applicant's or eligible individual's case. RSB shall carry out the following activities in regard to case closure: 361.43, Sec.102(a)(5)

1. RSB shall make the ineligibility determination only after full consultation with the applicant or eligible individual or, as appropriate, the applicant's or eligible individual's parent, guardian, legal custodian or other representative, or after giving a clear opportunity for such consultation. RSB shall document in the case file the consultation, or the opportunity for the consultation;
2. RSB shall complete a certification of ineligibility which indicates the reason(s) the applicant or eligible individual is ineligible for vocational rehabilitation services. The appropriate RSB staff member shall sign and date the certification; and
3. RSB shall notify the applicant or eligible individual in writing of the action RSB has taken. The notification shall include information regarding the applicant's or eligible individual's appeal rights and the assistance that is available from the eligible individual assistance program.
4. RSB shall refer the applicant or eligible individual to other programs that are part of the one-stop service delivery system that can address the individual's training or employment-related needs, or to other Federal, State or local programs or service providers best suited to meet the individual's needs if the ineligibility determination is due to finding that the individual has chosen not to pursue or is incapable of achieving an employment outcome that will meet their needs. RSB will provide the individual being referred a notice of the referral. The notice should include a specific contact person within the agency to which the individual is being referred 361.43(d)

(C) Case Closure Due to a Determination of Ineligibility After IPE Development When RSB decides to terminate vocational rehabilitation services that RSB is providing to an eligible individual because of a determination that the

individual is no longer eligible, RSB shall close the individual's case. RSB shall carry out the following activities in regard to case closure:

1. RSB shall make the ineligibility determination only after full consultation with the eligible individual or, as appropriate, the eligible individual's parent, guardian, legal custodian or other representative, or after giving a clear opportunity for such consultation, except under the following circumstances: the eligible individual has refused to participate; the eligible individual is no longer present in Missouri; the eligible individual's whereabouts are unknown; or the eligible individual's medical condition is rapidly progressive or terminal. When the applicant or eligible individual or, as appropriate, the eligible individual's parent, guardian or other representative has consulted with RSB, RSB shall record the views of the individual regarding the decision;
2. RSB shall record in the case record the rationale for the ineligibility decision, showing that the provision of vocational rehabilitation services has demonstrated the eligible individual is not eligible for Vocational Rehabilitation services.
   A. RSB shall notify the eligible individual in writing of the action RSB is taking. The notification shall include information regarding the eligible individual's appeal rights and the assistance that is available from the client assistance program. RSB does not need to send written notification to the eligible individual when the eligible individual is deceased, the address is unknown or the eligible individual cannot be located; and
   B. When RSB determines an eligible individual is not eligible for additional vocational rehabilitation services because the eligible individual cannot be expected to benefit from vocational rehabilitation services in terms of employability, RSB shall refer the eligible individual for possible services under RSB's independent living rehabilitation program and, as appropriate, to other Federal, State or local programs or service providers best suited to meet the individual's needs and provide the individual being referred a notice of the referral. The notice should include a specific contact person within the agency to which the individual is being referred. 361.43(d)

(D) Annual Review of Certain Case Closures. When RSB determines an applicant or eligible individual is ineligible for vocational rehabilitation services because the applicant or eligible individual is incapable of achieving an employment outcome, RSB shall review the ineligibility decision within twelve (12) months and annually thereafter if requested by the individual or, if appropriate, by the individual's representative. During the review RSB gives the applicant or eligible individual or, as appropriate, the applicant's or eligible individual's parent, guardian, legal custodian or other representative, the opportunity for full consultation in the reconsideration of the decision of ineligibility. 361.44

1. RSB shall initiate the first review of a decision of ineligibility. The applicant or eligible individual or, as appropriate, the applicant's or eligible individual's parent, guardian, legal custodian or other representative, shall initiate any subsequent review; and
2. RSB shall not carry out the first annual review of a decision of ineligibility when
   - the applicant or eligible individual refuses the review;
   - the applicant or eligible individual has refused vocational rehabilitation services;
   - the applicant or eligible individual is no longer present in the state or whereabouts are unknown; or
   - the applicant's or eligible individual's medical condition is rapidly progressive or terminal.

(E) Case Closure as Successfully Rehabilitated In order for RSB to determine that an eligible individual has been successfully rehabilitated the eligible individual's case record must contain information that verifies that per 361.56, 361.5(c)(15), Sec. 7(11):

1. The individual has achieved the competitive integrated employment outcome that is described in the individual's IPE and is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;

> **Note:** CFR 361.47(a)(9) requires RSB to verify income and benefits for clients who obtain competitive integrated employment and maintain that verification as part of the record of services. As part of RSB's closure process for successful competitive integrated employment closures, staff should verify income by using one of the below methods:

- Accessing Unemployment Insurance wage data within FAMIS by logging onto the IMES inquiry screen, entering the client's social security number. If wages are available, print a hard copy of the results from the top menu for the client record,
- Pay stubs or other forms of earnings statements from the client's employer
- Tax returns
- Self-reported information, in lieu of other documentation

2. The individual has maintained the employment outcome for an appropriate period of time, but not less than 90 days, necessary to ensure the stability of the employment outcome, and the individual no longer needs vocational rehabilitation services.
3. At the end of the appropriate period under paragraph 2 of this section, the individual and the rehabilitation counselor consider the employment outcome to be satisfactory and agree that the individual is performing well in the employment.
4. The individual is informed through appropriate modes of communication of the availability of post-employment services. 361.56(a - d)

Note: Staff should make every effort to ensure all bills are paid prior to case closure.

5. Post-Exit follow up will be necessary for each of the four (4) quarters after the case is closed. Prior to the end of the quarter, staff will verify whether the client is still employed at the same quarterly rate of pay and if so, document this in the record. If the client still has a job but their employment situation has changed (new employer, job title, wages), this should be documented in the case record. If the client has lost their job, this should be documented in the case record and staff should offer to take a referral. VRCs should inform clients verbally that this follow up will occur prior to closure and follow the guidance above regarding how to verify wages.

(F) Recovery of Equipment

1. Upon closure, the case record must show that recovery of equipment that costs more than $500 that is either not being used or which was purchased for a case that has been closed as unsuccessful has been considered. District supervisors should review every VR case that is closed in Status 28 to establish what has occurred with the equipment purchased for the client.
2. RSB does not seek the recovery of equipment that:
   A. Costs less than $500,
   B. Is over four years old,
   C. Consists of single-site licensed software, or
   D. Is used to manage a primary or secondary disability, such as glucometers, hearing aids or other personal devices.

TOC

Chapter 19 - Standards for Facilities and Other Providers of Services

Federal Regulations

34 CFR 361.5 – Definitions

34 CFR 361.51 – Standards for facilities and providers of services

State Rules

13 CSR 40-91-020

RSB requires providers from which RSB purchases vocational rehabilitation services to meet the standards stated in this section of this chapter and 34 CFR 361.51.

(A) Rehabilitation Facilities A rehabilitation facility is a facility that is operated for the purpose of providing vocational rehabilitation services to eligible individuals and applicants. A rehabilitation facility must have the capability to provide, singly or in combinations, one (1) or more of the following vocational rehabilitation services:

1. Vocational rehabilitation services, including under one management, medical, psychiatric, psychological, social and vocational services;
2. Testing, fitting, or training in the use of prosthetic or orthotic devices;
3. Prevocational conditioning or recreational therapy;
4. Physical and occupational therapy;
5. Speech and hearing therapy;
6. Psychiatric, psychological and social services;
7. Evaluation of rehabilitation potential;
8. Personal and work adjustment;
9. Vocational training with a view toward career advancement, which is provided in combination with other rehabilitation services;
10. Evaluation or control of specific disabilities;
11. Orientation and mobility services and other adjustment services to blind individuals;
12. Transitional or extended employment for those individuals with disabilities who cannot be absorbed readily into the competitive labor market;
13. Psychosocial rehabilitation services for eligible individuals and applicants with chronic mental illness; and
14. Rehabilitation Technology services.

(B) Rehabilitation Facility Accreditation A rehabilitation facility must comply with the rehabilitation facility standards specified by RSB. These standards include (but are not limited to), those of the Commission on the Accreditation of Rehabilitation Facilities (CARF) and the Joint Committee on the Accreditation of Hospitals (JCAH).

(C) Academic or Vocational Training Accreditation An agency or institution that provides academic or vocational training services must be accredited or licensed by the accrediting or licensing agency that is appropriate to the training curriculum that the agency or institution provides.

(D) Physical or Mental Restoration Provider Accreditation A physician or any other health care provider must be certified or accredited to perform the specific service that the applicant or eligible individual requires and must be licensed to perform the service in the state in which the service is performed.

TOC

Chapter 20 - Small Business Enterprises

Federal Regulations
34 CFR 395 – Vending Facility Program for the Blind on Federal and Other Property

State Rule
13 CSR 40-91.010

Through the business enterprise program, which is administered according to 13 CSR 40-91.010, RSB establishes small business enterprises that are operated by severely disabled legally blind individuals who have received vocational rehabilitation services. RSB provides management services and supervision to the operators of the small business enterprises.

BEP Referral Forms

TOC

Chapter 21 - Facilities and Services for Groups of Individuals with Disabilities

Federal Regulations

34 CFR 361.5 – Definitions

34 CFR 361.49 – Scope of vocational rehabilitation services for groups of individuals with disabilities.

State Rules

13 CSR 40-91-020

5. RSB provides vocational rehabilitation services through the facilities and services for groups of individuals with disabilities grant authority. This authority is used when vocational rehabilitation services are not directly related to the individualized written rehabilitation program of an eligible individual but are expected to contribute to the vocational rehabilitation of a group of individuals with disabilities. 361.49, Sec.103(b)
6. Prior to use of the facilities and services to groups of individuals with disabilities grant authority, RSB documents the need for the services that will be provided.

1. Whenever an agency other than RSB provides vocational rehabilitation services through this grant authority, RSB will procure services through a contractual agreement between that agency and RSB.
2. Whenever RSB provides vocational rehabilitation services directly through this grant authority, RSB describes the nature and scope of the services that will be provided and the manner in which they will be provided, identifies the eligible individual population to which services will be provided and describes the evaluation process that will be used to measure the effectiveness of the services.

TOC

Chapter 22 - Order of Selection

Federal Regulations

34 CFR 361.5 – Definitions

34 CFR 361.36 – Ability to serve all eligible individuals; order of selection for services

34 CFR 361.42(f) – Data for determination of priority for services under an order of selection

State Rules

13 CSR 40-91-020

(A) According to 34 CFR 361.36, if RSB is unable to provide vocational rehabilitation services to all eligible individuals who apply for services, RSB will implement an order of selection to ensure that those individuals with the most severe disabilities are provided services. 361.36

1. In the event that a full range of vocational rehabilitation services cannot be provided to all visually-eligible individuals with disabilities in the State of Missouri, Rehabilitation Services for the Blind (RSB) will implement a statewide order of selection. RSB will evaluate the need to implement an order of selection prior to the beginning of each federal fiscal year. If circumstances that arise during the year indicate that RSB may not be able to provide the full range of services to all eligible individuals, RSB will reevaluate the need to implement an order of selection at that time.
2. RSB will consult with the State Rehabilitation Council for the Blind (SRC) prior to implementing an order of selection. RSB will also jointly develop criteria for determining severity of disability, priority categories for services and information pertaining to the administration of the order of selection with the SRC.
3. When an order of selection is implemented, RSB will notify all eligible individuals of the priority categories that apply to the order of selection, along with the individual's assigned category and their right to appeal their categorical assignment. A narrative entry in each case record will record the basis for the categorical assignment.
4. An eligible individual's assigned category may be changed at any time based on information that clarifies the severity of the individual's disability or if there is a change in the severity of disability.
5. The implementation of an order of selection will not affect the provision of diagnostic and evaluation services necessary to determine eligibility.
6. While under an order of selection, RSB will develop an individualized plan for employment (IPE) only for those eligible individuals who are in the priority categories currently being served.
7. RSB will continue to provide all needed services to any eligible individual who has begun to receive services under an Individualized Plan for Employment (IPE) prior to the effective date of the order of selection, regardless of the eligible individual's assigned category.
8. RSB will ensure that all funding arrangements for providing services under the State Plan for Vocational Rehabilitation, including third-party arrangements and awards under the establishment authority, are consistent with the order of selection.
9. When operating under an order of selection, RSB will ensure that all eligible individuals, regardless of assigned category, will have access to an information and referral system that ensures that they will be provided accurate vocational rehabilitation information and guidance, (including counseling and referral for job placement by RSB staff), using appropriate modes of communication, to assist such individuals in preparing for, securing, retaining, advancing in, or regaining employment, and that they will be appropriately referred to Federal and State programs (other than the vocational rehabilitation program), including other components of the statewide workforce development system. In the event of an individual's referral to a Federal or State program, RSB will provide the individual with –
   A. a notice of the referral by RSB to the agency carrying out the program;
   B. information identifying a specific point of contact within the agency carrying out the program; and
   C. information and advice regarding the most suitable services to assist the individual to prepare for, secure, retain, advance in, or regain employment.

10. Eligible individuals will be served under the categories of priority defined below. In accordance with these categories, individuals with the most significant disabilities (Priority I) will be selected first for the provision of vocational rehabilitation services. In the event that all Priority I individuals can be served with available resources, Priority II and then Priority III cases (in that order) will be opened for provision of vocational rehabilitation services.

    Priority I: Individual with a most significant disability
    Priority II: Individual with a significant disability
    Priority III: Individual with a disability

11. Definitions:

Individual with a Disability:
Any eligible individual who –

(A) Who has a physical or mental impairment;
(B) Whose impairment constitutes or results in a substantial impediment to employment; and
(C) Who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

Individual with a Significant Disability:
An eligible individual with a disability, who additionally-

(A) has a severe physical or mental impairment that seriously limits one or more functional capacities (i.e., mobility, communication, self-care and home care, self-direction, , work tolerance, or work skills) in terms of an employment outcome; and
(B) whose vocational rehabilitation can be expected to require multiple services over an extended period of time; and
(C) 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.

Individual with a Most Significant Disability:
An eligible individual with a significant disability who additionally –

(A) has a severe physical or mental impairment that seriously limits three or more functional capacities (i.e., mobility, communication, self-care and home care, self-direction, work tolerance, or work skills) in terms of an employment outcome.

12. While RSB is operating under the order of selection, all RSB-eligible individuals who are in priority categories that are not being served will be placed on a waiting list in Status 04 (prior to IPE development) and will remain on the waiting list in that status until approval is given to serve individuals in their assigned priority category. When approval to serve a priority category that has been on the waiting list is given, individuals will be served in the order of their application date.

TOC

Chapter 23 - Review Procedures

Federal Regulations

34 CFR 361.5 – Definitions

34 CFR 361.57 – Review of determinations made by designated State unit personnel

State Rules

13 CSR 40-91-020

An applicant for or recipient of services through RSB's vocational rehabilitation program has the right to obtain the review of any determination regarding the furnishing or denial of services. The review process may consist of up to three (3) stages, in which the procedures provide the individual and RSB the opportunity to submit additional evidence and information. Throughout the review procedures stated in this chapter the words applicant or eligible individual also mean, if appropriate, the individual's parent, guardian, legal custodian or other representative. 361.57, Sec.102(c)(1-7)

(A) Administrative Review: An administrative review is not a mandatory part of the review process. RSB encourages the applicant or eligible individual to have an administrative review, in an effort to resolve the disputed issue in an informal setting. Administrative reviews are held as expeditiously as possible after the receipt of the eligible individual's request. Most requests for review of determinations are resolved by the administrative review. The designee of the deputy director conducts the administrative review.

(B) Fair Hearing: In the event that an applicant or eligible individual is not satisfied with the outcome of an administrative review, or chooses not to request an administrative review, the next option is the Fair Hearing. The following procedures will be followed in the event of a request for Fair Hearing:

1. When the RSB Deputy Director receives a request for a fair hearing, a list of available impartial hearing officers is sent to the eligible individual. (If RSB determines that an individual hearing officer has a potential conflict of interest in the case at issue, that individual's name will be removed from the list before it is given to the eligible individual.)
2. After the eligible individual notifies the Deputy Director of the name of the individual selected to hear the appeal, RSB issues an authorization of the hearing officer to conduct the hearing.
3. The fair hearing is scheduled for a time agreed to by RSB staff, the eligible individual and the fair hearing officer. The scheduled time must be within forty-five (45) calendar days from the date RSB receives the eligible individual's request for review of a decision, unless informal resolution or a mediation agreement is achieved prior to the 45th day or the parties agree to a specific extension of time.
4. RSB staff inform the eligible individual of their right to present additional evidence, information, witnesses, to be accompanied by counsel or other representative, and to examine all witnesses and other relevant sources of information and evidence.
5. The fair hearing is held during normal working hours, at the district office where the eligible individual's case record is located.
6. RSB staff members who are involved in case activities that led to the disputed decision are available for testimony.
7. The impartial hearing officer informs all persons present of the purpose of the fair hearing and of the confidentiality of all matters that will be discussed.
8. Before the fair hearing begins, the eligible individual must present written authorization to discuss confidential information in the presence of counsel and witnesses.
9. Within thirty (30) calendar days of the completion of the fair hearing, the impartial hearing officer makes a decision and sends, by certified mail to the eligible individual and the deputy director, a full written report of the findings and the basis for the decision. The report informs the eligible individual that 1) the decision will be implemented immediately; 2) if dissatisfied with the decision they have the right to bring a civil action with respect to the matter in dispute; and 3) if civil action is chosen, it may be brought in any State court of competent jurisdiction or in a district court of the United States of competent jurisdiction without regard to the amount in controversy.

10. The impartial hearing officer's decision shall be based on the Rehabilitation Act, the federal vocational rehabilitation regulations, and RSB's State Administrative Rule. It is expected that the impartial hearing officer's decision be made in accordance with the approved State Plan as well as the other aforementioned documents.
11. Any party aggrieved by a final decision made as a result of a fair hearing, may bring a civil action for review of the decision.

(C) Mediation: Applicants and eligible individuals shall have the right to pursue mediation with respect to disputes involving any determinations that affect the provision of vocational rehabilitation services.

1. Mediation shall be voluntary on the part of both parties; not be used to deny or delay the rights of an individual to a hearing or deny any other rights; and be conducted by a qualified and impartial mediator who is trained in effective mediation techniques.
2. A list of mediators who are qualified and trained in mediation will be maintained by RSB and provided to the eligible individual for selection of a mediator. (Note: Mediator must notify RSB of any potential personal, professional or financial interest, as described in above section.)
3. RSB shall bear the costs of the mediation process.
4. An applicant or eligible individual may request mediation by writing the Deputy Director, RSB and stating issue(s) to be mediated. If mediation is agreed upon by both RSB and the applicant or eligible individual, a qualified mediator will then be selected by the individual. The mediator will be informed of the request and will assist parties in selecting a mutually agreeable time and place.
5. An applicant or eligible individual shall have an opportunity to be represented in the mediation session by a person selected by the individual.
6. An applicant and/or representative has the right to present information and evidence that supports their position.
7. The mediation will be held within the same time period (45 days) of a request by the applicant or eligible individual for an informal review, a request for mediation, or a review of determinations by an Impartial Hearing Officer.
8. Individual will be provided with a release of information regarding information to be shared by RSB with the mediator.
9. Services provided by RSB shall not be reduced, suspended or terminated pending a decision by mediator unless (1) individual or representative requests it or (2) services at issue obtained thru misrepresentation, fraud, collusion or criminal conduct on the part of the individual or the individual's representative.
10. An agreement reached by the parties to the dispute in the mediation process shall be set forth in a written mediation agreement to the individual and the Deputy Director of RSB. A copy of the agreement will also be maintained in the individual's case file.
11. Discussions that occur during the mediation process shall be confidential and not used as evidence in any subsequent due process hearing or civil proceeding. Both parties may be required to sign a confidentiality pledge prior to the commencement of such process.
12. Nothing in this section shall be construed to preclude the parties to such a dispute from informally resolving the dispute prior to mediation proceedings, if the informal process used is not used to deny or delay the right of the applicant or eligible individual to a due process hearing or to deny any other right.

(D) Process to request review of an RSB determination: To request an administrative review, mediation or fair hearing, you must:

i. Request the administrative review, mediation or fair hearing in writing to the Deputy Director, Rehabilitation Services for the Blind, P. O. Box 2320, 615 Howerton Court, Jefferson City, Missouri 65102.
ii. Describe the decision or action you need to have resolved.
iii. Include your name, address, and telephone number.

Note: Additional information on the review process may be found at RSB Appeal Process

TOC

Chapter 24 - Exceptions to Policy

Federal Regulations

34 CFR 361.5 – Definitions

State Rules

13 CSR 40-91-020

RSB may allow exceptions to policies and limitations stated in this document and the Vocational Rehabilitation Administrative Rule.

(A) In order to request an exception to a policy or procedure stated in this manual or the Administrative Rule, the rehabilitation counselor should:

1. Cite the appropriate authority from the VR Administrative Rule or this manual that forms the limitation or policy.
2. Document the vocationally relevant need for whatever exception is being requested (equipment or service) and clearly state what is being requested as an exception.
3. Forward the documents containing the information in (1) and (2) above to the District Supervisor for review. Following the review, the documents will be forwarded, with the District Supervisors recommendation, to the Supervisor of Field Operations at RSB State Office.

> **Note:** For format of exception requests, see Exception Format. For a sample exception, see Exception Sample.

(B) In some cases a service will be authorized which is governed by a set fee schedule, (i.e., dental services), but the specific service required by the client will not be listed on the fee schedule. In this situation, RSB staff must submit a request for exception stating the nature of the authorized service, the fact that it does not appear on the fee schedule and the fee stated by the vendor. This type of exception must follow the form and process established in (A) 2 & 3 above.

TOC

Chapter 25 - Confidentiality of Information

Federal Regulations
34 CFR 361.5 – Definitions
34 CFR 361.38 – Protection, use, and release of personal information

State Rules
13 CSR 40-91-020

In the course of business, Rehabilitation Services for the Blind receives discloses and utilizes Protected Health Information (PHI) and Personally Identifiable Information (PII) of employees and clients for a variety of reasons. Employees should exercise care at all times to discuss confidential, sensitive, or personal health information in a manner or place where the discussion is not able to be easily overheard. Measures should be taken to ensure that confidential information is not accessible to anyone other than authorized personnel. RSB staff will maintain privacy, confidentiality and integrity with regard to protected information as required by state and federal laws, rules and regulations, department policy, and professional ethics. Employees found to be in violation of this policy may be subject to disciplinary action up to and including dismissal as well as prosecution in a court of law.

All Rehabilitation Services for the Blind employees shall be familiar with DSS policies regarding privacy and confidentiality, specifically:

- 5-101 Client Records
- 5-103 Personally Identifiable Information and HIPAA Protected Health Information
- 5-104 Confidential Document Disposal
- 5-105 Record Retention and Preservation

TOC

Forms and Letters

- RSB Appeal Process
- Business Enterprise Program (BEP) Referral Form
- RSB College Handbook
- Exception Request Format
- Expenditure Threshold Table
- Facility at-a-glance
- Facility Selection Form
- Informed Client Choice Handout
- On the Job Training (OJT) Contract Form
- RSB Pre-Employment Transition Guide
- RSB Self-Employment Resource Guide
- Small Business Start Up Source Use of Funds
- Visual Efficiency Worksheet and Charts
- Work Based Learning Experience Agreement

TOC