

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 16, 2012**

---

<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
1	IDAHO STATE UNIVERSITY ANNUAL REPORT	Information Item
2	PRESIDENTS' COUNCIL REPORT	Information Item
3	IDAHO PUBLIC TELEVISION ANNUAL REPORT	Information Item
4	PROPOSED RULE – IDAPA 08.01.10 – WORK STUDY PROGRAM	Motion to Approve
5	PROPOSED RULE – IDAPA 08.01.11 – PROPRIETARY SCHOOLS REGISTRATION	Motion to Approve
6	PROPOSED RULE – IDAPA 08.01.14 – IDAHO RURAL PHYSICIAN INCENTIVE FUND	Motion to Approve
7	PROPOSED RULE – IDAPA 08.02.02 – RULES GOVERNING UNIFORMITY (ALT CERT)	Motion to Approve
8	PROPOSED RULE – IDAPA 08.02.04 AND 08.03.01 – CHARTER SCHOOLS	Motion to Approve
9	PROPOSED RULE – IDAPA 47.01.01 - IDVR	Motion to Approve
10	PRESIDENT APPROVED ALCOHOL PERMITS	Information Item
11	STUDENTS COME FIRST INITIATIVES	Motion to Approve

THIS PAGE INTENTIONALLY LEFT BLANK

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**SUBJECT**

Idaho State University (ISU) Annual Progress Report

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section I.M.3.

**BACKGROUND/DISCUSSION**

This agenda item fulfills the Board's requirement for Idaho State University to provide a progress report on the institution's strategic plan, details of implementation, status of goals and objectives and information on other points of interest in accordance with a schedule and format established by the Board's Executive Director.

President Art Vailas will provide a 15-minute overview of ISU's progress in carrying out the College's strategic plan.

**IMPACT**

Idaho State University's strategic plan drives the College's integrated planning; programming, budgeting, and assessment cycle and is the basis for the institution's annual budget requests and performance measure reports to the State Board of Education, the Division of Financial Management and the Legislative Services Office.

**ATTACHMENT**

Attachment 1 – Presentation Outline

Page 3

**BOARD ACTION**

This item is for informational purposes only. Any action will be at the Board's discretion.

THIS PAGE INTENTIONALLY LEFT BLANK

**Idaho State University (ISU) Annual Progress Report:**

**Strategic Plan Implementation**

- Alignment with SBOE Strategic Plan, 60% Goal and ISU Core Themes
- Integration with Financial Planning and Resource Allocations
- Assessment Plan
- Benchmarks
- Accomplishments

**Budget**

- ISU Staff Distribution by Employee FTE (Faculty, Managerial/Professional, and Classified)
- Operating and Non-operating Revenue Sources for 2012
- ISU Long-Term Debt, Yearly Payments, and Bond Rating Reviews
- ISU Tuition Increase History

**Enrollment and Retention**

- Headcount
- Full-time equivalency
- Residency status
- Credit hour production
- Online courses
- Early College
- Degrees Awarded
- Career Path Initiative/Internships
- Bridge Program
- Veterans' Sanctuary

**Research and Economic Development**

- Research Highlights
- Industry Partnerships and Technology Transfer
- Research facilities

**Facilities**

- Table on deferred maintenance
- Campus upgrades and beautification

**Special/Health Programs**

- Family Medicine Residency Program

**College and Academic Highlights**

- Initiatives and projects from colleges

**Collaborations**

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

- Idaho Museum of Natural History
- Idaho Science and Engineering Festival, a satellite event of the national USA Science and Engineering Festival, held in Washington DC
- Tribal entities
- Business and Industry
- Research
- Education

**Capital Campaign**

- Academic Enhancements
- Scholarship Endowment

**Outreach**

- Charlotte Fire Task Force
- Uganda, Nsumba Orphange
- Division of Health Sciences

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**PRESIDENTS' COUNCIL**

**SUBJECT**

Presidents' Council Report

**BACKGROUND/DISCUSSION**

President Bert Glandon, College of Western Idaho President, and current chair of the Presidents' Council will give the report from the most recent Presidents' Council meeting and answer questions.

**BOARD ACTION**

This item is intended for informational purposes only. Any action will be at the Board's discretion.

THIS PAGE INTENTIONALLY LEFT BLANK



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**SUBJECT**

Idaho Public Television (IPTV)

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section I.M.3.

**BACKGROUND/DISCUSSION**

This agenda item fulfills the Board's requirement for IPTV to provide a progress report on the agency's strategic plan, details of implementation, status of goals and objectives and information on other points of interest in accordance with a schedule and format established by the Board's Executive Director.

Peter Morrill, General Manager of the Division of Idaho Public Television, will provide an overview of IPTV's progress in carrying out the agencies strategic plan.

**BOARD ACTION**

This item is for informational purposes only. Any action will be at the Board's discretion.

THIS PAGE INTENTIONALLY LEFT BLANK

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**SUBJECT**

Proposed Rule IDAPA 08.01.10 – Idaho College Work Study Program

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho Administrative code, IDAPA 08.01.10  
Section 33-4401 through 33-4409, Idaho Code

**BACKGROUND/DISCUSSION**

The purpose of the Idaho Work Study Program is to expand employment opportunities for resident students. To be eligible for the program a person must be an Idaho resident student enrolled at a public accredited institution of higher education at least half-time.

The proposed changes to IDAPA 08.01.10 will amend the formula used to determine the allocation of funds, streamline the administrative processes, and eliminate redundant sections of rule that are already outlined in Idaho code.

**IMPACT**

Simplification of the formula used to determine the allocation of funds will make the program easier to manage with limited resources while still meeting the intended purpose of the program.

**ATTACHMENTS**

Attachment 1 – Proposed Rule IDAPA 08.01.10

Page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

Proposed rules have a 21 day comment period prior to becoming Pending rules. Based on received comments and Board direction, changes may be made to Proposed rules prior to entering the Pending stage. All Pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a Pending Rule. Pending rules become effective at the end of the legislative session in which they are submitted.

As part of the Board scholarship program review process the Idaho Work Study program has been evaluated by staff, and while it is not a scholarship program it has been determined that changes should be made to Idaho code as well as rule that will make the program easier to manage. Amendments to Idaho code will be brought back to the Board for approval at the October Board meeting.

Staff recommends approval.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**BOARD ACTION**

I move to approve the Proposed Rule changes to IDAPA 08.01.10 as submitted.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**IDAPA 08**  
**TITLE 01**  
**CHAPTER 10**

**08.01.10 - IDAHO COLLEGE WORK STUDY PROGRAM**  
**THE STATE BOARD OF EDUCATION**

**000. -- 099. (RESERVED)**

**100. PURPOSE OF THE IDAHO COLLEGE WORK STUDY PROGRAM.**

The purpose of this program is to establish the administrative procedures necessary to implement a student financial and educational aid program as called for by Chapter 44, Title 33, Idaho Code. (7-1-93)

**101. INSTITUTIONAL PARTICIPATION.**

Eligible postsecondary institutions are defined by statute. In order to participate in the program during a specific fiscal year, eligible institutions shall: (7-1-93)

**01. Annual Application.** Submit to the Office of the State Board of Education an annual application on or before the November 1 preceding the beginning of the fiscal year. (7-1-93)

**02. Enrollment Form.** Submit to the Office of the State Board of Education a properly completed and accurate Student Enrollment Form (PSR-1) for the fall semester ~~preceding the prior to the previous~~ fiscal year. The required PSR-1 shall be submitted ~~on or before the November 1 preceding the beginning of the fiscal year each February as directed by the Office of the State Board of Education.~~ (7-1-93)

**03. Educational Need.** ~~Eligible postsecondary institutions participating in the educational need, work experience portion of the work study program shall submit to the Office of the State Board of Education, on or before August 1 preceding the beginning of the academic year, requirements for determining educational need, in accordance with Section 33-4405, Idaho Code, and Section 8 of this chapter.~~ (7-1-93)

**102. ALLOCATION OF FUNDS.**

Funds appropriated to the Office of the State Board of Education for the Idaho College Work Study Program shall be allocated to participating institutions based on enrollment data submitted by each institution on the Student Enrollment Form (PSR-1) for the fall semester ~~immediately preceding prior to the previous~~ fiscal year of participation. The allocation shall be based on the ~~the appropriation for that fiscal year multiplied by an enrollment factor number of full time equivalent (FTE) students multiplied by a residency factor. The enrollment factor shall be calculated by dividing the headcount of resident degree-seeking students at the participating institutions by the total headcount of resident degree-seeking students for all participating institutions. The residency factor shall be calculated by dividing the headcount of full time resident students by the headcount of full time students. The adjusted number of FTE students for each institution divided by the adjusted total number of FTE students for all participating institutions shall determine the proportion of the appropriation for the Idaho College Work Study Program to be allocated to each institution.~~ (7-1-93)

**103. (RESERVED)**

**104. AUDIT.**

Participating institutions shall agree in advance to submit to regular, periodic audits by the legislative auditor and the internal auditor of the Office of the State Board of Education to ensure compliance with the statutes, rules, and policies governing the Idaho College Work Study Program, including provision of accurate enrollment information. (7-1-93)

**105. DISTRIBUTION OF FUNDS.**

Funds allocated to participating institutions for a specific fiscal year by the Office of the State Board of Education

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

shall be distributed to the institution ~~no later than August 15 and January 15 of the fiscal year during the fall term for the academic year.~~ (7-1-93)

**106. CARRYOVER FUNDS.**

Participating institutions may carry over up to ten percent (10%) of the work study program funds received in one fiscal year to the next fiscal year, provided however, that any carryover funds shall be used exclusively in the work study program. Any unexpended funds in excess of the ten percent (10%) provided herein shall be ~~returned to the redistributed by the~~ Office of the State Board of Education ~~to be reallocated to the work study account.~~ (7-1-93)

~~107. Educational Need; Work Experience.~~

~~01. Purpose. The purpose of the educational need portion of the work study program is to enable students, without regard to financial need, to gain valuable work and career work experience related to their field of study. (7-1-93)~~

~~02. Determination of Educational Need. Requirements for determining educational need shall be formulated by each participating institution, subject to review by the State Board of Education. In reviewing such requirements, the State Board of Education will consider the following minimum guidelines: (7-1-93)~~

~~a. The requirement that the work experience be related to the student's "field of study" shall mean the student's declared major or minor or, if a vocational student, a specific vocational program for which the student is seeking a degree, certificate, or license. "Field of study" may also include a specific course or academic or vocational project which complements the student's major, minor, or vocational program, provided the student obtains a written statement from an advisor or the professor or instructor of the specific course or project that the work experience proposed is related to, and will complement the major, minor, or vocational programs which the student is pursuing. (7-1-93)~~

~~b. The financial resources of the student, including but not limited to individual or family income, may not be considered in determining eligibility. (7-1-93)~~

~~c. In addition to the above, participating institutions which are controlled by sectarian organizations are subject to the following constitutional and statutory restrictions: (7-1-93)~~

~~i. No student may participate whose course of study is sectarian in nature or who is pursuing an educational program leading to a baccalaureate or other degree in theology or divinity. (7-1-93)~~

~~ii. Students at such participating institutions may participate only in the off-campus work experience portion of the program. (7-1-93)~~

~~iii. Off-campus employment may not be located at, or be performed on behalf of, a church, sectarian or religious organization, religious denomination, sect, or society, whether incorporated or unincorporated. (7-1-93)~~

~~108. 999. (RESERVED)~~

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**

**AUGUST 16, 2012**

---

**SUBJECT**

Proposed Rule IDAPA 08.01.11 – Registration of Post-Secondary Education Institutions and Proprietary Schools

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho Administrative code, IDAPA 08.01.11  
Section 33-2400, Idaho Code

**BACKGROUND/DISCUSSION**

The proposed changes to IDAPA 08.01.11 change the reporting year for establishing the gross Idaho tuition revenue from the previous registration year to the previous tax reporting year and adds language requiring institutions to provide information to students regarding the availability and location of clinical and internship positions for those programs that require clinical or internships as part of the course or courses of study.

**IMPACT**

The proposed changes simplify the calculation of Idaho tuition revenue for the schools and institutions registering. The added disclosure to students will provide for greater consumer protection and transparency for those students who have entered a program only to find out the clinical or internship positions are out of the area.

**ATTACHMENTS**

Attachment 1 – Proposed Rule IDAPA 08.01.11

Page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

Proposed rules have a 21 day comment period prior to becoming Pending rules. Based on received comments and Board direction, changes may be made to Proposed rules prior to entering the Pending stage. All Pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a Pending Rule. Pending rules become effective at the end of the legislative session in which they are submitted.

Staff recommends approval.

**BOARD ACTION**

I move to approve the Proposed Rule changes to IDAPA 08.01.11 as submitted.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

THIS PAGE INTENTIONALLY LEFT BLANK



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**IDAPA 08**  
**TITLE 01**  
**CHAPTER 11**

**08.01.11 - REGISTRATION OF POST-SECONDARY EDUCATIONAL INSTITUTIONS  
AND PROPRIETARY SCHOOLS**

**000. LEGAL AUTHORITY.**

The following rules are made under authority of Sections 33-105, 33-107, 33-2402, and 33-2403, Idaho Code, to implement the provisions of Chapter 24, Title 33, Idaho Code. (4-9-09)

**001. TITLE AND SCOPE.**

**01. Title.** This rule shall be cited as IDAPA 08.01.11, "Registration of Post-Secondary Educational Institutions and Proprietary Schools." (4-9-09)

**02. Scope.** This rule sets forth the registration requirements for post-secondary educational institutions that are required to register with the Idaho State Board of Education ("Board") under Section 33-2402, Idaho Code, and for proprietary schools required to register with the Board under Section 33-2403, Idaho Code. In addition, this rule describes the standards and criteria for Board recognition of accreditation organizations, for registration purposes. (4-9-09)

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of this rule. (4-9-09)

**003. ADMINISTRATIVE APPEALS.**

The Administrative Procedures Act, Chapter 52, title 67, Idaho Code, applies to any denial of registration of any post-secondary educational institution or proprietary school. Hearings and appeals shall be governed according to the provisions of IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (4-9-09)

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference. (4-9-09)

**005. OFFICE INFORMATION.**

**01. Office Hours.** The offices of the Board are open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. (4-9-09)

**02. Mailing Address.** The mailing address of the Board is P.O. Box 83720, Boise, Idaho 83720-0037. (4-9-09)

**03. Street Address.** The offices of the Board are located at 650 W. State Street, Boise, Idaho. (4-9-09)

**04. Telephone.** The telephone number of the Board is (208) 334-2270. (4-9-09)

**05. Facsimile.** The facsimile number of the Board is (208) 334-2632. (4-9-09)

**06. Electronic Address.** The electronic address of the Board of Education at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (4-9-09)

(BREAK IN CONTINUITY OF SECTIONS)

**200. REGISTRATION OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.**

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**01. Delegation.** Section 33-2403, Idaho Code, provides that a post-secondary educational institution must hold a valid certificate of registration issued by the Board. The Board delegates authority to its Executive Director and the Office of the State Board of Education to administer the registration of post-secondary educational institution, in accordance with Title 33, Chapter 24, Idaho Code, and this rule. (3-29-12)

**02. Registration Requirement.** (4-9-09)

**a.** Unless exempted by statute or this rule, as provided herein, a post-secondary educational institution which maintains a presence within the state of Idaho, or that operates or purports to operate from a location within the state of Idaho, shall register and hold a valid certificate of registration issued by the Board. An institution shall not conduct, provide, offer, or sell a course or courses of study, or degree unless registered.(3-29-12)

**b.** Registration shall be for the period beginning on the date a certificate of registration is issued and continue through June 30 of the next succeeding year. A registered post-secondary educational institution must renew its certificate of registration annually, and renewal of registration is not automatic. (3-29-10)

**c.** Renewal of registration shall be for the period beginning on July 1 of any year, and continue through June 30 of the next succeeding year. (4-9-09)

**d.** A new or start-up entity that desires to operate as a postsecondary educational institution in Idaho but which is not yet accredited by an accreditation organization recognized by the Board must register and operate as a proprietary school until accreditation is obtained. A new or start-up entity that is accredited and authorized to operate in another state, and which desires to operate as a postsecondary educational institution in Idaho offering degrees for which specialized program accreditation is required, may be granted approval to operate subject to the successful attainment of such program accreditation within the regular program accreditation cycle required by the accreditor. (3-29-12)

**e.** There is no inherent or private right to grant degrees in Idaho. That authority belongs only to institutions properly authorized to operate in Idaho under these rules. (3-29-12)

**03. Idaho Presence.** (3-29-12)

**a.** An institution shall be deemed to have a presence in Idaho, or to be operating or purporting to be operating from a location within the state of Idaho, if it owns, rents, leases, or uses any office or other type of physical location in Idaho, including a mailing or shipping center, or if it represents in any way, such as on an electronic or Internet website, to have an Idaho street or mailing address, including a post office box in Idaho, for purposes of conducting, providing, offering or selling a course or courses of study or degrees. (3-29-12)

**b.** Idaho presence shall include medical/osteopathic education clinical instruction occurring in the state of Idaho as part of a course of study leading to a degree pursuant to a formal arrangement or agreement between such clinic and an institution providing medical/osteopathic education instruction. (3-29-12)

**c.** Idaho presence shall not include: (3-29-12)

**i.** Distance or online education delivered by an institution located outside of the state of Idaho to students in this state when the institution does not otherwise have physical presence in Idaho, as provided in Subsection 200.03.a. of this rule; (3-29-12)

**ii.** Medical education instruction occurring in the state of Idaho by an institution pursuant to a medical education program funded by the state of Idaho; (3-29-12)

**iii.** Internship or cooperative training programs occurring in the state of Idaho where students are employed by or provide services to a business or company in this state and receive course credit from an institution related to such activities; or (3-29-12)

**iv.** Activities limited to the recruiting or interviewing of applicants or potential students in the state of

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

Idaho, whether conducted by a compensated employee, agent, or representative of an institution, or by volunteer alumnus of an institution, even if such individual is physically located in this state. (3-29-12)

**04. Institutions Exempt from Registration.** (4-9-09)

**a.** Idaho public post-secondary educational institutions. Section 33-2402(1), Idaho Code, provides that a public institution supported primarily by taxation from either the state of Idaho or a local source in Idaho shall not be required to register. (4-9-09)

**b.** Certain Idaho private, nonprofit, post-secondary educational institutions. A private, nonprofit, post-secondary educational institution that is already established and operational as of the date when this rule first went into effect (Brigham Young University - Idaho, College of Idaho, Northwest Nazarene University, New Saint Andrews College, Boise Bible College), and located within the state of Idaho, and that is accredited by an accreditation organization recognized by the Board, as set forth in Section 100 of this rule, shall not be required to register. A private, nonprofit, institution is located within the state of Idaho only if it has been lawfully organized in the state of Idaho and its principal place of business is located within the state of Idaho. An institution exempt under this subsection may voluntarily register by following the procedure for registration provided herein. (3-29-12)

**c.** Idaho religious institutions. A religious institution located within the state of Idaho that is owned, controlled, operated, and maintained by a religious organization lawfully operating as a nonprofit religious corporation and that grants only religious degrees shall not be required to register. (3-29-12)

**05. Institutions That Must Register.** Unless exempt under Subsection 200.04 of this rule, any entity that desires to operate as a postsecondary educational institution in Idaho must register as provided herein. (3-29-12)

**06. Application.** A post-secondary educational institution that is required to register under this rule must submit to the Board office an application for registration (either an application for initial registration or renewal of registration, as applicable), on the form provided by the Board office. The application must include a list of each course, course of study, and degree the applicant institution intends to conduct, provide, offer, or sell in Idaho during the registration year. (3-29-10)

**07. Registration Fees.** The Board shall assess an annual registration fee for initial registration or renewal of registration of a post-secondary educational institution. The registration fee must accompany the application for registration, and shall be in the amount of one-half of one percent (.5%) of the gross Idaho tuition revenue of the institution during the previous ~~registration tax reporting year~~ (Jan 1 – Dec 31) year, but not less than one hundred dollars (\$100) and not to exceed five thousand dollars (\$5,000). The institution must provide financial documentation to substantiate the amount of revenue reported. Registration fees are nonrefundable. (3-29-12)

**08. Deadline for Registration.** An initial application for registration may be submitted to the Board at anytime. An institution should expect the Board's review process for an initial registration to take approximately three (3) to five (5) months. An application for renewal of registration must be submitted to the Board on or before the first business day of May that precedes the registration year. The renewal will be processed within thirty (30) days. Institutions that do not adhere to this schedule and whose renewals are not processed by July 1st must cease all active operations until approval of registration is received. (3-29-12)

**09. Information Required.** (3-29-12)

**a.** An application must include all the information requested on the application form, as well as the following information: (3-29-12)

- i.** Copy of most recent accreditation letter showing the period of approval; (4-7-11)
- ii.** Current list of chief officers - e.g. president, board chair, chief academic officer, chief fiscal officer; (4-9-09)
- iii.** Enrollment data for current and past two (2) years; (4-9-09)

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

- iv. Copy of annual audited financial statement; (4-9-09)
- v. Any additional information that the Board may request. (4-9-09)

vi. All advertising, pamphlets, and other literature used to solicit students and all contract forms must accurately represent the purpose of the school, its courses or courses of study, and other relevant information to assist students in making an informed decision to enroll. Institutions offering courses or courses of study which require clinical, practicum or internship components must provide students in writing information regarding the number of clinical, practicum or internship positions available and the location of said positions. Institutions with courses or courses of study that have not been fully accredited must disclose to prospective students in these courses or courses of study the accreditation status of the program and anticipated date for full accreditation. ( )

b. The Board may, in connection with a renewal of registration, request that an institution only submit information that documents changes from the previous year, provided that the institution certifies that all information and/or documentation submitted in a previous registration year remains current. The annual registration fee, described in Subsection 200.07 of this rule, shall remain applicable. (3-29-12)

**(BREAK IN CONTINUITY OF SECTION)**

**300. REGISTRATION OF PROPRIETARY SCHOOLS.**

**01. Delegation.** Section 33-2403, Idaho Code, provides that a proprietary school must hold a valid certificate of registration issued by the Board. The Board delegates authority to its Executive Director and the Office of the State Board of Education to administer the registration of proprietary schools, in accordance with Title 33, Chapter 24, Idaho Code, and this rule. (3-29-12)

**02. Registration Requirement.** (4-9-09)

a. Unless exempted by statute or this rule, as provided herein, a proprietary school which maintains a presence within the state of Idaho, or which operates or purports to operate from a location within the state of Idaho, shall register annually and hold a valid certificate of registration issued by the Board. A school shall not conduct, provide, offer, or sell a course or courses of study unless registered. A school shall not solicit students for or on behalf of such school, or advertise in this state, unless registered. (3-29-10)

b. Registration shall be for the period beginning July 1 of any year and continue through June 30 of the next succeeding year. For a school that has not previously registered with the Board, registration shall be for the period beginning on the date of issuance of a certificate of registration and continue through June 30 of the next succeeding year. A registered proprietary school must renew its certificate of registration annually and renewal of registration is not automatic. (3-29-12)

c. Renewal of registration shall be for the period beginning on July 1 of any year, and continue through June 30 of the next succeeding year. (4-9-09)

**03. Idaho Presence.** (3-29-12)

a. A school shall be deemed to have a presence in Idaho, or to be operating or purporting to be operating from a location within the state of Idaho, or if it owns, rents, leases, or uses any office or other type of physical location in Idaho, including a mailing or shipping center, or if it represents in any way, such as on an electronic or Internet website, to have an Idaho street or mailing address, including a post office box in Idaho, for purposes of conducting, providing, offering or selling a course or courses of study or degrees. (3-29-12)

b. Idaho presence shall not include: (3-29-12)

i. Distance or online education delivered by an institution located outside of the state of Idaho to students in this state when the institution does not otherwise have physical presence in Idaho, as provided in

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

Subsection 300.03.a. of this rule; (3-29-12)

ii. Internship or cooperative training programs occurring in the state of Idaho where students are employed by or provide services to a business or company in this state and receive course credit from an institution related to such activities; or (3-29-12)

iii. Activities limited to the recruiting or interviewing of applicants or potential students in the state of Idaho, whether conducted by a compensated employee, agent, or representative of an institution, or by volunteer alumnus of an institution, even if such individual is physically located in this state. (3-29-12)

**04. Exemptions from Registration.** The following individuals or entities are specifically exempt from the registration requirements of this rule: (4-9-09)

a. An individual or entity that offers instruction or training solely avocational or recreational in nature, as determined by the Board. (3-29-12)

b. An individual or entity that offers courses recognized by the Board which comply in whole or in part with the compulsory education law. (4-9-09)

c. An individual or entity that offers a course or courses of study sponsored by an employer for the training and preparation of its own employees, and for which no tuition fee is charged to the student. (4-9-09)

d. An individual or entity which is otherwise regulated, licensed, or registered with another state agency pursuant to Title 54, Idaho Code. (4-9-09)

e. An individual or entity that offers intensive review courses designed to prepare students for certified public accountancy tests, public accountancy tests, law school aptitude tests, bar examinations or medical college admissions tests, or similar instruction for test preparation. (4-9-09)

f. An individual or entity offering only workshops or seminars lasting no longer than three (3) calendar days and offered no more than four (4) times per year. (3-29-12)

g. A parochial or denominational institution providing instruction or training relating solely to religion and for which degrees are not granted. (4-9-09)

h. An individual or entity that offers post-secondary credit through a consortium of public and private colleges and universities under the auspices of the Western Governors University. (3-29-12)

i. An individual or entity that offers flight instruction and that accepts payment for services for such training on a per-flight basis after the training occurs, or that accepts advance payment or a deposit for such training in a de minimus amount equal to or less than fifteen (15) percent of the total course or program cost. (3-29-12)

**05. Application.** A proprietary school that is required to register under this rule must submit to the Board office an application for registration (either an application for initial registration, or renewal of registration, as applicable), on a form provided by the Board office. The application must include a list of each course or courses of study the applicant school intends to conduct, provide, offer or sell in Idaho during the registration year. (3-29-10)

**06. Registration Fees.** The Board shall assess an annual registration fee for initial registration or renewal of registration. The registration fee must accompany the application for registration, and shall be one-half of one percent (.5%) of the gross Idaho tuition revenue of the school during the previous registration year, but not less than one hundred dollars (\$100) and not to exceed five thousand dollars (\$5,000). The school shall provide documentation to substantiate the amount of revenue reported. Registration fees are nonrefundable. (3-29-12)

**07. Deadline for Registration.** An initial application for registration may be submitted to the Board at anytime. A school should expect the Board review process for an initial registration to take approximately three (3) to five (5) months. An application for renewal of registration must be submitted to the Board on or before the first

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

business day of May that precedes the registration tax reporting year (Jan 1 – Dec 31) year. The renewal will be processed within thirty (30) days. Institutions that do not adhere to this schedule and whose renewals are not processed by July 1st must cease all active operations until approval of registration is received. (3-29-12)

**08. Information Required.** Such application must include all the information requested on the application form. In addition, a school must attest by signature of the primary official on the application form that it is in compliance with Standards I through V set forth in Section 301 of this rule and must provide verification of compliance with Standards I through V set forth in Section 301 of this rule upon request. The Board may, in connection with a renewal of registration, request that a school only submit information that documents changes from the previous year, provided that the school certifies that all information and/or documentation submitted in a previous registration year remains current. The annual registration fee, described in Subsection 300.06 of this rule, shall remain applicable. (3-29-12)

**301. APPROVAL STANDARDS FOR REGISTRATION OF PROPRIETARY SCHOOLS.**

The Board and its designee accepts the responsibility for setting and maintaining approval standards for proprietary schools that plan to offer courses or a set of related courses in or from Idaho in order to protect consumers and to ensure quality educational programs are provided throughout the state. A school must meet all of the standards prior to issuance of a certificate of registration and the school must provide required evidence to document compliance with the standards as identified in the application form. A certificate of registration may be denied if all of the standards are not met. (4-9-09)

**01. Standard I - Legal Status and Administrative Structure.** The school must be in compliance with all local, state and federal laws, administrative rules, and other regulations applicable to proprietary schools. (4-9-09)

**a.** The school must have a clearly stated educational purpose that is consistent with the courses or a set of related courses under consideration for approval. (4-7-11)

**b.** The ownership of the school, its agents, and all school officials must be identified by name and title. (4-9-09)

**c.** Each owner, agent, instructor and/or school official must be appropriately qualified by the trade board (as applicable) to ensure courses are of high quality and the rights of students are protected. (3-29-12)

**d.** Written policies must be established to govern admissions and re-admission of dismissed students, hiring procedures, and working conditions; evaluation/assessment of all employees and instructional offerings; student and instructor rights and responsibilities; grievance procedures; approval of the curriculum and other academic procedures to ensure the quality of educational offerings. (4-7-11)

**e.** Procedures for assessing/evaluating the effectiveness of instruction must be established. Evaluation and assessment results must be used to improve courses or courses of study. (4-9-09)

**f.** All advertising, pamphlets, and other literature used to solicit students and all contract forms must accurately represent the purpose of the school, its courses or courses of study, anticipated job opportunities, and other relevant information to assist students in making an informed decision to enroll. Schools offering courses or courses of study which require clinical, practicum or internship components must provide students in writing information regarding the number of clinical, practicum or internship positions available and the location of said positions. The school must provide to each prospective student, newly-enrolled student, and returning student complete and clearly presented information indicating the school's current completion and job placement rate. ~~(3-29-12)~~ ( )

**02. Standard II - Courses or Courses of Study.** Instruction must be the primary focus of the school. All courses or courses of study must prepare students to enter employment upon completion of the program or prepare them for self-employment. (3-29-12)

**a.** The requirements for each course or courses of study must be defined clearly including applicable completion requirements or other requirements such as practicums and clinicals. Courses or courses of study will

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

follow applicable trade board training curriculum standards or be designed using effective learning strategies for students, identifying and organizing all instructional materials and specialized facilities, identifying instructional assessment methods, and evaluating the effectiveness of the course offerings. (3-29-12)

**b.** Written course descriptions must be developed for all courses or courses of study. Written course descriptions must be provided to instructors. Instructors are expected to follow course descriptions. A syllabus must be developed for each course and distributed to students at the beginning of the course. (3-29-12)

**c.** The school must assure that a course or courses of study will be offered with sufficient frequency to enable students to complete courses or courses of study within the minimum time for completion. (4-9-09)

**d.** The school must clearly state the cost of each course or courses of study and identify the payment schedule. This information, and the refund policy, must be given to students in writing. (3-29-12)

**03. Standard III - Student Support Services.** The school must have clearly defined written policies that are readily available to students. Policies must address students rights and responsibilities, grievance procedures, and define what services are available to support students. (3-29-12)

**a.** The admission of students must be determined through an orderly process established in a written policy using published criteria which must be uniformly applied. Admissions decisions must take into account the capacity of the student to grasp and complete the instructional training program and the ability of the school to handle the unique needs of the students it accepts. (3-29-12)

**b.** There must be a clearly defined policy to re-evaluate students dismissed from the school and, if appropriate, to readmit them. (3-29-12)

**c.** The school must establish and adhere to a clear and fair policy regarding due process in disciplinary matters for all students, given to each student upon enrollment in the school. The school must provide the name and contact information for the individual who is responsible for dealing with student grievances and other complaints and for handling due process procedures. (3-29-12)

**d.** Prior to enrollment, all prospective students must receive the following information in writing: (3-29-12)

i. Information describing the purpose, length, and objectives of the courses or courses of study; (4-9-09)

ii. Completion requirements for the courses or courses of study; (4-9-09)

iii. The schedule of tuition, fees, and all other charges and all expenses necessary for completion of the courses or courses of study; (4-9-09)

iv. Cancellation and refund policies; (4-9-09)

v. An explanation of satisfactory progress, including an explanation of the grading/assessment system; (4-9-09)

vi. The calendar of study including registration dates, beginning and ending dates for all courses, and holidays; (4-9-09)

vii. A complete list of instructors and their qualifications; (4-9-09)

viii. A listing of available student services; and (4-9-09)

**e.** Accurate and secure records must be kept for all aspects of the student record including, at minimum, admissions information, and the courses each student completed. (4-9-09)

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

- 04. Standard IV - Faculty/Instructor Qualifications and Compensation.** (3-29-12)
- a.** Instructor qualifications (training and experience) must be recorded and available to students. (3-29-12)
- b.** There must be a sufficient number of full-time instructors to maintain the continuity and stability of courses. (4-9-09)
- c.** The ratio of instructors to students in each course must be sufficient to assure effective instruction. (4-9-09)
- d.** Commissions may not be used for any portion of the faculty compensation. (4-9-09)
- e.** Procedures for evaluating instructors must be established. Provisions for student evaluation are recommended. (4-9-09)
- 05. Standard V - Resources, Finance, Facilities, and Instructional Resources.** (4-9-09)
- a.** Adequate financial resources must be provided to accomplish instructional objectives and to effectively support the instructional program, including classroom and training facilities, instructional materials, supplies and equipment, instructors, staff, library, and the physical and instructional technology infrastructure. (3-29-12)
- b.** The school must have sufficient instructional resource materials so that, together with tuition and fees, it is able to complete its educational obligations to currently enrolled students. If the school is unable to fulfill its obligations to students, the school must make arrangements for a comparable teach-out opportunity with another proprietary school or refund one hundred (100) percent of prepaid tuition. (3-29-12)
- c.** School financial/business records and reports must be kept separate and distinct from those of any affiliated or sponsoring person or entity. Financial records and reports at a school shall be kept in accordance recognized financial accounting methods. (3-29-12)
- d.** The school must have adequate instructional resource materials available to students, either on site or through electronic means. These materials must be housed in a designated area and be available for students and instructors with sufficient regularity and at appropriate hours to support achievement of course objectives or to promote effective teaching. (4-9-09)
- e.** If the school relies on other schools or entities to provide library resources or instructional resources, the school must demonstrate how these arrangements effectively meet the needs of students and faculty. These arrangements must be documented through written agreements. Student and faculty use must be documented and frequently evaluated to ensure quality services are being provided. (4-9-09)



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**SUBJECT**

Temporary Proposed Rule IDAPA 08.01.14 – Idaho Rural Physician Incentive Program

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho Administrative Code, IDAPA 08.01.14 – Idaho Rural Physician Incentive Program.

**BACKGROUND/DISCUSSION**

During the 2012 legislative session the Rural Physician Incentive Fund program was moved to the Department of Health and Welfare, Office of Rural Health. As part of this process, many of the procedures that the Board had outlined in rule were incorporated into the new legislation. Due to these changes, IDAPA 08.01.14 is no longer necessary and should be repealed.

**IMPACT**

The removal of IDAPA 08.01.14 will eliminate what is now an unnecessary section of administrative rule.

**ATTACHMENTS**

Attachment 1 – Proposed Rule IDAPA 08.02.02

Page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

Proposed rules have a 21 day comment period prior to becoming Pending rules. Based on received comments and Board direction, changes may be made to Proposed rules prior to entering the Pending stage. All Pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a Pending Rule. Pending rules become effective at the end of the legislative session in which they are submitted. The Temporary portion of the rule will go into effect once approved by the Board.

Staff recommends approval.

**BOARD ACTION**

I move to approve the Temporary Proposed Rule change removing IDAPA 08.01.14 – Idaho Rural Physician Incentive Program.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

THIS PAGE INTENTIONALLY LEFT BLANK

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**IDAPA 08**  
**TITLE 01**  
**CHAPTER 14**

**08.01.14 – IDAHO RURAL PHYSICIAN INCENTIVE PROGRAM**

**000. — LEGAL AUTHORITY.**

These rules are promulgated pursuant to the authority of the State Board of Education (the Board) under Section 33-105, and Sections 33-3723 through 33-3725, Idaho Code. (3-29-10)

**001. — TITLE AND SCOPE.**

**01. — Title.** These rules shall be known as IDAPA 08.01.14, “Idaho Rural Physician Incentive Program.” (3-29-10)

**02. — Scope.** These rules constitute the requirements for the Idaho Rural Physician Incentive Program. (3-29-10)

**002. — WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code any written interpretation of the rules of this chapter are available at the Board office. (3-29-10)

**003. — ADMINISTRATIVE APPEAL.**

Unless otherwise provided for in the rules of the Board or in the State Board of Education Governing Policies and Procedures, all administrative appeals allowed by law shall be conducted as provided herein. (3-29-10)

**004. — INCORPORATION BY REFERENCE.**

There are no documents to incorporate by reference pursuant to, and in accordance with, Section 67-5229, Idaho Code. (3-29-10)

**005. — OFFICE — OFFICE HOURS — MAILING ADDRESS AND STREET ADDRESS.**

The principal place of business of the Board is in Boise, Idaho. (3-29-10)

**01. — Mailing Address.** The mailing address is PO Box 83720, Boise, ID 83720-0037. (3-29-10)

**02. — Street Address.** The Board's street address is 650 West State Street, Room 307, Boise, Idaho 83702. (3-29-10)

**03. — Office Hours.** The office hours are from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. (3-29-10)

**006. — PUBLIC RECORDS ACT COMPLIANCE.**

This rule has been promulgated in accordance with the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, and is a public record. (3-29-10)

**007. — COMMUNICATION WITH STATE OFFICIALS.**

All inquiries concerning the Rural Physician Incentive Program will be directed to the Office of the Board. (3-29-10)

**008. — 009. — (RESERVED).**

**010. — DEFINITIONS.**

These definitions are applicable to this chapter only. (3-29-10)

**01. — Community Sponsoring Organization.** A hospital, medical clinic or other medical organization which is located in an eligible area and that employs physicians for purposes of providing primary care medical services to patients. (3-29-10)

**02. — Eligible Area.** A medically underserved area of Idaho, further defined to mean an area designated

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

by the U.S. Secretary of Health and Human Services as a Health Professional Shortage area in the category of Primary Care or Mental Health. (6-24-11)

~~03. — **Oversight Committee.** The committee constituted pursuant to Section 33-3724, Idaho Code, composed of knowledgeable individuals or organizations to assist in the administration of the rural physician incentive program. (3-29-10)~~

~~04. — **Primary Care Medicine.** Family medicine, general internal medicine, and general pediatrics, but if there is a demonstrated high level of need in an eligible area, as determined by the oversight committee, may also include obstetrics and gynecology, general psychiatry, general surgery and emergency medicine. (3-29-10)~~

~~05. — **Qualified Medical Education Debt.** Debt with a financial aid program or financial institution incurred to meet the educational costs of attending a medical school. (3-29-10)~~

~~06. — **Rural Physician.** A licensed Idaho physician, MD or DO, who spends a minimum of twenty-eight (28) hours per week, on average, providing primary care medicine services to patients in an eligible area. (3-29-10)~~

~~07. — **Rural Physician Incentive Fee.** The fee assessed by the State to students preparing to be physicians in the fields of medicine or osteopathic medicine who are supported by the state pursuant to an interstate compact for professional education in those fields, as those fields are defined by the compact. (3-29-10)~~

~~08. — **Rural Physician Incentive Fund.** The special revenue account in the state treasury created pursuant to Section 33-3724, Idaho Code, relating to the Rural Physician Incentive Program. (3-29-10)~~

~~**011. — OBJECTIVES OF THE RURAL PHYSICIAN INCENTIVE PROGRAM.**~~

~~This program is established as a tool to help recruit and retain rural physicians to serve in eligible areas. The granting of an award under this program requires the support of a community sponsoring organization in an eligible area that has experienced physician recruiting difficulties and that can demonstrate broad support for this program from the medical community and community leaders located in the eligible area. (3-29-10)~~

~~**012. — ADMINISTRATION.**~~

~~The Board, through the advice and recommendations of the oversight committee, is the administrative agent for the Rural Physician Incentive Program. The Board designates its executive director, or his designee, as its administrative officer for this program and delegates to its executive director, or his designee, and to the Office of the State Board of Education, such administrative responsibilities as are necessary to carry out and administer the Rural Physician Incentive Program in accordance with this rule. (3-29-10)~~

~~**013. — ASSESSMENT OF A RURAL PHYSICIAN INCENTIVE FEE.**~~

~~01. — **Assessment.** Pursuant to Section 33-3723, Idaho Code, the rural physician incentive fee assessed to, and required to be paid by, all state-supported medical students who are preparing to be physicians in the fields of medicine or osteopathic medicine shall be equal to four percent (4%) of the average annual medical support fee paid by the State on behalf of each such student. (3-29-10)~~

~~02. — **Annual Collection.** The rural physician incentive fee assessed by the Board shall be collected by the Office of the State Board of Education annually from each state-supported student during each year of undergraduate medical training and shall be deposited into the state treasury as required by Section 33-3723, Idaho Code. (3-29-10)~~

~~03. — **Deposits.** Income and earnings from the rural physician incentive fund shall be returned to such fund. (3-29-10)~~

~~**014. — ELIGIBILITY FOR A RURAL PHYSICIAN INCENTIVE PROGRAM AWARD.**~~

~~01. — **Eligibility Requirements.** A physician who meets the following requirements is eligible to apply for a Rural Physician Incentive Program award: (3-29-10)~~

~~a. — During the period covered by the award, the physician must be a rural physician providing primary care medicine in an eligible area. A physician may provide patient care services in primary care medicine in more than one (1) eligible area; (3-29-10)~~

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

~~b. — The physician must be a Doctor of Medicine (M.D.) or Doctor of Osteopathic Medicine (D.O.) and have completed an Accreditation Council of Graduate Medical Education or American Osteopathic Association residency; (3 29 10)~~

~~c. — The physician must be Idaho Medical Board certified/Board eligible, be eligible for an unrestricted Idaho medical license, and be able to meet the medical staffing requirements of the sponsoring organization when applicable; and (6 24 11)~~

~~d. — The physician must be eligible to care for Medicare and Medicaid patients within the scope of the physician's primary care medicine practice. (3 29 10)~~

~~02. — **Ineligibility.** Notwithstanding Subsection 014.01 of these rules, a physician shall not be entitled to receive an award under this program if the physician is receiving payments for purposes of repaying qualified medical education debt from another state or from a federal debt repayment program. (3 29 10)~~

~~**015. — APPLICATION PROCESS.**~~

~~01. — **Applications.** Applications for the Rural Physician Incentive Program must be on a form prescribed by the Office of the State Board of Education and must include a letter of support, along with supporting documentation establishing the criteria in Subsections 021.01 and 021.02 of these rules, from a sponsoring organization. Applications must be received by the Office of the State Board of Education not earlier than October 1st and not later than December 31st for consideration for the award period beginning July 1st of the next succeeding year. (3 29 10)~~

~~02. — **Announcement of Award.** Announcement of program awards shall be made not later than April 30th each year, with awards to be effective beginning July 1st of that year. Applicants must respond by the date specified in any communication from officials of the Rural Physician Incentive Fund Program. Failure to respond within the time period specified will result in cancellation of the application and forfeiture of the award unless extenuating circumstances can be shown by the applicant. (3 29 10)~~

~~**016. — SELECTION OF RURAL PHYSICIAN INCENTIVE FUND AWARD RECIPIENTS.**~~

~~01. — **Selection of Recipients.** The selection of recipients of Rural Physician Incentive Program awards shall be based on ranking and priority of applicants in accordance with the following criteria: (3 29 10)~~

~~a. — Priority selection for physicians who were Idaho resident students and were assessed the rural physician incentive fee and paid into the fund, followed by physicians who were Idaho residents prior to completing medical school out of the state and who did not contribute to the fund, followed by physicians from other states who were not Idaho residents; (3 29 10)~~

~~b. — Demonstrated physician shortage in the eligible area to be benefitted; (3 29 10) e.~~

~~Demonstrated physician recruiting difficulties in the eligible area to be benefitted; and (3 29 10) d. — Support of the medical community and community leaders in the eligible area. (3 29 10)~~

~~02. — **Relevant Factors.** In reviewing and weighing these criteria, all relevant factors shall be considered. (3 29 10)~~

~~03. — **Debt Payments Not Accepted.** If a physician selected for an award of debt payments does not accept the award in the manner provided in these rules, then the award shall be awarded to the next eligible applicant who has not received an award. (3 29 10)~~

~~**017. — MONETARY VALUE OF THE AWARD.**~~

~~01. — **Award Amounts.** A physician selected to receive a Rural Physician Incentive Program award shall be entitled to receive qualified medical education debt repayments for a period not to exceed five (5) years in such amount as is determined annually. The award shall not exceed the qualified medical education debt incurred by the recipient, and the maximum amount of educational debt repayments that a rural physician may receive shall be fifty thousand dollars (\$50,000) over such five (5) year period. Payments shall be limited to a maximum of ten thousand dollars (\$10,000) in a single year. (3 29 10)~~

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

~~02. — **Establishing Award Amounts.** Award amounts shall be established annually based on recommendations of the oversight committee utilizing such factors as availability of funding, the number of new applicants, and the hours an award recipient will devote to providing primary care services in an eligible area. (3-29-10)~~

~~03. — **Repayment of Qualified Medical Education Debt.** All qualified medical education debt repayments shall be paid directly to the award recipient physician who shall direct payment of an equal amount to the financial institution holding such debt. An award recipient physician shall sign an affidavit provided by the Office of the State Board of Education affirming that payment will be made to the financial institution. (6-24-11)~~

~~04. — **Incentive Fund.** Pursuant to Section 33-3725, Idaho Code, the total of all awards from the rural physician incentive fund contractually committed in a year shall not exceed the annual amount deposited in the rural physician incentive fund that same year. (3-29-10)~~

~~05. — **Annual Adjustments.** An award payment to a recipient in a single year is not guaranteed or assured in subsequent years and may be increased or reduced. Annual award payments for new and existing award recipients will be announced no later than April 30th of each year. (3-29-10)~~

~~**018. — ANNUAL CONTRACT.**~~

~~01. — **Annual Contract.** An award recipient physician must enter into an annual contract to be eligible for qualified medical education debt repayments. (3-29-10)~~

~~02. — **Verification of Eligibility.** Prior to entering into a contract covering a new award year, an award recipient must verify that he has met and will continue to meet the award eligibility requirements specified in this rule. Annual verification of continued eligibility must be on a form provided by OSBE and submitted to OSBE no later than December 31st each year. (3-29-10)~~

~~03. — **Award Recipient Liability.** Pursuant to Section 33-3725, Idaho Code, the contract must provide that the award recipient is liable to the Board for the award payments made on his behalf should the recipient cease to practice in the eligible area during the contract period or fail to perform according to the terms of the contract. (3-29-10)~~

~~**019. — FRAUDULENT INFORMATION.**~~

~~Providing false information on any application or document submitted under this chapter is grounds for declaring the applicant ineligible. Any and all funds determined to have been acquired on the basis of fraudulent information must be returned to the rural physician incentive fund. This Section shall not limit other remedies which may be available for the filing of false or fraudulent applications. (3-29-10)~~

~~**020. — APPEAL PROCEDURE.**~~

~~01. — **Filing an Appeal.** Any Idaho Rural Physician Incentive Program award applicant or recipient adversely affected by a decision made under provisions of these rules may appeal such adverse decision as follows: (3-29-10)~~

~~a. — The Idaho Rural Physician Incentive Program applicant or recipient must appeal no later than thirty (30) days following notice of the decision. The written statement must include a statement of the reason the applicant or recipient believes the decision should be changed or overturned. (3-29-10)~~

~~b. — The appeal must be submitted to the President of the Board. The Board must acknowledge receipt of the appeal within seven (7) days. The President of the Board may or may not agree to review the appeal, or may appoint a subcommittee of three (3) persons to review the appeal. (3-29-10)~~

~~02. — **Transmittal to Subcommittee.** If the appeal is transmitted to the subcommittee, the subcommittee will review the appeal and submit a written recommendation to the President of the Board within fifteen (15) days from the time the subcommittee receives the appeal document. The applicant or recipient initiating the appeal will be notified by the chairperson of the subcommittee of the time and place when the subcommittee will consider the appeal and will be allowed to appear before the subcommittee to discuss the appeal. (3-29-10)~~

~~03. — **Subcommittee Recommendations.** Following the subcommittee's decision, the President of the Board will present the subcommittee's recommendation to the full Board at the next regularly scheduled meeting of the Board. The applicant or recipient initiating the appeal may, at the discretion of the President of the Board, be permitted to make a presentation to the Board. (3-29-10)~~

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

~~04. **Board Decision.** The decision of the Board is final, binding, and ends all administrative remedies, unless otherwise specifically provided by the Board. The Board will inform the applicant or recipient in writing of the decision of the Board.~~ (3-29-10)

~~021. **999. (RESERVED).**~~

THIS PAGE INTENTIONALLY LEFT BLANK



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**SUBJECT**

Proposed Rule IDAPA 08.02.02 – Rules Governing Uniformity (Alternate Route to Certification)

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho Administrative code, IDAPA 08.02.02, Subsection 039. – 046. – Rules Governing Uniformity

**BACKGROUND/DISCUSSION**

The proposed changes to IDAPA 08.02.02 would repeal three sections of rule that expired July 1, 2006 (.039, 040, and 041.) and clarify the alternate route to certification process. The process surrounding the attainment of certification through an alternate route is confusing, especially in the area of para professionals to certification. It has proven to be very difficult for a para professional to attain certification within the allotted five (5) years, as specified under the preset definition. Additionally, as a result of increased accountability for federal reporting, it became clear that the Para to Teacher Route was not a true alternate route, but really an incentivized “grow your own” *program*. The new language will make a legitimate process available for para professionals and clarify the prerequisites, which are the same as those required for a content specialist.

There is also conflicting language in the rule regarding the Computer-Based Alternative Route to Certification. The proposed language will also clear up any question regarding the completion of a two year mentor program as part of the full certification process.

The following changes are proposed:

- 1) Amend Alternative Routes to Certification 08.02.02.042 *Under the Title II reporting requirements Idaho was required to either accept the federal definition of Alternate Route or adopt one of its own. Idaho, in essence, adopted the federal definition which closely aligned with practices in the state. (This change supports para to teacher route. See #4 )*
- 2) Amend Content Specialist – Alternative Route 08.02.02.044 ( *Amended to allow for increased flexibility in meeting district needs.*)
- 3) Change Computer – Based Alternative Route 08.02.02.045 ( *Amended to clarify mentoring requirements and create consistency with other certification requirements.*
- 4) Strike 08.02.02.046 ( *The paraprofessional to certification route is now designed to work within Alternate Route-Content Specialist.*)

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**IMPACT**

The proposed changes to IDAPA 08.02.02 would repeal expired sections of administrative rule and bring the para to educator alternate route to certification into compliance with federal regulations.

**ATTACHMENTS**

Attachment 1 – Proposed Rule IDAPA 08.02.02

Page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

Proposed rules have a 21 day comment period prior to becoming Pending rules. Based on received comments and Board direction, changes may be made to Proposed rules prior to entering the Pending stage. All Pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a Pending Rule. Pending rules become effective at the end of the legislative session in which they are submitted.

Staff recommends approval.

**BOARD ACTION**

I move to approve the Proposed Rule changes to IDAPA 08.02.02 – Rules Governing Uniformity, clarify the alternate route to certification process as submitted.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**IDAPA 08**  
**TITLE 02**  
**CHAPTER 02**

**08.02.02 - RULES GOVERNING UNIFORMITY**

**000. LEGAL AUTHORITY.**

All rules in IDAPA 08.02.02, "Rules Governing Uniformity," are promulgated pursuant to the authority of the State Board of Education under Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-1612, Idaho Code. Specific statutory references for particular rules are also noted as additional authority where appropriate. (7-1-02)

(Break in Continuity of Sections)

**037. -- ~~03841.~~ (RESERVED)**

**~~039. LIMITED APPROVAL ALTERNATIVES (EXPIRES JULY 1, 2006).~~**

~~01. Consultant Specialist Certificate. At the request of a school district, the State Department of Education may issue a Consultant Specialist certificate to highly and uniquely qualified persons. The use of the certificate is limited to the applicant's district and is valid for one (1) year. It is intended that use of the Consultant Specialist provision be exceptional and occasional and not used as a regular hiring practice. (3-20-04)~~

~~02. Letters of Authorization (LOA). Letters of Authorization allow Idaho school districts to request emergency certification when a professional position cannot be filled with someone who has the correct certificate. Individuals considered for an LOA must have at least a baccalaureate degree and must enroll in a program to achieve full certification in the area of authorization. A request for a Letter of Authorization shall be sent to the State Department of Education. The request and supporting information will be reviewed by the Professional Standards Commission, with the final recommendation of the Commission submitted by the State Superintendent of Public Instruction for State Board of Education approval. An LOA is valid for one (1) year and may renewed annually upon completion of nine (9) semester credit hours applicable to the standards for full certification in the area of authorization. (3-20-04)~~

~~03. Limited Transitional Letter of Approval. This non-renewable letter of approval is valid for one (1) year only. The purpose of the letter of approval is to allow a teacher with secondary certification (grades 6-12) to teach at the elementary levels (K-8) without additional student teaching, or vice versa. Other than student teaching, all other requirements for the desired certificate must be met. Upon successful completion of one (1) year of teaching while holding the Limited Transitional Letter of Approval, the educator will be eligible to hold the appropriate elementary or secondary certificate. To be eligible for a Limited Transitional Letter of Approval, the following requirements must be met: (3-20-04)~~

~~a. Must hold a valid Idaho Elementary or Secondary Teaching Certificate. (3-20-04)~~

~~b. Must provide verification of four (4) years of successful classroom teaching while holding the proper state certificate. (3-20-04)~~

~~c. Must have completed all of the requirements for the Standard Elementary Certificate, except student teaching, if the applicant currently holds a Standard Secondary Certificate. If the applicant currently holds a Standard Elementary Certificate, all of the requirements for a Standard Secondary Certificate must have been completed, except student teaching. (3-20-04)~~

~~d. Must provide the State Department of Education with written verification that a mentor teacher holding the same certificate as the one (1) the applicant is seeking will be provided for the applicant by the employing district; or be enrolled in a one (1) year supervised internship experience under the supervision of~~

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

~~personnel from a college or university with an approved teacher preparation program. (3-20-04)~~

~~**04. Postsecondary Specialist.** A Postsecondary Specialist Letter of Approval may be granted to teaching faculty of Idaho public postsecondary institutions, who are not otherwise certificated, upon recommendation by the postsecondary institution (dean level or above) to be eligible to teach in the public schools. It is intended that the letter of approval will be used primarily for distance education and "virtual university" programs. The Postsecondary Specialist Letter of Approval is valid for five (5) years and is renewable. (3-20-04)~~

~~**040. MISASSIGNMENTS—GRANDFATHERING (EXPIRES JULY 1, 2006).**~~

~~**01. Certificate.** A person employed by a school district in a position requiring a certificate must hold a valid certificate for the service being rendered. In any situation in which a person not holding a specific endorsement is to provide educational services in a specific area, the employing district must apply to the State Department of Education for misassigned status to place the individual in that assignment for the school year. The district must demonstrate in a written report that it has made a good faith effort to employ properly certificated educators for those duties and that a conscientious effort is being made to remedy each specific problem. Criteria for acceptance of the report includes the following: (3-20-04)~~

~~**a.** The duties may comprise no more than one half (1/2) of the teacher's full time assignment; (4-1-97)~~

~~**b.** Teachers who are misassigned must have a minimum of six (6) semester hours of college credit in each subject area in which service is rendered; and (4-1-97)~~

~~**c.** Teachers who are misassigned must comprise no more than five percent (5%) of the total number of the district's certificated, full time teachers, or five (5) teachers, whichever is greater. Districts which have secondary schools located more than fifteen (15) miles from another secondary school may misassign up to an additional five (5) teachers upon approval of the State Department of Education. However, in no circumstance will more than five (5) teachers be misassigned in any one building. (3-20-04)~~

~~**02. Effect of Accreditation.** All misassignments will be noted on the accreditation report. Any misassignments not meeting the above criteria may effect accreditation. Funds will be withheld for that portion of the misassigned person's time which exceeds the criteria included in this rule if a waiver has not been approved by the State Board of Education. (4-1-97)~~

~~**041. ALTERNATIVE CERTIFICATION (EXPIRES JULY 1, 2006).**~~

~~The purpose of this program is to provide an alternative for individuals to become certificated secondary teachers in Idaho without following a standard teacher education program. The purpose of this certification is to provide an alternative for individuals with strong subject matter background but limited experience with educational methodology. Qualified applicants will begin contracted teaching earlier and will be admitted to the program using criteria that are different from existing programs but more appropriate for the circumstances. This certification is valid for three (3) years and is non renewable. To be eligible for alternative certification, the following requirements must be satisfied: (3-20-04)~~

~~**01. Initial Qualifications.** Prior to application: The prospective candidate must possess a baccalaureate (or higher) degree from an accredited college or university with a minimum grade point average of 2.0 on a four point zero (4.0) scale completed at least five (5) years earlier. Additionally, an applicant must hold academic credits equivalent to current major and minor requirements for secondary endorsements; be assured of full time employment in an Idaho school district; and meet all non academic requirements of the state of Idaho. (3-20-04)~~

~~**02. Teacher Trainee Program.** Alternative certification is valid for two (2) years of teaching. The teacher trainee program must be completed within three (3) calendar years from the date of admission to the program. It authorizes the teacher trainee to teach only the subject(s) listed on the letter of approval and only at the secondary level. (3-20-04)~~

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

~~a. A teacher trainee will work toward completion of the teacher trainee program through participating colleges and universities, the State Department of Education, and the employing school district. A teacher must attend, participate in, and successfully complete an individualized two year teacher trainee program as one of the conditions to receive recommendation for the Standard Secondary Teaching Certificate. A formal teacher trainee plan will be developed by a consortium composed of the mentor teacher, a representative from the school district, a representative of the State Department of Education, and a representative of the participating higher education institution with an approved secondary education program. Any deviation from the formal trainee plan must be approved by the consortium. The consortium will be responsible for the program design, supervision, and evaluation of the training. The teacher trainee program shall include:~~ (3 20 04)

~~i. Prior to entering the classroom, completion of nine (9) semester credit hours of pre-service training from an institution of higher education in educational course work pertinent to the education profession.~~ (3 20 04)

~~ii. Prior to completion of the Alternate Route Program, at least one (1) course in each of the following areas must be completed: Philosophical Foundations of Education; Psychological Foundations of Education; Methodology; Reading in the Content Area.~~ (3 20 04)

~~iii. Completion of a thirty (30) hour, pre service orientation presented by the school district prior to a classroom assignment. This orientation shall include district policies, procedures, curriculum, instructional model, community characteristics, and resources.~~ (3 20 04)

~~iv. Completion of a four semester college/university internship. The trainee shall be enrolled in three (3) semester credit hours of internship each semester.~~ (3 20 04)

~~v. Completion of a six to nine (6-9) semester credit hour program during the second summer from an institution of higher learning. The pre service and second summer program of fifteen to eighteen (15-18) semester credit hours in total shall include: philosophical, psychological, and methodological foundations of the profession, and reading in the content area. The consortium will determine the content required for the trainee, which may include both pedagogical and subject area course work. When designing the content necessary for the individual teacher trainee to complete the program, the consortium shall consider previous college credit as documented in official transcripts. Efforts will be directed to provide observation and clinical experiences during the time prior to being assigned to the classroom.~~ (3 20 04)

~~b. Assistance by Mentor Teachers: Each teacher trainee must be assisted by and guided throughout the two year training period by a certificated employee of the district who has been designated as a mentor teacher. Principals must ensure that teacher trainees are provided with direct assistance, which should include close clinical supervision, especially at the beginning of the internship.~~ (3 20 04)

~~c. Performance Evaluations: In order to receive a consortium recommendation for the Standard Secondary Teaching Certificate, the teacher trainee must complete at least two (2) years of successful performance as a teacher under the teacher trainee program. Principals are to provide assistance to teacher trainees regarding the purpose, expectations, and procedures involved in the evaluation process and with whatever guidance may be needed. The principal shall formally evaluate the teacher trainee at least once each semester of the school year. For purposes of suspension or dismissal, teacher trainees are to be treated as non continuing contract employees. The district may suspend or dismiss teacher trainees in accordance with the procedures as provided in Idaho Code. The Teacher Trainee Letter of Approval may be suspended or revoked if there is failure to satisfactorily and successfully complete the stages of the individualized plan within the specified time frames as established by the consortium; or failure to obtain at least a two point five (2.5) grade point average on a four point zero (4.0) scale in the college credit portion of the program. Also, no individual grade can be lower than a "C"; or any other causes for suspension or revocation as found in Section 33-1208, Idaho Code.~~ (3 20 04)

~~d. The teacher trainee, upon successful completion of the teacher trainee program as verified by the consortium, will be eligible to apply for a Standard Secondary Teaching Certificate. The two (2) years of experience as a teacher trainee shall be counted toward continuing contract status as authorized in Section 33-515, Idaho Code.~~ (3 20 04)

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**042. ALTERNATE ROUTES TO CERTIFICATION ~~(EFFECTIVE JULY 1, 2006).~~**

The purpose of this program is to provide an alternative for individuals to become certificated teachers in Idaho without following a standard teacher education program. Alternative Routes to Certification shall allow individuals to serve as the teacher of record prior to having earned full certification status. The teacher of record is defined as the person who is primarily responsible for planning instruction, delivering instruction, assessing students formatively and summatively, and designating the final grade. Individuals who are currently employed as Para-Educators, individuals who are currently certificated to teach but who are in need of emergency certification in another area, and individuals with strong subject matter background but limited experience with educational methodology shall follow the alternate certification requirements provided herein. (3-20-04)

**043. ALTERNATIVE AUTHORIZATION – TEACHER TO NEW CERTIFICATION ~~(EFFECTIVE JULY 1, 2006).~~**

The purpose of this alternative authorization is to allow Idaho school districts to request endorsement/certification when a professional position cannot be filled with someone who has the correct endorsement/certification. Alternative authorization in this area is valid for up to three (3) years and is nonrenewable. (5-8-09)

**01. Initial Qualifications.** Prior to application, a candidate must hold a Bachelor's degree, and a valid Idaho teacher certificate without full endorsement in content area of need. The school district must provide supportive information attesting to the ability of the candidate to fill the position. (5-8-09)

**02. Alternative Route Preparation Program. (3-20-04)**

**a.** Option I - Teacher to New Certification/Endorsement. (5-8-09)

i. Candidate will work toward completion of the alternative route preparation program through a participating college/university, and the employing school district. Candidate must complete a minimum of nine (9) semester credits annually to be eligible for extension of up to a total of three (3) years. (3-20-04)

ii. The participating college/university shall provide procedures to assess and credit equivalent knowledge, dispositions, and relevant life/work experiences. (3-20-04)

iii. Candidate shall meet all requirements for the endorsement/certificate as provided herein. (3-20-04)

**b.** Option II - National Board (endorsement only). By earning National Board certification in content specific areas teachers may gain endorsement in a corresponding subject area. (5-8-09)

**c.** Option III - Master's degree or higher (endorsement only). By earning a graduate degree in a content specific area, candidates may add an endorsement in that same content area to a valid certificate. (5-8-09)

**d.** Option IV - Testing and/or Assessment (endorsement only). Two (2) pathways are available to some teachers, depending upon endorsement(s) already held. (5-8-09)

i. Pathway 1 - Endorsements may be added through state-approved testing and a mentoring component. The appropriate test must be successfully completed within the first year of authorization in an area closely compatible with an endorsement for which the candidate already qualifies and is experienced. Additionally requires the successful completion of a one (1)-year state-approved mentoring component. (5-8-09)

ii. Pathway 2 - Endorsements may be added through state-approved testing in an area less closely compatible with an endorsement for which the candidate already qualifies and is experienced. The appropriate test must be successfully completed within the first year of the authorization. Additionally requires the successful completion of a one (1)-year state-approved mentoring component and passing a final pedagogy assessment. (5-8-09)

**044. ALTERNATIVE AUTHORIZATION -- CONTENT SPECIALIST ~~(EFFECTIVE JULY 1, 2006).~~**

The purpose of this alternative authorization is to offer an expedited route to certification for individuals who are highly and uniquely qualified in a subject area to teach in a district with an identified need for teachers in that area.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

Alternative authorization in this area is valid for three (3) years and is not renewable. (3-20-04)

**01. Initial Qualifications.** (3-20-04)

**a.** Prior to application, a candidate must hold a Bachelor's degree or credit equivalent per review by the State Department of Education. (3-20-04)

**b.** The candidate shall meet enrollment qualifications of the alternative route preparation program. (3-20-04)

**02. Alternative Route Preparation Program -- College/University Preparation.** (3-20-04)

**a.** A consortium comprised of a designee from the college/university to be attended, and a representative from the school district, and the candidate shall determine preparation needed to meet the Idaho Standards for Initial Certification of Professional School Personnel. This preparation must include mentoring and a minimum of one (1) classroom observation per month until certified. (3-20-04)

**b.** Prior to entering the classroom, the candidate completes eight (8) to sixteen (16) weeks of accelerated study in education pedagogy. (3-20-04)

**c.** Candidate will work toward completion of the alternative route preparation program through a participating college/university, and the employing school district. A teacher must attend, participate in, and successfully complete an individualized alternative route preparation program as one (1) of the conditions to receive a recommendation for full certification. (3-20-04)

**d.** The participating college/university shall provide procedures to assess and credit equivalent knowledge, dispositions and relevant life/work experiences. (3-20-04)

**e.** Prior to entering the classroom, the candidate shall meet or exceed the state qualifying score on appropriate state-approved content, pedagogy, or performance assessment. (3-20-04)

**045. COMPUTER-BASED ALTERNATIVE ROUTE TO TEACHER CERTIFICATION.**

An individual may acquire interim certification as found in Section 015 of these rules through a computer based alternative route certification program. (4-6-05)

**01. Approval of the Program.** The State Board of Education must approve any computer-based alternative route to teacher certification. The program must include, at a minimum, the following components: (4-6-05)

**a.** Preassessment of teaching and content knowledge; (4-6-05)

**b.** An academic advisor with knowledge of the prescribed instruction area; and (4-6-05)

**c.** Exams of pedagogy and content knowledge. (4-6-05)

**02. Eligibility.** Individuals who possess a bachelor's degree or higher from an institution of higher education may utilize this alternative route to an interim Idaho Teacher Certification. (4-6-05)

**03. Requirements for Completion.** To complete this alternative route, the individual must: (4-6-05)

**a.** Complete a Board approved program; (4-6-05)

**b.** Pass the Board approved pedagogy and content knowledge exams; and (4-6-05)

**c.** Complete the Idaho Department of Education Criminal History Check. (4-6-05)

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**04. Interim Certificate.** Upon completion of the computer based certification process described herein, the individual will be awarded an interim certificate from the State Department of Education's Bureau of Certification and Professional Standards. The term of the interim certification shall be three (3) years. During the term of the interim certificate, teaching by the individual must be done in conjunction with a two (2) year a teacher mentoring program approved by the Board. The individual must ~~start complete~~ the mentoring program during the term of the interim certificate unless extenuating circumstances apply as determined by the State Department of Educaiton and it may be completed after standard certification is granted. All laws and rules governing the fully certificated teachers with respect to conduct, discipline and professional standards shall apply to individuals teaching under an interim certificate. (4-6-05)

**05. Interim Certificate Not Renewable.** Interim certification hereunder is only available on a one (1) time basis per individual. It will be the responsibility of the individual to obtain full Idaho Teacher Certification during the three (3) year interim certification term. (4-6-05)

**06. Types of Certificates and Endorsements.** The computer based alternative route may be used for initial certification, subsequent certificates, and additional endorsements. (4-11-06)

**~~046. PARA-EDUCATOR TO TEACHER (EFFECTIVE JULY 1, 2006).~~**

~~The purpose of this alternative route to certification is to encourage qualified para educators employed in Idaho classrooms to become certificated teachers. The alternative route preparation program must be completed within five (5) calendar years from the date of admission to the program. (3-20-04)~~

~~**01. Initial Qualifications.** Prior to application: the candidate must hold an AA or AS degree or equivalent, meet state para-educator standards, and be employed as a para-educator. Districts shall identify potential candidate with appropriate dispositions for teaching, and continue to employ candidate as para educators. District/school provides orientation for candidate as deemed appropriate. (4-2-08)~~

~~**02. Alternative Route Preparation Program College University Preparation.** (3-20-04)~~

~~**a.** Candidate will work toward completion of the alternative route preparation program through a participating college/university, and the employing school district. A candidate must attend, participate in, and successfully complete an individualized alternative route preparation program as one (1) of the conditions to receive a recommendation for full certification. (3-20-04)~~

~~**b.** The participating college/university shall provide procedures to assess and credit equivalent knowledge, dispositions, and relevant life/work experiences. (3-20-04)~~

~~**c.** Candidate shall complete all requirements for certification as provided herein. (3-20-04)~~



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**SUBJECT**

Temporary Proposed Rules IDAPA 08.02.04 – Rules Governing Public Charter Schools and IDAPA 08.03.01 – Rules Governing The Public Charter School Commission

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho Administrative Code, IDAPA 08.02.04 and IDAPA 08.03.01  
Section 33-5201 to 5216, Idaho Code

**BACKGROUND/DISCUSSION**

The proposed changes update the petition and revision submission requirement to reflect updated technology, amend rule to coincide with the 2012 statutory changes and improve administrative efficiency for both schools and authorizers.

**IMPACT**

The proposed changes will bring both rules into compliance with changes made during the 2012 legislative session and provide for administrative efficiencies.

**ATTACHMENTS**

Attachment 1 – Temporary Proposed Rule Changes to IDAPA 08.02.04 Page 3  
Attachment 2 – Temporary Proposed Rule Changes to IDAPA 08.03.01 Page 21

**STAFF COMMENTS AND RECOMMENDATIONS**

Proposed rules have a 21 day comment period prior to becoming Pending rules. Based on received comments and Board direction, changes may be made to Proposed rules prior to entering the Pending stage. All Pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a Pending Rule. Pending rules become effective at the end of the legislative session in which they are submitted.

The Public Charter School Commission and Board staff recommend approval.

**BOARD ACTION**

I move to approve the Temporary Proposed Rule changes to IDAPA 08.02.04 and IDAPA 08.03.01 as submitted.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

THIS PAGE INTENTIONALLY LEFT BLANK

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**IDAPA 08**  
**TITLE 02**  
**CHAPTER 04**

**08.02.04 - RULES GOVERNING PUBLIC CHARTER SCHOOLS**

**000. LEGAL AUTHORITY.**

In accordance with Sections 33-105, 33-5203, and 33-5210(4)(e), Idaho Code, the Board shall promulgate rules implementing the provisions of Title 33, Chapter 52, Idaho Code. (4-11-06)

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 08.02.04, "Rules Governing Public Charter Schools." (4-11-06)

**02. Scope.** These rules establish a consistent application and review process for the approval and maintenance of public charter schools in Idaho. (4-11-06)

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, written interpretations, if any, of the rules of this chapter are available at the offices of the Board. (4-11-06)

**003. ADMINISTRATIVE APPEALS.**

The provisions found in Sections 400 through 404, of these rules, shall govern administrative appeals of public charter schools. (4-11-06)

**004. INCORPORATION BY REFERENCE.**

There are no documents that have been incorporated by reference into these rules. (4-11-06)

**005. OFFICE INFORMATION.**

**01. Office Hours.** The offices of the Board are open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. (4-11-06)

**02. Street Address.** The offices of the Board are located at 650 W. State Street, Boise, Idaho. (4-11-06)

**03. Mailing Address.** The mailing address of the Board is P.O. Box 83720, Boise, Idaho 83720-0037. (4-11-06)

**04. Telephone Number.** The telephone number of the Board is (208) 334-2270. (4-11-06)

**05. Facsimile.** The facsimile number of the Board is (208) 334-2632. (4-11-06)

**06. Electronic Address.** The electronic address of the State Board of Education website is [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (4-11-06)

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (4-11-06)

**007. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**01. Authorized Chartering Entity.** Is defined in Section 33-5202A(1), Idaho Code, and means either the local board of trustees of a school district in this state, or the Idaho Public Charter School Commission. (4-11-06)

**02. Board.** Means the Idaho State Board of Education. (4-11-06)

**03. Charter.** Is defined in Section 33-5202A(2), Idaho Code, and means the grant of authority approved by the authorized chartering entity to the board of directors of the charter school. (4-11-06)

**04. Commission.** Means the Idaho Public Charter School Commission, as provided by Section 33-5213, Idaho Code. (4-11-06)

**05. Department.** Means the Idaho Department of Education. (4-11-06)

**06. Founder.** Is defined in Section 33-5202A(3), Idaho Code, and means a person, including employees or staff of a public charter school, who makes a material contribution toward the establishment of a public charter school in accordance with criteria determined by the board of directors of the public charter school, and who is designated as such at the time the board of directors acknowledges and accepts such contribution. The criteria for determining when a person is a founder shall not discriminate against any person on any basis prohibited by the federal or state constitutions or any federal, state, or local law. The designation of a person as a founder, and the admission preferences available to the children of a founder, shall not constitute pecuniary benefits. (4-11-06)

**07. Petition.** Is defined in Section 33-5202A(4), Idaho Code, and means the document submitted by a person or persons to the authorized chartering entity to request the creation of a public charter school. (4-11-06)

**08. Petitioners.** Means the group of persons who submit a petition to establish a new public charter school, or to convert an existing traditional public school to a public charter school, as provided by Section 33-5205, Idaho Code, and the procedures described in Sections 200 through 205 of these rules. (4-11-06)

**09. Public Charter School.** Is defined in Section 33-5202A(5), Idaho Code, and means a school that is authorized under the Public Charter Schools Act, Title 33, Chapter 52, Idaho Code, to deliver public education in Idaho. (4-11-06)

**10. Public Virtual School.** Is defined in Section 33-5202A(68), Idaho Code, and means a ~~public charter school that may serve students in more than one (1) school district and through which the primary method for the delivery of instruction to all of its pupils is through virtual distance learning or online technologies.~~ school that delivers a full-time, sequential program of synchronous and/or asynchronous instruction primarily through the use of technology via the internet in a distributed environment. Schools classified as virtual must have an online component to their school with online lessons and tools for student and data management. (4-11-06)

**11. School Year.** Means the period beginning on July 1 and ending the next succeeding June 30 of each year. (4-11-06)

**011. -- 099. (RESERVED)**

**100. LIMITATIONS ON NEW PUBLIC CHARTER SCHOOLS.**

~~**01. Number of New Public Charter Schools Approved for a School Year.** Section 33-5203(2), Idaho Code, limits the number of new public charter schools that may be approved to begin instruction for a school year to not more than six (6), and further limits the number of new public charter schools that may be approved for a single school district for a school year to not more than one (1). The Board shall use the procedure described in Section 100 of these rules for implementing this limitation on the approval of new public charter schools. (4-11-06)~~

~~**021. Responsibilities of Petitioners on Approval of Charter.** Upon the approval of a new public charter school by an authorized chartering entity, the petitioners shall be responsible for providing the Board with written notice of such approval, and shall promptly submit a copy of the final approved petition to the Board, as required by Section 33-5206(6), Idaho Code. In addition, in the event the charter is revised at any time, as permitted~~

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

~~by Section 33-5209(1), Idaho Code, and pursuant to the procedures described in Section 302 of these rules, the governing board of the public charter school shall also be responsible for submitting copies of any such charter revisions to the Board. The authorized chartering entity of the public charter school shall provide the Board with copies of the charter and any charter revisions upon request.~~ (4-11-06)

~~**03. Chronological Numbering System.** The Board, in accordance with Section 33-5206(6), Idaho Code, shall record the date and the time that it receives each final approved petition for a new public charter school. In addition, the Board shall assign a number to each final approved petition that it receives on a chronological basis, beginning with the numeral "1," and continuing sequentially thereafter. The Board shall maintain a chronological list of approved charters for the purpose of determining which public charter schools shall be authorized to begin educational instruction during a given school year.~~ (4-11-06)

~~**04.03 Authorization to Begin Educational Instruction.** The six (6) public charter schools that will be authorized to begin educational instruction during a given school year shall be those public charter schools that have been assigned the lowest chronological number by the Board, and which are eligible to begin educational instruction at some time during such school year. A public charter school will be considered "eligible" in accordance with the preceding sentence if the public charter school has have received approval from its their authorized chartering entity entities to begin educational instruction at some time during such school year. In addition, a public charter school will be considered "eligible" only if no other public charter school located within the same school district has been assigned a lower chronological number, and has been approved to begin educational instruction during such school year. A public charter school that is not authorized to begin educational instruction because it is not "eligible," as described herein, shall maintain its position on the Board's chronological list of approved charters, and shall be under consideration for authorization to begin educational instruction during the next succeeding school year. A public charter school that is approved by an authorized chartering entity, but which does not begin educational instruction because it is not "eligible," as described herein, must confirm with the Board, on or before March 1 preceding the next succeeding school year, that it is able to begin educational instruction during such school year.~~ (4-11-06)

~~**05.04 Notification.** The Board shall, as soon as reasonably practicable after determining that a public charter school will be authorized to begin educational instruction during a given school year, provide written notification to the petitioners. The Board shall also send a copy of such notification to the authorized chartering entity that approved the charter.~~ (4-11-06)

**101. -- 199. (RESERVED)**

**200. PROCEDURE FOR FORMATION OF A NEW PUBLIC CHARTER SCHOOL.**

**01. Assistance With Petitions.** The Department shall, in accordance with Section 33-5211, Idaho Code, provide technical assistance to public charter school petitioners. The Department shall undertake this statutory responsibility by conducting public charter school workshops, as discussed in Subsection 200.02 of this rule. (4-11-06)

**02. Public Charter School Workshops.** The purpose of the public charter school workshops shall be to provide public charter school petitioners with a brief overview of a variety of educational and operational issues relating to public charter schools, as well as to answer questions and to provide technical assistance, as may be necessary, to aid petitioners in the preparation of public charter school petitions. (4-11-06)

**03. Petition Sufficiency Reviews.** Prior to submitting a petition to an authorized chartering entity, petitioners shall submit ~~six (6) copies~~ one (1) copy of the proposed draft petition to the Department, which will review the proposed draft petition to determine whether it complies with statutory requirements. (4-11-06)

**201. POLICIES AND PROCEDURES ADOPTED BY AN AUTHORIZED CHARTERING ENTITY.**

**01. Charter School Policies and Procedures.** An authorized chartering entity may adopt its own charter school policies and procedures describing the charter school petition process and the procedures that petitioners must comply with in order to form a new public charter school, including a public virtual school.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

Petitioners must comply with the charter school policies and procedures adopted by the authorized chartering entity with which a petition is submitted. Such charter school policies and procedures must comply with Title 33, Chapter 52, Idaho Code, and the rules promulgated by the Board. If there is any conflict between the charter school policies and procedures adopted by an authorized chartering entity and rules promulgated by the Board, then the Board rules shall govern. (4-11-06)

**02. Application Deadline.** Petitioners must submit a new petition to an authorized chartering entity by September 1 in order to be eligible to begin educational instruction for the following school year as required by Section 33-5203, Idaho Code. A petition filed after such date ~~may not be rejected by an authorized chartering entity as untimely, but if the petition is approved and the charter is granted, the proposed public charter school will not be that is approved and the charter granted shall not be~~ eligible to begin operations until the next succeeding school year at the earliest, ~~and only if authorized to begin operations during such school year in accordance with the approval procedure described in Subsection 100.04 of these rules.~~ (4-11-06)

**202. PETITION REQUIREMENTS.**

A petition to form a new or conversion public charter school shall be submitted in accordance with instructions, and in such format, as may be required by the Board. Notwithstanding, the petition must include, at a minimum, the information described in Section 33-5205, Idaho Code. (4-11-06)

**203. ADMISSION PROCEDURES.**

**01. Model Admission Procedures.** In accordance with Section 33-5205(3)(i), Idaho Code, a petition to establish a new public charter school must describe the admission procedures to be utilized by the public charter school. In order to ensure that public charter schools utilize a fair and equitable selection process for initial admission to and enrollment in a public charter school, as well as admission to and enrollment in a public charter school during subsequent school years, the Board has approved model admission procedures that may be utilized and adopted by petitioners. The approved model admission procedures are described in Subsections 203.03 through 203.12 of these rules. Petitioners are not required to adopt the Board's model admission procedures, but must demonstrate a reason for varying from the Board's approved procedures. (4-11-06)

**02. Enrollment Opportunities.** Section 33-5205(3)(s), Idaho Code, requires petitioners to describe the process by which the citizens in the area of attendance shall be made aware of the enrollment opportunities of the public charter school. Petitioners shall ensure that such process includes the dissemination of enrollment information, taking into consideration the language demographics of the attendance area, at least three (3) months in advance of the enrollment deadline established by the public charter school each year, to be posted in highly visible and prominent locations within the area of attendance of the public charter school. In addition, petitioners shall ensure that such process includes the dissemination of press release or public service announcements, to media outlets that broadcast within, or disseminate printed publications within, the area of attendance of the public charter school; petitioners must ensure that such announcements are broadcast or published by such media outlets on not less than three (3) occasions, beginning not later than fourteen (14) days prior to the enrollment deadline each year. Finally, such enrollment information shall advise that all prospective students will be given the opportunity to enroll in the public charter school, regardless of race, color, national or ethnic origin, religion, gender, social or economic status, or special needs. (4-11-06)

**03. Enrollment Deadline.** Each year a public charter school shall establish an enrollment admissions deadline, which shall be the date by which all written requests for admission to attend the public charter school for the next school year must be received. The enrollment deadline cannot be changed once the enrollment information is disseminated as required by Subsection 203.02. (4-11-06)

**04. Requests for Admission.** A parent, guardian, or other person with legal authority to make decisions regarding school attendance on behalf of a child in this state, may make a request in writing for such child to attend a public charter school. In the case of a family with more than one (1) child seeking to attend a public charter school, a single written request for admission must be submitted on behalf of all siblings. The written request for admission must be submitted to, and received by, the public charter school at which admission is sought on or before the enrollment deadline established by the public charter school. The written request for admission shall contain the name, grade level, address, and telephone number of each prospective student in a family. If the initial

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

capacity of the public charter school is insufficient to enroll all prospective students, then an equitable selection process, such as a lottery or other random method, shall be utilized to determine which prospective students will be admitted to the public charter school, as described in Subsection 203.09 of this rule. Only those written requests for admission submitted on behalf of prospective students that are received prior to the enrollment deadline established by the public charter school shall be permitted in the equitable selection process. Only written requests for admission shall be considered by the public charter school. Written requests for admission received after the established enrollment deadline will be added to the bottom of the waiting list for the appropriate grade. If there is an opening in one grade, a sibling, if any, from a late submitted application must go to the bottom of the sibling list.

(4-11-06)

**05. Admission Preferences.** A public charter school shall establish an admission preference for students residing in the attendance area of the public charter school, as provided in Section 33-5206, Idaho Code. In addition, a public charter school may establish admission preferences, as authorized by Section 33-5205(3)(i), Idaho Code, for students returning to the public charter school, for children of founders, and for siblings of students already selected to attend the public charter school. Such admission preferences must be approved by the authorized chartering entity and described in the final approved petition.

(4-11-06)

**06. Priority of Preferences for Initial Enrollment.** If a public charter school determines to establish admission preferences for initial enrollment of students in a public charter school, then the selection hierarchy with respect to such preferences shall be as follows:

(4-11-06)

a. First, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the initial capacity of the public charter school. If so stated in its petition, a new public charter school may include within this priority group the children of full-time employees, subject to the provisions of Section 33-5205(3)(k), Idaho Code.

(4-11-06)

b. Second, to siblings of pupils already selected by the lottery or other random method. (4-11-06)

c. Third, to prospective students residing in the attendance area of the public charter school. (4-11-06)

d. Fourth, an equitable selection process, such as by lottery or other random method. (4-11-06)

**07. Priority of Preferences for Subsequent Enrollment Periods.** If a public charter school determines to establish admission preferences for enrollment of students in a public charter school in subsequent school years, then the selection hierarchy with respect to such preferences shall be as follows:

(4-11-06)

a. First, to pupils returning to the public charter school in the second or any subsequent year of operation. Returning students are automatically enrolled in the appropriate grade and do not need to be selected by a random selection method. (4-11-06)

b. Second, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school. If so stated in its petition, a public charter school may include within this priority group the children of full-time employees and/or children withdrawn from the public charter school within the previous three (3) years as a result of the relocation of a parent or guardian due to an academic sabbatical, employer or military transfer or reassignment, subject to the provisions of Section 33-5205(3)(k)(i-ii), Idaho Code.

(4-11-06)

c. Third, to siblings of pupils already enrolled in the public charter school. (4-11-06)

d. Fourth, to prospective students residing in the attendance area of the public charter school. (4-11-06)

e. Fifth, an equitable selection process, such as by lottery or other random method. (4-11-06)

**08. Proposed Attendance List for Lottery.** Each year the public charter school shall create an

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

attendance list containing the names of all prospective students on whose behalf a written request for admission was timely received by the public charter school, separated by grade level. In addition, the proposed attendance list shall contain columns next to the name of each student, in which the public charter school will designate admission preferences applicable to each prospective student. The columns shall be designated "A" for returning student preference; "B" for founders preference; "C" for sibling preference, with a corresponding cross-reference to each of the siblings of the prospective student; and "D" for attendance area preference. (4-11-06)

**09. Equitable Selection Process.** If the initial capacity of a public charter school is insufficient to enroll all prospective students, or if capacity is insufficient to enroll all prospective students in subsequent school years, then the public charter school shall determine the students who will be offered admission to the public charter school by conducting a fair and equitable selection process. The selection procedure shall be conducted as follows: (4-11-06)

**a.** The name of each prospective student on the proposed attendance list shall be individually affixed to or written on a three by five (3 x 5) inch index card. The index cards shall be separated by grade. The selection procedure shall be conducted one (1) grade level at a time, with the order for each grade level selected randomly. The index cards containing the names of the prospective students for the grade level being selected shall be placed into a single container. (4-11-06)

**b.** A neutral, third party shall draw the grade level to be completed first and then draw each index card from the container for that grade level, and such person shall write the selection number on each index card as drawn, beginning with the numeral "1" and continuing sequentially thereafter. In addition, after selecting each index card, the name of the person selected will be compared to the proposed attendance list to determine whether any preferences are applicable to such person. (4-11-06)

**c.** If the name of the person selected is a returning student, then the letter "A" shall be written on such index card. If the name of the person selected is the child of a founder, the letter "B" shall be written on such index card. If the name of the person selected is the sibling of another student that has already been selected for admission to the public charter school, then the letter "C" shall be written on such index card. If the name of the person selected resides in the attendance area of the public charter school, then the letter "D" shall be written on such index card. (4-11-06)

**d.** With regard to the sibling preference, if the name of the person selected has a sibling ~~in a higher grade~~ who has already been selected, but the person previously selected did not have the letter "C" written on his or her index card (because a sibling had not been selected for admission prior to the selection of the index card of that person), then the letter "C" shall now be written on that person's index card at this time. (4-11-06)

**e.** With regard to the founder's preference, a running tally shall be kept during the course of the selection procedure of the number of index cards, in the aggregate, that have been marked with the letter "B." When the number of index cards marked with the letter "B" equals ten percent (10%) of the proposed capacity of the public charter school for the school year at issue, then no additional index cards shall be marked with the letter "B," even if such person selected would otherwise be eligible for the founders preference. (4-11-06)

**f.** After all index cards have been selected for each grade, then the index cards shall be sorted for each grade level in accordance with the following procedure. All index cards with the letter "A" shall be sorted first, based on the chronological order of the selection number written on each index card; followed by all index cards with the letter "B," based on the chronological order of the selection number written on each index card; followed by all index cards with the letter "C," based on the chronological order of the selection number written on each index card; followed by all index cards with the letter "D," based on the chronological order of the selection number written on each index card; followed, finally, by all index cards containing no letters, based on the chronological order of the selection number written on each index card. (4-11-06)

**g.** After the index cards have been drawn and sorted for all grade levels, the names shall be transferred by grade level, and in such order as preferences apply, to the final selection list. (4-11-06)

**10. Final Selection List.** The names of the persons in highest order on the final selection list shall



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

have the highest priority for admission to the public charter school in that grade, and shall be offered admission to the public charter school in such grade until all seats for that grade are filled. (4-11-06)

**11. Notification and Acceptance Process.** (4-11-06)

**a.** With respect to students selected for admission to the public charter school, within seven (7) days after conducting the selection process, the public charter school shall send an offer letter to the parent, guardian, or other person who submitted a written request for admission on behalf of a student, advising such person that the student has been selected for admission to the public charter school. The offer letter must be signed by such student's parent, or guardian, and returned to the public charter school by the date designated in such offer letter by the public charter school. (4-11-06)

**b.** With respect to a prospective student not eligible for admission to the public charter school, within seven (7) days after conducting the selection process, the public charter school shall send a letter to the parent, guardian, or other person who submitted a request for admission on behalf of such student, advising such person that the prospective student is not eligible for admission, but will be placed on a waiting list and may be eligible for admission at a later date if a seat becomes available. (4-11-06)

**c.** If a parent, guardian, or other person receives an offer letter on behalf of a student and declines admission, or fails to timely sign and return such offer by the date designated in such offer letter by the public charter school, then the name of such student will be stricken from the final selection list, and the seat that opens in that grade will be made available to the next eligible student on the final selection list. (4-11-06)

**d.** If a student withdraws from the public charter school during the school year for any reason, then the seat that opens in that grade will be made available to the next eligible student on the final selection list. (4-11-06)

**12. Subsequent School Years.** The final selection list for a given school year shall not roll over to the next subsequent school year. If the capacity of the public charter school is insufficient to enroll all prospective students during the next subsequent school year, then a new equitable selection process shall be conducted by the public charter school for such school year. (4-11-06)

**13. Admission Procedures for Approved Charter Schools.** All public charter schools must have an admission procedure approved by their authorized chartering entity, which complies with Section 203 of this rule. (4-11-06)

**204. SUBMISSION OF PETITION.**

**01. New Public Charter School.** To institute the approval process for the formation of a new public charter school, the petitioners must submit the petition to the local board of trustees of the school district in which the proposed new public charter school will be located, as required by Section 33-5205(1)(a), Idaho Code. (4-11-06)

**02. New Public Virtual School.** The petitioners for a new public virtual school must submit the petition for approval with the Commission, as required by Section 33-5205(1)(b), Idaho Code. (4-11-06)

**03. Notification to the Board.** Petitioners shall promptly notify the Board that a petition has been submitted to an authorized chartering entity. (4-11-06)

**205. REVIEW OF PETITIONS.**

**01. Initial Review of Petition.** Prior to submitting a petition with an authorized chartering entity, petitioners shall submit ~~six (6) copies~~ one (1) copy of the proposed draft petition to the Department, which shall review the proposed draft petition for the purpose of determining whether it was prepared in accordance with the instructions furnished by, and in the format required by, the Board, and contains the information required by Section 33-5205, Idaho Code. (4-11-06)

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**02. Timeframe for Initial Review.** The Department shall complete the initial review of the proposed draft petition as soon as reasonably practicable after the date the proposed draft petition is received by the Department, but not later than thirty (30) days after receipt. (4-11-06)

**03. Notification of Findings After Initial Review.** The Department shall notify the petitioners promptly in writing describing the results of the initial review of the proposed draft petition, and, if applicable, identify any deficiencies in the proposed draft petition. (4-11-06)

**04. Written Response to Initial Review.** Petitioners shall include a copy of the Department's ~~initial~~ final review of the proposed draft petition, and a written response to the findings of such review, with the petition upon submission to an authorized chartering entity. Deficiencies in the petition identified by the Department's initial review shall be addressed in the written response. ~~(4-2-08)~~

**05. Substantive Review of Petition.** The substantive review of the merits of a petition by an authorized chartering entity shall be for the purpose of determining whether petitioners have demonstrated compliance with Title 33, Chapter 52, Idaho Code. (4-11-06)

**06. Timeframe for Substantive Review.** An authorized chartering entity must comply with the procedural requirements described in Section 33-5205, Idaho Code. (4-11-06)

**a.** Unless a petition is referred to the Commission as authorized by Section 33-5205(1)(c)(iii), Idaho Code, and as discussed in Subsection 206.01 of these rules, an authorized chartering entity must hold a public hearing not later than ~~sixty (60)~~ seventy-five (75) days after receipt of the petition, for the purpose of considering the merits of the petition, as well as the level of employee and parental support for the proposed public charter school. In the case of a petition being reviewed by the Commission, the public hearing must also include any oral or written comments, if any, from an authorized representative of the school district in which the proposed public charter school would be physically located regarding the merits of the petition and any potential impacts on the school district. (4-11-06)

**b.** An authorized chartering entity must make a decision on whether to approve the petition within ~~sixty (60)~~ seventy-five (75) days after the date of the public hearing on the merits of the petition. (4-11-06)

**c.** The authorized chartering entity may unilaterally determine to extend the date by which a decision is required to be made up to an additional ~~sixty (60)~~ seventy-five (75) days if it determines the petition is incomplete. (4-11-06)

**d.** The Commission and the petitioners may mutually agree to extend the date by which a decision is required to be made on the merits of the petition ~~up to an additional ninety (90) days~~ for an additional, specified period of time. (4-11-06)

**07. If Approved, Charter Is Subject to Limitations on Number of New Charters.** (4-11-06)

**a.** If a petition is approved, then the authorized chartering entity must promptly prepare for petitioners a written notice of its decision to approve the charter. It shall be the responsibility of the petitioners to provide the Board with this written notice of approval, ~~and with a copy of the final approved petition, in accordance with the procedure described in Section 100 of these rules.~~ (4-11-06)

~~**b.** The approval of a charter by an authorized chartering entity does not provide the petitioners with any right to begin educational instruction at the public charter school during a particular school year, or in accordance with the terms and conditions of the charter, as such approval is conditioned upon the limitations on the number of new public charter schools that may be approved to begin educational instruction for a school year, as described in Section 100 of these rules. (4-11-06)~~

**08. If Denied, Petitioners May Appeal.** (4-11-06)

**a.** If a petition is denied, then the authorized chartering entity must promptly prepare for petitioners a

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

written notice of its decision to deny the charter. The written decision shall include all of the reasons for the denial, and shall also include a reasoned statement that states or explains the criteria and standards considered relevant by the authorized chartering entity, the relevant contested facts relied upon, and the rationale for the decision based on the applicable statutory provisions and factual information presented to the authorized chartering entity. (4-11-06)

b. The petitioners may appeal the decision of the authorized chartering entity, in accordance with the procedures described in Sections 401 through 402 of these rules. (4-11-06)

**206. WITHDRAWAL OF PETITION; REFERRAL OF PETITION TO THE COMMISSION.**

**01. Referral of Petition by Local Board of Trustees.** A board of trustees of a local school district may refer the petition for consideration to the Commission, as authorized by Section 33-5205(1)(c)(iii), Idaho Code. If a board of trustees of a local school district determines to refer a petition to the Commission, then it shall provide prompt written notice of such decision to the petitioners. In addition, the board of trustees of a local school district must promptly ~~forward the petition and verification that there are thirty (30) signatures from qualified electors from the attendance area to the Commission~~ notify the Commission of the referral decision, including all the reasons for referral. (4-11-06)

**02. Withdrawal by Charter Petitioners.** Notwithstanding, if a board of trustees of a local school district does not refer a petition to the Commission, the charter petitioners may withdraw the petition from the local board of trustees and submit the petition to the Commission for consideration if, within ~~sixty (60)~~ seventy-five (75) days after ~~the submission of the petition is received with~~ by the authorized chartering entity, the parties have not reached mutual agreement on the provisions of the petition, after a reasonable and good faith effort. (4-11-06)

**03. Reasonable and Good Faith Effort.** For purposes of Subsection 206.02 of these rules, the ~~parties~~ authorized chartering entity shall be considered to have established a reasonable and good faith effort to reach mutual agreement on the provisions of the petition if representatives of the ~~parties~~ authorized chartering entity take at least all of the following actions: (4-11-06)

a. The authorized chartering entity must send written notice to petitioners acknowledging receipt of the charter petition and the date of receipt. (4-11-06)

b. The authorized chartering entity posts public notice of a public hearing for the purpose of considering the petition, and such meeting is scheduled to occur not later than ~~sixty (60)~~ seventy-five (75) days after receipt of the petition and verification that there are thirty (30) signatures from qualified electors of the attendance area. (4-11-06)

c. Prior to the date the posted public hearing is scheduled, representatives of the authorized chartering entity must conduct a review of the petition and the State Department of Education sufficiency review of the petition, and if immediate concerns with the petition are identified, then written notice must be sent to petitioners identifying the concerns and requesting that said identified concerns be addressed. ~~In the event correspondence is sent to petitioners identifying concerns with the petition, then petitioners must respond in writing to the authorized chartering entity addressing the identified concerns.~~ (4-11-06)

d. Either prior to or at the posted public hearing, representatives ~~form from~~ from both the authorized chartering entity and petitioners must meet and engage in face-to-face discussions regarding the charter petition. (4-11-06)

**04. Failure of Authorized Chartering Entity to Make a Good Faith Effort.** If the authorized chartering entity fails to make the good faith effort described in Subsection 206.03 of these rules, the petitioners may withdraw the petition from the local board of trustees and submit the petition to the Commission for consideration, provided the petitioner takes at least all of the following actions:

a. The petitioners must provide the authorized chartering entity with a petition that is administratively complete and that has been reviewed by the Department in accordance with Subsection 205 of these rules.

b. The petitioners must contact the authorized chartering entity, in writing, to ensure awareness of the

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

timelines for petition review and the petitioners' request for a review of the petition and public hearing to consider the merits of the petition.

- c. In the event correspondence is sent to the petitioners identifying concerns with the petition, then the petitioners must respond in writing to the authorized chartering entity addressing the identified concerns.
- d. The petitioners must meet with the authorized chartering entity and engage in face-to-face discussions regarding the petition, if the authorized chartering entity provides an opportunity to do so.

**207. -- 299. (RESERVED)**

**300. PUBLIC CHARTER SCHOOL RESPONSIBILITIES.**

**01. General.** The governing board of a public charter school shall be responsible for ensuring that the public charter school is adequately staffed, and that such staff provides sufficient oversight over all public charter school operational and educational activities. In addition, the governing board of a public charter school shall be responsible for ensuring compliance with Title 33, Chapter 52, Idaho Code. (4-11-06)

**02. Compliance with Terms of Charter.** The governing board of a public charter school shall be responsible for ensuring that the school is in compliance with all of the terms and conditions of the charter approved by the authorized chartering entity of the school, as reflected in the final approved petition filed with the Board. In addition, the governing board of the public charter school shall be responsible for ensuring that the school complies with all applicable federal and state education standards, as well as all applicable state and federal laws, rules and regulations, and policies. (4-11-06)

**03. Annual Reports.** The governing board of a public charter school must submit an annual report to the authorized chartering entity of the school, as required by Section 33-5206(7), Idaho Code. The report shall contain the audit of the fiscal and programmatic operations as required in Section 33-5205(3)(j), Idaho Code, a report on student progress based on the public charter school's student educational standards identified in Section 33-5205(3)(b), Idaho Code, and a copy of the public charter school's accreditation report. An authorized chartering entity may reasonably request that a public charter school provide additional information to ensure that the public charter school is meeting the terms of its charter. (4-11-06)

**04. Operational Issues.** The governing board of the public charter school shall be responsible for promptly notifying its authorized chartering entity if it becomes aware that the public charter school is not operating in compliance with the terms and conditions of its charter. Thereafter, the governing board of the public charter school shall also be responsible for advising its authorized chartering entity with follow-up information as to when, and how, such operational issues are finally resolved and corrected. (4-11-06)

**301. AUTHORIZED CHARTERING ENTITY RESPONSIBILITIES.**

**01. Compliance Monitoring.** Notwithstanding Section 300 of these rules, the authorized chartering entity of a public charter school shall be responsible for ensuring that the public charter school operates in accordance with all of the terms and conditions of the charter approved by the authorized chartering entity, as reflected in the final approved petition filed with the Board, and as provided by Section 33-5209(1), Idaho Code. The authorized chartering entity also shall be responsible for ensuring that the public charter school program approved by the authorized chartering entity meets the terms of the charter, complies with the general education laws of the state, unless specifically directed otherwise in Title 33, Chapter 52, Idaho Code, and operates in accordance with the state educational standards of thoroughness as defined in Section 33-1612, Idaho Code, as provided in Section 33-5210(2), Idaho Code. (4-11-06)

**02. Written Notice of Defect.** If an authorized chartering entity has reason to believe that a public charter school has committed any defect identified in Subsections 33-5209(2)(a) through (e), Idaho Code, then the authorized chartering entity shall provide the public charter school with prompt written notice of such defect, and shall provide the public charter school a reasonable opportunity to cure such defect. (4-11-06)

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**03. Corrective Action Plan.** The public charter school shall provide the authorized chartering entity with a corrective action plan describing the public charter school's plan to cure the defect. The corrective action plan shall describe in detail the terms and conditions by which the public charter school will cure the defect at issue, including a reasonable time frame for completion. ~~The public charter school shall send a copy of the corrective action plan to the Board.~~ (4-11-06)

**04. Failure to Cure.** If a public charter school fails to comply with the terms and conditions of the corrective action plan and to cure the defect at issue within a reasonable time, then the authorized chartering entity may provide notice to the public charter school of its intent to revoke the charter, as permitted by Section 33-5209(3), Idaho Code, and in accordance with Section 303 of these rules. (4-11-06)

**302. CHARTER REVISIONS.**

The governing board of a public charter school may reasonably request that its authorized chartering entity revise its charter, as authorized by Section 33-5209(1), Idaho Code. (4-11-06)

**01. Request for Revision.** The governing board of a public charter school that desires to revise its charter must submit a written request describing the proposed revisions with the public charter school's authorized chartering entity. In addition, the governing board of the public charter school shall also submit ~~six (6) copies~~ one (1) copy of the proposed revisions to the Department, which shall review the proposed revisions in the same manner that it reviews a proposed draft petition, as described in Section 204 of these rules. The Department shall complete its review of the proposed charter revisions not later than thirty (30) days after receipt, and shall notify the governing board of the public charter school and the authorized chartering entity promptly in writing describing the results of such review. (4-11-06)

**02. Limited Review.** The authorized chartering entity shall only be permitted to review and consider the proposed revisions to the charter, and shall not have authority to make other charter revisions that are not requested by the public charter school. (4-11-06)

**03. Procedure for Reviewing Request for Charter Revision.** The authorized chartering entity shall have ~~thirty (30)~~ seventy-five (75) days from the date of receipt of the written notice from the Department in which to issue its decision on the request for charter revision. The authorized chartering entity shall consider the request for charter revision at its next regular meeting following the date of receipt of the written notice from the Department, provided that the request is submitted no fewer than thirty (30) days in advance of that meeting. If permitted by applicable policies and procedures adopted by the authorized chartering entity, the review of a request for a charter revision may be delegated to appropriate staff employed by the authorized chartering entity. An authorized chartering entity may, but is not required to, conduct a public hearing to consider the request for charter revision. (4-11-06)

**04. Approval of Proposed Charter Revision.** If the authorized chartering entity approves the proposed charter revision, a copy of such revision shall be executed by each of the parties to the charter contract and shall be treated as either a supplement to, or amendment of, the final approved petition, whatever the case may be. ~~The governing board of the public charter school shall be responsible for sending a copy of the charter revision to the Board, as required by Subsection 100.02 of these rules.~~ (4-11-06)

**05. Denial of Proposed Charter Revision.** If the proposed revision is denied, then the authorized chartering entity must prepare a written notice of its decision denying the request for charter revision. The decision to deny a request for a charter revision shall contain all of the reasons for the decision. The public charter school may appeal the decision denying the request for charter revision to the Board. The provisions of Section 403 of these rules shall govern the appeal. (4-11-06)

**303. REVOCATION.**

An authorized chartering entity may revoke a charter in accordance with the procedure described in this Section 303 of this rule if a public charter school has failed to cure a defect with respect to the operation of the public charter school, as described in Subsection 301.04 of these rules, after receiving reasonable notice and a reasonable opportunity to cure the defect. (4-11-06)

**01. Written Notice of Intention to Revoke Charter.** The authorized chartering entity must provide

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

the public charter school with reasonable notice of the authorized chartering entity's intent to revoke the charter, which shall be in writing and must include all of the reasons for such proposed action. In addition, such notice shall provide the public charter school with a reasonable opportunity to reply, which shall not be less than thirty (30) days after the date of such notice. (4-11-06)

**02. Public Hearing.** The authorized chartering entity shall conduct a public hearing with respect to its intent to revoke a charter. Such hearing shall be held no later than thirty (30) days after receipt of such written reply. If the public charter school does not reply by the date set in the notice, then such hearing shall be held no later than sixty (60) days after the date the notice was sent by the authorized chartering entity. (4-11-06)

**a.** Written notification of the hearing shall be sent to the public charter school at least ten (10) days in advance of the hearing. (4-11-06)

**b.** The public hearing shall be conducted by the authorized chartering entity, or such other person or persons appointed by the authorized chartering entity to conduct public hearings and receive evidence as a contested case in accordance with Section 67-5242, Idaho Code. (4-11-06)

**03. Charter Revocation.** If the authorized chartering entity determines that the public charter school has not complied with the corrective action plan and cured the defect at issue, then the authorized chartering entity may revoke the charter. Such decision may be appealed to the Board. The provisions of Section 403 of these rules shall govern the appeal. (4-11-06)

**304. -- 399. (RESERVED)**

**400. APPEALS.**

The following actions relating to public charter schools may be appealed to the Department or to the Board, as applicable, in accordance with the procedures described in Sections 401 through 403 of these rules: (4-11-06)

**01. Denial of New Petition.** The denial by an authorized chartering entity of a petition to form a new public charter school, as authorized by Section 33-5207, Idaho Code. (4-11-06)

**02. Approval of Conversion Petition.** The approval of a petition by an authorized chartering entity to convert a traditional public school to a public charter school over the objection of thirty (30) or more persons or employees of the local school district, as authorized by Section 33-5207, Idaho Code. (4-11-06)

**03. Denial of Charter Revision.** The denial by the authorized chartering entity of a public charter school of a request to revise a charter, as authorized by Section 33-5209(4), Idaho Code. (4-11-06)

**04. Revocation.** A decision of an authorized chartering entity to revoke a charter, as authorized by Section 33-5209(4), Idaho Code. (4-11-06)

**401. APPEAL TO THE DEPARTMENT OF A DECISION RELATING TO THE FORMATION OF A NEW OR CONVERSION PUBLIC CHARTER SCHOOL.**

The denial of a petition to form a new public charter school, or the granting of a petition to form a conversion public charter school over the objection of thirty (30) or more persons or employees of the local school district, may be appealed to the Department, as provided by Section 33-5207(1), Idaho Code. The following procedures shall govern such appeals. (4-11-06)

**01. Submission of Appeal.** To institute an appeal, the petitioners/appellants shall submit a notice of appeal and request for public hearing in writing to the Department that describes, in detail, all of the grounds for the appeal, and the remedy requested, within thirty (30) days from the date of the decision of the authorized chartering entity that reviewed the petition. A copy of the notice of appeal shall be submitted to the authorized chartering entity, and with the Board. In addition, contemporaneous with the submission of the notice of appeal, the petitioners/appellants shall also submit to the Department two (2) copies of the complete record of all actions taken with respect to the consideration of the public charter school petition. The record must be in chronological order and must be appropriately tabbed and indexed. The record must contain, at a minimum, all of the following documents:

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

(4-11-06)

**a.** The name, address, and telephone number of the person or persons submitting the appeal on behalf of petitioners/appellants, as well as the authorized chartering entity that issued the decision being appealed. (4-11-06)

**b.** The complete petition that was submitted to the authorized chartering entity, including any amendments thereto or supplements thereof. (4-11-06)

**c.** Copies of audio or video recordings, if any, and the minutes from all meeting(s) where the petition was considered or discussed. (4-11-06)

**d.** All correspondence between the petitioners/appellants and the authorized chartering entity relating to the petition from the date the original petition was submitted until the date the authorized chartering entity issued the decision being appealed. (4-11-06)

**e.** The written decision provided by the authorized chartering entity to the petitioner. A copy of such notice of appeal shall be submitted to the authorized chartering entity whose decision is being appealed, and to the Board. (4-11-06)

**02. Hearing Officer.** The Department shall hire a hearing officer to review the action of the authorized chartering entity and to conduct a public hearing, pursuant to Section 67-5242, Idaho Code. The Department shall forward to the hearing officer one (1) copy of the record provided by petitioners/appellants and attached to the notice of appeal within ten (10) business days of receipt. (4-11-06)

**03. Public Hearing.** A public hearing to review the decision of the authorized chartering entity shall be conducted within thirty (30) days after the hearing officer receives the notice of appeal and request for a public hearing submitted to the Department. (4-11-06)

**04. Notice of Hearing.** All parties in an appeal shall be notified of a public hearing at least ten (10) days in advance, or within such time period as may be mandated by law. The notice shall identify the time, place, and nature of the hearing; a statement of the legal authority under which the hearing is to be held; the particular sections of the statutes and any rules involved; the issues involved; and the right to be represented. The notice shall identify how and when documents for the hearing will be provided to all parties. (4-11-06)

**05. Prehearing Conference.** The hearing officer may, upon written or other sufficient notice to all interested parties, hold a prehearing conference to formulate or simplify the issues; obtain admissions or stipulations of fact and documents; identify whether there is any additional information that had not been presented to the authorized chartering entity; arrange for exchange of any proposed exhibits or prepared expert testimony; limit the number of witnesses; determine the procedure at the hearing; and to determine any other matters which may expedite the orderly conduct and disposition of the proceeding. (4-11-06)

**06. Hearing Record.** The hearing shall be recorded unless a party requests a stenographic recording by a certified court reporter, in writing, at least seven (7) days prior to the date of the hearing. Any party requesting a stenographic recording by a certified court reporter shall be responsible for the costs of same. Any party may request that a transcript of the recorded hearing be prepared, at the expense of the party requesting such transcript, and prepayment or guarantee of payment may be required. Once a transcript is requested, any party may obtain a copy at the party's own expense. (4-11-06)

**07. Hearing Officer's Recommendation.** The hearing officer shall issue a recommendation within ten (10) days after the date of the hearing. The recommendation shall include specific findings on all major facts at issue; a reasoned statement in support of the recommendation; all other findings and recommendations of the hearing officer; and a recommendation affirming or reversing the decision of the authorized chartering entity. The hearing officer shall mail or deliver a copy of the recommendation to the Department, the petitioners/appellants, and the authorized chartering entity. (4-11-06)

**08. Review of Recommendation by Authorized Chartering Entity.** (4-11-06)

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**a.** The authorized chartering entity shall hold a public hearing to review the recommendation of the hearing officer within thirty (30) days of receipt of the recommendation. (4-11-06)

**b.** Written notification of the scheduled public hearing shall be sent by the authorized chartering entity to the petitioners/appellants at least ten (10) days prior to the scheduled hearing date. (4-11-06)

**c.** The authorized chartering entity shall make a final decision to affirm or reverse its initial decision within ten (10) days after the date the public hearing is conducted. (4-11-06)

**09. Reversal of Initial Decision.** (4-11-06)

**a.** If the authorized chartering entity reverses its initial decision and denies the conversion of a traditional public school to a public charter school, then that decision is final and there shall be no further appeal. (4-11-06)

**b.** If the authorized chartering entity reverses its initial decision and approves the new public charter school, then the charter shall be granted and there shall be no further appeal. (4-11-06)

**10. Affirmation of Initial Decision.** (4-11-06)

**a.** If the authorized chartering entity affirms its initial decision to authorize the conversion of a traditional public school to a public charter school, then the charter shall be granted and there shall be no further appeal. (4-11-06)

**b.** If the authorized chartering entity affirms its initial decision and denies the grant of a new public charter school, then the petitioners/appellants may appeal such final decision further to the Board in accordance with the procedure described in Section 402 of these rules. (4-11-06)

**402. APPEAL TO THE BOARD RELATING TO THE DENIAL OF A REQUEST TO FORM A NEW PUBLIC CHARTER SCHOOL.**

The following procedures shall govern an appeal to the Board of the final decision of an authorized chartering entity relating to the denial of a petition to form a new public charter school. (4-11-06)

**01. Submission of Appeal.** The petitioners/appellants shall submit a notice of appeal in writing with the Board that describes, in detail, all of the grounds for the appeal, and the remedy requested, within twenty-one (21) days from the date the authorized chartering entity issues its final decision to deny a petition to form a new public charter school. A copy of the notice of appeal shall be submitted to the authorized chartering entity. In addition, contemporaneous with the submission of the notice of appeal, the petitioners/appellants shall also submit to the Board, two (2) copies of a complete record of all actions taken with respect to the consideration of the public charter school petition. The record must be in chronological order, must be tabbed and indexed, and must contain, at a minimum, the following documents: (4-11-06)

**a.** The complete record submitted to the Department, as provided in Subsection 401.01.a. through 401.01.e. of these rules. (4-11-06)

**b.** A transcript, prepared by a neutral person whose interests are not affiliated with a party to the appeal, of the recorded public hearing conducted by the hearing officer, as described in Subsection 401.06 of these rules. (4-11-06)

**c.** A copy of the hearing officer's recommendation. (4-11-06)

**d.** Copies of audio or video recordings, if any, and the minutes of the public hearing conducted by the authorized chartering entity to consider the recommendation of the hearing officer, as described in Subsection 401.08.a. through 401.08.c. of these rules. (4-11-06)



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**e.** Copies of any additional correspondence between the petitioners/appellants and the authorized chartering entity relating to the petition subsequent to the public hearing conducted by the Department. (4-11-06)

**f.** The final written decision provided by the authorized chartering entity to the petitioners/appellants. (4-11-06)

**02. Public Hearing.** A public hearing to review the final decision of the authorized chartering entity shall be conducted within a reasonable time from the date that the Board receives the notice of appeal, but not later than sixty (60) calendar days from such date. The public hearing shall be for the purpose of considering all of the materials in the record that were presented at prior proceedings. However, new evidence, testimony, documents, or materials that were not previously considered at prior hearings on the matter may be accepted or considered, in the sole reasonable discretion of the Board, or of the charter appeal committee or public hearing officer, as described in Subsection 402.04 of this rule. (4-11-06)

**03. Notice of Hearing.** All parties in an appeal shall be notified of a public hearing at least ten (10) days in advance, or within such time period as may be mandated by law. The notice shall identify the time and place of the hearing; a statement of the legal authority under which the hearing is to be held; the particular sections of the statutes and any rules involved; the issues involved; and the right to be represented. The notice shall identify how and when documents for the hearing will be provided to all parties. (4-11-06)

**04. Appointment of Charter Appeal Committee or Public Hearing Officer.** The Board may, in its reasonable discretion, determine to appoint a charter appeal committee, composed solely of Board members, or a combination of Board members and Board staff, or alternatively, to appoint a public hearing officer, for the purpose of conducting the public hearing. If the Board determines not to make such an appointment, then the Board shall conduct the public hearing. (4-11-06)

**05. Recommended Findings.** If the public hearing is conducted by a charter appeal committee or appointed public hearing officer, then such committee or appointed public hearing officer shall forward to the Board all materials relating to the hearing as soon as reasonably practicable after the date of the public hearing. If so requested by the Board, the entity conducting the public hearing may prepare recommended findings for the Board to consider. The recommended findings shall include specific findings on all major facts at issue; a reasoned statement in support of the recommendation; all other findings and recommendations of the charter appeal committee or public hearing officer; and a recommended decision affirming or reversing the decision of the authorized chartering entity, or such other action recommended by the charter appeal committee or public hearing officer, such as remanding the matter back to the authorized chartering entity, or redirecting the petition to another authorized chartering entity. A copy of the recommended findings shall be mailed or delivered to all the parties. (4-11-06)

**06. Final Decision and Order by the Board.** The Board shall consider the materials forwarded by the entity conducting the public hearing, including any recommended findings of the charter appeal committee or appointed public hearing officer, as may be applicable, in a meeting open to the public at the next regularly scheduled meeting of the Board that occurs after the public hearing. If the public hearing was not conducted by the Board, then the Board may allow representatives for both the petitioner/appellant and the authorized chartering entity an opportunity to deliver oral arguments to the Board advocating their respective positions, limited to thirty (30) minutes for each party. Whether the public hearing is conducted by the Board or by a charter appeal committee, the Board shall issue a final written decision on such appeal within sixty (60) days from the date of the public hearing. The final decision and order of the Board shall be sent to both the petitioners/appellants and the authorized chartering entity, and will not be subject to reconsideration. With respect to such written decision, the Board may take any of the following actions: (4-11-06)

**a.** Approve the charter, if the Board determines that the authorized chartering entity failed to appropriately consider the charter petition, or if it acted in an arbitrary manner in denying the request. In the event the Board approves the charter, the charter shall operate under the jurisdiction of the Commission, as provided by Section 33-5207(6), Idaho Code. (4-11-06)

**b.** Remand the petition back to the authorized chartering entity for further consideration with

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

directions or instructions relating to such further review. If the authorized chartering entity further considers the matter and again denies the petition, then that decision is final and there shall be no further appeal. (4-11-06)

c. Redirect the petition for consideration ~~to another authorized chartering entity by the Commission,~~  
if the appeal is regarding a denial decision made by the board of trustees of a local school district. (4-11-06)

d. Deny the appeal submitted by the petitioners/appellants. (4-11-06)

**403. APPEAL RELATING TO THE DENIAL OF A REQUEST TO REVISE A CHARTER OR A CHARTER REVOCATION DECISION.**

The following procedures shall govern an appeal relating to the denial of a request to revise a charter or a charter revocation decision. (4-11-06)

**01. Submission of Appeal.** The public charter school shall submit a notice of appeal in writing to the Board that describes, in detail, all of the grounds for the appeal, and the remedy requested, within thirty (30) days from the date of the written decision of the authorized chartering entity to revoke a charter or to deny a charter revision. A copy of the notice of appeal shall be submitted to the authorized chartering entity. In addition, contemporaneous with the submission of the notice of appeal, the appellant charter school shall also submit to the Board eleven (11), three (3)-holed punched, copies of the complete record of all actions taken with respect to the matter being appealed. The record must be in chronological order and must be appropriately tabbed and indexed. The record must contain, at a minimum, all of the following documents: (4-11-06)

a. The name, address, and telephone number of the appellant public charter school and the authorized chartering entity that issued the decision being appealed. (4-11-06)

b. Copies of all correspondence or other documents between the appellant public charter school and the authorized chartering entity relating to the matter being appealed. (4-11-06)

c. Copies of audio or video recordings, if any, and the minutes from all meeting(s) where the matter on appeal was considered or discussed. (4-11-06)

d. The written decision provided by the authorized chartering entity to the appellant public charter school. (4-11-06)

**02. Public Hearing.** A public hearing to review the decision of the authorized chartering entity shall be conducted within thirty (30) days after the date of the filing of the notice of appeal. (4-11-06)

**03. Notice of Hearing.** All parties in an appeal shall be notified of a public hearing at least ten (10) days in advance, or within such time period as may be mandated by law. The notice shall identify the time and place of the hearing; a statement of the legal authority under which the hearing is to be held; the particular sections of the statutes and any rules involved; the issues involved; and the right to be represented. The notice shall identify how and when documents for the hearing will be provided to all parties. (4-11-06)

**04. Appointment of Charter Appeal Committee or Public Hearing Officer.** The Board may, in its reasonable discretion, determine to appoint a charter appeal committee, composed solely of Board members, or a combination of Board members and Board staff, or alternatively, to appoint a public hearing officer, for the purpose of conducting the public hearing. If the Board determines not to make such an appointment, then the Board shall conduct the public hearing. (4-11-06)

**05. Prehearing Conference.** The entity conducting the public hearing may, upon written or other sufficient notice to all interested parties, hold a prehearing conference to formulate or simplify the issues; obtain admissions or stipulations of fact and documents; identify whether there is any additional information that had not been presented to the authorized chartering entity; arrange for exchange of any proposed exhibits or prepared expert testimony; limit the number of witnesses; determine the procedure at the hearing; and to determine any other matters which may expedite the orderly conduct and disposition of the proceeding. (4-11-06)

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**06. Hearing Record.** The hearing shall be recorded unless a party requests a stenographic recording by a certified court reporter, in writing, at least seven (7) days prior to the date of the hearing. Any party requesting a stenographic recording by a certified court reporter shall be responsible for the costs of same. The record shall be transcribed at the expense of the party requesting a transcript, and prepayment or guarantee of payment may be required. Once a transcript is requested, any party may obtain a copy at the party's own expense. (4-11-06)

**07. Recommended Findings.** If the public hearing is conducted by a charter appeal committee or appointed public hearing officer, then such committee or public hearing officer shall forward to the Board all materials relating to the hearing as soon as reasonably practicable after the date of the public hearing. If so requested by the Board, the entity conducting the public hearing may prepare recommended findings for the Board to consider. The recommended findings shall include specific findings on all major facts at issue; a reasoned statement in support of the recommendation; all other findings and recommendations of the charter appeal committee or public hearing officer; and a recommended decision affirming, or reversing the action or decision of the authorized chartering entity. A copy of the recommended findings shall be mailed or delivered to all the parties. (4-11-06)

**08. Final Decision and Order by the Board.** The Board shall consider the materials forwarded by the entity conducting the public hearing, including any recommended findings of the charter appeal committee or appointed public hearing officer, as may be applicable, in a meeting open to the public at the next regularly scheduled meeting of the Board that occurs after the public hearing. If the public hearing was not conducted by the Board, then the Board may allow representatives for both the appellant public charter school and the authorized chartering entity an opportunity to deliver oral arguments to the Board advocating their respective positions, limited to thirty (30) minutes for each party. Whether the public hearing is conducted by the Board, or by a charter appeal committee or appointed public hearing officer, the Board shall issue a final written decision on such appeal within sixty (60) days from the date of the public hearing. The decision shall be sent to both the appellant public charter school and the authorized chartering entity. With respect to such written decision, the Board may take any of the following actions: (4-11-06)

**a.** Grant the appeal and reverse the decision of the authorized chartering entity if the Board determines that the authorized chartering entity failed to appropriately consider the revocation of the charter, or the request to revise the charter, or that the authorized chartering authority acted in an arbitrary manner in determining to revoke the charter, or in denying the request to revise the charter. (4-11-06)

**b.** Remand the matter back to the authorized chartering ~~authority~~ entity for further consideration with directions or instructions relating to such further review. If the authorized chartering entity further considers the matter and again denies the petition, then that decision is final and there shall be no further appeal. (4-11-06)

**c.** ~~Redirect the matter for consideration to another authorized chartering entity.~~ (4-11-06)

**~~d. c.~~** Deny the appeal filed by the appellants. (4-11-06)

**404. EX PARTE COMMUNICATIONS.**

Unless required for the disposition of a matter specifically authorized by statute to be done ex parte, no party to the appeal nor any representative of any such party to the appeal, nor any person or entity interested in such appeal, may communicate, directly or indirectly, regarding any substantive issue in the appeal with the Board or the charter appeal committee or any hearing officer appointed to hear or preside over the appeal hearing, except upon notice and opportunity for all parties to participate in the communication. (4-11-06)

**405. -- 499. (RESERVED)**

**500. MISCELLANEOUS.**

**01. Definition of LEA.** As used in Section 500 of these rules, the term "local education agency" or "LEA" shall mean a public authority legally constituted within the state for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in the state, as such term is defined in the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, and

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

as such term is further defined in 34 CFR 300.18.

(4-11-06)

**02. LEA Designations.** Section 33-5203(7), Idaho Code, provides that the Board shall be responsible to designate those public charter schools that will be identified as an LEA; however, only public charter schools chartered by the board of trustees of a school district may be included in that district's LEA. A public charter school may request to be designated as an LEA. Such request shall be in writing and must be submitted to the executive director of the Board. In addition, such request shall state the reasons why the public charter school is requesting LEA status, and must include, at a minimum, the following:

(4-11-06)

**a.** Verification that the public charter school is a public virtual school under Idaho law (if applicable).

(4-11-06)

**b.** A description of the federal programs for which the public charter school will seek funding, and a detailed discussion of the projected financial impact (positive or negative) to the public charter school if it is designated an LEA.

(4-11-06)

**c.** A discussion of how the public charter school will administer the ISAT tests to its students.

(4-11-06)

**03. Criteria.** The executive director of the Board shall have the authority to designate a public charter school as an LEA, in accordance with the following criteria:

(4-11-06)

**a.** A public charter school that is chartered by the board of trustees of a school district shall be included in that district's LEA, and the executive director of the Board shall not be permitted to designate such a school as an LEA, ~~except as discussed in Subsection 500.03 of these rules.~~

(4-11-06)

~~**b.** A public virtual school that is chartered by the board of trustees of a school district may be designated as an LEA, if the executive director determines, in his reasonable discretion, that the public virtual school has demonstrated a compelling reason for such designation in its written request and any supporting materials.~~

(4-11-06)

~~**b.**~~ **b.** A public charter school that is chartered by the Commission must be designated by the executive director as an LEA, but will still be required to submit a written request pursuant to Subsection 500.02 of these rules.

(4-11-06)

**04. Referral to the Board.** The executive director may determine to refer any request for LEA designation described in Section 500 of these rules to the Board for consideration, including any request submitted by a public charter school that is not eligible under the criteria contained herein.

(4-11-06)

**05. Review.** A public charter school may appeal to the Board a decision made by the executive director of the Board to deny a request to be designated an LEA.

(4-11-06)

**06. Timeframe for LEA Request.** A request for LEA status must be received no later than February 1 in order for any such designation to be effective for the following school year.

(4-11-06)

**501. -- 999. (RESERVED)**

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 16, 2012**

---

**IDAPA 08  
TITLE 03  
CHAPTER 01**

**08.03.01 - RULES OF THE PUBLIC CHARTER SCHOOL COMMISSION**

**000. LEGAL AUTHORITY.**

The Public Charter School Commission, in accordance with Section 33-5213, Idaho Code, adopts these rules.

(4-11-06)

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 08.03.01, "Rules of the Public Charter School Commission."

(4-11-06)

**02. Scope.** These rules provide the requirements for the governance and administration of the Public Charter School Commission.

(4-11-06)

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, written interpretations of the rules of this chapter, if any, are available at the offices of the Public Charter School Commission.

(4-11-06)

**003. ADMINISTRATIVE APPEALS.**

The provisions of Title 33, Chapter 52, Idaho Code, and IDAPA 08.02.04, "Rules Governing Public Charter Schools," govern appeals from decisions of the Commission.

(4-11-06)

**004. INCORPORATION BY REFERENCE.**

No documents have been incorporated by reference into these rules.

(4-11-06)

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

The Public Charter School Commission is located in the offices of the Idaho State Board of Education.

(4-11-06)

**01. Office Hours.** The Board offices are open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays.

(4-11-06)

**02. Street Address.** The offices of the Board are located at 650 W. State Street, Boise, Idaho.

(4-11-06)

**03. Mailing Address.** The mailing address of the Board is P.O. Box 83720, Boise, Idaho 83720-0037.

(4-11-06)

**04. Telephone Number.** The telephone number of the Board is (208) 334-2270.

(4-11-06)

**05. Facsimile.** The Board's FAX number is (208) 334-2632.

(4-11-06)

**06. Electronic Address.** The Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov).

(4-11-06)

**006. PUBLIC RECORDS ACT COMPLIANCE.**

Commission records are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code.

(4-11-06)

**007. -- 099. (RESERVED)**

**100. DEFINITIONS.**

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**01. Board.** The Idaho State Board of Education or its designee. (4-11-06)

**02. Commission.** The Public Charter School Commission or its designee. (4-11-06)

**101. -- 199. (RESERVED)**

**200. PROCEEDINGS BEFORE THE COMMISSION.**

Proceedings or other matters before the Commission or its duly appointed hearing officer are governed by the provisions of Title 33, Chapter 52, Idaho Code, IDAPA 08.02.04, and these rules. (4-11-06)

**201. COMMUNICATIONS WITH COMMISSION.**

All written communications and documents intended to be part of an official record of decision in any proceeding before the Commission of any hearing officer appointed by the Commission must be filed with the individual designated by the agency. Unless otherwise provided by statute, rule, order, or notice, documents are considered filed when received by the officer designated to receive them, not when mailed or otherwise transmitted. (4-11-06)

**202. COMPUTATIONS OF TIME.**

Whenever statute, these or other rules, order, or notice requires an act be done within a certain number of days of a given day, the given day is not included in the count, but the last day of the period so computed is included in the count. If the day the act must be done is Saturday, Sunday, or a legal holiday, the act may be done on the first day following that is not a Saturday, Sunday, or legal holiday. (4-11-06)

**203. BOARD MEETINGS -- MAJORITY -- CHAIRMAN.**

**01. Majority.** A simple majority of members voting shall be sufficient to decide any matter pending before the Commission. (4-11-06)

**02. Chairman Vote.** The chairman shall vote only when necessary to break a tie. (4-11-06)

**204. -- 299. (RESERVED)**

**300. PETITION -- SUBMISSION.**

**01. Number of Copies.** Petitioners shall submit a petition consisting of ~~an unbound original application package and twelve (12) unbound, three (3) hole punched, copies of the application package to the Commission and~~ an electronic copy of the petition in word format. Appendices to the petition must be submitted as a single document in Adobe format. (4-11-06)

**02. Case Number.** The Commission will assign a case number to a petition. Any future documents or correspondence submitted to the Commission after original filing must reference the assigned case number.(4-11-06)

**03. Administratively Complete.** If the petition is not administratively complete when received, the Commission shall provide the petitioner notice of the deficiency, which identifies the missing documents and information. Administratively complete means the petition contains all of the information and documents required by Title 33, Chapter 52, Idaho Code, and IDAPA 08.02.04, "Rules Governing Public Charter Schools." (4-11-06)

**04. Considered Received.** A petition is considered received by the Commission when it is presented to the Commission at the first scheduled meeting after the petition is filed and the petition is administratively complete. (4-11-06)

**05. Supplemental Information.** Submission of supplemental information to the Commission shall be accomplished by filing ~~only the pages being amended~~ a complete, electronic copy of the petition, with the text to be removed stricken and the new language underlined, with the ~~page number of the page to be replaced at the bottom center of the page and the month and year~~ date of revision in the bottom left hand corner of the page noted on the

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

title page. (4-11-06)

**06. Sufficiency Review.** Petitioners shall submit a copy of the State Department of Education's sufficiency review, which is required by IDAPA 08.02.04, "Rules Governing Public Charter Schools," Subsection 200.03, and any related documents addressing the deficiencies, if any, at the time the petition is filed with the Commission. (4-11-06)

**07. School District Comments.** If applicable, school districts may provide comments of the school district where the public charter school will be physically located. (4-11-06)

**301. COMPLIANCE MONITORING.**

The Commission shall be responsible for ensuring the public charter school operates in accordance with all of the terms and conditions of the approved charter, including compliance ~~will~~ with all applicable federal and state education standards and all applicable state and federal laws, rules and regulations, and policies. See IDAPA 08.02.04, "Rules Governing Public Charter Schools," Subsection 301.01. Commission staff will make a site visit and verify the existence of the following documents after the charter is granted: (4-11-06)

**01. Certificate of Occupancy.** Certificate of Occupancy for the public charter school site ~~no later than thirty (30) days prior to the opening of the school;~~ (4-11-06)

**02. Building Inspection Reports.** A copy of the inspection report from the Idaho Division of Building Safety ~~to be submitted no later than thirty (30) days before the school initially opens and then within seven (7) days of receipt, thereafter;~~ (4-11-06)

~~**03. Lease Agreement.** If school structures are being leased, a copy of the lease agreement for the building(s) at which students will be taught;~~ (4-11-06)

**04. 03. Fire Marshal Report.** A fire marshal report for the public charter school site; (4-11-06)

~~**05. Financial Statements.** Audited financial statements from an independent auditor must be submitted as required by Section 33-701, Idaho Code;~~ (4-11-06)

~~**06. Reports.** Copies of the following reports within five (5) business days of said reporting being submitted;~~ (4-11-06)

~~**a.** All reports submitted to the State Department of Education including, but not limited to, the Idaho Basic Education Data System ("IBEDS");~~ (4-11-06)

~~**b.** All reports submitted to the Board; and~~ (4-11-06)

~~**c.** All reports submitted to federal education agencies including, but not limited to, reports required by the No Child Left Behind Act and the Individuals with Disabilities Education Act.~~ (4-11-06)

~~**07. Accreditation Reports.** A copy of the public charter school's accreditation report must be submitted within five (5) business days of receipt. See Section 33-5206(7), Idaho Code;~~ (4-11-06)

~~**08. Complaints.** Copies of any complaints filed against the public charter school including, but not limited to, lawsuits and complaints filed with the Idaho Professional Standards Commission relating to school employees, within five (5) business days of receipt;~~ (4-11-06)

**09. 04. Insurance Binders.** Copies of insurance binders from a company authorized to do business in Idaho for a liability policy, a property loss policy, worker's compensation insurance, unemployment insurance, and health insurance ~~no later than thirty (30) days prior to the opening of school and thereafter, thirty (30) days before the expiration of the insurance policies;~~ (4-11-06)

~~**10. Board Members.** A current list of all public charter school board members, including full name,~~

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

~~address, telephone number, and resume must be on file with the Commission within five (5) business days of any changes;~~ (4-11-06)

~~11. **Goals Attainment.** Reporting to be submitted by the close of the school year demonstrating the students' level of attainment of the established skills and knowledge specified as goals in the public charter school's educational program. See Section 33-5206(7), Idaho Code;~~ (4-11-06)

~~12. **Programmatic Operations Audit.** An audit of the programmatic operations of the public charter school as required by Section 33-5205(3)(k), Idaho Code, must be submitted no later than October 15th for the previous school year. See Section 33-5206(7), Idaho Code;~~ (4-11-06)

**13.05. Health District Inspection Certificate.** A copy of the health certificate issued by the health district for each site at which students will be taught; (4-11-06)

~~14. **Proof of Compliance.** Proof the public charter school board is in compliance with all federal, state, and local rules, regulations, and statutes relating to education, health, safety, and insurance at least thirty (30) days before the first day of operation of the public charter school for each school year;~~ (4-11-06)

**15.06. Criminal History Checks.** A copy of the criminal history checks for all employees as required by Sections 33-130 and 33-5210(4)(d), Idaho Code, ~~no later than thirty (30) days prior to the first day of school;~~ (4-11-06)

~~16.07. **Instructional Staff Certification.** Proof of certification for all instructional staff employed by the public charter school must be submitted no later than thirty (30) days prior to the first day of school; and~~ (4-11-06)

**17.08. School Calendar, Daily schedule, and instructional hours.** ~~Ninety (90) days before the commencement of each school year, documentation must be submitted to the Commission detailing the~~ The school's calendar for the school year, daily schedule, and documentation of the appropriate number of instructional hours for students at each grade level. (4-11-06)

**302.** Public charter schools authorized by the Commission shall submit to the Commission the following documents:

**01. Lease Agreement.** If school structures are leased, a copy of the lease agreement for the building(s) at which students will be taught;

**02. Financial Statements.** Audited financial statements from an independent auditor must be submitted as required by Section 33-701, Idaho Code;

**03. Accreditation Reports.** A copy of the public charter school's accreditation report as required by section 33-5206(7), Idaho code, must be submitted within five (5) business days of receipt; (4-11-06)

**04. Complaints.** Copies of any complaints filed against the public charter school including, but not limited to, lawsuits and complaints filed with the Idaho Professional Standards Commission relating to school employees, within five (5) business days of receipt;

**05. Board Members.** A current list of all public charter school board members, including full name, address, telephone number, and resume must be on file with the Commission within five (5) business days of any changes; (4-11-06)

**06. Goals Attainment.** A report, as required by section 33-5206(7), Idaho code, by the close of the school year demonstrating the students' level of attainment of the established skills and knowledge specified as goals in the public charter school's educational program and measurable student educational standards in the approved charter; (4-11-06)

**07. Programmatic Operations Audit.** An audit of the programmatic operations of the public charter school as required by Section 33-5205(3)(l), Idaho Code, must be submitted no later than August 15<sup>th</sup> for the



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

previous school year.

**08. Proof of Compliance.** Additional proof of compliance as reasonably requested by the Commission.

**~~302.~~ 303. -- 399. (RESERVED)**

**400. PETITION -- PUBLIC HEARING.**

A public hearing, as required by Section 33-5205(2), Idaho Code, for consideration of a petition on its merits shall be conducted by the Commission. The Commission will: (4-11-06)

**01. Charter Provisions.** Consider the provisions of the public school charter petition. (4-11-06)

**02. Petition Merits.** Consider the merits of the petition including, but not limited to, the presentation by authorized representatives for the petition. (4-11-06)

**03. Petition Support.** Consider the level of employee and parental support of the petition. (4-11-06)

**04. School District Comment.** Consider any oral or written comments of an authorized representative of the school district in which the proposed public charter school would be physically located. (4-11-06)

**05. Public Comment.** Citizens intending to testify must notify the Commission the day of the meeting. Public comment will be limited to ten (10) minutes, unless otherwise determined by the Commission chairman. (4-11-06)

**401. PETITION -- FORMAT.**

All petitions submitted to the Commission must be in the following format. Information will only be considered if it is located in the correct Section. (4-11-06)

**01. Cover Page.** The cover page must include the following information: (4-11-06)

**a.** Name of proposed charter school; (4-11-06)

**b.** School year petitioning to open the school; (4-11-06)

**c.** Name of the school district affected by the attendance area; (4-11-06)

**i.** Where the public charter school building will be physically located; or (4-11-06)

**ii.** If it is a virtual school and the physical location of the main office; and (4-11-06)

**d.** Name, address, telephone number, ~~fax number~~, and e-mail address of the petitioner's authorized representative. (4-11-06)

**02. Table of Contents.** The second page shall be the beginning of the table of contents. (4-11-06)

**03. Tab 1.** (4-11-06)

~~**a.** Copies of articles of incorporation, file stamped by the Idaho Secretary of State's Office; and of the signed bylaws adopted by the board of directors of the nonprofit corporation. See Section 33-5204(1), Idaho Code. (4-11-06)~~

~~**b.** Signatures of at least thirty (30) qualified electors of the proposed charter school's service area. Proof of qualification of electors must be attached. See Section 33-5205(1)(a), Idaho Code. (4-11-06)~~

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**~~e.~~ a.** Mission and vision statements. (4-11-06)

**04. Tab 2.** The petitioner's information regarding the proposed operation and potential effects of the public charter school including, but not limited to, the facilities to be utilized by the public charter school, the manner in which administrative services of the public charter school are to be provided, and the potential civil liability effects upon the public charter school and upon the authorized chartering entity. See Section 33-5205(4), Idaho Code. (4-11-06)

**05. Tab 3.** (4-11-06)

**a.** A description of the public charter school's educational program and goals, including how each of the educational thoroughness standards, as defined in Section 33-1612, Idaho Code, shall be fulfilled. See Section 33-5205(3)(a), Idaho Code. (4-11-06)

**b.** A description of what it means to be an "educated person" in the twenty-first century, and how learning best occurs. See Section 33-5205(3)(a), Idaho Code. (4-11-06)

**c.** The manner by which special education services will be provided to students with disabilities who are eligible pursuant to the federal Individuals with Disabilities Education Act. See Section 33-5205(3)(q), Idaho Code. (4-11-06)

**d.** The plan for working with parents who have students who are dually enrolled pursuant to Section 33-203(7), Idaho Code. See Section 33-5205(3)(r), Idaho Code. (4-11-06)

**06. Tab 4.** (4-11-06)

**a.** The measurable student educational standards the public charter school will use. See Section 33-5205(3)(b), Idaho Code. (4-11-06)

**b.** The method by which student progress in meeting the identified student educational standards is to be measured. See Section 33-5205(3)(c), Idaho Code. (4-11-06)

**c.** A provision by which students of the public charter school will be tested with the same standardized tests as other Idaho public school students. See Section 33-5205(3)(d), Idaho Code. (4-11-06)

**d.** A provision that ensures that the public charter school shall be state accredited as provided by rule of the Board. See Section 33-5205(3)(e), Idaho Code, and IDAPA 08.02.02, "Rules Governing Uniformity," Section 140. (4-11-06)

**e.** A provision describing the school's plan if it is ever identified as an in need of improvement school as outlined in the No Child Left Behind Act. (4-11-06)

**07. Tab 5.** (4-11-06)

**a.** A description of the governance structure of the public charter school including, but not limited to, the persons or entity who shall be legally accountable for the operation of the public charter school. See Section 33-5205(3)(f), Idaho Code.

**b.** A description of the ethical standards to which the governing board of the public charter school will adhere.

**c.** A plan for the initial and ongoing training of the governing board of the public charter school. (4-11-06)

**~~b.~~ d.** The process to be followed by the public charter school to ensure parental involvement. See Section 33-5205(3)(f), Idaho Code.

**d.** e. The manner in which an annual audit of the financial and programmatic operations of the public charter school will

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**08.      Tab 6. (4-11-06)**

**a.**      The qualifications to be met by individuals employed by the public charter school. This should include a requirement for all staff members to submit to a criminal history check, as required by Section 33-130, Idaho Code, and that all instructional staff shall be certified teachers, as required by the Board. See Section 33-5205(3)(g), Idaho Code. (4-11-06)

**b.**      The procedures that the public charter school will follow to ensure the health and safety of students and staff. See Section 33-5205(3)(h), Idaho Code. (4-11-06)

**c.**      A provision which ensures that all staff members of the public charter school will be covered by the public employee retirement system, federal social security, unemployment insurance, worker's compensation insurance, and health insurance. See Section 33-5205(3)(m), Idaho Code. (4-11-06)

**d.**      A description of the transfer rights of any employee choosing to work in a public charter school authorized by the Commission and the rights of such employees to return to any public school in the school district after employment at such public charter school. See Section 33-5205(3)(o), Idaho Code. (4-11-06)

**e.**      A provision that ensures that the staff of the public charter school shall be considered a separate unit for purposes of collective bargaining. See Section 33-5205(3)(p), Idaho Code. (4-11-06)

**f.**      A statement that all teachers and administrators will be on written contract as required by Section 33-5206(4), Idaho Code. (4-11-06)

**09.      Tab 7. (4-11-06)**

**a.**      Admission procedures, including provision for over enrollment. See Section 33-5205(3)(j), Idaho Code, and IDAPA 08.02.04, "Rules Governing Public Charter Schools," Section 203. (4-11-06)

**b.**      The disciplinary procedures that the public charter school will utilize, including the procedure by which students, including special education students, may be suspended, expelled, and reenrolled. See Section 33-5205(3)(l), Idaho Code. (4-11-06)

**c.**      The procedures required by Section 33-210, Idaho Code, for students using or under the influence of alcohol or controlled substances. (4-11-06)

**d.**      The public school attendance alternative for students residing within the school district who choose not to attend the public charter school. See Section 33-5205(3)(n), Idaho Code. (4-11-06)

**e.**      The process by which the citizens in the area of attendance shall be made aware of the enrollment opportunities of the public charter school. See Section 33-5205(3)(s), Idaho Code. (4-11-06)

**f.**      A plan for the requirements of Section 33-205, Idaho Code, for the denial of school attendance. See Section 33-5205(3)(i), Idaho Code. (4-11-06)

**g.**      The student handbook that describes the school rules and the procedure ensuring a student's parent or guardian has access to this handbook. (4-11-06)

**10.      Tab 8. (4-11-06)**

**a.**      A detailed business plan including: (4-11-06)

**i.**      Business description, (4-11-06)

**ii.**     Marketing plan, (4-11-06)

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

- iii. Management plan, and (4-11-06)
- iv. ~~Resumes of the directors of the nonprofit corporation,~~ (4-11-06)
- ~~v. iv.~~ The school's financial plan, (4-11-06)
- ~~vi.~~ Start up budget with assumptions form, (4-11-06)
- ~~vii.~~ Three (3) year operating budget form, and (4-11-06)
- ~~viii.~~ First year month by month cash flow form. (4-11-06)
- ~~v.~~ A pre-opening plan and timeline.
- ~~b.~~ ~~The school's budget must be in the Idaho Financial Accounting Reporting Management System (IFARMS) format.~~ (4-11-06)
- eb.** A proposal for transportation services with an estimated first year cost as required by Section 33-5208(4), Idaho Code. (4-11-06)
- ec.** Plans for a school lunch program, including how a determination of eligibility for free and reduced price meals will be made. (4-11-06)
- 11. Tab 9.** If this is a virtual public charter school, a brief description of how the school meets the definition of a public virtual school as defined by Section 33-5202A(6), Idaho Code. (4-11-06)
- 12. Tab 10.** (4-11-06)
- a.** A description of any business arrangements or partnerships with other schools, educational programs, businesses, or nonprofit organizations, ~~and copies of any contracts or lease agreements.~~ (4-11-06)
- b.** Additional information the petitioners want the authorizing chartering entity to consider as part of the petition. (4-11-06)
- c.** A plan for termination of the charter by the board of the public charter school. (4-11-06)
- 13. Appendices**
- a.** Copies of articles of incorporation, file-stamped by the Idaho Secretary of State's Office; and of the signed bylaws adopted by the board of directors of the nonprofit corporation. (4-11-06)
- b.** Signatures of at least thirty (30) qualified electors of the proposed charter school's service area. Proof of qualification of electors must be attached. See Section 33-5205(1)(a), Idaho Code.
- c.** Resumes of the directors of the nonprofit corporation, including references,
- d.** Copies of any contracts or lease agreements,
- e.** Start-up budget with assumptions form and supporting documentation, (4-11-06)
- f.** Three (3)-year operating budget form, and (4-11-06)
- g.** First year month-by-month cash flow form. (4-11-06)
- h.** The school's budget must be in the Idaho Financial Accounting Reporting Management System (IFARMS) format and any other such format as may be reasonably requested by the Commission.
- 402. -- 999. (RESERVED)**

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**

**AUGUST 16, 2012**

---

**SUBJECT**

Proposed Rule IDAPA 47.01.01 – Division of Vocational Rehabilitation

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho Administrative code, IDAPA 47.01.01

**BACKGROUND/DISCUSSION**

Over the past year the Idaho Division of Vocational Rehabilitation (IDVR) has reviewed and updated policy and procedures in the agencies Field Service Manual, this manual is incorporated by reference into IDAPA 47.01.01. Any changes to the manual are handled in the same manner as administrative rules and require Board approval. Once changes are approved by the Board the rule incorporating the manual must then go through the rule making process.

Additional changes to the rule clarify language regarding the IDVR customer appeal and mediation processes as well as the order of selection process. These changes will bring IDVR into alignment with the recommendations and finding of their last federal review.

**IMPACT**

The proposed changes incorporate the updated Field Service Manual into rule and clarify process and procedures for customer appeals and order of selection.

**ATTACHMENTS**

Attachment 1 – Proposed Rule Changes to IDAPA 47.01.01	Page 3
Attachment 2 – Field Services Policy Manual – Redlined	Page 8
Attachment 3 – Field Services Policy manual – Clean	Page 216

**STAFF COMMENTS AND RECOMMENDATIONS**

Proposed rules have a 21 day comment period prior to becoming Pending rules. Based on received comments and Board direction, changes may be made to Proposed rules prior to entering the Pending stage. All Pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a Pending Rule. Pending rules become effective at the end of the legislative session in which they are submitted.

Staff recommends approval.

**BOARD ACTION**

I move to approve the Proposed Rule changes to IDAPA 47.01.01 as submitted, effective July 1, 2013.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

THIS PAGE INTENTIONALLY LEFT BLANK

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS

AUGUST 16, 2012

IDAPA 47

TITLE 01

CHAPTER 01

IDAPA 47 - DIVISION OF VOCATIONAL REHABILITATION

47.01.01 - RULES OF THE IDAHO DIVISION OF VOCATIONAL REHABILITATION

**000. LEGAL AUTHORITY.**

Section 33-2301, Idaho Code and the Rehabilitation Act of 1973 and all subsequent Amendments. (3-30-01)

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is IDAPA 47.01.01, "Rules of the Idaho Division of Vocational Rehabilitation." (5-3-03)

**02. Scope.** The chapter has the following scope: To streamline the existing rules and to implement program changes necessitated by the 1998 Amendments of the Rehabilitation Act of 1973. (4-5-00)

**002. WRITTEN INTERPRETATIONS.**

Written interpretations to these rules in the form of the explanatory comments accompanying the notice of proposed rulemaking are available from the Idaho Division of Vocational Rehabilitation, 650 W. State Street, Boise, Idaho 83720. Other agency guidance documents, as well as agency policy statements or interpretations not rising to the legal effect of a rule, if any, are available for inspection and replication at the agency Central Office during regular business hours. (2-17-09)

**003. ADMINISTRATIVE APPEALS.**

Administrative appeals are governed by Section 100 of these rules in accordance with 34 CFR Part 361.57. (2-17-09)

**004. INCORPORATION BY REFERENCE.**

**01. General.** Unless provided otherwise, any reference in these rules to any document identified in Subsection 004 shall constitute the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term "documents" includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (3-30-01)

**02. Documents Incorporated by Reference.** The following documents are incorporated by reference into these rules: (3-30-01)

**a.** All federal publications through the [Rehabilitation Services Administration](#). (2-17-09)

**b.** Idaho Division of Vocational Rehabilitation Field Services [Policy Manual](#), ~~October 2011~~ [June 2012](#), available for review on the website at <http://www.vr.idaho.gov/>. ~~(2-15-12)F ( )~~

~~**c.** [Federal State Plan for Vocational Rehabilitation 2008-2010](#), available for review on the website at <http://www.vr.idaho.gov/>.~~ (2-17-09)

~~**dc.**~~ Workforce Investment Act, Public Law 105-220. (5-3-03)

~~**ed.**~~ Federal Register, Department of Education, 34 CFR Part 361- 363. (2-17-09)

~~**fe.**~~ The Rehabilitation Act of 1973, as amended. (2-17-09)

**03. Availability of Reference Material.** Copies of the documents incorporated by reference into these rules are available at the Central Office, Idaho Division of Vocational Rehabilitation, 650 W. State Street, Room 150, Boise, Idaho 83720, (208) 334-3390 or through access to the internet URL addresses outlined in Subsection 004.02. (2-17-09)

**005. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Authorization to Purchase.** A purchase order issued on behalf of the Division. (5-3-03)

**02. CFR.** Code of Federal Regulations. (7-1-93)

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

03. **Client/Participant Customer**. Any individual who has applied for or is eligible for Vocational Rehabilitation services. (5-3-03)
04. **Designated State Agency**. The Idaho State Board of Education. (5-3-03)
05. **Designated State Unit**. The Idaho Division of Vocational Rehabilitation. (7-1-93)
06. **IDVR**. The Idaho Division of Vocational Rehabilitation. (4-5-00)
07. **IPE**. Individualized Plan for Employment. (4-5-00)
08. **Most Significant Disability (MSD)**. Meets the criteria as Significant Disability as found in the Rehabilitation Act of 1973, as amended, and defined in 34CFR Part 361.5 (b) 30 and is further defined as: (2-17-09)
- a. Having a severe physical, mental, cognitive or sensory impairment which seriously limits ~~two~~ three (23) or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance or work skills) in terms of an employment outcome; and (5-3-03)( )
- b. Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time. (3-20-04)
09. **Method of Written Notification**. The written notification of findings and conclusions arising from an Informal Dispute Resolution, Mediation, ~~Impartial Due Process Fair~~ Hearing, shall be served to the ~~client customer~~ via the U.S. Postal Service ~~by means of certified mail. Durational requirements for appeals shall commence on the day received by the client as noted by the certified mail records.~~ (5-3-03)( )
10. **PM**. Policy Memorandum. (5-3-03)
11. **RSA**. Rehabilitation Services Administration, U.S. Department of Education. (5-3-03)
12. **State Administrator**. The Chief Executive Officer of the Idaho Division of Vocational Rehabilitation.
13. **VRC**. Vocational Rehabilitation Counselor. (5-3-03)

**011. -- 099. (RESERVED)**

**100. CLIENT/PARTICIPANT CUSTOMER APPEALS.**

In accordance with 34 CFR Part 361.57, the ~~client/participant customer~~ appeals process is governed by Section 100 through 103 of these rules and is outlined in the Division's agency Field Services Manual on the website at <http://www.vr.idaho.gov/> that is incorporated by reference into these rules in Subsection 004.02.b. (2-17-09)

**01101. Informal Appeals Review Process**. The informal ~~administrative~~ review process is an option available to the ~~individual customer~~ as a proven means likely to result in a timely resolution of disagreements. An individual must request an informal ~~administrative~~ review within ~~ten twentyone~~ (210) calendar days of the agency notice regarding the provision or denial of services that are in question. The request must be in writing to the regional manager. The request must describe the complaint. In holding an informal ~~administrative~~ review, the regional manager will function as the administrative review officer ~~and. At the customer's request another regional manager may be substituted. The reviewer~~ will be responsible for: (3-29-10)

**A01. Advising the customer of his/her right to have a representative present and encouraging the customer to use the services of CAP.**

**02. Conducting the review within fifteen (15) calendar days following written receipt of a request for such a hearing. Unless an extension is agreed upon by both parties.** (3-29-10)

**b. Advising the individual of their right to have a representative present and encouraging the individual to use the services of CAP.** (3-29-10)

**c. Insuring that the review is conducted at a time mutually agreed to by the parties involved that ensures the entire appeals process can be completed within forty five (45) calendar days, unless the parties agree to a specific extension of time.** (3-29-10)



**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

~~d. When undue delay is caused by the individual in scheduling an administrative review, the individual will be informed that if the review is not conducted within thirty (30) calendar days following the individual's request for an informal administrative review, the individual's request will be viewed by IDVR as invalid. (3-29-10)~~

~~e03.~~ When the individual customer makes a documented effort to utilize CAP or another selected advocate to resolve the dissatisfaction, the time allowed for conducting an administrative informal review will be extended accordingly. (3-29-10)

~~F04.~~ Holding the review at a time and place convenient to the individual customer, generally at the local IDVR branch office. (3-29-10)

~~g05.~~ Providing communication methods for those individuals customers who have a sensory impairment. An interpreter will be provided for those individuals customers who cannot communicate in English. (3-29-10)

~~h06.~~ Assuring If needed assure that the individual customer is provided transportation to and from the review site, if needed. (3-29-10)

~~I07.~~ The administrative informal review officer (regional manager) will attempt to resolve the matter to the satisfaction of the individual customer, developing a written agreement proposal with the individual customer at the conclusion of the appeal process. A copy will be sent to the Administrator, Chief of Field Services, the involved counselor(s) and the counselor's supervisor. The results are binding for the agency unless the decision proposal is not permitted by law. The individual customer may reject the findings of the review proposal and request a formal appeal known as an Impartial Due Process Hearing a fair hearing within ten (10) calendar days of the informal review proposal or sixty (60) calendar days of the original agency decision, whichever one comes later. (3-29-10)

102. Mediation. Mediation is an alternate dispute resolution method available to applicants and eligible customers who have initiated the formal appeals process.

01. A customer must request mediation within twenty (20) calendar days of the original decision or ten (10) calendar days following the written proposal from the informal review. Mediation is available to a customer when an informal review has not resolved the dispute to the satisfaction of the customer.

02. Requests for mediation must be made in writing to the chief of field services and must clearly state the reason for dissatisfaction with the decision or results of the informal review. The chief of field services will represent IDVR or assign a member of the administrative or supervisory staff who has not participated in the agency action that created the customer's dissatisfaction.

03. Participation in the mediation process is voluntary on the part of the customer and on the part of IDVR. Either party may reject mediation as an alternate dispute resolution method. Once mediation has been accepted as an alternate dispute resolution method, either party may terminate the mediation process.

04. Mediation may not be used to deny or delay the customer's right to pursue a fair hearing. Should the customer and/or designated representative select mediation in lieu of a fair hearing the option for a fair hearing will be extended to allow the results of the mediation to be established. Once the final results of the mediation are determined, the customer retains the right to request a fair hearing.

05. All mediation is conducted by a qualified and impartial mediator who is selected randomly from a list of mediators maintained by IDVR.

06. Mediation discussions are confidential and may not be used as evidence in a fair hearing. A confidentiality agreement will be signed by both parties at the beginning of the mediation process.

07. The mediator will develop a written mediation agreement if an agreement between the parties is reached. The agreement must be signed by the customer, the mediator, and the IDVR designated representative.

08. Cost of mediation is paid by IDVR. IDVR is not required to pay for any cost related to the representation of a customer.

02103. Formal Appeals Fair Hearing Process. The formal appeal fair hearing process is an option available to any individual customer who is dissatisfied with any determination made by personnel of IDVR that affects the provisions of vocational rehabilitation services. An individual customer may request a fair hearing immediately without having to go through any other appeal steps. A customer may request, or if appropriate may request through the individual's customer's representative, a timely review of the determination. Such

## PLANNING, POLICY AND GOVERNMENTAL AFFAIRS

AUGUST 16, 2012

request must be made within sixty (60) days of the IDVR ~~case management~~ decision resulting in the initial disagreement or within ten (10) calendar days of the conclusion of the informal review or mediation process, whichever is later. The ~~formal appeal fair hearing~~ process shall include an ~~impartial due process fair~~ hearing by an ~~impartial fair~~ hearing officer (FHO). (3-29-10)

**A01.** A formal fair hearing is a procedure whereby an ~~individual customer~~ who is dissatisfied with any determination concerning the provision or denial of IDVR services or the findings of the ~~administrative review—informal review or mediation~~ may seek a determination of agency action before an ~~impartial fair~~ hearing officer. (3-29-10)

**b.** ~~The individual must request a hearing within ten (10) calendar days of the agency notice regarding the provision or denial of services based upon the conclusion of the administrative review or mediation. The individual may bypass the informal administrative review or mediation process entirely and go directly to the impartial due process hearing (fair hearing). That process will then commence immediately.~~ (3-29-10)

**e02.** A request for a fair hearing must be sent in writing to the chief of field services and clearly state the ~~individual's customer's~~ dissatisfaction with the agency's decision. (3-29-10)

**d03.** The hearing shall be conducted within sixty (60) calendar days of receipt of the ~~individual's customer's~~ request for review, unless informal resolution is achieved prior to the 60th day, or the parties agree to a specific extension of time.

**e04.** ~~A hearing shall be conducted by an impartial hearing officer selected from the pool of qualified persons identified jointly by the Administrator of IDVR and the State Rehabilitation Council. A list of fair hearing officers shall be identified jointly by the administrator of IDVR and the state rehabilitation council.~~ (3-29-10)

**05.** The fair hearing officer shall be selected from the list by the administrator of IDVR and the customer.

**f06.** The fair hearing officer shall issue a written report of the findings and decision of the hearing within thirty (30) calendar days of the completion of the hearing. (3-29-10)

**g07.** The decision of the fair hearing officer shall be considered final by the agency. (3-29-10)

**h08.** Any party who disagrees with the findings and decisions of an ~~impartial fair~~ hearing officer shall have the right to bring a civil action with respect to the matter in dispute. The action 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. (3-29-10)

**03.** ~~**Impartial Due Process Hearing.** An individual may request an impartial due process hearing immediately without having to go through other appeal steps. Even if an individual agrees to an informal hearings process, such individual is entitled to a due process hearing within sixty (60) days of the IDVR case management decision that initiated the disagreement, unless both parties agree to an extension.~~ (3-29-10)

**04.** ~~**Mediation.** Mediation is an alternate dispute resolution method available to applicants and eligible individuals who have initiated the formal appeals process.~~ (3-29-10)

**a.** ~~An individual must request mediation within ten (10) calendar days of the agency notice regarding the results of the administrative review. Mediation is available to an individual when an administrative review has not resolved the dispute to the satisfaction of the individual.~~ (3-29-10)

**b.** ~~A request for mediation must be made in writing to the Chief of Field Services and clearly state the reason for dissatisfaction with the results of the administrative review. The Chief of Field Services will represent IDVR or assign a member of the administrative or supervisory staff who has not participated in agency action that created the individual's dissatisfaction.~~ (3-29-10)

**e.** ~~Participation in the mediation process is voluntary on the part of the individual and on the part of IDVR. Either party may reject mediation as an alternate dispute resolution method. Either party, once accepting mediation as an alternate dispute resolution method, may terminate the mediation process.~~ (3-29-10)

**d.** ~~Mediation is not used to deny or delay the individual's right to pursue an impartial hearing. Should the individual or designated representatives select mediation in lieu of a formal hearing, the option for the formal hearing will be extended to allow the results of the mediation to be established. After the final results of the mediation are determined, the individual retains the right to request a formal hearing.~~ (3-29-10)

**e.** ~~Mediation is conducted by qualified and impartial mediators who are selected randomly from a list of mediators maintained by IDVR.~~ (3-29-10)

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

- ~~f. Mediation discussions are confidential and may not be used as evidence in a subsequent due process hearing. (3-29-10)~~
- ~~g. The mediator will develop a written mediation agreement if agreement between the parties is reached, signed by the individual, the mediator and IDVR. (3-29-10)~~
- ~~h. Cost of mediation is paid by IDVR, although no costs are provided for representation for the individual. (3-29-10)~~

**1014. -- 199. (RESERVED)**

**200. ORDER OF SELECTION.**

~~01. Order of Selection.~~ The following order of selection will be used if the Idaho Division of Vocational Rehabilitation finds that it cannot serve all eligible ~~clients/participants~~ customers due to a lack of either personnel and/or financial resources. The priority listings progress downward with priority number one (1) being the most restrictive and priority number four (4) being the least restrictive. ~~(5-3-03)~~

~~A01.~~ Priority Number 1: At the time that a decision to move to an order of selection is made, it is determined that only those consumers who already have an existing individualized plan for employment (IPE) will continue to be served. ~~(5-3-03)~~

~~B02.~~ Priority Number 2: At the time that a decision to move to an order of selection is made, it is determined that only those ~~consumers~~ customers in Priority Number 1 above and current and future, otherwise eligible, ~~clients/participants~~ customers rated to this or a more restrictive priority can be served. ~~Consumers~~ Customers meeting this priority rating are those ~~individuals~~ customers with most significant disabilities. ~~(5-3-03)~~

~~C03.~~ Priority Number 3: At the time that a decision to move to an order of selection is made, it is determined that only those ~~consumers~~ customers in Priorities Numbers 1 and 2 above and current and future, otherwise eligible, ~~clients/participants~~ customers rated to this or a more restrictive priority can be served. ~~Consumers~~ Customers meeting this priority rating are those individuals with significant disabilities. ~~(5-3-03)~~

~~D04.~~ Priority Number 4: All eligible ~~clients/participants~~ customers for Vocational Rehabilitation services (no order of selection in place). ~~(5-3-03)~~

**201. -- 299. (RESERVED)**

**300. CLIENT/PARTICIPANT CUSTOMER SERVICES.**

**01. Provision of Purchased Services Contingent upon Financial Need of the Client/Participant Customer.** The Idaho Division of Vocational Rehabilitation will apply a Financial Needs Assessment. Financial need will not be a consideration in the determination of eligibility for Vocational Rehabilitation, but will be a consideration in allocating the cost of VR services, with some exceptions. ~~(5-3-03)~~

**02. Authorization to Purchase.** The Division requires that when purchasing services from a vendor, an authorization must be issued prior to, or on, the beginning date of service. If services are provided without a Division approved authorization to purchase, the Division reserves the right to not honor the vendor's invoice. ~~(5-3-03)~~

**03. General Provisions.** Idaho Division of Vocational Rehabilitation will only pay for services that contribute to the determination of eligibility or to achieve an employment outcome. ~~(3-20-04)~~

~~**04. Non-Residents of the State Residency.** Financial participation will only be available to residents of Idaho. Citizenship is not a requisite for financial assistance; however, the individual must have legal resident status and be present in the state (i.e., illegal aliens will not be eligible for the Vocational Rehabilitation programs). There is no duration of residency requirement. The customer must be living in the state of Idaho and legally be able to work within the United States (i.e., non U.S. citizens must show they are legally able to work within the United States). ~~(3-20-04)~~~~

**05. Provision of CRP (Community Rehabilitation Program) Services.** IDVR will purchase vocational services from CRPs that are accredited by either Commission Accreditation Rehabilitation Facilities (CARF), the Rehabilitation Accreditation Commission, or Rehabilitation Services Accreditation System (RSAS). In conjunction with the client/participant customer, the qualified professional Vocational Rehabilitation Counselor, will determine which CRP Services, if any, are required for the client/participant customer to achieve an employment outcome. ~~(3-20-04)~~

**301. -- 999. (RESERVED)**



---

# Field Services Policy Manual



*Idaho Division of  
Vocational Rehabilitation*

Updated as of August 2012 **2008**

---

(created **January 2007**)

July 2012)

## IDAHO DIVISION OF VOCATIONAL REHABILITATION FIELD SERVICES POLICY MANUAL (update to index 7/10/082012)

### Table of Contents (updated 7/23/2012)

#### SECTION 1.0 PURPOSE AND GENERAL REQUIREMENTS OF THE IDAHO VOCATIONAL REHABILITATION PARTICIPANT SERVICES PROGRAM

7	
<b>PROGRAM</b>	<b>1</b>
1.1 Legal Citations	8
1.2 Program Requirements	8
1.3 Provider Standards	9
1.1 Legal Citations	2
1.2 Program Requirements	2
1.3 Provider Standards	3
1.4 Selection of Service Providers	
9Providers	3
<b>SECTION 2.0 ETHICS</b>	<b>18</b>
<b>SECTION 3.0 CONFIDENTIALITY</b>	<b>19</b>
3.1 Confidentiality	19
1.5 Definitions	3
<b>SECTION 2.0 ETHICS</b>	<b>11</b>
<b>SECTION 3.0 PROTECTION, USE, AND RELEASE OF PERSONAL INFORMATION</b>	<b>12</b>
3.1 Confidentiality	12
3.2 Release of Personal Information to IndividualsCustomers with DisabilityDisabilities, their Representatives, Representative or Attorney	19
Attorney	12
3.3 Release to Other Agencies or Organizations	20
	13
3.4 Release in Response to Investigations in Connection with Law Enforcement	
20Enforcement	13

3.5 Release for Audit, Evaluation or <del>Research</del> <u>Research</u> .....	20
3.6 Subpoena for Release of Information to the Courts, Other Judicial Bodies, Worker's Compensation and Law Enforcement <del>Agencies</del> <u>Agencies</u> .....	14
3.7 Social Security <del>Information</del> <u>Information</u> .....	14
<b>SECTION 4.0 APPEALS <del>PROCESS</del> <u>PROCESS</u> .....</b>	<b>22</b>
4.1 Continuation of Services Pending Completion of the <del>Hearing</del> <u>Hearing</u> .....	22
4.2 Client Assistance Program (CAP) and Supervisory <del>Review</del> <u>Review</u> .....	23
4.3 Informal Appeals Process .....	23
4.4 Formal Appeals Process .....	24
4.5 Mediation .....	25
4.3 Dispute Resolution Process .....	15
4.4 Mediation .....	16
4.5 Fair Hearing Process .....	17
<b>SECTION 5.0 APPLICATION <del>FOR SERVICES /AND</del> <u>ELIGIBILITY DETERMINATION</u> .....</b>	<b>27</b>
<b><del>DETERMINATION</del> .....</b>	<b>18</b>
5.1 Inquiry .....	18
5.2 Referral .....	18
5.3 Application for <del>IDVR Services</del> .....	27
5.2 Assessment for determining eligibility and priority for services .....	27
Application for <u>Idaho Division of Vocational Rehabilitation Services</u> .....	28
(IDVR) Services .....	19
5.3 Eligibility Criteria .....	33
Qualified Personnel .....	33
5.4 Social Security Presumption .....	35
5.5 5.4 Assessment for Determining Eligibility and Priority for Services .....	20
5.5 Eligibility Criteria .....	20

5.6 Review and Assessment of Data for Eligibility Determination	23
35 Determination	23
<b>SECTION 6.0 THE DETERMINATION OF SIGNIFICANCE OF DISABILITY</b>	25
41 DISABILITY	25
6.1 Policy	41
6.2 Definitions	41
6.3 Procedures	42
6.1 Policy	25
6.2 Definitions	25
6.3 Procedures	26
<b>SECTION 7.0 ASSESSMENT OF VOCATIONAL REHABILITATION NEEDS</b>	28
48 NEEDS	28
7.1 Primary Sources Source of Information	28
48 Information	28
7.2 Comprehensive Assessment of Rehabilitation Needs	29
48 Needs	29
7.3 IPE Development	31
7.4 Medical Consultation Policy	32
52 Policy	32
Medical Consultant Review Form	54
<b>SECTION 8.0 PARTICIPATION OF INDIVIDUALS CUSTOMERS IN COST OF SERVICES BASED ON FINANCIAL NEED</b>	32
55 NEED	32
<del><b>SECTION 9.0 PURCHASE OF SERVICES AND SUPPLIES FOR PARTICIPANT USE IN THE VOCATIONAL REHABILITATION PROGRAM</b></del>	<del>61</del>
<b>SECTION 9.0 PURCHASE OF SERVICES AND SUPPLIES FOR PARTICIPANT USE IN THE VOCATIONAL REHABILITATION PROGRAM</b>	37
<b>SECTION 10.0 INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)</b>	38
63	38

10.1 Options for Developing the IPE.....	63
<u>IPE.....</u>	38
10.2 Ticket to Work.....	64
10.3 Annual Review.....	64
<u>10.2 Developing the Vocational Goal.....</u>	39
<u>10.3 Ticket to Work.....</u>	40
10.4 The IPE must include the following.....	64: 40
10.5 Plan Features in Gemini.....	67
10.6 4x4 Service Policy.....	68
<u>10.5 Annual Review.....</u>	42
<u>10.6 IPE Electronic Case Management Functions.....</u>	42
<b>SECTION 11.0 COMPARABLE SERVICES AND BENEFITS.....</b>	
<b>69 BENEFITS.....</b>	44
11.1 Comparable Services and Benefits.....	
69 Benefits.....	44
11.2 Comparable Services and Benefits Exceptions.....	69
<u>11.2 Exempt Service.....</u>	44
11.3 Timeliness of Comparable Benefits.....	
70 Benefits.....	45
<b>SECTION 12.0 VOCATIONAL REHABILITATION SERVICES.....</b>	
<b>71 SERVICES.....</b>	45
12.1 Guiding Principles of Informed Choice.....	71
<u>12.1 Timeliness.....</u>	45
12.2 Agency Payment Policy.....	
72 Policy.....	46
12.3 Counseling, Guidance, and Work-Related Placement Services for Individuals with Disabilities, including Rehabilitation Services that address Disability related Barriers to Employment, Job Search Assistance, Placement Assistance, Job Retention Services, and Follow-up.....	81
<u>12.3 Counseling and Guidance.....</u>	54
12.4 Physical and Mental Restoration Services.....	
82 Services.....	54



12.5 Vocational and other training services, including:	83
Out of State Training	84
Advanced Degree	85
▪On the Job Training Agreement	87
▪On the Job Training (OJT) Review	88
<u>12.6-12.5 Training Services</u>	55
<u>12.6 Benefits Counseling</u>	57
<u>12.7 On-the-Job Supports</u>	57
<u>12.8 Job Placement of Participants</u>	
89Customers	57
Community Rehabilitation Providers	89
Worker's Compensation Liability	90
12.7 Schedule A Appointing Authority in the Federal Government	90
12.8 Alternative Hire Process for Employment with State Government	91
12.9 Self-Employment Policy	91Policy
Client Checklist for Self Employment	103
Counselor Checklist for Self Employment	105
12.10 InterpreterEffective Communication Services and Note Taking Services	
107for Customers with Sensory Impairments	83
12.11 Occupational Licenses, Tools, Equipment, Initial Stocks, and Supplies necessaryNecessary in orderOrder to enterEnter an Occupation	
107Occupation	83
12.12 Supported Employment Services	
107Services	84
12.13 Post-Employment Services	
111 (PES)	86
12.14 Rehabilitation Technology Services	
111Technology	87
12.15 Supportive Services	
113Services	88
12.16 School Transition	114
<u>12.16 School Transition</u>	89

12.17 Services to Family <del>Members</del>	90
<del>116</del> <u>Members</u>	
12.18 Personal Care <del>Attendant Services</del>	91
<del>117</del> <u>Assistant Services</u>	
12.19 Reserve Fund	118
<b>SECTION 13.0 CLOSURE</b>	119
13.1 Ineligibility Based Upon Disability Issues	119
13.2 Ineligibility Based Upon other Reasons	120
13.3 Closure of Individuals who have achieved an employment outcome	121
<b>SECTION 14.0 PURE STATE KIDNEY</b>	122
14.1 History of Pure State Kidney	122
14.2 Eligibility for PSK Services	123
14.3 Comparable Benefits	122
14.4 Service Delivery	124
14.5 PSK Services	124
14.6 General Guidelines	126
<b>SECTION 15.0 ORDER OF SELECTION</b>	129
15.1 Authority	129
15.2 Policy	129
15.3 Administrative Requirements	129
15.4 Determination of Significance of Disability	129
<del>15.5</del> <u>12.19 Services to a Group of Individuals</u>	92
<b>SECTION 13.0 CLOSURE</b>	94
<u>13.1 Closure during Application Status</u>	94
<u>13.2 Closure during Eligibility Status</u>	97
<u>13.3 Unsuccessful Closure after Implementation of IPE</u>	99
<u>13.4 Successful Competitive Closure after Implementation of IPE</u>	100

<i>13.5 Successful Non-Competitive Closure after Implementation of IPE .....</i>	<i>102</i>
<i>13.6 Closure after Post Employment Services (PES) .....</i>	<i>103</i>
<b><u>SECTION 14.0 ORDER OF SELECTION.....</u></b>	<b><u>103</u></b>
<i>14.1 Authority.....</i>	<i>103</i>
<i>14.2 Policy.....</i>	<i>104</i>
<i>14.3 Administrative Requirements.....</i>	<i>104</i>
<i>14.4 Procedures .....</i>	<i>105</i>
<i>14.5 Information and Referral.....</i>	<i>132 (I &amp; R) .....</i>
<i>14.6 Counseling and Guidance.....</i>	<i>107</i>
<i>14.7 Documenting and a Formal Referral.....</i>	<i>108</i>
<i>14.8 Post-Employment Services.....</i>	

<i>Services</i> .....	108
-----------------------	-----

## **SECTION 1.0 ~~—~~ PURPOSE AND GENERAL REQUIREMENTS OF THE IDAHO VOCATIONAL REHABILITATION PARTICIPANT SERVICES PROGRAM**

The Idaho Division of Vocational Rehabilitation (IDVR) program assists eligible persons with ~~physical or mental~~ disabilities to prepare for and achieve an employment outcome. “Employment outcome” means entering or retaining full-time, or if appropriate, part-time competitive employment in the integrated labor market to the greatest extent possible. It also means supported employment; or other types of employment, including self-employment, consistent with self-sustaining activity for wages or compensation consistent with ~~an individual’s~~ the customer’s strengths, resources, priorities, concerns, abilities, capabilities, ~~interests~~ interest, and informed choice.

Competitive employment is work performed in the integrated labor market in which the ~~individual~~ customer is compensated at or above minimum wage, but not less than the customary wage and benefits paid for the same or similar work performed by ~~individuals~~ customers who do not have a disability.

The IDVR is a statewide program that develops and utilizes partnerships for effective service delivery. Partnerships vary, but include those programs authorized under the Rehabilitation Act such as Independent Living Centers and Tribal Vocational Rehabilitation Programs. Programs authorized under the Workforce Investment Act (WIA) are utilized to the maximum extent possible as allowed in Section ~~188~~ of the Act. It is understood that each program is unique and offers unique cultural and professional expertise. Cooperative Agreements with respective programs are encouraged and should be referred to for local understanding. Staff is encouraged to understand these agreements and provide information, referral and services as appropriate to the needs of the ~~individuals~~ customers they serve. Consult with the Regional Manager for access to pertinent cooperative agreements.

Vocational Rehabilitation is based upon an Individual Plan of Employment (IPE) that is oriented to the achievement of an employment outcome. Services provided to persons with disabilities must be documented as necessary to overcome related barriers to employment and must be provided as cost effectively as possible.

The Division strives to maintain a highly accountable program to all customers. ~~Division employees and individuals with disabilities are accountable for their actions and will be held to the highest standard of responsibility.~~

IDVR provides, as appropriate to the vocational rehabilitation needs of each eligible ~~individual~~ customer, goods or services necessary to enable the ~~individual~~ customer to achieve an employment outcome.

### **EXCEPTION TO POLICY**

~~Exceptions to policy require the approval of the VR Manager and the notification and consultation of the Chief of Field Services.~~ VR Counselors are delegated substantial decision and purchasing authority based upon the caps outlined in the Payment Policy. Exceptions to policy require the approval of a VR Regional Manager and the notification and consultation of the Chief of

Field Services. Documentation of the VR Regional Manager's approval must be noted in the case file.

Purchases in excess of delegated authority are reviewed by the Regional Manager and approved by the Chief of Field Services or designee ~~(Field Services Manager).~~ Documentation of the approval of purchases in excess must be noted in case file.

## ***1.1 Legal Citations***

The IDVR program is operated in compliance with the ~~federal~~Federal Rehabilitation Act of 1973, as amended. The legal authorities for the policies contained in the Vocational Rehabilitation Services Policy Manual are: Title 34 CFR Part 361, issued January 17<sup>th</sup> 17, 2001 in the Federal Register implementing the Rehabilitation Act Amendments of 1998; and Title 67, Chapter 53 of the Idaho ~~Code~~code related to provisional appointments in state government for those with severe disabilities.

## ***1.2 Program Requirements***

Eligibility is determined without regard to sex, race, creed, age, color, national origin or type of disability.

There is no duration of residency requirement. The ~~individual~~customer must be living in the State of Idaho and legally able to work in the United States.

IDVR will establish and maintain a record of services for each ~~applicant~~customer for, and recipient of, vocational rehabilitation services, which includes data necessary to comply with VR agency and Federal Rehabilitation Service Administration (RSA) requirements.

In the purchase of goods or services for persons with disabilities, IDVR complies with its procurement policy, Purchase of Services and Supplies for ~~participant~~customer use in the Vocational Rehabilitation Program.

Case service expenditures require written authorization prior to the initiation of the service or ~~the~~ purchase of any ~~equipment~~goods. Oral authorizations by a Regional Manager or above are permitted in emergency situations, but must be confirmed promptly in writing and forwarded to the provider. ~~Authorizations~~ Emergency oral authorizations are to be ~~issued~~followed up with a written authorization within three (3) business days ~~of the beginning date of service.~~

Goods and services will be provided subject to the ~~availability~~guidelines of ~~funds.~~ the Order of Selection (Section 14.0).

When appropriate, counselors shall refer ~~individuals~~customers with disabilities to receive services from other agencies and organizations.

Each applicant or eligible ~~individual~~customer being provided vocational rehabilitation services shall be informed of the procedure for requesting a review and a determination of agency action concerning the furnishing or denial of services, including the names and addresses of individuals with whom appeals may be filed and the availability of the Client Assistance Program (CAP).

### **1.3 Provider Standards**

IDVR requires service providers:

To be licensed by the Division of Occupational Licensing, the U.S. Department of Education Office of Post-Secondary Education, or a professional certifying body, ~~The Division of Post-Secondary Education.~~

OR

IDVR requires service providers that offer vocational rehabilitation services to apply to be an approved service provider with the Division. ~~Service provider's agreements may be secured by contacting the Divisional Regional Manager in the area.~~  
CRPs must be accredited based on IDAPA rules.

OR

OR

IDVR Counselors may occasionally approve the purchase of services from non-license providers such as, educational tutoring, foreign language interpreters, or other services to support the rehabilitation needs of ~~an individual~~a customer.

### **1.4 Selection of Service Providers**

Providers are selected by a combination of ~~participant~~the customer's informed choice and State procurement rules. ~~The Service Provider Agreement states the provider's rate. Division VR~~ counselors will assist the ~~individual~~customer in acquiring information necessary to make an informed choice regarding the selection of ~~the service provider. The lowest cost qualified provider that meets the satisfaction of the individual is normally selected.~~

#### **1.4.15 Definitions:**

(Reference Federal Register / Vol. 66, No. 11 / Wednesday, January 17, 2001 / Rules and ~~Regulations~~Regulation)

a. \_\_\_\_\_

**Applicant** means ~~an individual~~customer who submits an application for vocational

- a. rehabilitation services in accordance with Sec. 361.41(b)(2). (Authority: \_\_\_\_\_  
\_\_\_\_\_Section 12(c) of the Act; 29 U.S.C. 709(c))

b. \_\_\_\_\_

- b. **Assessment for determining eligibility and vocational rehabilitation needs** means, as appropriate in each case, (i)(A) A review of existing data ~~---~~(1) To determine if ~~an individual~~a customer is eligible for vocational rehabilitation services; and (2) To assign priority for an order of selection described in Sec. 361.36 in the States that use an order

of selection; and (B) To the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data to make the eligibility determination and assignment; (ii) To the extent additional data are necessary to make a determination of the employment outcomes and the nature and scope of vocational rehabilitation services to be included in the individualized plan for employment ~~of~~for an eligible ~~individual~~customer, a comprehensive assessment to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for ~~supported~~support employment, of the eligible ~~individual~~customer. This comprehensive assessment ~~is~~ (A) ~~is~~ limited to information that is necessary to identify the rehabilitation needs of the ~~individual~~customer and to develop the individualized plan of employment of the eligible ~~individual~~customer; (B) Uses as a primary source of information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements--

~~(1)~~

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

~~(2)~~

- 2) Information that can be provided by the ~~individual~~customer and, if appropriate, by the family of the ~~individual~~customer; (c) May include, to the degree needed to make such a determination, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the ~~individual~~customer and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that ~~affect~~effect the employment and rehabilitation needs of the ~~individual~~customer; and (D) May include, to the degree needed, an appraisal of the patterns of work behavior of the ~~individual~~customer and services needed for the ~~individual~~customer to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the use of work in real job situations to assess and develop the capacities of the ~~individual~~customer to perform adequately in a work environment; (iii) Referral, for the provision of rehabilitation technology services to the ~~individual~~customer, to assess and develop the capacities of the ~~individual~~customer to perform in a work environment; and (iv) An exploration of the ~~individual's~~customer's abilities, capabilities, and capacity to perform in work situations, which must be assessed periodically during trial work ~~experiences~~experience, including experiences in which the ~~individual~~customer is provided appropriate supports ~~and~~of training. ~~(Authority: Section 7(2) of the Act; 29 U.S.C. 705(2))~~  
(Authority: Section 7(2) of the Act; 29 U.S.C. 705(2))~~c.~~

c. **Assistive technology device** means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to



increase, maintain, or improve the functional capabilities of ~~an individual~~ a customer with a disability. (Authority: Section 7(3) of the Act; 29 U.S.C. 705(3))

~~d.~~ d. ***Assistive technology service*** means any service that directly assists ~~an individual~~ a customer with a disability in the selection, acquisition, or use of an assistive technology device, including—: (i) The evaluation of ~~the needs of an individual~~ a customer with a disability, including a functional evaluation of the ~~individual~~ customer in his or her customary environment; (ii) Purchasing, leasing, or otherwise providing for the acquisition by an individual a customer with a disability, of an assistive technology device; (iii) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices; (iv) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs; (v) Training or technical assistance for ~~an individual~~ a customer with a disability or, if appropriate, the family members, guardians, advocates, or authorized representatives of the ~~individual~~ customer; and (vi) Training or technical assistance for professionals (including ~~individuals~~ customers providing education and rehabilitation services), employers, or others who provide services to, employ, or are otherwise substantially involved in the major life functions of ~~individuals~~ customers with disabilities, to the extent that training or technical assistance is necessary to the achievement of an employment outcome by ~~an individual~~ a customer with a disability. (Authority: Sections 7(4) and 12(c) of the Act; 29 U.S.C. 705(4) and 709(c))

~~e.~~ e.

e. ***Community rehabilitation program.*** (i) Community rehabilitation program means a program that provides directly or facilitates the provision of one or more of the following vocational rehabilitation services to ~~individuals~~ customers with disabilities to enable those ~~individuals~~ customers to maximize their opportunities for employment, including career advancement: (A) Medical, psychiatric, psychological, social, and vocational services that are provided under one management; (B) Testing, fitting, or training in the use of prosthetic and orthotic devices; (C) Recreational therapy; (D) Physical and occupational therapy; (E) Speech, language, and hearing therapy (F) Psychiatric, psychological, and social services, including positive behavior management; (G) Assessment for determining eligibility and vocational rehabilitation needs; (H) Rehabilitation ~~technology~~ technology; ~~(I) Job development, placement, and retention services.~~ (I) Evaluation or control of specific disabilities; (K) Orientation and mobility services for ~~individuals~~ customers who are blind; (L) Extended employment; (M) Psychosocial rehabilitation services; (N) Supported employment services and extended services; (O) Services to family members if necessary to enable the applicant or eligible ~~individual~~ customer to achieve an employment outcome; (P) Personal assistance services; (Q) Services similar to the services described in paragraphs (A) through (P) of this definition. (ii) For the purposes of this definition, the word program means an agency, organization, or institution, or unit of an agency, organization, or institution, that provides directly or facilitates the provision of vocational rehabilitation services as one of its major functions.

~~f.~~ f.

***Comparable services and benefits means*** ~~--~~ (i) Services and benefits that are ~~--~~

- f. (A) Provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits; (B) Available to the individual customer at the time needed to ensure the progress of the individual customer toward achieving the employment outcome in the individual's customer's individualized plan for employment in accordance with Sec. 361.53; and (C) Commensurate to the services that the individual customer would otherwise receive from the designated State vocational rehabilitation agency. (ii) For the purposes of this definition, comparable benefits do not include awards and scholarships based on merit. (Authority: Sections 12(c) and 101(a)(8) of the Act; 29 U.S.C. 709(c) and 721(a)(8))
- g. ~~g.~~ **Competitive employment** means work—: (i) ~~in~~ in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and (ii) For which ~~an individual a~~ customer is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals customers who are not disabled. (Authority: Sections 7(11) and 12~~(e)~~ of the Act; 29 U.S.C. 705(11) and 709(c))
- h. ~~h.~~ **Employment outcome** means, with respect to an individual a customer, entering or retaining full-time or, if appropriate, part-time competitive employment, as defined in Sec. 361.5(b)(11), in the integrated labor market, supported employment, or any other type of employment in an integrated setting, including ~~self-employment, telecommuting, or business ownership, that is consistent with an individual's a~~ customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. (Authority: Sections 7(11), 12(c), 100(a)(2), and 102(b)(3)(A) of the Act; 29 U.S.C. 705(11), 709(c), 720(a)(2), and 722(b)(3)(A))
- i. **Employment outcome maintained** means the customer 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 customer no longer needs vocational rehabilitation services.
- j. **Satisfactory** ~~i-~~ **outcome** means at the end of the appropriate period, not less than 90 days, the customer and the vocational counselor consider the employment outcome to be satisfactory and agree that the customer is performing well in the employment.
- k. **Extended services** means ongoing support services and other appropriate services that are needed to support and maintain an individual a customer with a most significant disability in supported employment and that are provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource, from funds other than funds received under this part and 34 CFR part 363 after an individual a customer with a most significant disability has made the transition from support provided by the designated State unit. (Authority: Sections 7(13) and 623 of the Act; 29 U.S.C. 705(13) and 795i)
- l. ~~j.~~ **Family member**, for purposes of receiving vocational rehabilitation services in accordance with Sec. 361.48(i), means ~~an individual a customer~~; (i) Who either—: (A) Is a relative or guardian of an applicant or eligible individual customer; or (B) Lives in the same household as an applicant or eligible individual customer; (ii) Who has a substantial

interest in the well-being of that ~~individual~~customer; and (iii) Whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible ~~individual~~customer to achieve an employment outcome. (Authority: Sections 12(c) and 103(a)(17) of the Act; 29 U.S.C. 709(c) and 723(a)(17))

~~k.~~

m. **Homemaker** is recognized as non-competitive gainful work. In order for a household manager to be considered an appropriate vocational objective, the ~~individual~~customer must perform a majority of certain work activities within a family unit. These include, but are not limited to: family financial management, cleaning, meal preparation, laundry, mending, childcare, and other household activities. The performance of these responsibilities must positively impact the family's economic circumstances. ~~For example, by rehabilitating an individual as a household manager, another family member is enabled to go to work. By~~ For example, by rehabilitating a household manager, economic advantage occurs because the family will not have to pay someone else to perform household management tasks.

n. ~~l.~~ **Indian tribe** means any Federal or State Indian tribe, band, ~~rancheria~~Rancheria, pueblo, colony, or community, including any Idaho native village or regional village corporation. (Authority: Section 7(19)(B) of the Act; 29 U.S.C. 705(19)(B))

o. ~~m.~~ **Individual Customer with a disability**, except as provided in Sec. 361.5(b)(29), means ~~an individual--a customer~~ (i) Who has a physical or mental impairment; (ii) Whose impairment constitutes or results in a substantial impediment to employment; and (iii) Who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services. (Authority: ~~Section;~~ Sections 7(20)(A) of the Act; 29 U.S.C. 705(20)(A))

p. ~~n.~~ **Individual's Customer's representative** means any ~~representative~~representation chosen by ~~an applicant~~a customer or eligible ~~individual~~customer, as appropriate, including a parent, guardian, other family member, or advocate, unless a representative has been appointed by a court to represent the ~~individual~~customer, in which case the court-appointed representative is the ~~individual's~~customer's representative. (Authority: Sections 7(22) and 12(c) of the Act; 29 U.S.C. 705(22) and 709(c))

q. ~~o.~~ **Informed choice** means the process by which customers in the public rehabilitation program make decisions about their vocational goals, the services and service providers necessary to reach those goals, and how those services will be procured. The decision making process takes into account the customer's values, lifestyle, and characteristics, the availability of resources and alternatives, and general economic conditions.

#### **Informed Choice Guidelines:**

Informed choice does not mean unlimited choice. A customer's choices are limited by several factors.

- The choice must relate to and be necessary to achieving an employment outcome

- The choice must be cost effective
- The choice must be consistent with the customer's strengths, resources, priorities, abilities, capabilities, needs and interests.
- The choice must be made pursuant to all Federal, State, and IDVR rules related to purchasing and providing services.

- r. Integrated setting**— (i) With respect to the provision of services, means a setting typically found in the community in which applicants or eligible individualscustomers interact with non-disabled individualscustomers other than non-disabled individualscustomers who are providing services to those applicants or eligible individualscustomers; (ii) With respect to an employment outcome, means a setting typically found in the community in which applicants or eligible individualscustomers interact with non-disabled individualscustomers, other than non-disabled individualscustomers who are providing services to those applicants or eligible individualscustomers, to the same extent that non-disabled individualscustomers in comparable positions interact with other persons. (Authority: SectionSections 12(c) of the Act; 29 U.S.C. 709(c))
- s. Maintenance** means monetary support provided to an individuala customer for expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the individualcustomer and that are necessitated by the individual'scustomer's participation in an assessment for determining eligibility and vocational rehabilitation needs or the individual'scustomer's receipt of vocational rehabilitation services under an individualized plan for employment. (Authority: Sections 12(c) and 103(a)(7) of the Act; 29 U.S.C. 709(c) and 723(a)(7))
- t. Ongoing support services**, as used in the definition of “Supported employment”“employment” (i) Means services that are— (A) Needed to support and maintain an individuala customer with a most significant disability in supported employment; (B) Identified based on a determination by the designated State unit of the individual'scustomer's need as specified in an individualized plan for employment; and (C) Furnished by the designated State unit from the time of job placement until transition to extended servicesservice, unless post-employment services are provided following transition, and thereafter by one or more extended services providers throughout the individual'scustomer's term of employment in a particular job placement or multiple placements if those placements are being provided under a program of transitional employment; (ii) Must include an assessment of employment stability and provision of specific services or the coordination of services at or away from the worksite that are needed to maintain stability basedbases on—; (A) At a minimum, *twice-monthly monitoring at the worksite* of each individualcustomer in supported employment; or (B) If under specific circumstances, especially at the request of the individualcustomer, the individualized plan for employment provides for *off-site monitoring, twice monthly meetings with the individual*customer; (iii) Consist of—; (A) Any particularized assessment supplementary to the comprehensive assessment of rehabilitation needs described in paragraph (b)(6)(ii) of this section; (B) The provision of skilled job trainers who accompany the individualcustomer for intensive job skill training at the work site; (C) Job development and training; (D) Social skills training; (E) Regular observation or

supervision of the individualcustomer; (F) Follow-up services including: regular contact with the employers, the individualscustomers, the parents, family members, guardians, advocates, or authorized representatives of the individualscustomers, and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement; (G) Facilitation of natural supports at the worksite; (H) Any other service identified in the scope of vocational rehabilitation services for individualscustomers, described in SeeSEC. 361.48; or (I) Any service similar to the foregoing services. (Authority: Sections 7(27) and 12(c) of the Act; 29 U.S.C. 705(27) and 709(c))

u. s. ~~Personal assistance services~~ means a range of services provided by one or more persons designed to assist ~~an individual~~ a customer with a disability to perform daily living activities on or off the job that the individualcustomer would typically perform without assistance if the individualcustomer did not have a disability. The services must be designed to increase the individual'scustomer's control in life and ability to perform everyday activities on or off the job. The services must be necessary to the achievement of an employment outcome and may be provided only while the individualcustomer is receiving other vocational rehabilitation services. The services may include training in managing, supervising, and directing personal assistance services. (Authority: Sections 7(28), 102(b)(3)(B)(i)(I), and 103(a)(9) of the Act; 29 U.S.C. 705(28), 722(b)(3)(B)(i)(I), and 723(a)(9)) [[Page 272]]

v. t. ~~Physical and mental restoration services~~ means ~~—~~: (i) Corrective surgery or therapeutic treatment that is likely, within a reasonable period of time, to correct or ~~modify~~ modify a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment; (ii) Diagnosis of and treatment for mental or emotional disorders by qualified personnel in accordance with State licensure laws; (iii) Dentistry; (iv) Nursing services; (v) Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services; (vi) Drugs and supplies; (vii) Prosthetic and orthotic devices; (viii) Eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids prescribed by personnel that are qualified in accordance with State licensure laws; (ix) Podiatry; (x) Physical therapy; (xi) Occupational therapy; (xii) Speech or hearing therapy; (xiii) Mental health services; (xiv) Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical ~~and mental restoration services, or that are inherent in the condition under~~ treatment; (xv) Special services for the treatment of individualscustomers with ~~end-stage renal disease, including transplantation, dialysis, artificial kidneys, and~~ supplies; and (xvi) Other medical or medically related rehabilitation services. (Authority: Sections 12(c) and 103(a)(6) of the Act; 29 U.S.C. 709(c) and 723(a)(6))

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



learning disabilities. (Authority: Sections 7(20)(A) and 12(c) of the Act; 29 U.S.C. 705(20)(A) and 709(c))

---

~~x.~~ ~~v.~~ ***Post-employment services*** means one or more of the services identified in Section 361.48 that are provided subsequent to the achievement of an employment outcome and that are necessary for ~~an individual~~ a customer to maintain, regain, or advance in employment, consistent with the ~~individual's~~ customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. (Authority: Sections 12(c) and 103(a)(18) of the Act; 29 U.S.C. 709(c)(1) and 723(a)(18)) Note to paragraph (b)(42): Post-employment services are intended to ensure that the employment outcome remains consistent with the ~~individual's~~ customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. These services are available to meet rehabilitation needs that do not require a complex and comprehensive provision of services and, thus, should be limited in scope ~~(\$1,000 or less)~~ and duration ~~(6 months or less)~~. If more comprehensive services are required, then a new rehabilitation effort should be considered. Post-employment services are to be provided under an amended individualized plan for employment; thus, a re-determination of eligibility is not required. The provision of post-employment services is subject to the same requirements in this part as the provision of any other vocational rehabilitation service. Post-employment services are available to assist ~~an individual~~ a customer to maintain employment, e.g., the ~~individual's~~ customer's employment is jeopardized because of conflicts with supervisors or co-workers, and the ~~individual~~ customer needs mental health services and counseling to maintain the employment; to regain employment, e.g., the ~~individual's~~ customer's job is eliminated through ~~reorganization~~ re-organization and new placement services are needed; and to advance in employment, e.g., the employment is no longer consistent with the ~~individual's~~ customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

---

~~w.~~  
The customer is informed through appropriate modes of communication of the availability of post-employment services.

~~y.~~ ***Rehabilitation engineering*** means the systematic application of engineering sciences to design, develop, adapt, test, evaluate, apply, and distribute technological solutions to problems confronted by ~~individuals~~ customers with disabilities in functional areas, such as mobility, communications, hearing, vision, and cognition, and in activities associated with employment, independent living, education, and integration into the community. (Authority: Section 7(12)(c) of the Act; 29 U.S.C. 709(c))

~~z.~~ ~~x.~~ ***Rehabilitation technology*** means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, ~~individuals~~ customers with disabilities in areas that include: education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services. (Authority: Section 7(30) of the Act; 29 U.S.C. 705(30))

~~aa.~~ ~~y.~~ ***Substantial impediment to employment*** means that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational,

communication, and other related factors) hinders ~~an individual~~ a customer from preparing for, entering into, engaging in, or retaining employment consistent with the ~~individual's~~ customer's abilities and capabilities. (Authority: Sections 7(20)(A) and 12(c) of the Act; 29 U.S.C. 705(20)(A) and 709(c))

~~aa-~~

**bb.** ***Supported employment means***— (i) Competitive employment in an integrated setting, or employment in integrated work settings in which ~~individuals~~ customers are working toward competitive employment, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the ~~individuals~~ customers with ongoing support services for ~~individuals~~ customers with the most significant disabilities—; (A) For whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or intermittent as a result of a significant disability; and (B) Who, because of the nature and severity of their disabilities, need intensive supported employment services from the designated State unit and extended services after transition as described in paragraph (b)(20) of this section to perform this work; or (ii) Transitional employment, as defined in paragraph (b)(54) of this section, for ~~individuals~~ customers with the most significant disabilities due to mental illness. (Authority: Section 7(35) of the Act; 29 U.S.C. 705(35))

~~bb-~~

**cc.** ***Supported employment services*** means ongoing support services and other appropriate services needed to support and maintain ~~an individual~~ a customer with a most significant disability in supported employment that are provided by the designated State unit—; (i) For a period of time not to exceed 18 months, unless under special circumstances the eligible ~~individual~~ customer and the rehabilitation counselor or ~~coordinator~~ coordination jointly agree to extend the time, to achieve the employment outcome identified in the individualized plan for employment; and (ii) Following transition, as post-employment services that are unavailable from an extended services provider and that are necessary to maintain or regain the job placement or advance in employment. (Authority: Sections 7(36) and 12(c) of the Act; 29 U.S.C. 705(36) and 709(c))

~~cc-~~

**dd.** ***Transition services*** means a coordinated set of activities for a student designed within an outcome-oriented process that promotes movement from school to post-school activities, including ~~postsecondary~~ post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based upon the ~~individual student's~~ student's needs, taking into account the ~~student's~~ student's preferences and interests, and must include instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services must promote or facilitate the achievement of the employment outcome identified in the ~~student's~~ student's individualized plan for employment. (Authority: ~~Section~~ Sections 7(37) and 103(a)(15) of the Act; 29 U.S.C. 705(37) and 723(a)(15))

~~dd-~~

**ee.** ***Transitional employment***, as used in the definition of “Supported employment,”— means a series of temporary job placements in competitive work in integrated settings with ongoing support services for ~~individuals~~ customers with the most significant

disabilities due to mental illness. In transitional employment, the provision of ongoing support services must include continuing sequential job ~~placements~~placement until job permanency is achieved. (Authority: Sections 7(35)(B) and 12(c) of the Act; 29 U.S.C. 705(35)(B) and 709(c))

~~ee.~~

ff. **Transportation** means travel and related expenses that are necessary to enable an applicant or eligible ~~individual~~customer to participate in a vocational rehabilitation service, including expenses for training in the use of public transportation vehicles and systems. ~~(Authority: 103(a)(8) of the Act; 29 U.S.C. 723(a)(8)) (i) Examples: The following are examples of expenses that would meet the definition of transportation. The examples are purely illustrative, do not address all possible circumstances, and are not intended to substitute for individual counselor judgment. Example 1: Travel and related expenses for a personal care attendant or aide if the services of that person are necessary to enable the applicant or eligible individual to travel to participate in any vocational rehabilitation service. Example 2: Relocation expenses incurred by an eligible individual in connection with a job placement that is a significant distance from the eligible individual's current residence. (Authority: 103 (a)(8) of the Act; 29 U.S.C. 723 (a)(8)) (i)~~

~~ff.~~

gg. **Unpaid Family Worker** is recognized as non-competitive gainful work. In order for unpaid family work to be considered an appropriate vocational objective, the ~~individual~~customer must work in a family business or on a family farm, which is operated by one or more members of the ~~participant's~~customer's family.



hh. *Vocational Rehabilitation Counselor* (VRC) is the designated employee position in charge of managing the customer's case. For the purposes of this manual a Vocational Rehabilitation Specialist is considered a VRC.

## **SECTION 2.0 – ETHICS**

~~A.~~

A. All Idaho Division of Vocational Rehabilitation (IDVR) employees must adhere to the Idaho Ethics in Government Manual: <http://www2.state.id.us/ag/manuals/index.html>

~~B.~~ <http://www2.state.id.us/ag/manuals/index/html>

B. IDVR ascribes to, and requires all Vocational Rehabilitation Counselors and Field ~~Service~~ Services Staff to follow the Code of Professional Ethics for Rehabilitation Counselors accepted by the Commission of Rehabilitation Counselor Certification- (CRCC). <http://www.crccertification.com>

C. Provision of Services to Potential and Current IDVR Employees/Interns/Volunteers

- If an IDVR employee becomes a customer, their VR case will be served by a region other than where they work.
- If an IDVR customer accepts employment with IDVR their case will be served by a region different than where they accepted employment.

D. ~~Internships~~, participants in training programs, or trial work experiences of customers served by IDVR will not be served from a counselor in the same office where the trial work, internship, or participation in training programs is located.

~~If 1. The Non-Professional Relationships with Participants, code A.6b. states:~~

~~E. "Rehabilitation counselors will not accept as participants, superiors or subordinates with whom they have administrative, supervisory, or evaluative relationships."~~ a family member of an employee or a family member of anyone who resides in the employee's residence applies for services they will be served by a counselor from a different region from the employee.

F. An employee shall not financially benefit from decisions made under the authority of IDVR.

G. An employee will not make IDVR purchases (case services or other purchases) from a family member or a family member of anyone who resides in the employee's residence, or from a business owned or controlled by such an individual. This includes customer reimbursements.

~~Prior to~~, or at the time of appointment to employment at IDVR of a participant, a counselor may be assigned outside of the home office of the employee in order to ensure that there is no conflict of interest between the employee and the counselor who assisted with the vocational rehabilitation of that particular individual during the placement and follow-along period.

~~Internships~~, volunteers or trial work experiences of individuals served by IDVR will be conducted outside the home office of the assigned counselor.

~~C. Service Providers of the Division are expected to adhere to the same ethical principles as Division staff in addition to any professional code of ethics that may apply to their own profession.~~

## SECTION 3.0 PROTECTION, USE, AND RELEASE OF PERSONAL INFORMATION

### 3.1 Confidentiality

All information acquired by Idaho Division of Vocational Rehabilitation (IDVR) must be used only for purposes directly connected with the administration of the vocational rehabilitation program. As a general rule, information containing personal information may not be shared with advisory or other bodies that do not have official responsibility for administration of the program, except as provided in this policy. Use, release, and obtaining of personal information by IDVR shall conform to applicable ~~state~~State law and rules, and applicable ~~federal~~Federal law and regulations.

Requests for information under the Idaho public records laws should be referred to the deputy attorney general assigned to the ~~agency~~Agency.

For purposes of this policy, informed written consent shall:

~~A.~~ \_\_\_\_\_

A. Be explained in language that the ~~individual~~customer or their representative understands;

~~B.~~ \_\_\_\_\_

B. Be dated, and specify the length of effect;

~~C.~~ \_\_\_\_\_

C. Be specific in designating IDVR as the agency authorized to use, disclose or receive information;

~~D.~~ \_\_\_\_\_

D. Be specifically designated to the parties to whom the information may be released; ~~and~~

~~E.~~ \_\_\_\_\_

E. Specifically designate the parties ~~to~~ whom the information may be released; and

~~F.~~ \_\_\_\_\_

F. Be specific as to the purpose(s) for which the information may be used.

### 3.2 Release of Personal Information to ~~Individuals~~Customers with Disabilities, their Representative or Attorney

If requested in writing by ~~an individual participant~~a customer of IDVR, and upon informed written consent by the ~~individual~~customer and/or his or her representative, all information in such ~~individual's~~customer's case record that pertains to such ~~individual~~customer shall be made available in a timely manner to that ~~individual~~customer, except:

**3.2.1-** Medical, psychological or other information that IDVR believes may be harmful to the ~~individual. That~~customer. This information may not be released directly to the customer but may be provided to the customer through a third party chosen by the customer, which may include, among others, an advocate, a family member, or a qualified medical or

~~mental health professional, unless a representative, physician, licensed psychologist. That has been appointed by a court to represent the customer, in which case the information may also be provided directly to the individual only after the VR counselor or professional vendor who authored the information explains in detail the sensitive nature of such information and how that information can~~ must ~~be misinterpreted or misunderstood by the individual or associates who may receive access to it.~~ released to the court appointed representative.

**3.2.2** – Information obtained from outside IDVR may be released only under the conditions established by the outside agency, organization or provider or mandated for them by ~~federal~~ Federal or ~~state~~ State law.

**3.2.3** – An ~~individual~~ applicant or eligible customer who believes that information in the customer's record of services is inaccurate or misleading may request that IDVR amend the information. If the information is not amended, the ~~individual may request that his/her own amending statement for an amendment must be inserted into~~ documented in the record of ~~services~~ service.

**3.2.4** – IDVR will respond to a case records request made under this section within ten (10) working days after receipt of a written request. One current copy of the case record will be made for the ~~individual~~ customer at no charge. ~~Subsequent~~ Additional copies will be provided at the flat fee of \$25 each.

### ***3.3 Release to Other Agencies or Organizations***

If information requested has been obtained from another agency, organization or professional, it will be released only under conditions established by that agency, organization or professional.

#### ***3.3.1***

- IDVR may release personal information without informed written consent of the ~~individual~~ customer in order to protect the ~~individual~~ customer or others when the ~~individual~~ customer poses a threat to his/her safety or the safety of others.

### ***3.4 Release in Response to Investigations in Connection with Law Enforcement***

IDVR shall release personal information in response to investigations in ~~connection~~ connections with law enforcement, fraud, or abuse, unless expressly prohibited by Federal or State laws or regulations, and in response to a court order.

### ***3.5 Release for Audit, Evaluation or Research***

At the discretion of the Administrator, personal information may be released to an organization, agency, or ~~individual~~ customer engaged in audit, evaluation or research only for purposes directly connected with the administration of the vocational rehabilitation program, or for purposes

which would significantly improve the quality of life for ~~individuals~~customers with disabilities, and only if the organization, agency or ~~individual~~customer assures that:

~~A.~~\_\_\_\_\_

A. The information will be used only for the purposes for which it is being provided;

~~B.~~\_\_\_\_\_

B. The information will be released only to ~~individuals~~customers officially connected with the audit, evaluation or research;

~~C.~~\_\_\_\_\_

C. The information will not be released to the involved ~~individual;~~customer;

~~D.~~\_\_\_\_\_

D. The information will be managed in a manner to safeguard confidentiality and,

~~E.~~\_\_\_\_\_

E. The final product will not reveal any personal identifying information without the informed written consent of the involved ~~individual~~customer, and/or his/her representative.

### ***3.6 Subpoena for Release of Information to the Courts, Other Judicial Bodies, Worker's Compensation and Law Enforcement Agencies***

A subpoena issued to IDVR for information relating to a ~~participant~~customer of IDVR must immediately be referred to the Chief of Field Services who will subsequently refer the document to the ~~deputy attorney general~~Deputy Attorney General assigned to the Agency to determine how the agency will respond to the subpoena.

### ***3.7 Social Security Information***

Confidentiality of SSA information is covered under Section 11.06 of the Social Security Act and may be disclosed only as prescribed by regulations. The Act permits disclosure of all information about a claimant to State VR agencies. State VR agencies routinely obtain information, including ~~entitled~~entitlement and medical information, from SSA records. Medical information may be obtained without the claimant's consent; however, State VR agencies may not permit access to such information, release it further (this includes other state agencies), or testify concerning it for any other purpose than the rehabilitation of the Social Security Disability beneficiary claimant. To obtain information from Disability Determination Services, a release form must be used.

## SECTION 4.0 APPEALS PROCESS

The IDVR counselor shall notify and provide written information to all applicants and eligible ~~individuals~~customers regarding:

A. \_\_\_\_\_

A. \_\_\_\_\_ Their right to appeal determinations made by IDVR personnel, which affect the provision of rehabilitation services;

B. \_\_\_\_\_

B. \_\_\_\_\_ Their right to request mediation;

C. \_\_\_\_\_

C. \_\_\_\_\_ The names and addresses ~~of individuals for~~IDVR personnel to whom requests for mediation or appeals may be filed;

D. \_\_\_\_\_

D. \_\_\_\_\_ The manner in which a mediator or hearing officer may be selected;

E. \_\_\_\_\_

E. \_\_\_\_\_ Availability of assistance from the Client Assistance Program (CAP).

F. \_\_\_\_\_

F. \_\_\_\_\_ If the ~~agency~~Agency is following an ~~order~~Order of ~~selection~~Selection, it shall inform all eligible ~~individuals who meet~~customers of the priority ~~categories for service; they are in.~~

Timing of such notification shall be provided by the IDVR counselor:

A. \_\_\_\_\_

A. \_\_\_\_\_ At the time ~~an individual~~a customer applies for rehabilitation services;

B. \_\_\_\_\_

B. \_\_\_\_\_ At the time of the Individualized Plan for Employment (IPE) is developed;

C. \_\_\_\_\_ At the time the ~~individual~~customer is assigned to a category in the State's ~~order~~Order of ~~selection~~Selection, if applicable; and

D. \_\_\_\_\_

D. \_\_\_\_\_ Upon reduction, suspension, or cessation ~~or~~of approved rehabilitation services for the ~~individual~~customer.

*Whenever possible, IDVR will attempt to resolve conflicts informally or through the ~~Informal Administrative Review~~Dispute Resolution process. IDVR will not pay for ~~an individual's~~a customer's legal services.*

IDVR shall make disability related accommodations to assist ~~individuals~~customers in the conduct of the appeals process.

### **4.1 Continuation of Services Pending Completion of the ~~Hearing~~Appeal Process**

Pending a final determination of an Informal Review or ~~hearing~~Fair Hearing or participation in Mediation, IDVR may not suspend, reduce, or terminate approved services being provided under an IPE, unless the services were obtained through misrepresentation, fraud or collusion or the ~~individual~~customer or authorized representative, requests suspension, reduction, or termination of services.

## 4.2 Client Assistance Program (CAP) and Supervisory Review

The CAP and supervisory review are encouraged as a means to resolve dissatisfaction. These options are in keeping with the IDVR policy to resolve ~~an individual's~~ a customer's dissatisfaction at the earliest possible time.

### 4.3 ~~Informal Appeals~~ Dispute Resolution Process: ~~45 days maximum to decision~~

4.3.1 —The Informal ~~Administrative~~ Review process is an option available to the ~~individual~~ customer as a proven means likely to result in a timely resolution of disagreements. ~~An individual~~ A customer must request an Informal ~~Administrative~~ Review within ~~ten (10)~~ twenty-one (21) calendar days of the agency notice regarding ~~the provision~~ IDVR's decision to provide or ~~denial of~~ deny services that are in question. The request must be in writing to the Regional Manager. The request must describe the complaint.

---

In holding an Informal ~~Administrative~~ Review, the Regional Manager will function as the ~~Administrative~~ Review Officer ~~and~~. At the customer's request another Regional Manager may be substituted. The reviewer will be responsible for:

~~A.~~

A. Advising the customer of his/her right to have a representative present and encouraging the customer to use the services of CAP.

B. Conducting the review within fifteen (15) calendar days following written receipt of a request for such a hearing. Unless an extension is agreed to by both parties.

~~B. Advising the individual of his/her right to have a representative present and encouraging the individual to use the services of CAP.~~

~~C. Insuring that the review is conducted at a time mutually agreed to by the parties involved that ensures the entire appeals process can be completed within forty-five (45) calendar days, unless the parties agree to a specific extension of time.~~

~~a. When undue delay is caused by the individual in scheduling an Administrative Review, the individual will be informed that if the review is not conducted within thirty (30) calendar days following the individual's request for an Informal Administrative Review, the individual's request will be viewed by the IDVR as invalid.~~

---

~~b. When the individual~~

C. When the customer makes a documented effort to utilize CAP or another selected advocate to resolve his/her dissatisfaction, the time allowed for conducting an ~~Administrative~~ Informal Review will be extended accordingly.

D. D. Holding the review at a time and place convenient to the ~~individual~~ customer, generally at the local IDVR branch office.

- ~~E.~~ ~~E.~~ Providing communication methods for those ~~individuals~~customers who have a sensory impairment. An interpreter will be provided for those ~~individuals~~customers who cannot communicate in English.
- ~~Assuring~~
- F. If needed, assure that the ~~individual~~customer is provided transportation to and from the review site, ~~if needed~~.
- ~~G.~~
- G. The ~~Administrative~~Informal Review Officer (Regional Manager) will attempt to resolve the matter to the satisfaction of the ~~individual~~customer, developing a written ~~agreement~~proposal with the ~~individual~~customer at the conclusion of the appeal process. ~~A copy will be sent to the Administrator, Chief of Field Services, the involved counselor(s) and the counselor's supervisor.~~ The results are binding for the agency unless the ~~decision~~proposal is not permitted by law. The ~~individual~~customer may reject the ~~findings of the review~~proposal and request a ~~formal appeal known as an Impartial Due Process Fair-Hearing.~~ within ten (10) calendar days of the Informal Review proposal or sixty (60) calendar days of the original IDVR decision, whichever ever one comes later.

#### 4.4 Mediation

##### 4.4.

**4.4** 1 Mediation is an alternate dispute resolution method available to applicants and eligible customers who have initiated the Formal Appeals Process.

- A. A customer must request Mediation within twenty (20) calendar days of the original decision or ten (10) calendar days following the written proposal from the Informal Review. Mediation is available to a customer when an Informal Review has not resolved the dispute to the satisfaction of the customer.
- B. Requests for mediation must be made in writing to the Chief of Field Services and clearly state the reason for dissatisfaction with the decision or results of the Informal Review. The Chief of Field Services will represent IDVR or assign a member of the administrative or supervisory staff who has not participated in the Agency action that created the customer's dissatisfaction.
- C. Participation in the mediation process is voluntary on the part of the customer and on the part of IDVR. Either party may reject mediation as an alternate dispute resolution method. Either party, once accepting mediation as an alternate dispute resolution method, may terminate the mediation process.
- D. Mediation is not used to deny or delay the customer's right to pursue a Fair Hearing. Should the customer and/or designated representatives select mediation in lieu of a Fair Hearing the option for the Fair Hearing will be extended to allow the results of the mediation to be established. After the final results of the mediation are determined, the customer retains the right to request a Fair Hearing.



- E. Mediation is conducted by qualified and impartial mediators, who are selected randomly from a list of mediators maintained by the IDVR.
- F. Mediation discussions are confidential and may not be used as evidence in a subsequent Fair Hearing. A confidentiality agreement will be signed by both parties at the beginning of the mediation process.
- G. The ~~Formal Appeal~~ mediator will develop a written Mediation Agreement, if an agreement between the parties is reached, it must be signed by the customer, the mediator, and IDVR.
- H. Cost of mediation is paid by IDVR. IDVR is not required to pay for any cost related to the representation of a customer.

#### 4.5 Fair Hearing Process

The Fair Hearing Process is an option available to any individual customer who is dissatisfied with any determination made by personnel of IDVR that affects the provisions of vocational rehabilitation services. ~~An individual may request, or if appropriate, may request through the individual's representative, a timely review of the determination. Such request must be made within sixty (60) days of the IDVR case management decision resulting in the initial disagreement. The Formal Appeal Process shall include an Impartial Due Process Hearing by an Impartial Hearing Officer (IHO). A~~ customer may request a Fair Hearing immediately without having to go through the other appeal steps.

~~An individual~~

A customer may request ~~an Impartial Due Process Hearing immediately without having to go, or if appropriate, may request~~ through ~~other appeal steps. Even if an individual agrees to an informal hearings process, such individual is entitled to~~ the customer's representative, a ~~Due Process Hearing~~ timely review of the determination. Such a request must be made within sixty (60) days of the IDVR ~~case management decision that initiated~~ resulting in the initial disagreement, ~~unless both parties agree to an extension, or within ten (10) calendar days of the conclusion of the Informal Review or ten (10) calendar days of the conclusion of the Mediation Process whichever is later.~~ The Fair Hearing Process shall include a Fair Hearing by a Fair Hearing Officer (FHO).

**4.4.5.1** ~~-A formal hearing~~ Formal Hearing is a procedure whereby ~~an individual~~ a customer who is dissatisfied with any determination concerning the provision or denial of IDVR services or the findings of the ~~Administrative~~ Informal Review or Mediation may seek a determination of the agency action before ~~an Impartial~~ a Fair Hearing Officer.

**4.4.5.2** ~~The individual must request a hearing within ten (10) calendar days of the agency notice regarding the provision or denial of services based upon the conclusion of the Administrative Review or mediation. The individual may bypass the Informal Administrative Review or mediation process entirely and go directly to the Impartial Due Process Hearing (fair hearing). That process will then commence immediately.~~

**4.4.3** ~~A request for a hearing~~ Fair Hearing must be sent in writing to the Chief of Field Services and clearly state the ~~individual's~~ customer's dissatisfaction with the Agency's decision.

~~4.4.4~~ 5.3 The hearing shall be conducted within sixty (60) calendar days of receipt of the individual's customer's request for review, unless informal resolution is achieved prior to the 60<sup>th</sup> day, or ~~the~~ both parties agree to a specific extension of time.

~~4.5.4.5~~ A hearing list of Fair Hearing Officers shall be ~~conducted by an Impartial Hearing Officer selected from the pool of qualified persons~~ identified jointly by the Administrator of IDVR and the State Rehabilitation Council.

4.4

4.5.5 The Fair Hearing Officer will be selected from the list by the Administrator of IDVR and the customer.

~~4.5.6~~ The Fair Hearing Officer shall issue a written report of the findings and decision of the hearing within thirty (30) calendar days of the completion of the hearing.

~~4.4.5.7~~ The decision of the hearing officer Fair Hearing Officer shall be considered final by the agency.

~~4.4.8~~ 4.5.8 Any party who disagrees with the findings and decisions of ~~an impartial hearing officer~~ a Fair Hearing Officer shall have the right to bring a civil action with respect to the matter in dispute. The action may be brought in any ~~state~~ State court of competent jurisdiction or in a district court of the United States of competent jurisdiction without regard to the amount in controversy.

## **4.5—Mediation**

~~4.5.1~~ Mediation is an alternate dispute resolution method available to applicants and eligible individuals who have initiated the Formal Appeals Process.

~~A. An individual must request Mediation within ten (10) calendar days of the agency notice regarding the results of the Administrative Review. Mediation is available to an individual when an Administrative Review has not resolved the dispute to the satisfaction of the individual.~~

~~B. A request for mediation must be made in writing to the Chief of Field Services and clearly state the reason for dissatisfaction with the results of the Administrative Review. The Chief of Field Services will represent IDVR or assign a member of the administrative or supervisory staff who has not participated in agency action that created the individual's dissatisfaction.~~

~~C. Participation in the mediation process is voluntary on the part of the individual and on the part of IDVR. Either party may reject mediation as an alternate dispute resolution method. Either party, once accepting mediation as an alternate dispute resolution method, may terminate the mediation process.~~

~~D. Mediation is not used to deny or delay the individual's right to pursue an impartial hearing. Should the individual and/or designated~~

~~representatives select mediation in lieu of a formal hearing; the option for the formal hearing will be extended to allow the results of the mediation to be established. After the final results of the mediation are determined, the individual retains the right to request a formal hearing.~~

~~E. Mediation is conducted by qualified and impartial mediators, who are selected randomly from a list of mediators maintained by the IDVR.~~

~~F. Mediation discussions are confidential and may not be used as evidence in a subsequent due process hearing.~~

~~G. The mediator will develop a written Mediation Agreement, if agreement between the parties is reached, signed by the individual, the mediator and IDVR.~~

~~H. Cost of mediation is paid by IDVR, although no costs are provided for representation for the individual.~~

## ***Client Appeals Process***

File request for Impartial Due Process Hearing (fair hearing) to IDVR Administration		File request for Informal Dispute Resolution (administrative review) to Regional Manager. State reason for review.	File request for Mediation to Regional Manager. State reason for mediation.
Impartial Due Process Hearing (fair hearing) conducted by Impartial Hearing Office within 60 days of request.		Informal Dispute Resolution (administrative review) conducted by Regional Manager within 45 day time period.	Mediation conducted by impartial Mediator within 45 day time period.
IHO chosen from State approved list – IHO informs client of time and date.		Regional Manager informs client of time and date.	Mediator chosen from list of qualified mediators. Mediator informs all parties of time and date.
Decision Final		Regional Manager makes decision on Informal Dispute	Written Mediation Agreement

		Resolution (administrative review). Responds in writing to client.	
Civil action initiated within any court of competent jurisdiction or district court.		Client may request Impartial Due Process Hearing (fair hearing) or Mediation if, dissatisfied with Informal Dispute Resolution (administrative review).	Client may request an Informal Dispute Resolution (administrative review) or Impartial Due Process (fair hearing) if dissatisfied with Mediation.

## SECTION 5.0 APPLICATION ~~FOR SERVICES~~ AND ELIGIBILITY DETERMINATION

- A. People with disabilities can achieve competitive, high quality employment in an integrated setting and can live full productive lives.
- B. People with disabilities often experience major barriers related to the low expectations of and misunderstandings toward, people with disabilities that exists within society, within the persons with disabilities themselves, and sometimes, within our own rehabilitation system.
- C. People with disabilities should have responsibility and accountability to make their own choices about their lives; the kind of employment they want to pursue, who they want to provide services for them, as well as the kind of services they need.
- D. The primary purpose and role of the public vocational rehabilitation system is to empower individuals with disabilities by providing them with information, education, training, and confidence, in order that they will make effective employment choices when appropriately informed. It is also the purpose of the public vocational rehabilitation system to support those choices when they are based upon reasonable and verifiable premises.
- E. The most effective rehabilitation occurs when there are true partnerships between the Federal and State partners, State agency providers, community providers and employers, the disability community, all other partners, and the consumer.

The ultimate goal is to provide eligible customers with the skills, tools and information to aid in their vocational discovery process and to initiate informed choices when creating their Individual Plan for Employment (IPE) with the VR counselor.

### **5.1 Inquiry**

IDVR will respond to all general inquiries for VR services received via telephone, mail or electronic format within seven (7) business days.

### **5.2 Referral**

A completed Referral form for VR services from customers available to participate in services that are made via mail or electronic format will be entered into the case management system as an open referral within three (3) business days. IDVR staff will make a minimum of three (3) attempts to contact the customer before the referral is closed. The first attempt will include a phone call or e-mail. If unable to make contact, a letter will be sent to confirm IDVR has received the inquiry and will include the VR office phone number. If the customer does not respond to the first letter, a second letter will be sent stating that IDVR has been unable to contact the customer and that the referral for services will be closed. Attempts to reach the customer and those results will be documented in the case management system.

### 5.3 Application for Idaho Division of Vocational Rehabilitation (IDVR) Services

~~An applicant is:~~

~~A. — An individual who believes s/he has~~

An application process is complete when the following three criteria are met:

IDVR receives a ~~disability that creates an impediment to employment; who believes s/he requires VR services; signed and who desires employment as an outcome of those services;~~

AND

1. ~~B. — Who signs a~~ dated application signature sheet from a customer or ~~dated document~~ requesting services;

—AND his/her representative, or an alternate request for application is made to an IDVR office;

And

The ~~C. — Who has provided~~ customer provides the information ~~necessary~~ needed to initiate ~~begin~~ an assessment ~~to determine~~

2. of eligibility;

—AND. Information gathered in the intake interview meets this criterion;

~~D.~~

And

The customer is available and free of restrictions to complete the assessment process.

~~It is the policy of IDVR to respond to referrals as soon as possible. The goal of IDVR is to respond to a referral within 5 working days to initiate the application process.~~

3. ~~5.2 Assessment~~ for determining eligibility ~~and priority~~ for VR services.

There is no duration of residency requirement. The customer must be living in the State of Idaho and legally able to work in the United States.

Applicants must be available and participate in the eligibility determination process.

IDVR must, as part of the application process, inform applicants that the goal of the VR services is to assist eligible customers to obtain or maintain employment and that services provided are toward this goal. Customers must also be informed of their rights and responsibilities.

The 60-day eligibility determination period begins when the application process is complete.

#### 5.3.1 Orientation to Vocational Rehabilitation

IDVR is obligated to provide all customers with information about the following:

1. The Client Assistance Program (CAP);
2. Confidentiality;

3. VR services;
4. Informed choice;
5. The rehabilitation process;
6. That customers who receive VR services must intend to achieve an employment outcome;
7. The rights and responsibilities of the customer; and
8. The VR appeals process.

This information may be conveyed to customers through group orientations, in a one-on-one interview setting or over the telephone by IDVR staff.

### **5.3.2 Intake Interview**

The intake interview is part of the application process and is the beginning of the assessment process to determine eligibility and potential services to be included on the Individualized Plan for Employment (IPE). Medical, psychological, social, vocational, educational, cultural and economic information is gathered to determine the unique strengths, abilities, and interests of the customer.

Prior to the end of the intake interview, the IDVR staff member should identify the actions needed by both IDVR and the customer. This could include:

1. Appointment(s) scheduled
2. Releases of Information obtained
3. Authorizations to be issued
4. Referral letters
5. Next scheduled meeting
6. Existing information the customer agrees to provide VR staff

### **5.4 Assessment for Determining Eligibility**

Any ~~individual~~customer who applies for services shall undergo an assessment for determining eligibility and the priority for services, the results of which shall be shared with the ~~individual~~customer.

The assessment will be conducted in the most integrated setting possible and consistent with the needs and informed choice of the ~~individual~~customer.

Eligibility for IDVR ~~services~~services shall be determined within a reasonable period of time, not to exceed sixty (60) days after the application for services ~~has been~~(All three components of an application received (signed and dated)) unless the following occurs:

~~A.~~

- A. The ~~applicant~~customer is notified that exceptional and unforeseen circumstances beyond control of IDVR preclude the counselor from completing the determination within the prescribed time frame and ~~the applicant~~customer agrees that an extension of time is warranted;

OR

A trial work experience including an exploration of the ~~B.~~ individual's customer's abilities,  
B. capabilities, and capacity to perform in work situations is carried out;

OR

~~C.~~

OR

C. An extended evaluation is necessary-.





\_\_\_\_\_ IDVR Referral Information

MY PERSONAL INFORMATION: Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

SS#: \_\_\_\_\_

I am a previous Voc Rehab Client? ☐ Yes ☐ No If Yes, Where? \_\_\_\_\_

First Name: \_\_\_\_\_ Middle: \_\_\_\_\_

Last Name: \_\_\_\_\_ Preferred Name: \_\_\_\_\_

Gender: \_\_\_\_\_ Birth Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Previous Last Name: \_\_\_\_\_

MY ADDRESS:

Home Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

County: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

County: \_\_\_\_\_

Primary Phone: ( ) \_\_\_\_\_ ☐ Voice ☐ TDD ☐ Fax

Second Phone: ( ) \_\_\_\_\_ ☐ Voice ☐ TDD ☐ Fax

E-mail: \_\_\_\_\_

Select one or more of the following races/ethnicities:

- ☐ American Indian or Alaskan Native ☐ Hispanic or Latino  
☐ Asian ☐ Native Hawaiian or Other Pacific Islander  
☐ Black ☐ White

Primary Language: \_\_\_\_\_

\_\_\_\_\_ English \_\_\_\_\_ ASL \_\_\_\_\_ Spanish \_\_\_\_\_ Other \_\_\_\_\_

Special Language Needs: ☐ Yes ☐ No

5.  
~~If~~ Yes, Explain: \_\_\_\_\_

CONTACTS: (Examples: Family, Friends, PO, Case Worker Etc.)

	Name	Relationship	Phone	Ext.#	Voice/ TDD/ Fax
1.			( ) _____		

2.			( )		
3.			( )		

Who referred me to Voc Rehab: \_\_\_\_\_

What are my current living arrangements? (Private Residence, Halfway House, Shelter Etc.)

\_\_\_\_\_

Marital Status: ☐ Married ☐ Widowed ☐ Divorced ☐ Separated ☐ Never Married

Spouse's Name: \_\_\_\_\_

### FINANCIAL:

Number of family members living with me: \_\_\_\_\_ Number of Dependents: \_\_\_\_\_

Names and ages of children: \_\_\_\_\_

Currently owe Child Support: ☐ Yes ☐ No Amount: \$ \_\_\_\_\_

My Primary Source of Support: (Current Earnings, Friends & Family, Public Assistance, Etc.)

\_\_\_\_\_

I have one or more of the following medical insurances:

\_\_\_\_\_

☐ Medicaid \_\_\_\_\_ ☐ Private insurance through own employment \_\_\_\_\_

☐ Medicare \_\_\_\_\_ Provider \_\_\_\_\_

☐ Worker's compensation \_\_\_\_\_ ☐ Public insurance from other source \_\_\_\_\_

\_\_\_\_\_ Provider \_\_\_\_\_

☐ None \_\_\_\_\_ ☐ Private insurance through other means \_\_\_\_\_

\_\_\_\_\_ Provider \_\_\_\_\_

Is Public Support Available to me? ☐ Yes ☐ No ☐ Unknown

SSDI Status: \_\_\_\_\_

\_\_\_\_\_ allowed \_\_\_\_\_ denied \_\_\_\_\_ pending \_\_\_\_\_ terminated \_\_\_\_\_ not an applicant

SSI Status: \_\_\_\_\_

\_\_\_\_\_ allowed \_\_\_\_\_ denied \_\_\_\_\_ pending \_\_\_\_\_ terminated \_\_\_\_\_ not an applicant

\_\_\_\_\_ cash \_\_\_\_\_ other \_\_\_\_\_ cash \_\_\_\_\_ other

SSI Aged: \$ \_\_\_\_\_ ☐ Worker's Compensation: \$ \_\_\_\_\_ ☐

SSI Disabled: \$ \_\_\_\_\_ ☐ Other Disability: \$ \_\_\_\_\_ ☐

SSDI: \$ \_\_\_\_\_ ☐ Other: \$ \_\_\_\_\_ ☐

VA: \$ \_\_\_\_\_ ☐ TANF: \$ \_\_\_\_\_ ☐

EDUCATION

Last level of education completed (High School / GED / HSE / College): \_\_\_\_\_

Date Completed: \_\_\_\_\_

I received services under an Individualized Education Program (IEP) or 504 Plan ☐ Yes ☐ No

I am currently a high school student participating in a transition program: ☐ Yes ☐ No

~~If~~ I am attending High School, the name of the school is: \_\_\_\_\_

### EMPLOYMENT:

Last Year Employed: \_\_\_\_\_ I am currently working: ☐ Yes ☐ No

Hours Worked per Week: \_\_\_\_\_ Salary: \_\_\_\_\_ ☐ Hourly ☐ Weekly ☐ Monthly

### My Work History

(Approximate dates and salary is needed)

(Please make sure to include negative work history so that we better know your needs)

	Employer Name and Address	Job Title	Job Duties	Hours Per Week	Salary Start/ Ending	Start/ End Date	Reason for Leaving
1							
2							
3							

4							
5							

**DISABILITIES:**

I have been diagnosed or treated for the following disabilities:

(Physical, Injuries, Mental Health, Depression, Substance Abuse, Learning Disability etc.)

---

---


---

---


---

---

My disability makes it difficult to:

(Describe how it affects you in the space provided)

☐ Stand ☐ Walk ☐ Sit ☐ Lift ☐ Bend ☐ Use Hands or Feet

Explain: \_\_\_\_\_

☐ See ☐ Hear ☐ Read ☐ Write

Explain: \_\_\_\_\_

☐ Concentrate ☐ Remember ☐ Learn ☐ Understand

Explain: \_\_\_\_\_

☐ Handle Stress ☐ Control Emotions ☐ Work with Others ☐ Communicate

Explain: \_\_\_\_\_

☐ Other: \_\_\_\_\_

I am participating in the following program(s): ☐ None

☐ Adult Correction ☐ Community Supported Employment

☐ General VR Kidney ☐ IDOC Reentry Program

☐ Juvenile Correction ☐ Medicaid

☐ Medicare ☐ Migrant Farm Worker not in Section 304 Project

~~☐ Migrant Service Coordination Grant Under 304 ☐ School Work~~

~~Have you been convicted of a felony: ☐ Yes ☐ No~~

~~Describe: \_\_\_\_\_~~

~~Currently on Probation / Parole: ☐ Yes Probation/Parole officer is: \_\_\_\_\_~~

~~Current & Valid Driver's License: ☐ Yes ☐ No (explain) \_\_\_\_\_~~

~~Veteran: ☐ Yes ☐ No~~

#### DOCUMENTATION

~~How do you think Vocational Rehabilitation can help you get a job and keep a job?~~

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*\*\*\*\*AGENCY USE ONLY\*\*\*\*\*

*Next step in establishing eligibility:*



---

---

Additional information or comments:

---

---

---

---

### 5.3 Eligibility Criteria

An individual

A customer is eligible for Vocational Rehabilitation if the following criteria are met:

A. \_\_\_\_\_

A. A determination by “qualified personnel” (See 5.3.1) that the applicantcustomer has a physical or mental impairment;

B. \_\_\_\_\_

B. A determination by a qualified personnelvocational rehabilitation counselor that the applicant’scustomer’s physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant;

C. \_\_\_\_\_

C. A determination by a qualified vocational rehabilitation counselor employed by IDVR that the individualcustomer requires vocational rehabilitation services to prepare for, secure, retain or regain employment consistent with the applicant’s unique strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice;

D. \_\_\_\_\_

D. A presumption by a qualified vocational rehabilitation counselor that the applicant can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

**NOTE:** The individualcustomer can benefit in terms of an employment outcome from vocational rehabilitation services unless the counselor demonstrates on the basis of clear and convincing evidence, and only after an exploration of the individual’scustomer’s abilities, capabilities, and capacity to perform in work situations or an extended evaluation is carried out, that such individualcustomer is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome.

#### 5.3.1 Qualified Personnel

IDVR has established a policy for ~~accessing~~ “qualified personnel” for the purpose of disability determination. Under the Rehabilitation Act, the assessment for determining eligibility must be made by “qualified personnel” including, if appropriate, personnel skilled in rehabilitation technology (Section 103(a)(1) of the Act). In addition, diagnosis and treatment for mental and emotional disorders must be provided by “qualified personnel who meet State licensure laws” (Section 103 (a)(6)(F) of the Act).

~~The preamble to the VR program regulations (Federal Register, Vol. 62, No. 28, February 11, 1997, page 6324) states that a determination that an individual has a physical or mental impairment, or meets any of the other eligibility criteria of 34 CFR 361.42(a) must be made by Qualified personnel are those who meet existing licensure, certification, or registration requirements applicable to their the profession. Depending upon the profession, “qualified personnel” could include individuals licensed, certified, or registered under state law or State regulations or some type of national licensure, certification, or registration process., this includes VR Counselors who meet IDVR’s CSPD policy.~~

The determination of the existence of ~~an~~ impairment should be supported by medical and/or psychological documentation. Medical/psychological disabilities shall be diagnosed by ~~individuals~~ qualified personnel who demonstrate the possession of requisite ~~state~~ State licensure, certification, or registration of requirements applicable to the practice of their profession within the state of Idaho.

The following occupations have been licensed in Idaho to provide general medical diagnoses. *The VR Counselor can utilize general medical diagnoses established by these medical professionals:*

- Medical Physician or Doctor of Osteopathy
- Nurse Practitioner (works under own licensure)
- Physician’s Assistant (works under a “Delegation of Services Agreement” with a physician providing oversight)

The following occupations have been licensed in Idaho to provide specific medical diagnoses within the specialized areas of competency for which the specific licensure has been determined. *It is critical that the VR Counselor take special precaution to ensure that when utilizing medical diagnoses from one of the medical professions listed below that only those areas of expertise for which the particular professional has been credentialed are documented within the eligibility determination module.*

- Licensed Psychologist
- Chiropractor
- Naturopath
- Podiatrist
- Optometrist
- Physical Therapist
- Dentist/Orthodontist

- Advanced Certified Alcohol and Drug Counselor (ACADC) / Certified Alcohol and Drug Counselor (CADC) (restricted to identifying alcohol impairment related to specific testing outcome)
- School Psychologist (limited to diagnosing eligibility for school related special needs services)
- Licensed Audiologist (restricted to diagnosing hearing impairments specifically related to ~~audiological~~audiological testing results when medical conditions have been ruled out)

For further clarification, you may access ~~www.ibol.idaho.gov~~www.ibol.idaho.gov and connect to “The Individual Board Pages” to determine the full extent of the professional latitude allocated to the medical occupations that are licensed to provide specialized services within narrowly defined parameters of competency. -The State Board of Medicine maintains jurisdiction over the authority and conduct of medical doctors.

~~RSA mandates that either federal or state sponsored boards must grant authority to all licensures, certifications or registrations that qualify a professional to diagnose disabilities for the purpose of agency eligibility.~~ Private Licensing/certifying boards outside the ~~federal/state~~Federal/State purview cannot be utilized as a basis for VR diagnostic purposes.

### **5.45.2 Social Security Presumption**

Any applicant, who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act, is presumed to meet the eligibility requirements for vocational rehabilitation services and is considered ~~an individual~~a customer with a significant disability.

Following an application and initial interview where ~~an individual~~a customer reports receiving SSI or SSDI, the counselor will obtain verification of receipt of SSI/SSDI, such as an award letter, a copy of the ~~individual's~~customer's check, or a verification document through the Social Security Entry and Verification System (SVES). Upon verification, the ~~individual~~customer is made eligible for vocational rehabilitation with a Presumption of Eligibility statement in the record of services.

NOTE: If the applicant presents sufficient medical documentation to determine eligibility at the first meeting, verification will still be procured but eligibility can be determined immediately without designating presumptive status.

The assessment for determining rehabilitation needs will continue, as needed, to obtain information necessary to determine the Individual Plan for Employment. This assessment will include: gathering existing records to determine the ~~individual's~~customer's impairment, impediment and nature and scope of the VR services necessary to obtain an employment outcome consistent with the ~~individual's~~customer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

When the assessment adequately documents the impairment(s), employment impediment(s) and required service(s) needed, the qualified VR ~~counselor~~counselors completes an Eligibility Determination in the ~~agency~~Agency's computerized data system ~~(Gemini)~~.

If ~~an individual~~a customer receives disability benefits under Title II or Title XVI of the Social Security Act and intends to work, IDVR presumes eligibility for services, unless, because of the significance of the ~~individual's~~customer's disability, a VR counselor cannot presume that VR services will enable the ~~individual~~customer to work ~~– (based on clear and convincing evidence).~~

Should the significance of the disability prevent a VR counselor from presuming that VR services will enable the ~~individual~~customer to work, the ~~individual~~customer will be asked to complete a trial work experience in order for the counselor to make an eligibility ~~decision~~determination.

If the ~~individual~~customer cannot take advantage of a trial work experience, an extended evaluation must be conducted in order to make the decision of eligibility.

### ***5.56 Review and assessment of data for eligibility determination***

The eligibility determination shall be based on the review and assessment of existing data, including: counselor observations, education records, and information provided by the ~~individual~~customer or family, particularly information used by education officials and determinations made by officials or other agencies. ~~Current medical records will, of course,~~ be utilized to determine the nature and extent of the disability as well as for justification for the procurement of additional medical data when required to identify/verify alleged medical restrictions.

To the extent that existing data does not describe the current functioning of the ~~individual~~customer, IDVR will conduct an assessment of additional data resulting from the provision of VR services including: trial work experiences, assistive technology devices and services, personal assistance services, and any other support services that are necessary to determine whether ~~an individual~~a customer is eligible.

~~Upon completion of the eligibility assessment, the counselor shall make one of the following determinations:~~

**5.56.1 - Eligibility/Ineligibility:** For each ~~individual~~customer determined eligible or ineligible for vocational rehabilitation services, the record of services must include a dated Eligibility Determination completed by a qualified vocational rehabilitation counselor. Written notification of an ineligibility determination will be provided to the customer.

An ineligibility notification must include the reason for the determination, rights and responsibilities, and Client Assistance Program (CAP) information. A customer should be referred to the local Department of Labor to address the customer's training or employment needs or to the Extended Employment Services Program (Work Services / Sheltered Workshops) if the ineligibility is "Too Severely Disabled."

Ineligibility decisions based upon the severity of disability must outline clear and convincing evidence and require a period of trial work experiences or extended evaluation prior to closure. (See Closure, Section 13)

It is federally mandated that IDVR review the closure outcome of “too severely disabled” within 12 months of closure and annually thereafter, if requested. (See Section 13)

## **5.56.2 - Trial Work Experiences (TWE) for ~~individuals~~customers with significant disabilities:**

Prior to any determination that ~~an individual~~a customer with a disability is incapable of benefiting from VR services in terms of an employment outcome because of the severity of that ~~individual's~~customer's disability, an exploration of that ~~individual's~~customer's abilities, capabilities, and the capacity to perform in realistic work situations must be conducted to determine whether or not there is clear and convincing evidence to support such a determination.

In such cases a written plan must be developed to assess and determine the above. The assessment must be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the ~~individual~~customer. TWE include: supported employment, situational assessment, and other experiences using realistic work ~~setting~~settings and must be ~~of a~~ sufficient variety and over a sufficient period of time to make such a determination. Appropriate supports, including assistive technology devices and services and personal assistance services to accommodate the rehabilitation needs of the ~~individual~~customer must be provided.

### **Remember:**

Trial Work Experience ~~should be~~is used to demonstrate whether the ~~individual~~customer is capable of benefiting from VR services. Trial Work Experience will be conducted before Presumptive Eligibility is completed if there is a question regarding capacity to benefit.

### **~~To place participant in Trial Work Experience, VR Counselor must:~~**

- ~~1) Determine that individual has a significant physical or mental impairment (disability) that is a substantial impediment (barrier) to employment.~~

~~Document in Gemini, under Disability Browse, in the Disability sub-page. Document each disability and its associated functional limitations separately under Disability Documentation and Other Comments. Gemini will number them: 1, 2, 3, etc. Please enter them in order of priority—primary will be #1, secondary #2, etc.~~

~~Document in Gemini in Eligibility Determination using check boxes and the text box under #3 Impediment to Employment.~~

- ~~2) Have questions about whether the participant is capable or incapable of benefiting in terms of an employment outcome from VR services due to severity of disability.~~

~~3) If Trial Work is determined to be appropriate a case note will be completed within of 5 days of receipt of SSA verification document(s) and a plan will be developed within 30 days.~~

~~4) With the participant, develop a Trial Work Experiences plan to assess the participant's ability, capabilities and capacity to perform in realistic work situations through the use of Trial Work Experiences. The TWEs must be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the participant. TWEs may include CBWE, CBWA, CSE, job coaching, on-the-job training~~TWEs may include: Community Based Work Evaluation (CBWE), job coaching, on-the-job training, supported employment or other experiences using realistic work settings, as well as assistive technology and other needed services.

~~In Gemini, do not document in #4 Documentation or put in the Eligibility date at this time. You may complete these after the TWE plan if you go ahead with Eligibility determination.~~

~~5) Review Gemini 3, Client Rights and Responsibilities~~

~~6) Assess need for Rehabilitation Technology Services, if and when necessary.~~

~~7) Insure that individual is an active partner, making meaningful and informed choices in the provision of Trial Work Experiences.~~

~~8) Review the TWE Plan at least every 90 days to determine if there is sufficient evidence to conclude that the participant~~customer ~~can benefit from VR Services in terms of an employment outcome or there is clear and convincing evidence that the participant~~customer ~~is incapable of benefiting from VR Services in terms of an employment outcome due to the severity of the disability.~~

~~9) Make the determination for eligibility or case closure within the 18-month time frame.~~

### **~~5.56.3~~ Extended Evaluation:**

Under limited circumstances if ~~an individual~~a customer cannot take advantage of trial work experiences or if options for trial work experiences have been exhausted, an Extended Evaluation (EE) must be conducted to make these determinations.

In all cases where the counselor determines that an extended evaluation is required, the case record must include a Determination of Extended Evaluation completed by a qualified ~~vocational rehabilitation~~VR counselor, which documents:

~~A.~~

A. That the individualcustomer has a physical or mental impairment which constitutes or results in a substantial impediment to employment and requires VR services, and

~~B.~~

B. That it is questionable if the individualcustomer is capable of benefiting from VR services in terms of an employment outcome because of the severity of the disability.

During the extended evaluation period, VR services must be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the individualcustomer. There must be a written Extended Evaluation Plan for providing services necessary to make an eligibility or ineligibility determination. Only those services that are necessary to make the above determinations are to be provided and extended evaluation services are terminated when the qualified vocational rehabilitation counselor is able to make the determinations.

An individual

A customer will remain in extended evaluation~~evaluations~~ only for the period of time required to determine if the individualcustomer can benefit from VR services in terms of an employment outcome but not to exceed eighteen (18) months. A review of the case shall be conducted as often as necessary but at least every ninety (90) days.

~~To place individual in Extended Evaluation, VR Counselor must:~~

- ~~1) Determine that participant has a significant physical or mental impairment (disability) that is a substantial impediment (barrier) to employment.~~

~~Document in Gemini, under Disability Browse, in the Disability sub-page. Document each disability and its associated functional limitations separately under Disability Documentation and Other Comments. Gemini will number them: 1, 2, 3, etc. Please enter them in order of priority—primary Written documentation will be #1, secondary #2, etc.~~

~~Document in Gemini in Eligibility Determination using check boxes and the text box under #3 Impediment to Employment.~~

- ~~2) Have questions about whether participant is capable or incapable of benefiting in terms of an employment outcome from VR services due to severity of disability.~~

- ~~3) Have conducted Trial Work Experience or determined that participant is unable to take advantage of TWE.~~

4) ~~With participant, develop an Extended Evaluation plan to assess participants' abilities, capabilities and capacity to perform in work settings. During the Extended Evaluation, VR Services must be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the participant. VR will only provide those services necessary to make the of determination of ability to benefit.~~

~~— In Gemini, do not document in #4 Documentation or put in the Eligibility date at this time. You may complete these after the EE plan if you go ahead with Eligibility determination.~~

5) ~~● Review Gemini 3, Client Rights and Responsibilities.~~

6) ~~Assess need for Rehabilitation Technology Services, if and when necessary.~~

7) ~~Insure that participant is an active partner, making meaningful and informed choices in the provision of Extended Evaluation.~~

8) ~~Review the Extended Evaluation Plan at least every 90 days to assess progress.~~

9) ~~Terminate Extended Evaluation services as soon as VR is able to make the determination of the participant's ability or inability to benefit in terms of an employment outcome.~~

10) ~~Make the determination for eligibility or case closure within the 18-month timeframe.~~

#### **5.5.4 Ineligibility:**

~~In all instances where the counselor determines that an applicant for, or recipient of vocational rehabilitation services does not meet the requirements for eligibility, the record of services must include a determination of ineligibility, dated and signed by the counselor, which documents the reasons for the ineligibility determination. Ineligibility decisions based upon the severity of a disability must outline clear and convincing evidence and require a period of trial work experiences or extended evaluation prior to closure. (See Closure, Section 13)~~

~~On occasion an application will be completed on individual who is later determined, after the acquisition of diagnostic information, to be an appropriate candidate for Extended Sheltered Employment Services (Work Services). A Trial Work Experience (TWE) or Extended Evaluation (EE) must be conducted to provide clear and convincing evidence that the individual is incapable of benefiting in terms of employment from VR services. Once the TWE is completed and verifies the severity of the disability, the individual will be referred to the Extended Employment Services Program (EES) (See Section 12.12) for appropriate placement in a sheltered work environment and closed as "Too Severely Disabled".~~



~~It is federally mandated that IDVR monitor the closure outcome within 12 months of closure (See Section 13.1.2.D).~~

## SECTION 6.0 THE DETERMINATION OF SIGNIFICANCE OF DISABILITY

### 6.1 Policy

At the time ~~an individual~~ a customer is determined eligible for VR services, a VR counselor will determine the significance of the disability and, based upon the determination, will assign the ~~individual~~ customer to a priority category. If the agency is not under an ~~order~~ Order of ~~selection~~ Selection, the prioritization will be used (1) for planning purposes to ascertain services that can continue to be provided to all who are eligible and (2) to provide a structure for an easy transition to an ~~order~~ Order of ~~selection~~ Selection if required. If the ~~agency~~ Agency is under an ~~order~~ Order of ~~selection~~ Selection (see section ~~15.0~~ 14), the priority categories are used to determine the order in which ~~individuals~~ customers receive services.

### 6.2 Definitions

#### Priority Categories:

~~A. Individuals with most significant disabilities~~

~~B. Individuals with significant disabilities~~

~~C. Individuals with no significant disabilities~~

A. No Significant Disability ~~-An individual with no significant disability:- (NSD)~~

~~A. \_\_\_\_\_~~

B. Significant Disability (SD)

C. Most Significant Disability (MSD)

#### No Significant Disability (NSD)

a. Who has a physical or mental impairment;

i.

~~B. \_\_\_\_\_~~

b. Whose impairment constitutes or results in a substantial impediment to employment; and

~~C. \_\_\_\_\_~~

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

**Significant Disability (SD)** ~~:- An individual with a significant disability:- )~~

~~A. \_\_\_\_\_~~

- a. ~~Meets the criteria for an individual~~ a customer with ~~a no significant~~ disability;
- ~~B.~~
- b. Experiences a severe physical and/or mental impairment that seriously limits ~~one~~ two or more functional categories (such as mobility, work skills, self-care, interpersonal skills, communication, self-direction or work tolerance) in terms of an employment outcome; and
- ~~C.~~
- c. Requires multiple ~~vocational rehabilitation~~ primary Individualized Plan for Employment (IPE) services over an extended period of time ~~at least 6 months~~.

**Most Significant Disability (MSD):** ~~An individual with a most significant disability;~~

~~1~~

- A. ~~Meets the criteria established for an individual~~ a customer with a significant disability; and
- ~~B.~~
- b. Experiences a severe physical and/or mental impairment that seriously limits three or more functional categories (such as mobility, work skills, self-care, interpersonal skills, communication, self-direction or work tolerance) in terms of an employment outcome; and
- ~~C.~~
- c. Requires multiple ~~vocational rehabilitation~~ primary Individualized Plan for Employment (IPE) services over an extended period of time ~~at least 6 months~~.

**Note:** ~~Individuals~~ Customers who are beneficiaries of Social Security Disability Benefits (SSDI) or recipients of Supplemental Security Income (SSI) for disability reasons are automatically classified as either SD or MSD depending upon the extent of their functional loss category limitations.

Priority Category	Meets Definition of Significantly Disabled	Functional Loss Categories	Duration of Services	Number of Services
1. Most Significantly Disabled	Yes	2 or more	Requires VR Services over an extended period of time	Requires multiple Services
2. Significantly Disabled	Yes	1 or more	Requires VR Services over an extended period of time	Requires multiple Services
3. Disabled	No	1 or more	No duration of Service requirement	Multiple Services NOT required

**Order of Selection (OOS):** When VR services cannot be provided to all eligible individuals customers because of financial ~~exigency~~ or service capacity constraints, the agency Agency will enter an ~~order~~ Order of ~~selection~~ Selection process that will assure that first priority is ~~giving~~ giving to individuals customers with most significant disabilities. Please review Section 15.14.0 for details regarding ~~order~~ Order of ~~selection~~ Selection.

### 6.3 Procedures

## Determination of Significance of Disability

A VR counselor determines and adequately documents the level of severity of ~~an individual's~~a customer's disability based on a review of the information gathered to determine eligibility. If additional information is necessary to make the determination, a VR counselor may obtain the information from the ~~individual, individual's~~customer, customer's family, an outside professional and/or another public agency.

If adequate information is not available to describe or document current functioning, a VR counselor may purchase diagnostics from a qualified service provider.

A VR counselor reviews the data to determine:

~~A. \_\_\_\_\_~~

~~A. The number of serious functional losses present~~capacity categories in terms of an employment outcome that are seriously impacted as a result of a disability;

~~\_\_\_\_\_~~AND

~~B. \_\_\_\_\_~~

AND

~~B. Whether an individual~~a customer is likely to need multiple ~~VR~~primary IPE services to prepare for, obtain, or maintain a job;

AND

~~C. Whether services are likely to be needed for an extended period of time. (No specific time frame for "extended period of time" is defined. The VR counselor must consider each person's unique circumstances to determine whether the needed services can reasonably be expected to require an extended period of time. For this purpose, 6 months may be used as a general benchmark but may not be applied as an absolute limit since each individual's circumstances must be uniquely considered.)~~

C. The anticipated duration of IPE services are needed for an extended period of time (at least 6 months).

## Identifying a Serious Loss of Functional ~~Loss~~Capacity

Functional ~~loss~~capacity categories include: mobility, work tolerance, communication, self-care, interpersonal skills, self-direction, and work skills. To identify a loss of functional ~~loss~~capacity, a VR counselor reviews and assesses data provided by the ~~individual~~customer or ~~individual's~~customer's family, observed by the VR counselor, or reported by another qualified professional to determine whether:

~~A. A \_\_\_\_\_~~A loss of functional ~~loss~~capacity resulting from a disability is present;

AND

~~B. \_\_\_\_\_~~

~~B. The ~~function~~ loss of functional capacity represents an impediment to employment;~~

AND

~~C. \_\_\_\_\_~~

~~The ~~functional~~ loss of functional capacity meets the definition of a “serious ~~functional~~ loss.”~~

~~C. A serious of functional capacity.~~

~~A serious loss of functional capacity means a reduction in capacity of the ~~individual~~customer to the degree that the person requires services or accommodations not typically provided to other ~~individuals~~customers in order to prepare for, secure, or maintain a job.~~

~~A specific disability diagnosis does not automatically infer ~~the presence~~a serious loss of ~~one or more~~functional ~~losses~~capacity. Although certain functional losses are commonly associated with specific disability diagnoses, the presence and seriousness of ~~these~~ functional losses are the loss is unique for each person. Therefore, a VR counselor must complete a thorough evaluation of loss of functional ~~losses~~capacity for each ~~individual~~customer.~~

~~Work-related limitations may result from or be compounded by external~~

~~Non-disability factors, such as age, sex, race, cultural, geographic location, poor public transportation, legal history, or lack of training. ~~These factors do should~~ not ~~relate to a disability and are not factors in~~be considered when determining ~~a serious~~loss of functional ~~loss~~capacity. It is within the VR counselor’s judgment to determine whether limitations are disability related or not.~~

### **Self-Reported or Observed Loss of Functional ~~Losses~~ Capacity**

A VR counselor may identify a loss of functional ~~loss~~capacity based on a ~~participant’s~~customer’s self-report, reports from the family, school representative or others, or based on counselor observations.

For example, while interviewing an applicant who is hard of hearing, a VR counselor observes that the ~~individual~~applicant is not able to effectively communicate verbally. Medical records clearly establish a hearing impairment, but do not address verbal limitations. Because a loss of functional ~~loss~~capacity in verbal communication is consistent with and commonly associated with a hearing loss, the VR counselor may determine, based on his or her observations, that a serious loss of functional ~~loss~~capacity is present. To ensure the case service record explains and supports the determination, the VR counselor enters case narrative explaining that a loss in the area of communication was observed, a summary of the observations, and how the loss of functional ~~loss~~capacity affects the ~~applicant~~customer.

~~If an individual reports a functional loss that is neither consistent with nor supported by disability-related documentation, the VR counselor and individual need to discuss and reach agreement on how to get the information necessary to verify the functional loss.~~

## SD/MSD Checklist

Once the VR counselor determines a disability-related loss of functional capacity, the VR counselor considers whether the loss of functional capacity meets the definition of a “serious loss of functional capacity” contained in the SD/MSD Checklist loss of functional capacity definitions. If the loss of functional capacity meets the definitions of a “serious loss of functional capacity” the VR counselor checks the appropriate indicator on the Checklist. ~~If the individual experiences a functional loss that is not described on the SD/MSD Checklist, the VR counselor may write a description of the functional loss in the space provided. Only one indicator within a category (mobility, work, tolerance, communication, self-care, interpersonal skills, self-direction, and work skills) is needed to determine that a serious functional loss is present in that category.~~

## Documentation of a Functional Loss

The VR counselor documents the functional loss in the Gemini Eligibility Determination, “Section 3 – Impediment to Employment.”

~~The VR counselor is responsible for adequately describing:~~

- ~~A. The nature of each functional loss (mobility, work tolerance, communication, self-care, interpersonal skills, self-direction, or work skills);  
\_\_\_\_\_AND~~
- ~~B. The basis for making the determination, i.e. a description of what was observed, a summary of what was reported and who reported the information, or whether the determination is based on documentation contained in medical or other information in the case service record; AND~~
- ~~C. The specific limitations experienced by the individual.  
  
\_\_\_\_\_After determining the number of functional losses present, the VR counselor determines whether the individual is likely to require multiple services over an extended period of time. The VR counselor also considers the number of serious functional losses and impediments to employment.~~

**Note:** ~~No specific time frame for “extended period of time” is defined in statute or regulation. The VR counselor must consider each participant’s unique circumstances to determine whether the needed services can reasonably be expected to require an extended period of time. For this purpose, six months may be used as a general benchmark, but not applied as an absolute limit, since each individual’s circumstances must be uniquely considered.~~

~~When the VR counselor has sufficient data to determine eligibility and significance of~~

~~disability, the VR counselor completes the required documentation.~~

### **Determination of Significance of Disability Documentation**

~~Again it is important to emphasize that in addition to case file documentation and supporting medical records, the required eligibility/significance of disability documentation must include the SD/MSD Checklist.~~

~~**Remember:** The SD/MSD Checklist is a form used to support the determination; however, and is not sufficient enough documentation to adequately describe the individual's limitations by itself.~~

~~The VR counselor completes the SD/MSD Checklist for each individual~~customer ~~as soon as sufficient information is available, but no later than sixty (60) days from the date of application (unless an extension has been agreed upon). +DVR will then send a letter advising the individual of the eligibility decision.~~

### **Functional Loss Definitions**

~~A serious limitation in a major functional area means a reduction in capacity of the individual to the degree that the person requires services or accommodations not typically made for other individuals in order to prepare for, get, or keep a job.~~

~~While limitations may result from or be compounded by external factors, such as geographic location, poor public transportation or lack of training, these factors should not be the basis of the limitation for the purpose of defining serious restriction. Defining limitations in these functional areas relies on the professional rehabilitation counselor's interpretation of the effect of the disability on the individual as well as on medical or diagnostic evaluation data.~~

#### **Function Loss Definition Chart (SD/MSD Checklist):**

AREA	SERIOUS LIMITATION	DISABILITY
<b>COMMUNI- CATION</b>  Effective exchange ideas and information through written or spoken words.	1. Cannot hear or understand the content of ordinary spoken conversation or;	
	2. Cannot be readily understood by others on first contact; or	
	3. Cannot print or write short notes such as: Out of Order, Don't Walk; or other required survival skill messages;	
	4. Cannot read signs or short notes from others; or	

	<del>5. Requires an interpreter for the hearing impaired, hearing aids, augmentative communication device, or other accommodation not typical to communicate in work, training or living environments.</del>	
<b>INTERPERSONAL SKILLS</b>	<del>1. Cannot establish and maintain working relationships with co-workers, fellow students, or family members; or</del>	
<del>Establish and maintain</del>	<del>2. Exhibits destructive behaviors such as: hitting, yelling, tantrums, sexual/racial harassment, which interfere with the performance of the individual or others in training or work settings; or</del>	
<del>Personal working relations with others.</del>	<del>3. Individual avoided or rejected by co-workers or fellow students because of serious scarring, disfigurement, uncontrolled drooling, or uncontrolled motion.</del>	
<b>MOBILITY</b>	<del>1. Unable to move safely around within common training, home, or work environments without the help of others or the use of assistive devices such as: wheelchair, prosthesis, crutches, cane, or walker; or is</del>	
<del>Move about from place to place and move the body into various positions.</del>	<del>2. Significantly restricted or limited in the distance he/she can safely move within common training, home, or work environments; or</del>	
	<del>3. Takes significantly longer to move about within common training, home or work environments than the average person; or</del>	
	<del>4. Cannot safely change body positions without the help of others or the use of assistive devices; or</del>	
	<del>5. Requires assistive technology, modifications, adaptations, or accommodations not typical in order to move around within common training, home, or work environments.</del>	
<b>SELF-CARE</b>	<del>1. Requires personal assistance to perform most self-care activities; or</del>	
	<del>2. Requires personal assistance to perform most independent living activities; or</del>	

<b>Perform basic personal care and independent living activities</b>	<del>3. Is unable to obtain a driver's license due to a disability; or</del>	
	<del>4. Requires a special modified vehicle for travel within the community; or</del>	
	<del>5. Requires independent living, training, or rehabilitation technology services to perform self-care and/or independent living activities.</del>	
<b>SELF-DIRECTION</b>  <b>Manage and take control Of one's personal, social and work life.</b>	<del>1. Requires ongoing personal assistance such as: prompts, cues, or physical guidance to start, finish, or stop tasks, follow schedules or decide what to do next; or</del>	
	<del>2. Has recurring episodes during which personal assistance is required to start, finish, stop, or complete tasks, or follow schedules; or</del>	
	<del>3. Requires intensive individualized supervision or personal assistance beyond that which is typical when entering a new training or work setting; or</del>	
	<del>4. Requires constant monitoring by others because of confusion or disorientation; or</del>	
	<del>5. Requires assistive technology, compensations, adaptations, or accommodations such as: detailed calendars, appointment books, alarms, not typical for others in order to start, finish, or complete tasks, follow schedules or decide what to do next within common training or work environments.</del>	
<b>WORK SKILLS</b>  <b>Possess skills needed to perform jobs which exist in the economy (regardless of</b>	<del>1. Is unable to perform the work skills essential to maintaining employment in the previous job or line of work and does not have other work skills which could be used to enter and maintain a job comparable in skill (not wages) which is readily available locally, or in an economy to which the individual is willing to relocate; or</del>	
	<del>2. Has not learned the work skills usually possessed by the average person of comparable age, education, or experience which could be used in a work environment which is readily available locally or in an economy to which the individual is willing to relocate; or</del>	



demand).	3. Has symptoms of hallucinations, delusions, depression, obsession-ruminations, time-consuming obsessive/compulsive routines or medication side-effects which interfere with the ability to concentrate on or complete common work, home, or school tasks at a pace comparable to that of the average person in the general population; or	
	4. Requires specialized instructional methods, extended learning periods, assistive technology, or accommodations and adaptations not typical for others students. or requires to learn work skills; or	
	5. Requires continual monitoring, skill training, behavior management, support, assistive technology or accommodations and adaptations not typical for other employees to maintain work skills and stable job performance.	
<b>WORK TOLERANCE</b>  Perform under the levels of physical, environmental, or psychological demands commonly found in work settings.	1. Individual is unable to lift and carry a sack of groceries, 12-pack of soda pop, pail of water, or objects weighing up to 20 lbs; or	
	2. Individual is unable to sustain a continued or prolonged paced movement of the arms, hands, or fingers over the course of a typical 8-hour work day; or	
	3. Individual is unable to sustain a continued or prolonged standing or sitting position of the body required to perform the previous job or line of work over the course of a typical 8-hour day; or	
	4. Individual is unable to sustain consistent physical or mental work effort over the course of a typical 8-hour day, 5-day work week, 52-week year; or	
	5. Individual is unable to tolerate the common environmental conditions found in the typical work environment; or	
	6. Individual is unable to tolerate the common psychological stresses found in the typical work environments; or	
	7. Requires assistive technology, modifications, or accommodations not typical to meet essential strength, stamina and endurance requirements or to deal with environmental or psychological demands.	

~~\*Other causes include poverty, lack of education, environmental restrictions and age, sex, race or cultural factors.~~

## SECTION 7.0 ~~ASSESSMENT OF VOCATIONAL REHABILITATION~~ ~~NEEDS~~ ASSESSMENT OF VOCATIONAL REHABILITATION NEEDS

### 7.1 Primary ~~Sources~~ Source of Information

To the extent possible, the vocational goal, intermediate objectives, and the nature and scope of services to be included in the Individual Plan of Employment (IPE) must be determined based on the data used for the assessment of eligibility and priority for services.

The Comprehensive Assessment to be completed prior to the development of the IPE will use, as a primary source of information, to the maximum extent possible, the following:

~~A. \_\_\_\_\_~~

A. Existing information

~~B. \_\_\_\_\_~~

B. Information provided by the ~~individual~~ customer and, where appropriate, by the family of the ~~individual~~ customer.

~~C. \_\_\_\_\_~~

C. The Assessment may also include new information acquired by IDVR including an in-house vocational evaluation; Community ~~based~~ Based Work Evaluation (CBWE), aptitude tests, interest tests, job shadowing or any pertinent ~~medical~~ assessment required to identify the objectives, nature and scope of VR services that the ~~individual~~ customer may need in order to substantiate the choice of employment outcome.

### 7.2 *Comprehensive Assessment of Rehabilitation Needs*

#### ~~Medical History:~~

~~The development of a rehabilitation plan requires the rehabilitation counselor to understand the individual's medical requirements. To do this, the VR counselor (VRC) or the vocational rehabilitation assistant (VRA) will need to obtain any existing medical records that confirm the individual's mental and physical conditions. This often can be obtained through a primary family physician. If the VR counselor cannot determine and confirm the individual's mental and or physical limitations, the scheduling of updated diagnostics will be required. This medical information is important to determine eligibility for services and if eligible, to identify a vocational goal that will not exceed mental and/or physical capacities. This information is critical when developing an appropriate vocational goal.~~

A comprehensive assessment of rehabilitation needs is a process utilized to identify the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice as it relates to any potential vocational goal. The assessment shall be conducted in the most integrated setting possible, consistent with the informed choice of the customer.

### 7.2.1 Assessment of the Customer's Current Realities

The VR counselor and customer will evaluate the following relevant factors.

#### **Work History:**

The VR counselor is required to obtain a thorough work history of the ~~participant~~customer at the time of the intake interview. The gathering of this information requires the identification of job titles, job duties/responsibilities, and length of time in each position, hiring/educational requirements, and the reasons for leaving. Some attempt should be made to assess the individual'scustomer's satisfaction with the job, the employer, and co-workers. ~~Motivation and flexibility are two important variables that need to be evaluated.~~

#### **Functional Limitations:**

Functional limitations need to be clearly outlined before the ~~Participant's Perception of Disability:~~

~~The selection~~customer begins the development of a vocational goal. The establishment of an appropriate vocational goal requires that both the VR counselor ~~to understand the participant's and~~ customer are aware of and address the true barriers to employment including the customer's perception of ~~disability, their limitations.~~ This involves addressing the following areas:

~~A. \_\_\_\_\_~~

A. Physical limitations (lifting, walking, carrying, driving, stooping, reaching, handling, and bending)

~~B. \_\_\_\_\_~~

B. Mental limitations (coping with stress, working with other people, working alone)

~~C. Present~~

C. Current work tolerance

~~D. \_\_\_\_\_~~

D. Acceptance of disability

~~E. \_\_\_\_\_~~

E. Cognitive functioning

~~F. \_\_\_\_\_~~

Personal ~~Family~~ and community support

~~The individual's perception is critical to know if the VR counselor is to help guide in the selection of an appropriate vocational goal. The establishment of an appropriate vocational goal requires that both the VR counselor and participant are aware and address the true barriers to employment.~~

#### **Social & Economic- Factors:**

It is important for the VR counselor and customer to gather ~~information regarding the participant's, document, and understand personal~~ social and economic considerations ~~to include any use of alcohol, street drugs, and tobacco.~~ These considerations include:

~~A. \_\_\_\_\_~~

A. Values (personal and work)

~~B. Family~~

~~C. \_\_\_\_\_~~

B. Family

C. Service or support agencies

~~D. \_\_\_\_\_~~

D. Legal

E. \_\_\_\_\_

E. Financial (current realities and future expectations)

~~Does the individual experience any stressors with the family unit or community of friends? How does this impact his/her ability to participate in vocational rehabilitation services and what sort of influence does this have on a potential vocational goal? It is necessary to address these concerns, guide the individual in identifying solutions to these concerns, and implement them.~~

F. Substance Use

G. Non-financial resources / supports available

It is critical to understand the personal, social and economic factors as it relates to the development of the employment goal and the IPE.

### **~~Functional Limitations:~~**

~~Functional limitations need to be clearly outlined before the participant begins the development of a vocational goal. In developing a vocational plan, the worker characteristics (temperaments, physical and mental requirements, environmental conditions) need to be assessed and matched to the individual's residual capacities. If they exceed the documented functional limitations, the VR counselor and the participant should never pursue a particular vocational goal unless assistive technology is available that can compensate for identified job tasks that exceed the individual's functional capacities.~~

### **~~Inherent~~ Aptitudes/Transferable Skills:**

~~The~~

To determine an appropriate employment goal the VR counselor and customer must work with the individual in identifying existing worker traits that can be used in~~identify~~ the development of a new vocational goal. Too often, this is not addressed and subsequently, the success rate of the rehabilitation plans decreases. One of the most practical ways to explore the participant's "employability goals" is to

~~do a transferable~~ aptitudes, skills ~~assessment~~, and ability that the customer possesses. The following skill areas are to be addressed:

A. Personal ~~A. Adaptive skills – self~~

- Self-management ~~skills and personality~~
- Self-care
- Personality characteristics ~~a person brings to the job.~~

B.

B. Functional skills – ~~generic behaviors that deal with a~~ person's level of skill working with data, people, and things ~~that relate to the work environment.~~

~~.~~

C.

C. Specific ~~content~~ work skills – competencies ~~that enable an individual to perform a~~ in specific ~~job according to the employer.~~ work task areas.

Many tools exist to assist the ~~participant~~ customer and the VR counselor to identify ~~inherent~~ aptitudes and transferable skills ~~such as:~~

### 7.2.2 Identification of potential employment goal, rehabilitation needs, and IPE services

The VR counselor and customer will evaluate a potential employment goal and identify rehabilitation needs and services required to achieve that employment goal.

Vocational ~~A. Comprehensive Guidance and Counseling provided by the agency.~~

~~B. Job Seeking Skills workshops offered by the Department of Commerce and Labor or Community Rehabilitation Programs (CRPs).~~

~~C. Vocational Evaluations provided by CRPs either “in-house or within the community.~~

~~D. Community based “job shadowing” experiences within the community.~~

~~E. Career Interest Survey (CIS) studies as well as other computerized programs.~~

### Assessment:

Vocational ~~Evaluation:~~ assessment

~~Vocational~~ evaluation is a comprehensive process ~~that systematically uses either real or simulated work as the focal point for assessment involving the VR counselor and the customer that focuses on functional abilities and vocational exploration. The purpose is to assist individuals in vocational development. A vocational evaluation process incorporates~~ will incorporate medical, psychological, social, vocational, educational, cultural, ~~and economic data.~~ and real or simulated work. This is

done to identify the employment goal, its overall feasibility, and the VR services that are needed to achieve that goal. Examples of vocational assessment include:

~~A. \_\_\_\_\_~~

A. Formal Vocational Evaluation

~~B. \_\_\_\_\_~~ Community Based Assessment

~~C. \_\_\_\_\_~~ Guidance & Counseling – Facilitated Self-Discovery

~~D. \_\_\_\_\_~~ Labor Market Research

~~E. \_\_\_\_\_~~ Assistive Technology Review

## **Employability**

### **7.3 IPE Development:**

Through ~~In the process of developing the employment goal, the participant must come to the point where a positive self-initiated resolution occurs. With this understanding in place, the individual is in a position to develop a comprehensive~~ assessment the customer has made an informed choice of his/her vocational goal. The VR counselor must concur that the vocational goal and Individual Plan for Employment (IPE) is feasible. The VR counselor will ~~now~~ then assist in ~~the development of a labor market entry strategy~~ identifying the IPE services needed to remove barriers to employment. The VR counselor is required to identify service needs such as: address all previously identified disability related barriers to employment. These services include but are not limited to:

~~A. \_\_\_\_\_~~

A. Counseling and Guidance

B. Training

C. Medical and mental restoration

D. Disability adjustment training

E. Information and referral services

F. Interpreter services

G. Job placement assistance

H. Job readiness training

I. Job search assistance

Maintenance ~~B. \_\_\_\_\_~~ Academic

~~C. Vocational~~

~~J. \_\_\_\_\_~~

K. On-the-job supports

~~E. Job Search~~

~~F. Disability Adjustment Training~~

~~G. Assistive Technology Training~~

~~H. Accommodation Training~~

~~I. Supportive Services~~

~~J. Medical & Mental Restoration~~

L. On-the-job training

M. Other services

N. Personal attendant services

O. Reader services

P. Rehabilitation technology

Q. Technical assistance services

R. Transportation services

Vocational rehabilitation services ~~provided under this title~~ are any services described in an IPE necessary to assist ~~an individual~~ a customer with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the ~~individual~~ customer.

~~The Comprehensive Assessment is limited to information to identify the rehabilitation needs of the individual and to develop the IPE of the eligible individual.~~

~~The assessment shall be conducted in the most integrated setting possible, consistent with the informed choice of the individual.~~

~~The assessment may include, to the degree needed to make a determination of vocational rehabilitation needs and develop an IPE, an analysis of the pertinent factors affecting the employment and rehabilitation needs of the individual. The following Comprehensive Assessment Template has been designed as a word document to be cut and pasted into a Case Note once the appropriate headings have been completed. This document is intended to be an integral part of the decision process that leads to an informed choice in the selection of a vocational goal:~~

~~\*The following are essential components that need to be addressed and documented as part of the comprehensive assessment:~~

- ~~•~~ Compatibility of Disability with Employment
- ~~•~~ \*Skills, Interests, Aptitudes, and Abilities
- ~~•~~ \*Market Analysis
- ~~•~~ \*Economic Expectations and Potential for Career Growth

- ~~\_\_\_~~ \*Vocational Strengths and Capacities
- ~~\_\_\_~~ \*~~Client~~Customer Financial Issues
- ~~\_\_\_~~ \*Informed ~~Client~~Customer Choice
- ~~\_\_\_~~ \*Social Support
- ~~\_\_\_~~ \*Training and Academic Test Results
- Rehabilitation Technology needs
- Legal barriers and industry specific requirement (criminal issues, drug and alcohol screenings, tobacco use, etc)

### 7.34 **Medical Consultation Policy**

Medical ~~consultations~~consultants are retained by IDVR ~~to review all medical data gathered pertaining to an individual participant.~~ Medical ~~consultant time~~consultants can be used to review ~~an individual's~~a customer's diagnostic information to determine: 1) if it is complete or if updated and/or additional medical reports are necessary; 2) to train the counselor about medical conditions; and 3) to assist in case management direction.

~~Not every case needs~~

Examples of times to ~~be reviewed by~~use a medical consultant. ~~Appropriate times to use Medical Consultants~~ are:

~~A.~~

A. Eligibility determination

B. ~~B.~~ Plan development

C. ~~C. All~~Prior to medical restoration services ~~(required)~~

D. ~~D.~~ Whenever ~~you have a VR staff member has~~ a question about ~~an individual's~~a customer's treatment, medications, or condition including such issues as the natural course of the disease or ~~the most appropriate treatments.~~treatment options.

~~Most IDVR offices have a medical consultant on contract that will visit on a regularly scheduled basis. A Chief Medical Consultant is on contract in order to be available in person, by phone, or electronically if you do not have a consultant or if your consultant is not available. IDVR encourages the utilization of medical consultation time in a group setting to maximize the consultant's time and to allow for an educational opportunity for VR counselors. New counselors are advised to use consultation time for most cases to become familiar with the medical aspects of disability.~~

When presenting a case file to the medical consultant, be prepared to:

~~A.~~

1. Present specific questions to the medical consultant; and
2. Speak knowledgeably about the customer.



Some examples of things a VR staff member may consider prior to medical consultation:

- A. File medical information in chronological order with ~~the~~ most recent on top
- B. ~~B.~~ Highlight or tab important information
- C. ~~C.~~ Eliminate duplicate data
- ~~D. Prepare a short case presentation: i.e.; age, sex, marital status, medical conditions, medications, support systems, treatments, names of treating physicians~~
- D. ~~E.~~ List questions for the medical consultant
- ~~F. Use the medical consultation form~~
- ~~G. Follow up on consultant suggestions~~
- ~~H. Re-present the case when new information has been received.~~

Medical Consultant Review Form

Name: \_\_\_\_\_

Diagnosis(es): \_\_\_\_\_

Is additional medical/psychological information needed for employment? Yes ☐ No ☐

If yes, describe: \_\_\_\_\_

Describe disability(ies): ☐ chronic ☐ acute

☐ stable ☐ progressive

☐ mild ☐ moderate ☐ severe

Prognosis: \_\_\_\_\_

Functional limitations: \_\_\_\_\_

~~Sample~~

Does client need medical/psychological care program for employment? Yes ☐ No ☐

If yes, describe: \_\_\_\_\_

~~Not for Use~~

Comments:

Medical Consultant: \_\_\_\_\_ Date: \_\_\_\_\_

State Medical Consultant: \_\_\_\_\_ Date: \_\_\_\_\_

## SECTION 8.0 PARTICIPATION OF ~~INDIVIDUALS~~CUSTOMERS IN COST OF SERVICES BASED ON FINANCIAL NEED

In order to further IDVR's mission to help customers move towards independence and self-sufficiency, IDVR encourages customers to be personally invested in and contribute financially towards the cost of their plan when possible. The extent of the customer's financial participation is based on income and other factors. Regardless of the amount that is going to be contributed by the customer, the assessment of the customer's financial participation is an effective tool for identifying customer resources as they relate to VR planning and implementation.

Reminder: Financial need and/or participation is not a factor in the eligibility determination.

### **Financial Participation**

Financial participation is assessed:

1. After eligibility, during plan development, while exploring comparable benefits.
2. Using the Financial Participation Assessment (FPA) form.
3. Every twelve (12) months or sooner if financial circumstances change significantly.

### **Financial Participation Assessment Guidelines**

A Financial Participation Assessment will be applied as a condition for furnishing all vocational rehabilitation services EXCEPT the following:

1. Purchased services for determining eligibility and vocational rehabilitation needs;
2. Counseling, guidance and referral services;
3. ~~a-~~ Any auxiliary aid or services (e.g., interpreter services or reader services);
4. ~~•~~ Personal Assistance Service;
5. Rehabilitation Technology;  
[CFR 361.5(b)(45) includes vehicular modification and telecommunications. Home modifications are not exempt.]
6. Job related services; including: job search and placement assistance, job retention services, follow-up services, and follow-along services, i.e., Community Based Work Adjustment, Job Site Development (CBWAJSD), Community Based Work Adjustment (CBWA), Placement and Follow Along Job Site Development (P&FJSD), and Placement and Follow Along (P&F).
7. Supported employment services, i.e., Community Supported Employment Job Site Development (CSEJSD), and CSE Job Coaching.

### **Customer Financial Participation for IPE Services**

Upon completion of the FPA and the determination of services to be included on the IPE the counselor and customer will identify the specific IPE services that will be paid for by each party.

The FPA will be used to identify financial responsibility for IPE services.

It should be emphasized to the customer and vendor, IDVR will not be responsible for the customer's debts. If the customer's debts to a vendor inhibit the provision of services necessary to achieve the employment goal, IDVR will work with the customer to explore options for the continuation of services.

IDVR cannot, under any circumstances, pay for a customer's previous financial obligations or debts.

### **Financial Participation Assessment (FPA) Form**

The VRC and customer will complete the FPA form in eligible status and identify the customer's financial participation responsibilities.

Estimate the cost for rehabilitation services each twelve (12) month period of the IPE. Calculate the amounts of participation to be provided by both the customer and IDVR for each twelve (12) month time period covered by the FPA.

### **Directions for Completion:**

#### 1. Exemption from required participation:

Customers who receive SSDI and/or SSI are not required to make a financial contribution toward the cost of services. However, to ensure a customer qualifies for this exemption, written proof of SSDI or SSI determination must be received. This information will be used in completing the FPA form exemption status for SSDI and/or SSI recipients. *It should be noted that customers receiving Social Security benefits under retirement, spouse of retired worker, child of a retired worker, child of deceased worker, widow, parent of deceased worker, spouse of disabled worker, or child of disabled worker would not be eligible for this exemption.* The VR Counselor must complete the top portion of the FPA certifying that the customer is exempt from any required financial participation. The VR Counselor will also make a note in the IPE and subsequent plan amendments that may be developed, in the appropriate section, outlining the customer's exemption.

#### 2. Income Data:

Customers (and spouse's if married) sources of income verification would include:

- Most recent year IRS tax filings,
- Employment Security Wage or Unemployment Benefit Reports,
- Employer generated pay stubs,
- Retirement program documents, or
- Documentation from public or private income support programs.

(TANF and food stamps are examples that are not considered income)

a. Modification

The customer or their representative may request modification to the FPA, as needed to adjust for changes in income or other circumstances (e.g., disability related costs and number of family members). If modification is requested, the customer, parent or guardian must provide income verification from the sources listed above.

b. Exceptional Cases

In exceptional cases, circumstances may occur where rigid adherence to the Financial Participation Policy and Procedures could seriously jeopardize the customer's opportunity to achieve rehabilitation objectives and an employment outcome. In such cases, the VRC may elect to seek an exception to the policy by reviewing the case with the Regional Manager who will then seek an exception approval by the Chief of Field Services or designee who will render a decision within ten (10) business days.

c. Total Income Excluded:

This figure is the Income Exclusion Allowance (300% of the Federal Poverty Level) plus exclusion of disability related expenses, per the Code of Federal Regulations – Title 34: Education: 361.54(2)(iv)(B).

For the purposes of this policy, the Social Security Administration's use of impairment-related work expenses will serve as a guideline to disability related expenses.

A disability related work expense is an expense for an item or service, which is directly related to enabling an impaired customer to work, and which is necessarily incurred by that customer because of a physical or mental impairment. To qualify as a disability related work expense, the expense must be paid by the customer. Expenses paid by sources such as health insurance, vocational rehabilitation and the employer are not considered a disability related work expense for the customer with the impairment.

Examples include, but are not limited to:

- The cost of attendant care services rendered in the work setting or in assisting the customer in making the trip to and from work (attendant care rendered on non-work days or those performed at any time which involve shopping or general homemaking are not considered a disability related work expense. Additionally, attendant services performed for other family members such as babysitting, are not considered a disability related work expense).
- Durable medical equipment which can withstand repeated use, used to serve a medical purpose, and generally not useful to a person in the absence of an illness or injury, such as wheelchairs,

hemodialysis equipment, respirators, pacemakers, traction equipment.

- The cost of the modification of vehicle (but not the cost of the vehicle) in order to drive or be driven to work, where the modification is critical to the vehicle's operation or its accommodation of the customer. The modification must be directly related to the impairment (without the modification the customer would either be unable to drive or would be unable to ride in the vehicle).
- Expenses paid by a person with blindness in owning a guide dog including the costs of purchasing a dog, food, licenses and veterinary services.
- Prosthetic devices that replace internal body organs or external body parts (a prosthetic device primarily for cosmetic purposes usually is not considered a disability related work expense).
- The cost of drugs and medical services necessary to control the disabling condition, thereby enabling the customer to work (drugs and medical services used for minor physical or mental problems not resulting in any significant loss of function such as, yearly routine physical examinations, dental examinations and optician services and eyeglasses, when unrelated to a disabling visual impairment, are not considered a disability related work expense).
- Work equipment and assistants that are required to accommodate the impairment and perform the job such as, a one-handed typewriter, telecommunications device and a job coach paid for by the customer.

#### Applicable Income:

This section enables IDVR to specify the extent of the expected customer cost responsibility toward the cost of services during the upcoming twelve (12) month period of expected plan expenditures. Applicable Income equals Income minus the Total Income excluded and Disability Related Work Expenses.

The Income Exclusion Allowance information is adjusted annually to reflect 300% of Federal HHS Poverty Guidelines.

#### Determination of Required Participation:

The Customer Participation Table (Table A) is formulated to assess that portion of Applicable Income, which is considered to be available to meet the cost of services. The customer is expected to contribute toward the service cost(s) at the

specified percentage of participation level. The amount of financial participation will not exceed the Annual Maximum Percentage of the customer's Applicable Income. All service cost anticipated or purchased during the twelve (12) month period covered by the FPA are to be considered in aggregate rather than individually calculated.

**TABLE A – CUSTOMER PARTICIPATION TABLE**

<b><u>Yearly Cost of Plan</u></b>	<b><u>% of Participation</u></b>
<u>\$2,000 and Under</u>	<u>50%</u>
<u>Over \$2,000</u>	<u>75%</u>

Certification:

The customer, parents or legal guardian completing the form will be asked to verify, by signature, that the information provided is correct. The customer, parents or legal guardian should be advised that he/she will be asked to document the financial information provided from external sources, such as the most recent year IRS tax fillings, Employment Security Wage or Unemployment Benefit Reports, employer generated pay stubs, retirement program documents, or documentation from public or private economic support programs. The form will then be signed by the VR counselor.

**SECTION 9.0 PURCHASE OF SERVICES AND SUPPLIES FOR PARTICIPANT USE IN THE VOCATIONAL REHABILITATION PROGRAM**

All purchases must follow Federal, State, and IDVR purchasing guidelines.

Purchases require written authorization (purchase order), prior to initiation of the service or the purchase of any equipment.

The responsibility for authorizing services and approving payment of those services must be assigned to separate employees.~~In order to obtain maximum commitment toward his/her rehabilitation program, and to conserve case service funds, each participant is to be encouraged to participate in the cost of any purchased service. Idaho Division of Vocational Rehabilitation (IDVR) will assess an individual's economic need prior to paying for services. There are two categories of services; those based upon economic need and those not based upon economic need (see lists below). For services that are based on economic need, the economic circumstances of the participant's family unit must be assessed and the ability to participate in the cost of rehabilitation services determined, prior to IDVR paying for any of these services. A Financial Needs Assessment (FNA) (Gemini 12) should be completed with the consumer on an annual basis as part of the yearly Individual Plan of Employment (IPE) Review.~~

~~VR staff needs to be aware of and emphasize to participants that substantial services~~



can be provided at no cost. **Remember:** *If a person does not qualify for financial assistance from IDVR, there still can be a variety of substantial services provided by IDVR. Counseling and guidance, as well as coordination of services are substantial and vital services that do not require VR expenditures.*

~~If the individual does not qualify for financial assistance based upon the economic needs assessment s/he must pay all or part of any service based upon documented economic capacity.~~

~~All comparable benefits available to the participant must be utilized. In the case of post-secondary education; a copy of the Student Aid Award Letter Report (SAR) must be in the case record and used as documentation of resources and need prior to implementation of an IPE.~~

### GENERAL INSTRUCTIONS

~~The service delivery team (participant and VR counselor as well as significant others invited to participate by the individual) is responsible for determining the economic need for individual participants. Economic need should be tested, and the FNA form filled out during the assessment period and prior to the development of an (IPE). The following guidelines are to be used:~~

~~A. All projected net income and liquid assets of the family unit should be considered. IDVR staff may require documentation of income or liquid assets if needed and as appropriate (copy of IRS 1040, pay stubs, Free Application for Financial Student Aid (FAFSA), SAR, etc.). Retirement accounts are not liquid. However, payments received in retirement, workers compensation payments; disability insurance payments, etc. are considered liquid income. Liquid assets can include:~~

- ~~b. Money Market Funds~~
- ~~c. Cash/ Savings/ Checking Accounts~~
- ~~d. Mutual Funds (not IRAs)~~
- ~~e. Preferred and Common Stocks~~
- ~~f. Certificates of Deposit~~
- ~~g. Treasury Bills~~
- ~~h. Trust Funds~~
- ~~i. Permanent Fund Dividend~~

~~Workers Compensation;~~

Purchases will be made consistent with the prevention of discrimination due to race, religion, color, national origin, sex, age, and disability.

- ~~j. Maintenance and Care, or Personal Injury Settlements~~
- ~~k. Child Support or Alimony~~
- ~~l. Annual Corporation Dividends~~
- ~~m. Survivors Benefits~~
- ~~n. Any other source of liquid assets~~

- ~~B. The family unit includes the participant, dependents or others who contribute economically to the family unit.~~
- ~~C. A dependent is anyone reported as such to the IRS, or up to age 24 for students in post-secondary education or training, or as determined through the federal student financial assistance program as reported through the FAFSA and noted on the SAR.~~
- ~~D. If the participant is a dependent of the family unit the entire income of the family unit should be considered, or a justifiable reason explained in the case record.~~
- ~~E. If the participant is eligible for any form of Public Assistance—Temporary Assistance for Families in Idaho (TAFI), Aid for the Aged, Blind and Disabled (AABD), Supplemental Security Income (SSI), Dual recipients of SSI and SSDI,—s/he may be considered to qualify for financial assistance based on economic need and be exempt from the mandate to participate in an FNA review..~~
- ~~F. Social Security Disability Insurance (SSDI). Recipients are not required to demonstrate need through an FNA for services.~~
- ~~G. It should be made clear to the participant that it is his/her responsibility to notify the agency any time there is a substantial change that may affect economic need status. An annual review of financial need is to be completed when the IPE is reviewed. A new form is to be completed if there is a substantial change in personal resources or at least every year.~~

~~**Instructions for completing the form to determine economic need are as follows:**~~

- ~~1. **Monthly Income**—VR counselor and individual should complete the FNA for up to 12 months (depending upon the anticipated length of the services). List the net monthly take home pay (wages) for the participant. Any *consistent monthly payments* coming into the household via other members of the household, such as SSI, SSDI, TAFI must also be listed. VA benefits, unemployment benefits, workman's compensation, retirement, private disability, child support, etc. must also be documented. (On the FNA Gemini 12 form, circle types of income and write in monthly amounts. Add all amounts together to get Monthly Income).~~
- ~~2. **Available Resources**—These are items that have cash or loan value that can be used toward the rehabilitation plan. Examples of such resources include: savings, stocks and bonds, IRA's investment real estate, second homes, recreational vehicles (snowmobiles, campers, four-wheelers) investment items (jewelry, guns, art) additional cars not required for the participant or other specific members of the household in order to sustain~~

~~employment. When totaling up these available resources, IDVR will allow a \$5000 exclusion. Add all Available Resources, subtract the \$5000 exclusion and then divide the remainder by the number of months in plan. Add this amount to the "Monthly Income" above to get the "Total Monthly Income". (If the number with exclusion is less than 0, put 0.)~~

~~3. **Monthly Expenses**—Housing (actual cost) including mortgage, rent trailer space, taxes and insurance for primary residence. Utilities (actual cost within the range of \$100-\$300 per month) including heat, electricity, sewer, trash, water, phone, (cell phone if *only* phone). If the individual's estimated utility costs are higher than outlined above, the VR counselor should ask for receipts for documentation. *Remember* to always subtract any energy assistance subsidy that may be available. Food (actual cost, up to \$150 for one person, with \$100 for each additional person) includes non-food grocery items. If participant's costs are higher because of a special diet prescribed by a doctor, or other reason, the VRC should ask for documentation and receipts. *Remember* to always subtract food stamps/subsidy amount. Miscellaneous expenses including gas, bus tickets, car payments, insurance, medications, medical expenses, clothing, child support, credit cards must also be calculated into "Monthly Expenses". *Remember* to calculate *only the minimum monthly payment* required for credit card obligations. Do not calculate the total amount owed for credit cards or other expenses unless those amounts must be paid during the time period established for the rehabilitation plan. *Remember that the taxpayer should not subsidize "choice item" costs*, so don't list them as allowable expenses on the FNA. Examples include: second homes, boats, recreational vehicles, tithing, music lessons, animals, cell phones (if not primary telephone) cable TV, etc.~~

~~4. **Total Monthly Budget Surplus or Deficit**—After calculating the total income, and total allowable expenses monthly, subtract the expenses from the income. The result will reflect the "Total Monthly Budget Surplus or Deficit".~~

~~If the participant has excess or additional resources after subtracting the deductions from the total resources, s/he must apply the excess resources to the cost of the IPE before any financial assistance for services based upon economic need can be provided by IDVR. If no resources are available after this calculation the participant does qualify for financial assistance.~~

~~If the participant qualifies for financial assistance any service can be paid for by IDVR, as appropriate, utilizing all available comparable benefits.~~

~~H. Comparable benefits should be used to the maximum extent whether the participant qualifies for financial assistance or not. (See Sections 1.4.1/ or 11.1 for definition).~~

~~If the participant does not qualify for financial assistance the amount that is available must be applied toward the costs of the IPE. When these payments are made is open to negotiation. For example: If a~~

participant has \$2000 available it is reasonable for the individual to pay for an expense over time, such as transportation or books/supplies while IDVR pays for tuition during the same time period. If, however, the participant has a small amount available, it is reasonable to expect the individual to pay the entire cost of some items at the beginning of the plan, such as books or tuition for one semester. ~~It is expected that payment is made by the individual to the vendor directly. IDVR may request a receipt as appropriate. The negotiated method and time frame for contribution of their share of the costs can and should be spelled out on the IPE.~~

~~If a participant has a significant amount available, such that IDVR is not paying for any of the services, the participant can still be served through assessment for eligibility and rehabilitation needs, counseling and guidance, coordination of services and job development/placement.~~

### **~~Services not Based on Economic Need (do not require FNA justification)~~**

~~The following services may be provided without considering economic need:~~

- ~~A. Counseling, guidance and referral.~~
- ~~B. Diagnostic and related services to determine eligibility and services necessary to determine the nature and scope of the IPE.~~
- ~~C. On-the-job training.~~
- ~~D. Community assessment and work adjustment.~~
- ~~E. Job site development and placement and follow-along.~~
- ~~F. Assistive Technology Services.~~
- ~~G. Community Supported Employment (CSE).~~
- ~~H. Interpreters, Personal Care Services, Reader Services.~~

### **~~Services Based on Economic Need (do require FNA justification)~~**

~~The following services may not be provided until economic need has been determined. If the participant does not qualify as having an economic need, these services cannot be authorized until their portion of the service is paid. If these services are developed as part of an IPE, the participant and/or family must pay them to the extent of their available resources, or use a comparable benefit.~~

- ~~A. All training (except OJT)~~
- ~~B. Maintenance (including clothing)~~
- ~~C. Transportation~~

~~D. Books and training supplies~~

~~E. Tools, equipment (including computers) and supplies~~

~~F. Physical or mental restoration services~~

~~G. Initial stock and supplies for self-employment~~

~~H. Assistive Technology Services (including home and vehicle modification—See Section 12.4.2 & 12.14.4)~~

~~I. Medical care for an acute condition (inter-current illness)~~

~~J. Services to family members~~

~~K. Occupational licenses~~

~~L. Any other goods or services~~

**PURPOSE OF FNA:** ~~To determine the level of financial participation the individual will be able to assume in his/her IPE. In addition, the assessment is used as a:~~

- ~~• Counseling Tool~~
- ~~• Effective resource utilization~~
- ~~• Career planning~~
- ~~• Consistency of service provision statewide~~
- ~~• Counselor/participant accountability~~

~~The FNA can be used as a counseling tool for all participants:~~

- ~~• For counseling related to the participant's level of debt and money management skills.~~
- ~~• eg. Should the participant be referred to professional consumer credit counseling agency?~~
  
- ~~• For career planning to determine the individual's current financial status, and ability to participate in rehab plan.~~
- ~~• eg. Does the participant need to go to work immediately? Can the individual afford to attend a one, two or four year training program? How will the participant and family survive economically while attending training program?~~

- ~~To determine the individual's economic needs, then seeking employment with wage that will meet those needs.~~
- ~~eg. What hourly wage does the participant need to earn? Does the participant need to work 40 hours per week or less? Does the participant need to purchase health insurance?~~
- ~~To determine the amount of individual's participation in paying for the costs of the rehabilitation plan. The individual needs to be encouraged to participate financially in the rehabilitation plan. Regardless of whether the participant has a budget surplus or deficit, ask how much the participant can contribute financially to the cost of rehabilitation plan. The individual needs to be vested in and committed to the success of his/her rehabilitation plan.~~
- ~~Financial participation by family members should always be encouraged when developing an IPE. The family's income needs to be included on the FNA for individuals under the age of 18 years, claimed as a dependent on income tax, or are under legal guardianship. Married participants need to include their spouse's income on the FNA. If extended family member expenses are included in the FNA, then their income must also be included.~~

## **SECTION 9.0 PURCHASE OF SERVICES AND SUPPLIES FOR PARTICIPANT USE IN THE VOCATIONAL REHABILITATION PROGRAM**

**NOTE:** ~~Before discussing expenditure of Title I and State Funds for VR-eligible participants, it is necessary to emphasize two areas where the participant must demonstrate compliance with federal law. First the consumer must file federal income taxes if s/he is delinquent in payment of appropriately assessed federal/state taxes due. The consumer must provide to the VR agency a document confirming an agreement with the IRS regarding the payback process. Secondly if an 18-year-old male citizen refuses to register under federal selective service requirements, he must register prior to his 26<sup>th</sup> birthday in order to meet the restrictions established under federal regulations. If he fails to demonstrate "maximum effort" during that time period, he is not eligible to receive funds under Title I. No-cost services, however, may be provided if appropriate. The individual who has violated selective service law does have recourse. He may appeal this decision through the due process procedures established in section 102(c) of the Act and 34 CFR 361.57 of VR regulations. This appeal will require a decision by the federal agency (e.g. US Department of Education, etc) that enacted the denial.~~

The Rehabilitation Act of 1973, as amended, and ~~it's~~ its implementing regulations mandate procedures in the provision of services and methods of procurement. ~~Individuals~~ Customers with a disability served through the vocational rehabilitation program must be actively involved in choosing the vocational rehabilitation services they receive and the entities providing those services.

~~Procurement authority is granted to VR counselors by the Chief of Field Services with the recommendation of their Regional Manager following a period of training and probation.~~

Consistent with procurement guidelines, a VR counselor cannot obligate Idaho Division of Vocational Rehabilitation (IDVR) to services that exceed his/her procurement authority. An Individual Plan ~~of~~for Employment (IPE) that will include a service generating an Authorization for Case Service (ACS) over \$~~5000~~5,000 will require the Regional Manager's written approval ~~on~~of the IPE prior to the plan being approved. The ~~rehabilitation~~VR counselor will inform the ~~participant~~customer that the plan is pending approval during this process. An ACS purchase cannot be fragmented into multiple ACS's as a way to circumvent this approval.

All purchases in excess of \$5,000 shall be reviewed and recommended by the Regional Manager.

**NOTE:** *Case service expenditures require written authorization prior to the initiation of the service or the purchase of any equipment. Oral authorizations are permitted in emergency situations by the Regional Manager or designee, but must be confirmed promptly in writing and forwarded to the provider. Authorizations These authorizations are to be issued within three (3) business days of the beginning of the service.*

**The following principles shall guide ~~participant~~customer purchases:**

~~A.~~

~~A.~~ The IPE is the primary document that determines the scope, duration and provider of services. The ~~individual~~customer with a disability must agree to the terms and conditions of the IPE prior to services being provided.

~~B.~~

~~B.~~ VR counselors are required to determine the rehabilitation needs of the ~~individual~~customer first, and then determine the provider and the procurement method. Costs, availability, success ~~and~~, experience providing the service~~, and ~~participant~~customer research~~, are characteristics that guide the choice of the provider.~~~~

~~C.~~ ~~C.~~ The method of procurement is also determined in partnership with the ~~individual~~customer. The ~~agency~~Agency prefers that a state Authorization for Case Services (ACS) be provided to the selected vendor, with an invoice from the vendor documenting the service provision. Other methods are available, given the informed choice of the ~~individual~~customer, including reimbursement.

~~D.~~

~~D.~~ The provision of services must be consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities~~,~~ and informed choice of the ~~individual~~customer.

~~E.~~

~~E.~~ All purchased services that are evaluative and restorative shall be authorized prior to the provision of services. The ~~agency~~Agency will reimburse providers of medical services (both medical and psychological) based upon usual and customary fees for their area of specialization or based upon payment caps that have been imposed for specific services (Review Payment Policy – Section 12.2). Providers will be reimbursed at this rate independent of the ~~participant~~customer attending the scheduled appointment.

~~F.~~

~~F.~~ Staff will ensure fair and equitable treatment of all persons doing business with the Division.

~~G.~~

~~G.~~ Purchases will be made consistent with the elimination and prevention of discrimination due to race, religion, color, national origin, sex, age, and disability.

~~H.~~ ~~The responsibility for authorizing services and approving payment of those services must be assigned to separate employees. In small, sub-offices offices this control may be waived.~~

~~I.~~

~~H.~~ The responsibility for authorizing services and approving payment of these services must be assigned to separate employees.

~~I.~~ The record of ~~services~~service of the ~~individual~~customer shall contain necessary evidence and documentation of adherence to these principles.

~~J.~~

Regional ~~Managers~~managers are the Division's field service procurement liaisons and are responsible to ensure that staff have necessary training.



J. \_\_\_\_\_

## SECTION 10.0 INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)

### 10.1 Options for Developing the IPE

The eligible ~~individual~~customer or, as appropriate, the ~~individual's~~customer's representative may develop all or part of the IPE:

A. \_\_\_\_\_

A. Without the assistance from Idaho Division of Vocational Rehabilitation (IDVR) or any other entity

OR

B. ~~B. \_\_\_\_\_~~ With assistance from:

a. ~~a. \_\_\_\_\_~~ A qualified vocational rehabilitation counselor employed by IDVR. \_\_\_\_\_

b. ~~b. \_\_\_\_\_~~ A qualified vocational rehabilitation counselor who is not employed by IDVR. \_\_\_\_\_

c. ~~c. \_\_\_\_\_~~ Other resources. \_\_\_\_\_

IDVR will not pay for IPE development services from other providers. IPE development must be completed on IDVR forms.

The IPE must be agreed to and signed by the ~~individual~~customer or, as appropriate, the ~~individual's~~customer's representative, the VR counselor and, when required, the IDVR Regional Manager. \_\_\_\_\_

~~A counseling relationship or designee. An IPE is considered approved and partnership is developed between the VR counselor and the eligible individual, where options are explored and where implications of decisions are identified. It is within this partnership that the VR counselor provides support tailored to the needs of the individual, as identified in the assessment process, so s/he may make informed choices that result in successful employment. In the development of the IPE, the individual will be encouraged to make decisions based upon relevant information available. In addition, the responsibility to make decisions based upon related laws, regulations and public policy is also a requirement of the partnership between the VR counselor and the individual with a disability. services initiated only after all required signatures have been obtained.~~

~~Individuals~~

A comprehensive assessment must be completed in developing the IPE as described in section 7.2.

Customers must receive the supports that will assist them in making informed choices. ~~This is especially important for individuals with cognitive or other disabilities who require assistance in exercising informed choice.~~

~~Individuals~~

Customers shall promptly receive a copy of their initial IPE and any subsequent ~~revisions~~IPEs. Copies shall be provided in the native language of the ~~individual~~customer or through appropriate modes of communication. if appropriate.

The record of services must support the selection of the specific employment outcome, the objectives of the IPE and the selection of providers of services. ~~VR~~All goods and services, except assessment services, may only be provided in accordance with ~~the~~ IPE.

~~It is imperative that~~ An IPE can support one of the individual fully understand that five following employment means outcomes:

- a. ~~Entering or retaining full-time, or if appropriate, part-time competitive~~
1. Competitive employment in the integrated labor market, ~~including self-~~
  2. Self-employment
  3. Homemaker
  4. Unpaid family worker
  5. Integrated employment, telecommuting or small business ownership, with supports
- b. ~~Community Supported Employment (CSE).~~

IDVR must:

- a. ~~\_\_\_\_\_~~
1. Reinforce the ultimate purpose of the IPE: To assist the ~~individual~~ customer to prepare for, secure, retain, or regain employment.  
b. ~~\_\_\_\_\_~~
  2. Insure that the ~~individual~~ customer fully understands that ~~s~~he/he must participate as an active ~~-and~~ cooperative partner in the identification and selection ~~of an~~, through informed choice, of a vocational ~~choice with~~ goal, having a reasonable expectation for marketable success.  
c. ~~\_\_\_\_\_~~
  3. Insure that the ~~individual~~ customer fully commits to participate in the implementation and completion of the IPE.

## 10.2 Developing the Vocational Goal:

In selecting a vocational goal, it is important that the customer is actively involved in all phases of this development. Much research has been done to substantiate that the successful outcome of vocational rehabilitation increases when the customer is involved in every phase of the vocational planning. Vocational planning is built around vocational exploration, understanding the customer's medical and work history, his/her perception of disability, social habits, functional limitations, inherent aptitudes and transferable skills, vocational exploration through vocational evaluation, training options, and labor market research. The customer will explore the relationship of vocational objectives around his or her personal capabilities, interest, and situations and then attempt to understand the way these different factors impact and influence vocational potential. This information then helps the customer to develop the steps to a solid rehabilitation plan and provides tools for the customer to assess his/her current state of mind and to encourage positive self-initiated resolutions.

### 10.23 Ticket ~~To~~ Work

—When a customer has a Ticket to Work through SSA and an approved VR IPE, their ticket is automatically assigned to IDVR, unless the ticket is already assigned to another employment network (EN). If the customer has a ticket assigned to another EN prior to IDVR involvement, the customer will be requested to reassign the ticket to IDVR. If the customer does not reassign

their ticket, IDVR will need a copy of the work plan from the EN that the ticket was assigned to, to ensure that no service overlap occurs. It is the customer's responsibility to provide the ticket work plan.

An Agency verification program has been implemented that informs Maximus of all SSA recipients who have been placed into an initial IPE. If a recipient has been assigned a ticket by SSA, Maximus will designate the ticket as "in usage" at the time of notification by the ~~agency~~Agency.

The VR counselor should always inform the SSA recipient that the choice to participate in an active IPE program will restrict any option to assign the ticket to other employment networks (ENs) while participating in the VR program.

At closure, the VR counselor is not required to contact Maximus. An ~~agency~~Agency verification program has been designed to inform Maximus of case closure. This notification will re-activate the ticket for further engagement if desired by the ~~client~~customer.

At successful closure, it is highly recommended that ~~the~~a VR counselor provide a list of ENs who ~~are~~is capable of initiating follow-along services such as "Phase 2" and or "Monthly Outcome Payment" services. By referring the ~~client~~customer who is earning at Substantial Gainful Activity (SGA) level at closure to an EN, the probability of agency reimbursement at the completion of nine months of employment will be increased significantly.

### **~~10.3 Annual Review~~**

~~The IPE must be reviewed annually by a qualified VR counselor and the individual to assess the eligible individual's progress in achieving the identified employment outcome.~~

#### ***10.4 The IPE must include the following:***

~~A.~~

A. Using the information from the Comprehensive Assessment (Section 7.2) the VR counselor and ~~individual~~customer must determine a specific employment outcome consistent with the ~~individual's~~customer's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice. In concert with the ~~individual~~customer, the VR counselor must conduct a thorough market analysis to include job outlook and the ~~individual's~~customer's economic expectations and needs. ~~The goal is for the individual to become self-sufficient and self-supporting, if possible and the provision of planned~~Planned services on the IPE should only entail those required to achieve the ~~targeted~~ vocational goal.

~~B.~~

B. The specific rehabilitation services needed to achieve the employment outcome, along with the projected dates for initiation and anticipated duration of each service, including:  
a. \_\_\_\_\_

- a. As appropriate, assistive technology devices, assistive technology services and personal assistance services including training in the management of those services;
- b. \_\_\_\_\_
- b. As provided in the most integrated setting that is appropriate for the services and is consistent with the informed choice of the eligible ~~individual;~~  
customer;
- c. \_\_\_\_\_
- c. Timelines for the achievement of the employment outcome and for the initiation of services;
- d. \_\_\_\_\_
- d. A description of the entity or entities chosen by the eligible ~~individual~~customer or, as appropriate, the ~~individual's~~customer's representative that will provide the vocational rehabilitation services and the methods to procure those services;
- e. \_\_\_\_\_
- e. A description of the criteria ("Plan Documentation") that will be used to evaluate progress toward achievement of the employment outcome;
- f. \_\_\_\_\_
- f. The terms and conditions of the IPE, will include information describing the responsibilities of IDVR and the ~~individual~~customer to achieve the employment outcome;
- g. \_\_\_\_\_
- g. The extent of the ~~individual's~~customer's participation in paying for the costs of services;
- h. \_\_\_\_\_
- h. The ~~individual~~customer is required to apply for and secure comparable services and benefits when available. The responsibilities of other comparable service and benefit entities will be listed on the IPE;
- i. \_\_\_\_\_
- i. As necessary, the expected need for post-employment services prior to the point of successful closure (Review Post-Employment ~~—~~ Section 12.~~13~~;  
14).
- j. \_\_\_\_\_
- j. A description of the terms, conditions, and duration of the provision of post-employment services;
- k. \_\_\_\_\_
- k. If appropriate, a statement of how post-employment services will be provided or arranged through other entities as the result of arrangements made pursuant to comparable services or benefits;

l. \_\_\_\_\_

1. Supported Employment — for ~~individuals~~customers with the most severe disabilities for whom a vocational objective of supported employment has been determined appropriate, the following must be addressed:

i. ~~\_\_\_\_\_~~ a

- A description of time-limited services to be provided by IDVR not to exceed eighteen (18) months in duration, unless under special circumstances, the eligible ~~individual~~customer and the VR counselor jointly agree to extend the time to achieve the employment outcome;

ii. ~~\_\_\_\_\_~~ a

- A description of an identified source of funding for the extended services needed (long-term support). If it is not possible to identify the source of such funding, a statement that there is a reasonable expectation that extended services will be available. *Extended services are provided by a State agency, a private ~~nonprofit~~non-profit organization, employer, or other appropriate resource, from funds other than IDVR.*

~~iii. a description that the employment is competitive and available in an integrated setting. Verification of a “minimum wage” (State of Idaho Minimum Hourly Wage) must be documented.~~

m. ~~\_\_\_\_\_~~

m. In developing an IPE for a transition student with a disability, the IPE shall be prepared in coordination with the appropriate educational agency and will consider the student’s Individual ~~Educational~~Education Plan (IEP) if one exists;

~~n. The current IPE will be reviewed with the individual as often as necessary but at least annually to assess the individual’s progress in meeting the objectives on the IPE.~~

o. ~~\_\_\_\_\_~~

n. Completion of the IPE for all School-Work transition ~~participants~~customers, *before they exit the school system.*

**NOTE:** *Because of the capability of the ~~Gemini~~ Case Management tool, with the ability to clone plans, write new plans, edit features and delete completed services, there will be only **one active plan**, which is the current plan with all current services reflected on it. When the current plan is signed and approved by the ~~individual~~customer and approving authority (counselor or supervisor) all previous plans will become void ~~and only the signature pages of those previous plans should be retained in the hard copy file.~~*

#### 10.4.1—Implementation of the IPE

##### Assurance

The VR counselor should ensure that the IPE is developed and implemented in a timely manner, within ~~6~~four (4) months of the eligibility decision. *An exception may be made and must be documented in a case note, on or before the plan due date if this timeframe will be exceeded due to the needs of the ~~individual participant~~customer.* Documentation should include

participant~~customer~~ readiness, availability, inability to complete a comprehensive assessment, as well as unforeseen delays outside the control of implement the individual, VR counselor, or Regional Manager IPE (i.e. legal, family, medical, transportation, and housing issues) and the anticipated time frame for resolution of factors delaying IPE implementation.

## 10.5 ~~Plan Features~~ Annual Review

The IPE must be reviewed annually by a qualified VR counselor and the customer to assess the eligible customer's progress in **Gemini** achieving the identified employment outcome. An approved plan amendment would replace an annual review.

## 10.6 IPE Electronic Case Management Functions

**New Plan:** ~~A new plan-~~ The "New Plan" option is ~~completed~~ utilized when completing an ~~original~~ initial plan ~~is initiated~~ or when the overall nature of the IPE is changed. This would occur when a new vocational goal is chosen and there are major changes in the planned services. Any time a new vocational goal is chosen, a new comprehensive assessment case note must be completed that supports the new vocational goal. Remember: with the development of a new plan, the VR counselor and ~~participant~~ customer will need to include all needed services and complete ~~all~~ the pertinent comparable benefit documentation outlined in Section 11.30.

**Clone:** The clone feature is to be used when the basic nature of the plan is going to remain the same. This feature brings forward a full copy of the previous IPE and allows the VR counselor and ~~participant~~ customer to add new services. New services will be given new service numbers when they are added to the clone. It is important to add new services before deleting previous services from the plan that have been completed or expired. This keeps service numbers ~~number~~ 1-2-3... in numerical order and allows for subsequent services to be numbered appropriately. Justification for the new services must be documented in the comments section of the Plan sub-page. If the goal is changed without the need to modify services, the IPE can be cloned. Change the goal and update the comprehensive assessment in a case note to justify vocational change. When adding new or expanded services to a clone, always update the justification in the "documentation" box. It is not necessary to clone the plan each time the price of a service outlined on a plan increases. This can be accommodated through the authorization showing the increased costs.

**Edit:** ~~The edit function may only be used to change a vendor or to edit the documentation on a previously signed and approved plan. The edit function is not to be used to add a new service to an existing plan. The edit function may be used prior to closure to insure that the employment outcome on the last plan is in the same or related field as the employment outcome at closure since this is a federal requirement. When editing the employment outcome, it is essential that the VR counselor document how the substantial services provided on the edited IPE support the final employment outcome and that the participant fully agree with the modified goal. All VR counselors and support staff can edit plans since edits do not require signatures.~~

## **SUMMARY:**

**~~NEW Plan:~~** is always implemented for a new vocational goal when major changes in services are necessary.

**~~CLONED Plan:~~** is implemented when new services are added or additional services are needed to fulfill the objectives of a previous plan. A clone may also be implemented when the vocational goal is modified without changing the planned services.

**~~EDIT:~~** is used to change a vendor or edit the documentation on a previously signed and approved plan.

**Edit:** There are limited circumstances when editing an IPE is allowed. When editing an IPE, a VR counselor, who meets CSPD standards, must document in a case note the customer's agreement with the edit of the IPE. The only two situations where an IPE can be edited are:

### 1. Changing the provider of a service

Generic services can be edited on an IPE, with customer agreement, without a customer's signature, prior to the initiation to that service. Non-generic services cannot be edited. No service may be added to the IPE through the edit process.

- a. Generic services – Tutoring, computer equipment / software, auto repairs, books, transportation, community rehabilitation services, child care, clothing, academic testing, dental work, dialysis, driver's training, eye glasses, functional capacity evaluation, GED, hearing aids, information referral services, insurance, kidney related services, lab work, licensure, maintenance, medication, vocational adjustment, tools and equipment, supplies, and x-rays.
- b. Non-generic services – Medical examination, diagnostic examinations, case management, post-secondary education, medical records, counseling and guidance, treatment, evaluation, hospitalization, interpreter services, education and evaluation, therapy, OJT, other services, personal assistant services, psychological consultation, prosthetics / orthotics, rehabilitation technology, rehab engineering, self-employment technical assistance, surgery, transition planning, and vocational evaluation.

### 2. Changing the cost of a service

The cost of services on the IPE can be edited if the cost increase is 10% or less for that particular service.

## **Plan Approval Authority:**

VR counselors ~~1 and 2~~ who ~~have~~do not ~~been given permission to sign their own plans~~meet CSPD will continue to require Regional Managers (RM) approval for all plans. RMs can, at their discretion, delegate this function to an Assistant Regional Manager (ARM) or other senior counselors at a level 2 or 3.

## **~~10.6 “4x 4” Service Policy:~~**

~~Revisions shall be completed when a significant change occurs in the IPE. Revised IPEs (clones or new plans) shall be in writing and shall not take effect until agreed to and signed by the individual. The IPE is amended as necessary by the individual and the VR counselor if there is a substantial change in the employment outcome, VR services or providers of VR services. Amendments are not necessary, however, under the following very limited and specific circumstances:~~

- ~~1. The additional service must not exceed \$400.~~
- ~~2. The additional service must not exceed four months in duration.~~
- ~~3. The employment goal must remain the same as on the previously written plan.~~
- ~~4. The additional service will be provided on a one-time basis per case. This restriction is intended to prevent the ongoing provision of a specific service, e.g., transportation, beyond the four-month time limit or \$400 maximum allowance.~~
- ~~5. It is imperative that a Case Note be completed to document that the individual is in full agreement with the provision of the additional service provided by this protocol in order to show full awareness and agreement by the individual~~

~~**Note:** VR counselors who currently do not have permission to sign plans will be exempt from participating in this protocol.~~

**Annual Review:** Upon completion of annual review with customer, the VR counselor must complete annual review function in Case Management System.

~~Through the implementation of this policy, the VR counselor can continue to provide services in a seamless manner without having to interrupt a program by preparing and implementing an IPE for services with a minimal associated cost that are intended to support an ongoing vocational goal.~~



## SECTION 11.0 COMPARABLE SERVICES AND BENEFITS

### 11.1 Comparable Services and Benefits

Each eligible individualcustomer will be required to ~~review~~identify, with the VR counselor, all potential comparable benefits that may be available ~~prior to~~during the development of the Individual Plan of Employment (IPE). If comparable benefits and services are available, they ~~MUST are required to~~ be utilized, to meet, in whole or in part, the cost of vocational rehabilitation services. Comparable benefits and services should be utilized before Idaho Division of Vocational Rehabilitation (IDVR) agency funds are expended.

~~The definition~~

Provision of ~~Comparable Benefits and Services is any benefit;~~

1. ~~If comparable services or service that exists~~benefits exist under any other program ~~that is and are~~ available to the ~~participant during the duration of the IPE and which can be directly applied~~customer at the time needed to ensure the individual's progress of the customer toward the achievement of achieving the employment outcome in the customer's IPE, the designated State unit must use those comparable services or benefits to meet, in whole or part, the costs of the vocational rehabilitation services.  
~~Federal regulations require that VR and the participant must utilize all~~
2. ~~If comparable services or benefits or services. This means that the individual must apply for~~exist under any comparable benefit or service that could beother program, but are not available during to the customer at the time sequence outlined needed to ensure the progress of the customer toward achieving the employment outcome in the customer's IPE, the designated State unit must provide vocational rehabilitation services until those comparable services and benefits become available.

The utilization of comparable services and benefits does not apply in the following situations:

~~A.~~

- A. If the determination of the availability would delay the provision of vocational rehabilitation to any individualcustomer who is at extreme medical risk. A determination of extreme medical risk shall be based upon medical documentation provided by an appropriate licensed medical professional and means a risk of substantially increasing functional impairment or risk of death if medical services are not provided expeditiously. It is strongly recommended that such cases receive medical consultation review whenever possible.

~~B.~~

- B. If an immediate job placement would be lost due to a delay in the provision of comparable benefits.

### 11.2 ~~Comparable~~Exempt Services ~~and Benefits Exceptions~~

The following categories of service are ~~exceptions~~exempt to the requirement that comparable services and benefits be utilized:

~~A.~~

- A. Medical, psychological or other examination to determine eligibility.

~~B.~~

- B. IDVR counseling, guidance, information and referral, and IDVR job related services including: job search and placement services, assistance, job retention services, follow-up services, and follow along services.
- ~~C. \_\_\_\_\_~~
- C. Evaluation of vocational rehabilitation potential.
- ~~D. \_\_\_\_\_~~
- D. Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices (see Section 12.14 for exceptions).
- E. Post-employment services that are outlined through A-D.

### ***11.3 Timeliness of Comparable Benefits***

If a comparable benefit exists, but is not available to the ~~individual~~customer at the time needed to satisfy the rehabilitation objectives on the IPE due to no delay on the part of the eligible participant in seeking such benefits, IDVR may provide services until the comparable benefits become available. ~~For example: In a post-secondary education plan, IDVR may provide up to \$1650 of the first semester costs based upon the fact that a Pell Grant has yet to be determined in spite of appropriate Financial Assistance (FAFSA) preparation conducted in advance by the individual. Appropriate preparation in advance is defined as the completion of the application process for financial assistance far enough in advance to merit an eligibility/ineligibility decision prior to the onset of the desired training program.~~

~~The participant must complete the financial aid process and receive a financial aid award or denial letter before the first day of classes at the selected school. It is incumbent upon the VR counselor to inform the prospective student of this financial aid process and VR requirement. The VR counselor should always encourage and counsel the participant to complete the financial aid application as early as possible in order to comply with this policy. Subsequent semester costs will only be authorized upon receipt and consideration of the full FAFSA award(s). When IDVR provides first semester tuition prior to a grant award, approval must be procured at the Field Services Manager (Zone) level and documented on the IPE before services are established and authorizations issued. If available, a copy of the financial award or denial letter should always be placed in the individual's file before any authorizations are issued. As noted above, when the financial aid determination has been delayed or funding has not arrived at the institution, IDVR may fund that semester up to the amount noted in this section.~~

~~When this exception occurs it will be necessary for the counselor to document in the IPE the participant's obligation to reimburse the agency once financial aid is received. It is incumbent upon the counselor to closely monitor the receipt of the participant's Pell grant to secure reimbursed funds. The participant must understand that assistance with subsequent semesters will be dependant upon reimbursing the agency following receipt of the participant's financial award.~~

~~IDVR cannot pay for training costs unless maximum effort by the participant has been made to secure the following applicable grant assistance: Pell Grant, Supplemental Educational Opportunity Grant (SEOG), State Incentive Grant (SSIG), Leveraging~~

Educational Assistance Partnership Grant (LEAP), and other grants.

**NOTE:** ~~The individual must make repayment arrangements if s/he has previously defaulted on a loan and owes a refund on a grant before IDVR will support a training program in which financial aid is available to all eligible students.~~

## SECTION 12.0 VOCATIONAL REHABILITATION SERVICES

### 12.1 ~~Guiding Principles~~Timeliness

The VR Counselor and customer require adequate time to accomplish all steps in the VR process to reach a determination and approval of **Informed Choice**—an agreed upon feasible employment goal. VR services, other than assessment services, are initiated when the steps to this process have been completed and a plan is in place. Sufficient time must be allowed for the completion of a comprehensive assessment prior to implementation of IPE services.

- ~~A. All people with disabilities can achieve competitive, high quality employment in an integrated setting and can live full productive lives.~~
- ~~B. People with disabilities often experience major barriers related to the low expectations of, and misunderstandings toward, people with disabilities that exists within society, within the persons with disabilities themselves, and sometimes, within our own rehabilitation system.~~
- ~~C. People with disabilities should have responsibility and accountability to make their own choices about their lives; the kind of employment they want to pursue, who they want to provide services for them as well as the kind of services they need.~~
- ~~D. The primary purpose and role of the public rehabilitation system is to empower individuals with disabilities by providing them with information, education, training, and confidence, in order that they will make the right choices responsibly if appropriately informed. It is also the purpose of the public rehabilitation system to support those choices when they are based upon reasonable and verifiable premises.~~
- ~~E. The most effective rehabilitation occurs when there are true partnerships between the federal and state partners, state agency providers, community providers and employers, the disability community, all other partners, and the consumer.~~

~~The ultimate goal is to provide participants with skills, tools and information to aid in their vocational discovery process and to initiate informed choices when creating their Individual Plan for Employment (IPE) with the Vocational Rehabilitation Counselor (VRC).~~

~~Many tools exist to assist the participant and the counselor to identify inherent strengths, interest, aptitudes and transferable skills such as:~~

- ~~A. Comprehensive Guidance and Counseling provided by the agency.~~
- ~~B. Job Seeking Skills workshops offered by the Department of Commerce and Labor or Community Rehabilitation Programs (CRPs).~~
- ~~C. Vocational Evaluations provided by CRPs either “in-house or within the community.~~
- ~~D. Community Based “job shadowing” experiences within the community.~~

~~E. Career Interest Survey (CIS) studies as well as other computerized programs.~~

#### **~~Developing the Vocational Goal:~~**

Post-Secondary Training (PST) and other IPE services are VR services that are provided when it is required for a VR customer to become a competitive applicant for an approved IPE goal. If an applicant for VR services expresses an interest in a vocational goal that requires Post-Secondary Training and the VR applicant is either already enrolled or desires to start a PST program within six (6) months of application, IDVR reserves the right to assert that six (6) months or less may not be adequate to complete the process described above.

~~In selecting a vocational goal, it is important that the participant is actively involved in all phases of this development. Much research has been done to substantiate that the successful outcome of vocational rehabilitation increases when the participant is involved in every phase of the vocational planning. Vocational planning is built around vocational exploration, understanding the participant's medical and work history, his/her perception of disability, social habits, functional limitations, inherent aptitudes and transferable skills, vocational exploration through vocational evaluation, training options, and labor market research. The participant will explore the relationship of vocational objectives around his or her personal capabilities, interest, and situations and then attempt to understand the way these different factors impact and influence vocational potential. This information then helps the participant to develop the steps to a solid rehabilitation plan, and provides tools for the participant to assess his/her current state of mind and to encourage positive self-initiated resolutions.~~

## ***12.2 Agency Payment Policy***

**NOTE:** Many of the services listed below include *maximum agency contributions*. This section outlines in detail the payment policy of Idaho Division of Vocational Rehabilitation (IDVR) in regard to specific services. It is the policy of IDVR to pay usual, customary and reasonable charges for services provided to its ~~participants~~customers by providers of goods and services except for the following list. An "Exception Policy" ~~clause~~to the payment policy is ~~attached~~included at the ~~completion~~end of this ~~list~~sub section, explaining that the payment caps established may, on occasion, be exceeded ~~for geographical or other considerations~~.

. It is important to emphasize that IDVR is not obligated to pay the total cost of services required to ensure that a ~~participant~~customer achieves an employment outcome. ~~The individual is always strongly encouraged as well as responsible for the pursuit~~When appropriate, customers are required to utilize Comparable Benefits and ~~identification of comparable benefits~~. Services (Section 11.0). Personal participation in the payment of some portion of the costs of a vocational plan may be required based upon the particular service selected as well as the identification of personal resources that could be applied toward the cost of the targeted ~~services~~service.

## **Rates of Payment:**

These fees are established in accordance with ~~federal~~Federal guidelines that permit an agency to establish fee limits for services designed to ensure a reasonable cost to the program for each service.

Whenever ~~possible~~appropriate, a competitive process will be used to achieve a reasonable price. Idaho is a low bid State; therefore, the lowest bid, meeting specifications, will then be the maximum amount IDVR will contribute to the purchase of goods or services. The Payment Policy will determine the maximum that IDVR will contribute to the purchase. For items not included in the payment policy, the usual, customary and reasonable rate will be used for the service, not to exceed the rate charged other public agencies. The ~~services~~services that will meet the ~~individual's~~customer's need at the least cost to IDVR shall be the service purchased.

All decisions on cases, including fee for services, are determined on an individual case basis. The ~~individual~~customer may choose his or her preferred vendor, but if ~~s/he~~the client chooses a product or ~~vendor~~vender that exceeds the maximum rate of payment established by the Payment Policy, the ~~participant~~customer will be responsible for the excess amount.

## **Exceptions to Usual, Customary and Reasonable Charges:**

### **When training is being proposed for IDVR Payment Rates:**

- 1. Post-Secondary Training:** IDVR provides financial assistance for Post Secondary Training. Listed below are maximum assistance allowances to apply toward all training and educational programs including college, university, vocational-technical, truck driving, cosmetology, business school, computer training, commercial pilot training, etc.

The established percentage support applies to ALL tuition and fees including any associated health insurance fees.

- 4. Pell Grant / Financial Aid:** Any customer planning on attending an institution that is eligible for **PELL**
  - a. Pell Grant funding,** ~~the individual~~ must complete the ~~requisite~~Free Application for Federal Student Aid (FASFA) application ~~documents~~ and receive a ~~determination decision~~an award or denial letter prior to any IDVR financial participation. ~~Exceptions to this policy must be approved and reviewed by the Field Services Manager (Zone).~~All PELL grant proceeds must be applied first toward tuition and book expenses before IDVR assistance is provided.

Any non-merit grants or scholarships must also be applied to tuition, fees and books before IDVR assistance is applied.

A merit scholarship, based on academic standing or achievement, can be utilized at the student's discretion.

Student loans, including Federal student loans, can be utilized at the student's discretion.

2. ~~In IDVR reserves the right to adhere to the same payment/aid standards used at the state/federal level (PELL and all other grants as well as Medicaid and Medicare payment standards).~~

3. ~~Idaho public in-state~~ situations where a comparable and accessible Pell Grant and non-Pell Grant supported programs co-exist, IDVR requires utilization of the Pell Grant supported program.

An exception for IDVR financial support to a non-Pell Grant supported program (when a comparable Pell Grant supported program exists) can be granted after review and approval by the Regional Manager if the student can show extenuating circumstances and/or other very strong rationale for attending the non-Pell Grant supported program.

**b. Tuition:** IDVR will pay up to 90% of the total tuition and fees of any Idaho Public Post-Secondary Institution.

For customer's choosing out of the state or private institutions IDVR will pay up to 90% of the tuition and fees up to 90% of the highest Idaho Public Post-Secondary Institution offering the same program.

**c. Out-Of-State Education and Training:** Public and private post secondary institutions including colleges, vocational technical schools, universities, vocational technical schools, and other educational and training institutions outside the State of Idaho (see 12.5).

Normally IDVR financial participation will be limited to equivalent rates established for in state education and training Institutions' education expenses (fees and tuition, including health insurance fees) are established as follows:  
with the following exceptions;

—Maximum:

—\$1650 per semester x 2 per year (\$3300 max per federal fiscal year)

\$1100 per quarter x 3 per year (\$3300 max per federal fiscal year)

~~\$1000 per semester x 2 per year (\$2000 max per federal fiscal year) at the following three community colleges: North Idaho College (NIC), College of Southern Idaho (CSI), and College of Western Idaho (CWI).~~

~~4. **Community College attendance.** It is the policy of IDVR that any client who resides within proximity to one of the three community colleges referenced above and who desires VR assistance to embark upon an academic training program that includes course work available at these schools shall agree to complete all requisite course work at that local institution prior to transfer to a university for subsequent studies. Should the client still insist on attending a university setting, s/he will be responsible for tuition costs beyond the \$1000 dollars that would be funded at the community college.~~

~~For Example:~~

- ~~a. VR Maximum per semester for full time (12+ credits) — \$1650 at a university, or \$1000 at a community college.~~
- ~~b. VR Maximum per semester for  $\frac{3}{4}$  time (9-11 credits) — \$1237.50 at a university or \$750 at a community college.~~
- ~~c. VR Maximum per semester for  $\frac{1}{2}$  time (6-8 credits) — \$825 at a university or \$500 at a community college.~~

~~If the participant receives a Pell Grant, it must be applied first for tuition or fees. VR may pay the difference up to the \$3300 per year maximum.~~

~~These yearly maximums include summer school.~~

~~—The following *Exceptions* must be reviewed and approved by the Regional Manager (RM) for VR Counselors 1, 2, & 3)~~

~~VR~~

- ~~i. If a customer's vocational goal requires an educational degree that is not available at a state of Idaho public institution, IDVR will pay a maximum of 2.5 times the rate of two semester's tuition of the University of Idaho.~~
- ~~ii. If the course of study is offered in-state, because of the additional costs caused by accommodations for disability, it would be more cost effective for the Agency to support the attendance of the customer at an out-of-state educational institute, then VR may pay the training rates established for out-of-state programs.~~



**d. Summer Sessions:** Summer sessions are generally considered optional for academic programs. Therefore additional funding is typically not allotted for summer sessions.

Payment for a summer session will be considered with approval from the Regional Manager. Maximum assistance rates will be established according to the length of the term, i.e. semester, trimester, quarter. Approval or denial for summer school assistance will be considered if it meets any of the following conditions:

a.i. IDVR may pay for summer ~~school~~session if it is a required part of a Vocational or Technical Program, e.g. Welding — 5 sessions per yearprogram.

b. VRIDVR may pay for ~~academic summer school~~ if by attending the individual will be able to finish the final semester and not have to attend in the fall.

e.ii. VR may pay for summer schoolsummer session in exceptional cases where a disability-related reasonable accommodation is verified.

4. ~~Idaho private in-state colleges~~, vocational technical schools, universities, and other education and training institutions, education expenses (fees and tuition, including health insurance fees) are established as follows:

—Maximum:

VRIDVR may pay up to \$3300 per federal fiscal year for any in state training, public or private.

—If the participant receives a Pell Grant, it must be applied first for tuition or fees. VR may pay the difference up to the \$3300 per year maximum.

5. ~~Out-of-state colleges~~, universities, vocational technical schools and other education and training Institutions.

a. If the participant must attend an out-of-state institution because the course of study is not offered within the state of Idaho then IDVR can pay the “usual and customary” charges for fees and tuition.

b. If the course of study is offered in-state, but because of the additional costs caused by the accommodation for disability, it would be more cost effective for the agency to support the attendance of the individual at an out of state educational institute, then VR may pay the usual and customary tuition charges for the out of state educational

institution.

- c. ~~If the individual chooses to attend an out-of-state institution, when comparable training is clearly available in the state, then IDVR will only pay the Idaho in-state maximum cost (fees and tuition) currently established at:~~

~~Maximum:~~

~~\$1650 per semester x 2 per year (\$3300 max per federal fiscal year)~~

~~\$1100 per quarter x 3 per year (\$3300 max per federal fiscal year)~~

iii. \_\_\_\_\_

~~These yearly maximums include summer school.~~

~~These maximum fee allowances provided by IDVR apply to all training and educational costs including truck driving, cosmetology, short-term computer training, commercial airline pilot training, etc.~~

~~session if by attending the session the customer will be able to complete the college or university degree program by the end of that session.~~

6. \_\_\_\_\_

- iv. IDVR may pay for a summer session if by attending the session the customer will be able to complete the college or university degree program within the timelines identified on the IPE.

## 2. Books Only:

Where available and feasible customers are required to use rental text books or e-books. All rented books need to be returned – customer will be billed when books are not returned.

If unavailable for rent or e-book format, some text books may need to be purchased. The expectation is that used books will be purchased when available. All books purchased by IDVR must be returned to IDVR unless negotiated previously with VR counselor (where the book may be used for additional classes, reference, or for disability reasons).

IDVR will pay a maximum of 90% of the text books. If non-merit grant funds are remaining after paying tuition and fees they must be applied to books.

## 3. Medical Insurance for students in post-secondary education: IDVR may pay for medical insurance for students while attending an institution that requires medical insurance. If the student has medical insurance or can obtain medical insurance at no extra cost that meets the institutions requirement IDVR will not pay for medical insurance.

Note to staff: this must be issued as a separate authorization and classified as insurance.

~~Maximum:~~

~~\$300 per semester x 2 per year (\$600 maximum per federal fiscal year)~~

~~\$200 per quarter x 3 per year (\$600 maximum per federal fiscal year)~~

~~For Vo-Tech programs, where most of the books are required at the beginning of the first semester, VR can issue for required books not to exceed \$600 per federal fiscal year.~~

~~—These yearly maximums include summer school.~~

**4. ~~7.~~ Medical exams with written report:**

a. General Physical exam - \$65 maximum

b. Specialist exam by M.D. - \$~~200~~350 maximum, plus actual cost of related procedures (e.g. x-rays).

**5. Psychiatric Evaluations: \$250 maximum for the evaluation plus one medication monitoring sessions that is considered a diagnostic.**

~~a-6.~~ **Psychological Exam by Licensed Psychologist:** \$200 maximum plus actual cost of psychometric tests.

~~b-7.~~ **Ophthalmologist:** The specialist fee (\$350) for an ophthalmologist will be authorized when diseases of the eye are present and cannot be dealt with by an Optometrist:

**8. Optometrist:** Maximum fees are established for general visual exam, accompanying test, frames and glasses. Tinted glasses require a prescription for IDVR payment. ~~The specialist fee for an ophthalmologist will be authorized when diseases of the eye are present and cannot be dealt with by an optometrist.~~

Procedure	Fee
Visual Exam	\$85
Frames	\$85
Single Vision Lenses (per pair)	\$80
Bifocal Lenses (per pair)	\$100
Trifocal Lenses (per pair)	\$125

**Procedure Fees:**

Visual Exam \$85

Frames w/ Single Vision Lenses (per pair) \$165

Frames w/ Bifocal Lenses (per pair) \$185

Frames w/ Trifocal Lenses (per pair) \$210

- ~~6.~~ Contact Lenses – ~~contacts~~Contact lenses cannot be purchased for clients unless there is documentation by an ~~ophthalmologist~~Ophthalmologist or ~~optometrist~~Optometrist that there is a medical or visual need.

Maximum assistance - \$125

~~d. Audiologist exam – \$85 maximum~~

~~8. Physical exam (GBM) – \$65 maximum~~

~~9.~~

**9. Psychotherapy/ Counseling Sessions:** ~~Maximum: 10 sessions~~IDVR recognizes the benefits of additional training, education, and credentialing and has established the following payment policy for customer psychotherapy and counseling.

- a. ~~10.~~ Doctorate level licensed psychologist up to \$100.00 per session.
- b. Masters level clinician (to include LPC, LCPC, MSW, LCSW, and ACADC) up to \$80.00 per session.
- c. Bachelor's level counselor (CADC) up to \$40.00 per session.
- d. Group Counseling – IDVR also recognizes the importance of group counseling as a part of mental health restoration and as a supplement to customer counseling. The following payment policy has been established for group counseling (not to include family counseling). Group counseling up to \$25.00 per session.

The maximum that can be spent on any psychotherapy or counseling services is \$1,000.00 for the life of the case.

**10. Medication: and Medication Monitoring:**

Maximum: 3 months of medication identified on an IPE with one additional month if needed for diagnostic purposes – total 4, while ~~participant~~customer applies for reduced cost or ~~fee~~free medication programs provided by drug companies or other sources of comparable benefits.

~~11.~~ Maximum: 5 sessions of medication monitoring identified on an IPE. This does not include the one follow-up that is part of the evaluation.

**11. Dental Work;** including but not limited to ~~cleaning~~, fillings, extractions, crowns, and dentures. Dental Work would need to create an impediment to employment and must be appropriate to the identified employment goal.

Maximum: \$500 per case

**12. ~~12.~~ Hearing Aids:**

Maximum: \$1,000 per hearing aid. ~~Cost~~ must include insurance for free replacements for one year.

~~13.~~  
Audiologist exam: \$85.00 maximum

**13. Transportation:**

- a. Public conveyance (bus, van) ~~actual~~ Actual cost ~~of service~~
- b. Private vehicle not to exceed \$60 maximum per month within a 20 mile radius ~~in-town commuting~~, or ~~\$200~~ up to a maximum ~~out-of-town commuting~~ \$200 per month outside the 20 mile radius.
- c. ~~14.~~ Taxi Services – In areas without public conveyance, IDVR will not exceed \$60 maximum per month.

**Car Repairs:**

**14.** ~~Maximum: \$300 per case (except for cost of reasonable accommodation for disability).~~ IDVR will not pay for customary general car maintenance (i.e. oil changes, tire rotations, etc).

**15. ~~15.~~ Auto Insurance:** Maximum six (6) months of auto insurance. VR will only pay necessary auto insurance required to cover the VR customer as a vehicle operator.

**Maintenance:**

**16.** ~~Maintenance means monetary support provided to an individual~~ a customer for expenses, such as food, shelter, and clothing, that are *in excess* of the normal expenses of the ~~individual~~ customer and that are necessitated by the ~~individual's~~ customer's participation in an assessment for determining eligibility and vocational rehabilitation

needs or the ~~individual's~~customer's receipt of vocational rehabilitation services under an individualized plan for employment (IPE). (Ref: 34 CFR Part 361.5 (35)-~~7~~)).

~~NOTE: Counselors cannot pay maintenance for those existing living costs that an individual a customer would normally incur regardless of the individual's customer's participation in a plan of vocational rehabilitation services.~~

Maximum: \$~~1,500~~2,000 total per ~~federal~~Federal fiscal year. ~~No single monthly amount to exceed \$500. No limit on number of months up to the \$1,500 maximum.~~

~~These maximums also apply to rent and room & board for post secondary education.~~

~~NOTE: If the individual receives SSI or SSDI, VR cannot provide maintenance for basic living expenses.~~

#### 17. ~~16.~~ **Copy Fees:**

~~Maximum: \$~~1525 for a copy of ~~report~~records or reports.

#### 18. ~~17.~~ **Community Rehabilitation Programs (CRPs) (~~IDVR-PM-2006-02~~)**:

- ~~a. Maximum daily rate for in-house work evaluation, work adjustment \$69.55/day). (Exception: in-house evaluation may be paid at an hourly rate if reasonable justification, e.g. individual disability needs, delays in for community based services) is documented.~~
- ~~b. Certain CRPs have developed a comparable cost service for in-house diagnostics based upon the hourly rate. Those services can be utilized at will without justifying an exceptional cause. Please consult with the Regional Manager for a list of comparable hourly rate service providers.~~

- ~~a. c. Maximum hourly rate for Community Based Work Evaluation (CBWE), Community Based Work Adjustment (CBWA), Placement & Follow Along (P&F), Job Seeking Development (JSD) and McCarron Dial evaluation -- \$46 - \$47.80/hour.~~

---

Services purchased from CRPs are not subject to the allowable maximum ~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~ for training and educational expenses.

Regional Managers can approve exceptions to the following limits:

- All types of Job Site Development - maximum 40 hours per strategy.

- CBWE and CBWA – maximum 25 hours.
- P&F – maximum 15 hours.
- CSE Job Coaching – maximum 40 hours.

b. Maximum ~~48~~ – daily rate for in-house work evaluation, work adjustment - \$69.55/day.

## **19. Tools & Equipment:**

Maximum: \$1,~~300~~500 per case. Agency inventory tools and equipment will count towards the \$1,~~300~~500 maximum. *The VR counselor must always negotiate in the best interest of the agency on cost-~~of~~ services and must get three bids, if vendors are available, on all durable equipment (reusable) ~~valued~~value at \$300 or more.*

Tools will need to be required for training or employment and must be verified by the school or employer.

Exception: -If there is a change in employment outcome, the ~~individual~~customer must return the original tools to VR. After the tools have been returned, then VR may purchase new tools up to the \$1,~~300~~500 maximum for the new employment outcome.

**NOTE:** *A Property Agreement must be secured on all durable equipment or reusable supplies that exceed \$150 in value.*

## **20. ~~19.~~—On-The-Job (OJT) Fees:** (See section 12.5 On-The-Job Training)

Maximum: \$3,000 for a salary of \$9.00 per hour and under; \$5,000 for a salary between \$9.01 - \$15.00 per hour; \$7,500 for a salary of \$15.01 or more. There is a 20 hour a week minimum.

~~Maximum:~~ \$3,000

a. ~~a.~~—The VR counselor must negotiate OJT fees based on:

- ~~1.~~• Employer's cost to train the individual above the normal level of training
- ~~2.~~• Level of technical skills required for job
- ~~b.~~—Number of hours worked

b. The Individualized Plan of Employment (IPE) and OJT Agreement (Gemini 15) must include:

1. Cost of training
2. Length of time (# of months)

VR counselors are strongly encouraged to negotiate a decreasing payment schedule with the employer.

~~To exceed the \$3,000 maximum, the VR counselor must consult with Regional Manager. (Please review additional information regarding OJT outlined in Section 12).~~

## ~~21.~~ **20. Computers including hardware and software:**

Maximum: ~~\$1,000~~ \$500 per case, except for disability-related ~~reasonable accommodation.~~ assistive technology.

~~Most post-secondary training institutions have computer labs available for student use and this is covered in the cost of tuition and fees.~~

~~21.~~

## **22. Self-Employment Plans – (see Section 12.9)**

Maximum IDVR financial support for supplemental self-employment plans: \$3,500

~~Any special circumstances on computers and tools on self-employment plans will be discussed with the appropriate Field Services Manager.~~

~~Please review self-employment policy, section 12.9 for full details regarding the IDVR agency policy.~~

~~22.~~

## **23. Child Care:**

Maximum: Up to \$300 per ~~child~~ month per ~~month~~ case.

~~— Use the Health & Welfare Child Care Funding as a comparable benefit before expending VR funds. The VR counselor should carefully explore all comparable benefits that may be available including assistance from family and friends.~~



### **23. ~~Kidney Services Only~~**

~~Kidney services provided to individuals with ESRD will be the same for PSK participants and general VR participants with a diagnosis of ESRD. (See Section 14 Pure State Kidney — PSK)~~

### **24. ~~Private/Commercial Pilot's License:~~**

~~The Division does not assist with the procurement of a private pilot license since there is no occupational outcome associated with such licensure. The agency may assist with the acquisition of a commercial pilot license.~~

### **25. ~~24.~~ Reimbursements for Fines:**

~~IDVR will not reimburse (or pay restitution) for illegal behaviors — whether traffic violations or other misdemeanors. It is never appropriate for the agency to utilize tax supported funds to offset personal liability and accountability for a violation of the law.~~

~~26. —~~

IDVR will not pay for costs associated or incurred due to illegal behavior (fines, restitution, and reinstatements due to legal related suspensions).

### **25. Advanced Degree:**

IDVR may assist with an advanced degree, based upon the rehabilitation needs of the ~~individual participant.~~ customer. (See section 12.5.4).

)

### **26. ~~27.~~ Typical exclusions from VR financial participation:**

- ~~a. Vehicular purchase; however, IDVR may assist to modify an already owned vehicle to make it accessible for the Individual's usage (e.g. hand controls, van conversions, and lift installation). (see section 12.19 "Reserve Fund")~~
- ~~1. The cost of the modification cannot exceed the current Blue Book value of the vehicle.~~
  - ~~2. The individual must maintain insurance on the vehicle for replacement cost.~~
  - ~~3. VR encourages the use of loans from the Idaho Assistive Technology Project and Independent Living Centers.~~

~~a. — b. —~~ Securing a private pilot's license. ~~(see #24 above)~~

~~b. c. —~~ Organ transplantation, ~~other than kidney transplants.~~

~~c. d. —~~ Physical and Mental Restoration Services. Surgery: Surgery may be provided if it is not the sole vocational rehabilitation service needed for the ~~participant~~ customer to return to work or to achieve an employment outcome.

—IDVR will only cover the cost of surgery if it will substantially reduce functional limitations. It is highly practical and appropriate for the VR counselor to explore alternative employment opportunities with the individualcustomer that may negate the need for the corrective surgery. Such an alternative should accommodate the individual'scustomer's functional restrictions and provide a level of income that would be comparable with potential earnings following a surgery. ~~The participant should always explore in cooperation with the VR counselor a variety of options in order to be prepared to make an informed choice.~~

——**NOTE:** *When physical restoration services for individualscustomers who have a temporary disability, which will be eliminated by surgical care in an acute general hospital, is the only vocational rehabilitation service to be provided, and the condition is likely to be remedied by relatively routine medical intervention with no significant lasting effects, the RSA position is that such cases should be referred to other agencies. Such services should not be paid for under vocational rehabilitation auspices. – (RSA Position Paper, 3/28/80, Robert R. Humphreys, Commissionercommissioner of RSA)*

#### 27. 28. **No Shows:**

If ~~an individual~~a customer does not attend an appointment and ~~doesn't~~does not cancel or reschedule, the individualcustomer will be responsible for payment of any charges ~~–~~ not VR.

If VR authorizes for an interpreter to be present and individualthe customer does not attend, VR will cover cost of the interpreter through administrative authorization.

#### **Exception to Rate of Pay Policy:**

The Rehabilitation Act of 1973, as amended, requires that IDVR have a policy that allows for exceptions to the Payment Policy, unless the exception would violate State or Federal laws. All exceptions will be reviewed on an individual case basis, ~~and require approval by the appropriate Field Services Manager in charge of the zone from which the request originated.~~

#### **Exception to Rate of Pay Process:**

To be considered for an exception, the individualCustomer and VR counselor should first seek approval from the Regional Manager. Regional Managers have the authority to approve the exception as long the exception is not more than 50% of the service cap. Greater than 50% of the service cap will require the approval of the Chief of Field Services. The Regional Manager shall submit the request for the exception in writing to the Chief of Field Services ~~Manager.~~

The request must include:

1. A description of the requested exception.
2. Detailed reasons why the individualcustomer, VR counselor and manager (when appropriate) believe the exception is warranted.

The Chief of Field Services (or Regional Manager when appropriate) will have ten (10) days from the date of receipt of the request to make a decision. ~~The VR counselor should be careful to explain to the participant prior to submission that just because s/he requests an exception does not guarantee that it will be approved.~~ If the request is approved, written notification will be sent to the Regional Manager (when appropriate) and this will be placed in the case file.

The Chief of Field Services ~~Manager~~ reserves the right to deny any request.

If a request for exception is denied, the individualcustomer must be informed of the reason why and of his/her right to appeal the decision within ten (10) days of notification of the denial.

### **Reasons for Exception:**

The items listed below are not all inclusive, but do contain the major reasons that will be considered in determining if an exception to policy will be granted. Financial need alone is not always sufficient grounds for asking for an exception. While ~~an individual~~ a customer may present one or more of these reasons for an exception, VR counselors should use discretion in requesting an exception. It is sometimes the nature and scope of the reason and not the number of reasons that may justify the exception.

1. The need is disability related.
2. The participantcustomer has used all sources available; including his/her own financial contribution, as well as all available Federal Financial Aid in post-secondary training ~~situations~~ situation, insurance, Medicaid, Medicare, and other resources typically used by persons without disabilities.
3. ~~Family issues such as legal separation, divorce or~~ Changes in circumstances resulting in loss of income ~~make or support making previously available~~ resources unavailable.
4. Service is not available, in certain geographical locations of the ~~state~~ State, within the Payment Policy maximums.

## **~~12.3 Counseling, Guidance, and Work-Related Placement Services for Individuals with Disabilities, including Rehabilitation Services that address Disability related Barriers to Employment, Job Search Assistance, Placement Assistance, Job Retention Services, and Follow-up~~**

### **12.3 Counseling and Guidance**

Idaho Division of Vocational Rehabilitation (IDVR) recognizes that vocational counseling and guidance is the key element in the rehabilitation process in that it is the method of involving the ~~participant~~customer and significant others in that process. It begins when the ~~individual~~customer contacts the agency and does not end until closure as successfully ~~rehabilitated~~rehabilitation or through ~~to~~ the completion of the post-employment period.

Vocational counseling and guidance, including referral and placement, are essential VR services provided by the VR counselor throughout the rehabilitation process. This is the *primary service* in the VR plan.

Counseling, guidance and placement should be an integral part of every IPE regardless of other services because it is the best method of coordinating services and maintaining a good working relationship with the ~~participant~~customer. This is also the ~~medium~~method used by the counselor to facilitate ~~participant~~customer input. The VR counselor gathers the necessary information for providing vocational counseling and guidance services from a wide variety of sources, including, but not limited to:

- ~~A. A.~~ Medical and psychological information.
- ~~B.~~
- ~~B.~~ Vocational evaluation information including labor market information, job analysis, aptitude and interest information, situational assessments and ~~trial~~trail work experiences.
- ~~C. C.~~ Analysis of transferable skills.
- ~~D. D.~~ Rehabilitation technology, including rehabilitation engineering.

Counseling will address vocational and personal adjustment issues that are creating barriers to the ~~participant~~customer obtaining and maintaining employment.

Counseling will be provided in a respectful manner encompassing the core conditions of helping. These will include unconditional positive regard, genuineness and congruence. Counselors will always maintain a professional demeanor and not allow counseling issues to become personal. Counselors are to follow the canons of ethical behavior and practice outlined by the Commission on Rehabilitation Counselor Certification (CRCC) Code of Ethics.

Counseling services must be provided in every case but will vary depending on the needs and complexities of each individual ~~participant~~customer. Frequency of guidance and counseling contacts is determined at plan development and included on the IPE. Case notes will reflect

contact and content of meetings. *A monthly summary of guidance and counseling activities is the agency “best practice” norm for recording progress.*

## **12.4 Physical and Mental Restoration Services**

These are services necessary to correct or to ~~modify~~ substantially modify a physical or mental condition ~~of an individual~~ that is stable or slowly progressive. *Before medical restoration is provided, there must be documentation that the clinical status of the ~~individual~~customer is stable or slowly progressive and the service is a requirement for the ~~individual's~~customer's successful employment. The medical consultant shall review the record to insure the adequacy of medical information, ~~advise~~advice on the service requirement, educate the counselor on the procedure and required follow-up, and provide any necessary liaison with ~~the~~medical community.*

**Remember:** ~~IDVR may provide physical and mental restoration services, to the extent that financial aid is not available from a source such as personal health insurance or comparable services/benefits such as Medicaid or Medicare. (See Section 12.2, Subcategory #25 “Typical Exclusions” “e. Physical and Mental Restoration Services”).~~

Current maximum financial contributions by IDVR for ~~italicized~~specified services can be found in the “Payment Policy” section 12.2 of the ~~Manual~~manual (See also section 12.2 subsection “Typical Exclusions” and section “Comparable Benefits”). For all other services listed below, IDVR will pay the prevailing “Usual and Customary” charges after a comprehensive assessment of potential or available comparable benefits and resources has been conducted.

**12.4.1 Concurrent ~~Illness Service~~Acute or Chronic Conditions Arising from Physical or Mental Restoration:** Services necessary to assist with acute treatment or care for a condition associated with or arising ~~during rehabilitation and constituting a barrier to achievement of an employment outcome from physical and mental restoration services that are on the IPE.~~ Comparable benefits will always be explored prior to authorization of this service. *The medical consultant should ~~always~~be utilized to determine the medical rationale for such services- whenever possible.*

These services should be provided in the least intensive medical environment appropriate.

In the case of a chronic condition which does not appear to be resolving in a reasonable amount of time, consultation with the medical consultant should be used to determine whether a case should be closed.

**12.4.2 Prosthetics/Orthotic Devices:** ~~When the agency purchases an assistive technology device, such as hearing aides, prosthetic/orthotic equipment it is important that the counselor stipulate on the IPE the personal financial responsibility that the individual must assume for maintenance and future modification or replacement needs. Guidance should be provided in assisting the individual to understand the need for budgeting finances for that specific purpose.~~

## **12.5 Vocational and other training services, including:**

### **5 Training Services**

#### **12.5.1 Disability related training services**

Disability related services ~~and on-the-job supports.~~

~~Disability related services~~—include, but are not limited to: orientation and mobility; rehabilitation technology; speech reading; sign language; and cognitive training/~~retaining~~ retraining.

~~On-the-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 job coaching, follow-up and follow-along, and job retention services.~~

**12.5.2 Post-Secondary Training**—~~if comparable programs exist at both public and private schools, IDVR will pay a limited amount up to the amount of the tuition cap set for the public supported program.~~

Post-Secondary training is provided when necessary to ~~achieve an employment objective~~ become a competitive applicant for an agreed upon IPE goal that reflects the ~~individual's~~ customer's interests and informed choice to the extent that those factors are consistent with ~~an individual's~~ a customer's strengths, resources, priorities, concerns, capabilities and abilities. IDVR may support graduate study when the ~~individual's~~ customer's employment objective is otherwise unachievable.

Prior to providing post-secondary training, comparable benefits shall be determined. The individual ~~customer~~ is required to complete and submit for processing the Free Application for Federal Student Assistance (FAFSA). The resulting Student Aid Report (SAR) and Financial Aid Award Letter will determine the ~~federal~~ Federal grant awards available that are to be applied to tuition, books and fees. Proof of financial award status is required to be placed into the record of services for all individuals ~~customers~~ sponsored in post-secondary education by IDVR ~~for training and degrees that are eligible for grants~~. Examples of proof include: the SAR, Financial Aid Award Letter or Post-Secondary Institution Student Budget, Compromise and Release documents from Worker's Compensation.

All ~~Federal (PELL, SEOG, SSIG, LEAP) and Native Corporation Grants are~~ non-merit scholarships and grants to be applied to tuition, books and fees as a ~~1st~~ first dollar source, prior to the consideration of expenditures of IDVR funds. Merit based funding may be applied to any legitimate college costs as determined by the ~~individual~~ customer, with no comparable benefit test required.

~~Shared funding will be negotiated with federal, state or local partner agencies (VA, WIA, Tribal Vocational Rehabilitation, Worker's Compensation, etc.) to carry out a joint vocational plan to provide services to individuals.~~

When IDVR has a joint case with another VR agency (Veterans Administration, Tribal Vocational Rehabilitation, Idaho Commission for the Blind and Visually Impaired, or another state VR agency) the sharing of case cost shall be done in a way that multiple agencies are not paying for the same service.

The FAFSA Expected Family Contribution, Student Contribution, Work Study and other grants must be considered in meeting the financial needs of the ~~individual's~~ customer's post-secondary education to the maximum extent possible.

#### ~~Participants~~

Customers are required to ~~make~~ submit an application for FAFSA whether or not they believe they are eligible for funding. *This process should occur along with the verification of determination of eligibility/ineligibility for financial aid prior to IDVR developing an Individualized Plan of Employment (IPE) and participating in financial assistance for a post-secondary education.*

### **12.5.3.2.1 Out of State Training**

Out-of-State ~~Colleges, Universities, Vocational Technical Schools and Other~~ Post-Secondary Education and Training Institutions.

~~a. —~~

~~a. —~~ If the VR ~~client~~ customer must attend an out-of-state institution because the course of study is not offered within the state of Idaho ~~then VR can pay the "usual and customary" charges for fees and tuition, please see section 12.2.~~

~~b. b. —~~ If the course of study is offered in-state, but because of the additional costs caused by the accommodation for disability, it would be more cost effective for the agency to have the ~~client~~ customer attend the out-of-state educational institute, ~~then VR may pay the usual and customary tuition charges for the out-of-state educational institution.~~

~~This must be addressed by the VRC in the interest of informed client choice in the initial vocational guidance and counseling. see section 12.2.~~

~~c. c. —~~ If the ~~client~~ customer chooses to attend an out-of-state institution when comparable training is clearly available in the state, ~~then VR will only pay the Idaho in-state maximum cost (fees and tuition). see section 12.2.~~

### **12.5.4 Advanced Degree**

~~The Idaho Division of Vocational Rehabilitation may assist with an advanced degree, based on the rehabilitation needs of the individual. In order to support an additional degree, it must be demonstrated that the individual is unable to achieve an employment outcome that is consistent with the individual's strengths, abilities, capabilities and economic needs based upon existing academic credentials.~~

#### ~~Progress Measures~~

#### ~~Individuals~~

### **12.5.2.2 Progress Measures**

Customers must maintain a term and cumulative grade point average that meets the school's academic requirements ~~4, program entry requirements, or a minimum of 2.50 GPA or "C" Average) whichever is higher~~ and must demonstrate timely progress towards meeting the goal of the IPE. The VR financial participation towards schooling may be paused if academic progress is such that the customer will not qualify for entry into the program stated on their IPE.



If the ~~individual~~customer is placed on academic probation, or does not meet the standards stated above. s/he has one grading period in which to attain good standing. IDVR ~~sponsorship~~financial participation will terminate after that grading period ~~unless~~until the ~~individual~~customer achieves good standing.

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

If a ~~participant takes~~customer take an incomplete, ~~s~~she/he is responsible to complete the course(s) as designated by the institution and may be responsible to pay for the repeat of the course(s) *based upon whether or not active participation in the original coursework was demonstrated as agreed upon in the IPE. Disability-related interruptions will serve as justification for an incomplete, but should be carefully assessed to determine the feasibility of extending a particular program.* If a ~~participant~~customer is unable to complete a course(s) due to a disability related issue, IDVR may assist in coordinating with the institution to resolve the matter (examples: finances, withdrawals, incompletes, etc.).

~~Expulsion from a post-secondary program for academic dishonesty will result in IDVR sponsorship being terminated for continued post-secondary education.~~

IDVR post-secondary educational support will cease if the customer has an expulsion for academic dishonesty.

### **12.5.2.3 Loan Defaults**

VR funds may not be utilized to pay for post-secondary education if ~~an individual~~a customer has defaulted on a ~~state~~State or ~~federal~~Federal student loan. If a good faith effort is being made, as determined by the National Clearinghouse, VR funding may be available. The University or College Financial Aid office may be able to assist in unusual circumstances. Additional information can be obtained toll-free from the Financial Aid Ombudsman office at 1-877-557-2572.www.studentclearinghouse.org.

### **12.5.2.4 Loan Deferment**

Consumers may be eligible for temporary suspension of loan payments during specific conditions such as, returning to school, unemployment, disability, or military service. Additional information may be sought through the Financial Aid ~~Offices~~Office at the ~~in-state universities.~~school the student plans to attend.



~~12.5.5 Benefits Counseling~~—Services may include a profile of individual's benefit and employment status, analysis/consultation of the potential impact of employment alternative and use of work incentives on benefit status and consideration of available work incentives.

#### 12.5.2.5 On-the-job-training (OJT)

An OJT is for a customer that is hired by an employer that needs specific training to achieve the employer's expectations. ~~All social security recipients should receive benefits counseling services.~~

~~12.5.6 On-the-job training (OJT)~~—On-the-job training requires the completion and signing of the IDVR OJT Agreement between the ~~individual~~customer, counselor, and employer, which states the hourly wage, the specific training needs, responsibility for Workers' Compensation coverage and any other conditions of employment. IDVR pays a training fee for OJT, not reimbursement ~~of~~for wages.

### 12.6 Benefits Counseling

Benefits counseling includes an informed discussion of the customer's benefits, employment status, consideration of work incentives, and the impact on existing or potential benefits a change in employment may create. ~~All social security recipients should receive benefits counseling services.~~

## OJT AGREEMENT

Vocational Rehabilitation and \_\_\_\_\_ agree to the following contract \_\_\_\_\_  
\_\_\_\_\_  
(employer)  
for training of \_\_\_\_\_. Training will be directed toward employment goal of  
\_\_\_\_\_  
(client)  
\_\_\_\_\_  
\_\_\_\_\_

1. \_\_\_\_\_ VR will reimburse employer for training costs in the amount of \$ \_\_\_\_\_ per month for  
\_\_\_\_\_ months or on a decreasing scale as follows: \_\_\_\_\_. OJT  
will begin \_\_\_\_\_.

2. \_\_\_\_\_ If training ceases before training contract ends, payments will be made only for the actual time  
training is provided.

3. \_\_\_\_\_ Progress reports will be completed monthly by the trainer/employer.

### 12.7 On-the-job-supports

On-the-job-support services are provided to a customer

4. \_\_\_\_\_ ~~Satisfactory~~ progress by the client will result in consideration for employment at completion of  
training.

5. \_\_\_\_\_ Neither VR nor trainer/employer will discriminate on basis of sex, race, color, creed, home of  
national origin, age, disabling condition or veteran status.

6. \_\_\_\_\_ This agreement may be terminated by notification at any time by either the trainer/employer or Vocational  
Rehabilitation.

\_\_\_\_\_  
\_\_\_\_\_

Vocational Rehabilitation Counselor \_\_\_\_\_ Trainer/Employer

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_ Date



## ON-THE-JOB TRAINING REVIEW

EMPLOYEE: \_\_\_\_\_ JOB TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

EMPLOYER: \_\_\_\_\_ WAGE: \_\_\_\_\_

Review Period: \_\_\_\_\_ to \_\_\_\_\_ (Check one box on each line)

Ability to do assigned work \_\_\_\_\_ ☐ Exceptional \_\_\_\_\_ ☐ Good \_\_\_\_\_ ☐ Satisfactory \_\_\_\_\_ ☐ Lacking \_\_\_\_\_ ☐ Poor

Knowledge of work \_\_\_\_\_ ☐ Exceptional \_\_\_\_\_ ☐ Good \_\_\_\_\_ ☐ Satisfactory \_\_\_\_\_ ☐ Lacking \_\_\_\_\_ ☐ Poor

Accuracy \_\_\_\_\_ ☐ Exceptional \_\_\_\_\_ ☐ Good \_\_\_\_\_ ☐ Satisfactory \_\_\_\_\_ ☐ Lacking \_\_\_\_\_ ☐ Poor

Speed \_\_\_\_\_ ☐ Exceptional \_\_\_\_\_ ☐ Good \_\_\_\_\_ ☐ Satisfactory \_\_\_\_\_ ☐ Lacking \_\_\_\_\_ ☐ Poor

Attitude toward work \_\_\_\_\_ ☐ Exceptional \_\_\_\_\_ ☐ Good \_\_\_\_\_ ☐ Satisfactory \_\_\_\_\_ ☐ Lacking \_\_\_\_\_ ☐ Poor

Ability to learn \_\_\_\_\_ ☐ Exceptional \_\_\_\_\_ ☐ Good \_\_\_\_\_ ☐ Satisfactory \_\_\_\_\_ ☐ Lacking \_\_\_\_\_ ☐ Poor

Initiative \_\_\_\_\_ ☐ Exceptional \_\_\_\_\_ ☐ Good \_\_\_\_\_ ☐ Satisfactory \_\_\_\_\_ ☐ Lacking \_\_\_\_\_ ☐ Poor

Reliability ☐ Exceptional ☐ Good ☐ Satisfactory ☐ Lacking ☐ Poor

~~Conduct~~ ☐ Exceptional ☐ Good ☐ Satisfactory ☐ Lacking ☐ Poor

Relation with other workers ☐ Exceptional ☐ Good ☐ Satisfactory ☐ Lacking ☐ Poor

Comments: \_\_\_\_\_

\_\_\_\_\_

Signature and Title of person completing evaluation \_\_\_\_\_ Signature of Employee/Trainee

## **12.6 Job Placement of Participants**

~~VR counselors should regularly visit employers to keep current with common business practices, employer expectations, essential functions, local trends, and opportunities for employment. Developing effective ongoing relationships with employers is essential to good planning and positive employment outcomes. VR Counselors can create a demand for individuals with disabilities by marketing specific business gains or advantages that can result from IDVR services.~~

Individuals who are able to conducthas been placed in employment in order to stabilize the placement and enhance job retention. Such services include; job coaching, follow-up and follow-along, and job retention services.

## **12.8 Job Placement of Customers**

All customers have the obligation to be involved in their own job search ~~and placement~~ activities ~~should determine to the level of involvement they desire from fullest extent possible. The customer and the VR Counselor. VR Counselors may be able to assist participants by teaching them skills in communication~~ counselor will work together to identify the supports necessary for job search and placement. Some of the job search activities could include:

- Communication and presentation; ~~as well as skills associated with gaining.~~
- Gaining access to and using information.
- Introducing consumerscustomers to specific ~~individuals/~~programs at such as job centers ~~may be appropriate.~~

~~Some individuals may choose to seek employment through private employment/staffing agencies. Nationally, employers are increasingly obtaining both their temporary and permanent employees in this manner. In addition to placement services, these agencies may provide an assessment of the consumer's skill level or readiness for work. Employers generally pay the staffing agency fees. Neither participants nor IDVR should pay fees to private employment agencies.~~

- Gaining networking skills.
- Use of online job search and applications.
- Community Rehabilitation Provider (CRP) services.
- Providing information around Federal and State employment opportunities.

IDVR does not pay fees to private staffing/employment agencies.

### **12.68.1 Community Rehabilitation Providers (CRPs)**

Community Rehabilitation Providers may be used to ~~identify or carve out positions for those individuals who cannot successfully compete in the open job market. When subcontracting this service, VR counselors must ensure that quality employment outcomes, as defined on the participant's IPE are being~~ assist a customer as they prepare to obtain or maintain employment. CRP services may only be provided. The employment outcome if they are agreed to by customer, VR counselor, and CRP. The CRP services should be consistent with the ~~individual's~~customer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and be the informed choice of the individual. ~~To the maximum extent appropriate, the job placement should be in an integrated~~

~~setting customer.~~ Potential employers contacted by the CRP should be informed of ~~their~~ the CRPs contractual relationship with IDVR. ~~Ideally, the VR Counselor should meet with the potential employer, preferably on the job site, to negotiate the actual placement and to describe the role of the CRP as related to the particular participant.~~ If workplace accommodation or assistive technology needs are identified for a customer, IDVR staff will be involved in addressing the accommodation needs with the employer (this is not referring to job coaching accommodations).

If services are contracted out to a CRP:

1. The ~~participant~~ customer and VR counselor will review the available list of CRP vendors and the services offered by each and will make a selection. This process should be noted as “~~consumer~~ customer choice” when documenting the choice of the CRP vendor and services to be provided. The ~~participant~~ customer will sign an information release form authorizing communication between the selected vendor and IDVR.
2. The ~~participant~~ customer and VR counselor will contact the CRP to discuss required services, negotiate and agree upon time frames and costs.
3. The VR counselor will submit referral information ~~(a fully completed referral form outlining all pertinent medical/psychological data, any felony history, and functional restrictions) and authorization to~~ necessary for the CRP.  
- to provide the agreed upon services.
4. The ~~customer,~~ VR counselor, and CRP will ~~always maintain contact with the participant during referral~~ have a staffing prior to a CRP initiating services (this staffing can be by phone or in person).
- 4.5. The VR counselor and customer will develop and agree to regularly scheduled contacts while receiving CRP services.  
(minimum once a month).
- 5.6. The ~~individual~~ customer, VR counselor, and CRP will mutually agree upon frequency of contacts to monitor progress, quality, and duration of services provided.
6. ~~The VR counselor will maintain contact with the participant and employer at the job site either through personal contact or delegated contact by the vocational counselor assistant (VRA) unless the individual specifically requests that contact be maintained off the work site.~~

#### **~~12.6.2 Worker's Compensation Liability~~**

Employers should be educated with regard to the fact that a person eligible for vocational rehabilitation services under ID. Title 33, Chapter 23, Idaho Code and the Administrative Rules of IDVR, who is placed with an employer through the authorized services of a CRP for community-based evaluation, community-based work adjustment or community supported

employment (CSE) training is covered for liability purposes through the Worker's Compensation Insurance carried by the CRP unless an actual ~~participant~~customer has actually been hired by a targeted employer prior to the provision of authorized services.

## **12.78.2 Schedule A Appointing Authority in the Federal Government**

5 CFR 213.3102 (t) (~~mental retardation~~cognitive impairment), (u) (severe physical disabilities), and (gg) (psychiatric disabilities) are combined into one streamlined authority, 5 CFR 213.3102 (u). This authority is used to appoint persons who are certified that they are at a severe disadvantage in obtaining employment because of disrupted employment due to hospitalization or outpatient treatment for the severe disabilities listed above.

### **Appointment and Certification Process**

~~This certification to the Federal Government is a significant determination. Prior to issuing the certification the counselor shall visit the proposed worksite. The purpose of the visit is to assess the participant's need for assistive technology, and other vocational rehabilitation services that will enhance the participant's success in federal employment. Close follow-up with both the participant and employer is absolutely essential during the initial months of job placement. Careful and thoughtful job match of participants to federal employment will increase the likelihood that the participant will maintain employment.~~

~~The Division of Vocational Rehabilitation will not contract for job placement services with a community service provider to complete any of the above activities related to certification of placement through a Schedule A appointment.~~

~~The certification CAN be accomplished in two steps. The first step is a letter from the state VR counselor certifying that the individual experiences a significant disability and is eligible for appointment under this appointment authority. This type of certification is sufficient for an applicant to be considered for any job.~~

~~The second certification is completed when a participant has been tentatively selected for the position. The second letter must state that the VR counselor has evaluated the job tasks and determined the applicant is able to perform the essential duties of the position. The letter also must state what reasonable accommodation, if any are sought.~~

~~The designated Federal Human Resource Manager and/or alternative hiring authority for all positions participants apply for will request the certification of the participants eligibly for special appointment.~~

IDVR can assist customers with disabilities (whether IDVR customers or not) in completing the Schedule A process. Information on how to assist customers with disabilities with the Schedule A process can be found at:



[www.eeoc.gov/eeoc/initiatives/lead/upload/abc\\_applicants\\_with\\_disabilities.pdf](http://www.eeoc.gov/eeoc/initiatives/lead/upload/abc_applicants_with_disabilities.pdf) or  
[http://www.opm.gov/disability/appointment\\_disabilities.asp](http://www.opm.gov/disability/appointment_disabilities.asp)

~~The VR counselor is one of an expanded list of accepted entities who can certify job readiness for a federal job assignment. The certification is written in letter format and must verify that the applicant has a severe disability and is, therefore, eligible for this non-competitive appointment authority.~~

~~The following web link will provide further clarification regarding the Schedule A hiring authority as well as provide direct links to the Federal Register and the Office of Personnel Management (OPM):~~

~~[http://www.opm.gov/disability/appointment\\_disabilities.asp](http://www.opm.gov/disability/appointment_disabilities.asp)~~

### 12.8.3 Alternative Hire Process for Employment with State Government

Within the IDAPA rules (15.04.01) of the Division of Human Resources and Idaho Personnel Commission exists the provisions and protocol entitled: 097 “Alternative Examination Process for Persons with Disabilities”. ~~Under,~~ under this rule:

- ~~1. 4.~~ 1. 4. —The VR counselor determines the need for the Alternative Hire process by documenting that the ~~participant~~customer cannot competitively compete for the job due to a disability(ies).
- ~~2. 2.~~ 2. 2. —The VR counselor determines that the ~~individual~~customer meets the criteria for the alternative hire program.
  - Disability limits one or more functional areas.
  - The ~~individual~~customer meets the qualifications of the class.
  - The ~~individual~~customer lacks competitiveness in the normal hiring process due to disability.
- ~~3. 3.~~ 3. 3. —~~Complete~~The VR counselor will complete the Application for the Alternative Hire Program Form. Include a letter to Idaho Division of Human Resources (DHR) explaining why the ~~participant~~customer cannot compete through the normal examination process due to his/her disability. The examination process includes application, testing, and interviewing.
- ~~4. 4.~~ 4. 4. —~~Staff~~The VR Counselor will staff the case with the Regional Manager for approval. ~~Subsequently~~The Regional Manager will subsequently forward the application to the VR Administrator for final approval.
- ~~5. 5.~~ 5. 5. —IDVR Administrator approves/disapproves. If approved, the application will be forwarded to the Administrator of the Division of Human Resources for final review.

6. ~~6.~~ Upon approval from DHR, the VR counselor proceeds with the ~~alternative hiring process~~ Alternative Hiring Process to the hiring authority.

7. ~~After~~ Note: This process requires the ~~individual is hired, the VR counselor will monitor progress on the job. If the placement is unsuccessful, the VR counselor will withdraw the individual from the job and develop another employment strategy if appropriate.~~

**NOTE:** The VR counselor will utilize use of the “Alternative Hire Application” and will follow the Alternative Hire Administrative Process (located under VR Intranet/Field Services/Other Forms). ~~.”~~

## ***12.9 Self-Employment Policy***

### **Introduction:**

The primary goal of the Idaho Division of Vocational Rehabilitation (IDVR) is to assist the ~~participant~~ customer in attaining a suitable competitive employment outcome that results in financial self-sufficiency. Self-Employment is one ~~of the occupational options~~ option that may be considered to assist the ~~participant~~ customer in selecting a vocational goal.

The impediment created by the ~~participant's~~ customer's disability must be addressed in the overall comprehensive assessment leading up to Individualized ~~Plan~~ Plan of Employment (IPE).

The successful self-employment enterprise is operated by a participant who can demonstrate an array of skills and abilities, including: organization, business and financial management, marketing and other talents, as well as, knowledge and expertise in the goods or services being produced. These may be accomplished through natural supports or other resources and would need to be included in the self-employment plan. It is essential that the participant is well informed of potential risks and that efforts are made to minimize those risks, ~~to the greatest extent possible.~~

A vocational evaluation/career exploration may be used as a method of assisting the ~~participant~~ customer and VR counselor in deciding if self-employment is a possible viable option. Vocational evaluators have a variety of instruments, work samples, inventories and other strategies to use in providing feedback and information related to self-employment.

There may be a need for VR services prior to a commitment from IDVR on a self-employment plan. It could be appropriate for IDVR to assist ~~an individual~~ a customer in services, such as training needed for certain skills or business knowledge before the decision is made by the ~~individual~~ customer and VR counselor to pursue the development of a business plan.

IDVR values self-employment as a viable vocational outcome. Self-employment is presented by the VR counselor within the repertoire of vocational options and may be considered by ~~participants~~ customers and VR counselors as they work toward the development of an appropriate vocational goal.

IDVR supports active, not passive or speculative, self-employment goals.

### General Self-Employment Process and Flow Chart

The

~~Through initial exploration of personal and business feasibility assessment, participants and their VR counselors will be equipped to make an informed decision about self-employment as vocational goal. Through training, technical assistance, financial assistance, and post start-up monitoring, participants will have support necessary to become self-employed.~~

### Definitions

~~For the purposes of this policy, the following definitions apply:~~

~~4. Self~~ steps will be required for all self-employment ~~—refers to an—~~. The nature and extent of activities within each step will vary by the type and complexity of the self-employment outcome in which an individual works in a business that s/he owns, operates, and manages with the intention of being profitable and becoming self-sufficient business goal.

- ~~1. Supplemental~~ Assessment of Customer's Appropriateness for Self-employment—  
~~refers to~~ Employment
- ~~2. Writing an employment outcome in which an individual works in~~ IPE – Developing a Business Plan
- ~~3. Amending IPE - Implementing the Business Plan~~
- ~~4. Closure of Self-Employment Case~~

### Definitions

- a. Business Plan – A detailed outline of the business that s/he owns, operates, description, objectives, organization, product or service description, summary of Customer qualifications, analysis of the potential business environment and manages with the intention of—market, management and organizational structure, and financial plan.

The level of detail required for the various components of the business plan will vary depending upon the type of self-employment being profitable pursued.

**b. Contracting and Sub-Contracting** – When the VR customer works with a company under a limited or contract basis for either short or long term employment, but ~~only~~ is not a company employee. There are some types of employment goals that could be sub contractors or a standalone business. Examples of likely contracting and sub-contractors opportunities include but are not limited to:

- Realtor
- Construction trades
- Cosmetology, nail tech, and hair stylist
- Paper delivery
- Tattoo artist

This is a type of start-up self-employment that will often be processed as a supplement low cost, low risk, low complexity self-employment plan.

**c. Continued Self-Employment** – Employment where the VR customer is presently or recently (within the last year) engaged in a *successful* self-employed business as identified by the customer and feasibility of the business is recognized by IDVR. In this scenario, the IPE services will address *disability related barriers* to employment. IPE will be written as maintaining employment.

Any capitalization of the business will require the use of low cost/low risk/low complexity, complex, or supported self-employment strategy.

•

**2.d. Feasibility** ~~other sources of Analysis~~ – Provides an in-depth analysis of the business concept, the market, the financial investment and income ~~including Social Security benefits~~ potential. In addition, the feasibility analysis considers:

- Financial ~~Form~~ resources, skills and history of the customer as it relates to successfully operating a small business
- The need for customer training
- The availability of strong support network for long-term business success
- The need for a comprehensive business plan
- The likelihood of sustainability in a reasonable amount of time (what is a reasonable amount of time will likely vary by the type of self-employment)

The feasibility analysis offers the VR Counselor and customer a comprehensive, objective evaluation of the strength of the proposed self-employment venture.

**3.e. Forms of Organization** — refers to the way the individual legally organizes the business

**i. Sole Proprietorship** - one person who owns the business alone, but may have employees. **She/he** will have unlimited liability for all debts of the business, and the income or loss from the business will be reported on his or her personal income tax return along with all other income and expense **she/he** normally reports (although it will be on a separate schedule).

**a.**

**ii. Corporation** – requires a legal filing with the Internal Revenue Service for corporate status. Corporate organization provides limited liability for the investors. Shareholders in a corporation are obligated for the debts of the corporation; creditors can look only to the corporation's assets for payment. The corporation files its own tax return and pays taxes on its income.

**Individuals**

- **VR customers** who legally organize their businesses as a corporation, and are employed by their corporation may be eligible while in the start up phase of operations.

**iii. General and Limited Partnerships** – two or more individuals, one of which is a **participant customer** of IDVR with the controlling share (see Eligibility Requirements for Self Employment).

**iv. Limited Liability Company** - limited liability for all of its members (business partners), with the IDVR **participant customer** as the controlling member.

**4.f. Hobby** — **individuals- customers** identifying business-related goals that indicate a business activity that is:

**v.** Operated for recreation and/or pleasure.

**vi.** Not projected to be profitable.

**vii.** Not seeking profitability.

**viii.** Neither operating nor carrying on activity in a business-like manner.

**ix.** Not depending on activity for livelihood.

**g.**

**Low Cost / Low Risk / Low Complexity Self-Employment** – A comprehensive business plan is not required if a feasibility analysis report indicates the business concepts represents a (1) low cost (under \$5,000) total cost of anticipated self-employment start-up, (2) low risk (strong likelihood of success) and (3) low complexity (few and clearly identifiable barriers to self-employment). Examples of self-employment ventures that may not require a comprehensive business plan include:

- A VR customer is already self-employed and has demonstrated skills and abilities to successfully manage the business, and VR services are needed to retain employment due to a disability-related condition.
  - The VR customer has previous experience being self-employed in the same or similar field and start-up needs are minimal.
  - The VR customer has skills and experience in a trade and needs minimal training and services for startup, such as, lawn care, pressure washing, window washing, and bookkeeping.
  - A VR customer has experience or training in a trade and will lease space or sub-contract with an existing business and pay their own taxes, i.e., massage therapist, manicurist, cosmetologist, real estate agent.
- h. Complex Self Employment** – All self-employment plans that do not meet the criteria for low cost/low risk/low complexity, continued self-employment or supported self-employment fall under this category.
- i. Multi Level Marketing** –As a marketing strategy in which a person is compensated not only for sales they personally generate, but also for the sales of others they recruit into a business venture, creating a “down line” of distributors and a hierarchy of multiple levels of compensation.
- j. Natural Supports** – Long term supports provided by individuals naturally invested in the success of the VR customer (family and friends).
- k. Startup Self-Employment** - refers to an employment outcome in which a customer works in a business that she/he starts, owns, operates, and manages with the intention of being profitable.
- l. Supported Self-Employment** – refers to an employment outcome in which a customer works in a business that she/he owns, operates, and manages with natural or long term supports, with the intention of being profitable.

## **Eligibility Requirements**

Participation in self-employment or ~~supplemental~~supported self-employment as a vocational goal requires that:

1. The business venture is, at a minimum, 51% owned, controlled and managed by the IDVR ~~participant~~customer. For those in supported self-employment, some IDVR customers may require the assistance of a guardian or conservator in controlling or managing a business.
- ~~2.~~ Businesses must be organized as Sole Proprietorships, Corporations, General and Limited Partnerships, and Limited Liability Companies, as noted in Definitions-Forms of Organization.
- ~~2.~~3. The business venture is considered legal in ~~Idaho as defined by the Idaho Attorney General~~all jurisdictions in which it operates (Federal, Tribal, State and local Governments). This includes business and other necessary licenses.
- ~~4.~~ The business venture is accurately ~~reported~~reporting to appropriate government agencies, including the Internal Revenue Service and ~~Idaho~~State ~~Tax Commission~~taxing agency or other ~~states bordering Idaho~~applicable
- ~~3.~~5. State or local authorities.
- ~~4.~~6. The business venture is organized as a for-profit entity.

### **Financial Participation Requirements**

Social Security beneficiaries are not required to financially participate towards the cost of their self-employment plan.

IDVR customers have a variety of sources to obtain their portion of the business costs. Some of these include:

- Investment of funds from microloans;
- Commercial and consumer loans;
- Loans from family;
- Forgivable loans;
- Equity grants;
- Equipment critical to the business operation;
- Inventory;
- Supplies;
- Facility (including fair value of existing facility in which the business will be operated)

- a. In consideration of the business start-up capitalization noted in the Business Plan, financial participation by IDVR and VR customer for the entirety of the self-employment plan, per case is as follows:

<u>Business Capitalization</u>	<u>Maximum IDVR Financial Assistance</u>	<u>Minimum Customer Participation</u>
<u>Under \$2,500</u>	<u>100%</u>	<u>0%</u>
<u>\$2,501 to \$5,000</u>	<u>80% of startup capital</u>	<u>20%</u>
<u>\$5,001 to \$7,500</u>	<u>70% of startup capital</u>	<u>30%</u>
<u>\$7,501 to \$10,000</u>	<u>60% of startup capital</u>	<u>40%</u>
<u>\$10,001 and up</u>	<u>50% of startup capital</u>	<u>50%</u>

If IDVR's portion for business start-up and capitalization is more than \$10,000, the Chief of Field Services must provide approval.

- b. Financial participation will not be required for IDVR investment in:

- Training and technical assistance.
- Accommodations necessitated by the customer's disability in order to participate in training, technical assistance or in consideration of financial assistance.

### **Limitations and Restrictions**

Financial assistance for business start-up capitalization does not include:

1. Funding for speculative real estate development.
2. Deposits that are refundable to the customer or business.
3. Cash.
- 2-4. Salary or benefits for the customer, partners in ownership, or any employees of the business.
- 3-5. Purchase of real estate.
- 4-6. Erection of buildings.
- 5-7. Inventory or business supplies that include tobacco, firearms or alcoholic



beverages.

6-8. Refinancing of existing debt – business or personal.

9. Business continuation expenses subsequent to the initial start-up costs.

10. IDVR does not support a customer hobby as a self-employment goal.

Self-employment involving payment for registration, legal services, patents, trademarks, copyrights, or franchise fees require an exception to policy approved by the Chief of Field Services.

Multi-Level Marketing plans are often similar to illegal pyramid schemes; therefore, VR counselors are cautioned about supporting self-employment businesses with a multi-level marketing structure. Support for multi-level marketing businesses may be appropriate when the emphasis is on sales by the VR customer versus recruitment of down line distributors.

### Types of Self-Employment

#### A. Start-up Business

##### a. Low Cost / Low Risk / Low Complexity Business Plan

#### I. Role of IDVR:

When working with ~~individuals~~customers expressing an interest in self-employment ~~or supplemental self-employment, the~~the primary role of IDVR is to:

- Provide relevant information regarding the availability of self-employment services supported by the agency.
- Assist the customer in information gathering and assessment in deciding whether self-employment is an appropriate option to achieve their employment goal.
- Assess the customer's disability as it relates to the self-employment goal.
- Reduce or eliminate barriers to self-employment created by the disability.
- May authorize for the provision of external technical assistance including, but not limited to, business feasibility, training, business planning, and post start-up monitoring.
- Participate with the customer and external technical assistance to evaluate the feasibility of the business.

- Coordinate training and technical assistance services.
- Provide technical assistance as deemed appropriate at post start-up of the business.
- Monitor business development at post start-up.

## **II. Role of the IDVR Customer**

Customer responsibilities, as part of the informed choice process relating to self-employment, include but are not limited to:

- Determining the concept of the business.
- Participating in the assessment process.
- Exploring the feasibility of the business venture. This may include gathering information, market feasibility, and likelihood of financial sustainability. This may include; collaboration with technical assistance.
- Writing the business plan with or without technical assistance and approval by the VR counselor.
- Contributing, as appropriate, financially to the capitalization of the business venture by utilizing all available financial resources.
- Assisting in the identification of existing and potential barriers including those created by the disability, as well as identifying possible solutions.
- Developing skills and abilities necessary to operate and sustain the business venture.
- Business implementation and management.
- Providing regular financial or other relevant documentation or information requested by the agency for post start-up monitoring.
- Fulfilling participation in the business start-up as noted in the Individualized Plan of Employment (IPE).

## **III. Assessment of IDVR Customer's Appropriateness for Self Employment**

- Evaluation of the customer's interests, skills, aptitudes, and personality traits as they relate to self-employment. This may include; a) use of data gathering

instruments, and b) formal vocational assessment to the degree necessary to ensure the customer has the basic skills necessary to operate and manage a small business.

- Ensure the viability of self-employment as it relates to the customer's ability to handle the physical, mental, emotional, and cognitive aspects of the business venture including their disability. This may require consultation with medical and/or psychological service providers that have been treating the customer. If clear information is not available additional assessments may be needed.
- Examination of the customer's financial goals related to self-employment should include consideration of issues such as impact on government benefits, supplementing family income versus primary source of support, and earning sufficient funds to maintain competitive employment standards. A referral for benefits planning may be appropriate.

#### **IV. Writing an IPE – Developing a Business Plan**

After a positive assessment of the feasibility of the business concept an initial IPE is written. Some of the key components of writing an IPE for business plan development include:

- IPE goal will be the anticipated vocational outcome that is the focus of the business plan.
- IPE must be identified as a self-employment IPE.
- Comprehensive assessment for this IPE is based on the appropriateness of self-employment as a strategy for the individual VR customer. It should be based on the feasibility analysis, the assessment of the customer's appropriateness for self-employment, and other information available.

Services provided as part of this IPE are intended to support the development, writing, and ultimate approval of the business plan. The following are key elements to the development of the business plan:

##### **1. Customer Training and Technical Assistance:**

- Customers may be expected to attend training and participate in technical assistance services related to self-employment. This could include options such as; training and technical assistance on subjects such as: exploring entrepreneurship, small business development, business plan

development, small business management, accounting for business, and business financing.

- Customers may require business specific skill training to eliminate skill gaps or prepare for the operation of the business. This could include coursework such as accounting/bookkeeping, using computers in business, human resources in business, etc. Skill-building courses should be noted in the IPE as necessary.

## **2. Business Plan Development:**

The Business Plan is viewed as an essential element in any business venture and will be the document used by IDVR to determine whether or not to participate in capitalizing the business venture.

- A basic Business Plan must be written and approved to the satisfaction for the VR counselor.
- The customer will prepare the Business Plan with or without external technical assistance from a service provider experienced in business plan development.
- Benefits counseling may be provided with a focus on the projected impact of revenues and expenses as noted in the Business Plan.

## **3. Process for Business Plan Review:**

The customer's goal toward self-sufficiency and the level of the Agency's financial participation in the start-up capitalization of the business will determine the level of review and approval required.

- The counselor will review the plan for completeness according to the components listed in the definition of a Business Plan.
- All low cost/low risk/low complexity self-employment plans will be reviewed by the customer and the VR counselor.
  - a. If the customer and IDVR agree, then the VR counselor and customer proceed to amend the IPE to initiate the self-employment plan.

- b. If the customer and IDVR agree, that revisions are needed the customer proceeds to revise the plan with or without technical assistance.
- c. The customer may decide not to proceed with the identified business goal. If so, the customer and the VR counselor proceed with developing a new IPE goal (this may or may not be a different self-employment option).

## **V. Amending IPE - Implementing the Business Plan**

Once the business plan has been approved by the customer and the VR counselor an IPE amendment will be developed that identifies necessary services and activities to implement the business plan.

1. Update comprehensive assessment based upon the additional information acquired through the business plan development process.
2. Identifying specific VR services, cost, and vendors need to implement the self-employment plan. It is important that the financial responsibility for each party is identified on the IPE.
3. Identifying necessary training and technical assistance needed to implement the plan.
4. Identifying post start-up support services that may be needed.
5. Identifying the benchmarks for successful closure. At minimum, one benchmark must identify acceptable wage level for the customer (not less than Federal minimum wage standards). Additional benchmarks should be identified that are critical to the success of self-employment and how to proceed if the benchmarks are not met. It is important that these benchmarks be clearly written, and the consequences for not meeting the benchmarks are clearly explained to the customer and stated on the IPE. Examples of consequences for not meeting the benchmark on the IPE:
  - Evaluating the appropriateness of the benchmarks and possibly modification of the benchmarks (this would require an amendment to the IPE).

- Withdrawal of IDVR support of the business and reassess other VR options.
- Proceeding with case closure.

## **VI. Closure of Self-Employment Case**

### **1. Successful Closure**

Successful closure can be completed when the following has been established:

- Identified benchmarks have been achieved.
- At least 90 days of stable employment and at least six (6) months of business operation.

Equipment provided for the self-employment plan may be released or returned, consistent with Section 13 of the policy.

### **2. Unsuccessful Closure**

If adequate progress towards meeting the identified benchmarks is not made, the VR counselor proceeds with case closure unless the customer expresses interest in developing a new IPE goal. “All Other Reasons” would be the reason selected for case closure.

The customer is expected to return equipment provided for the self-employment plan, consistent with Section 13 of the policy.

## **b. Complex Business Plan**

### **I. Role of IDVR**

When working with customers expressing an interest in self-employment the primary role of IDVR is to:

- Provide relevant information regarding the availability of self-employment services supported by the Agency.
- Assist the customer in information gathering and assessment in deciding whether self-employment is an appropriate option to achieve their employment goal.
- Assess individual's the customer's disability as it relates to the self-employment goal.

- Reduce or eliminate barriers to self-employment created by the disability.
- Authorize for the provision of external technical assistance including, but not limited to, business feasibility, training, business planning, and post start-up monitoring.
- Participate with the customer and external technical assistance to evaluate the feasibility of the business.
- Assist in identifying resources for the capitalization of the business plan.
- Coordinate training and technical assistance services.
- Provide technical assistance as deemed appropriate at post start-up of the business.
- Monitor business development at post start-up.

## II. Role of the ~~Participant~~: IDVR Customer

~~Exercising~~ Customer responsibilities, as part of the informed choice ~~in the rehabilitation~~ process ~~has attendant responsibilities for the participant. These responsibilities~~ relating to self-employment, include, but are not limited to:

- ~~Determining the concept of the business.~~
- ~~Participating in the assessment process.~~
- Determining the concept of the business.
- Participating in the assessment process.
- Exploring the feasibility of the business venture ~~by.~~ This includes conducting research ~~and,~~ gathering information, in market feasibility, and likelihood of financial sustainability. This may include collaboration with ~~the~~ technical assistance ~~provider, related to.~~
- Writing the business ~~concept, market feasibility, and financial feasibility.~~ plan with or without technical assistance.
- Researching the availability of financial resources.

- Contributing, as appropriate, financially to the capitalization of the business venture by utilizing all available financial resources ~~available including microloans, commercial and consumer loans, loans from family, forgivable loans, equity grants, and personal property (inventory and equipment) essential to the operation of the business.~~
- Assisting in the identification of existing and potential barriers including those created by the disability.
- ~~Developing skills and abilities necessary to operate and sustain the business venture.~~
- ~~Business implementation and management.~~
- , as well as identifying possible solutions.
- Developing skills and abilities necessary to operate and sustain the business venture.
- Business implementation and management.
- Providing regular financial or other relevant documentation ~~to~~ or information requested by the agency Agency for post start-up monitoring.
- Fulfilling participation in the business start-up as noted in the Individualized Plan of Employment (IPE).

### Self-Employment Process

~~The case record will reflect the following self-employment process:~~

4.

### III. Assessment of participant's Readiness IDVR Customer's Appropriateness for Considering Self-Employment and Supplemental Self-Employment, includes:

a.

- Evaluation of the ~~individual's~~ customer's interests, skills, aptitudes, and ~~personal qualities~~ personality traits as they relate to self-employment. This may include: a) use of data gathering instruments, and b) formal vocational assessment to the



degree necessary to ensure the individualcustomer has the basic skills necessary to operate and manage a small business.

- ~~b. The individual has attended the training session entitled “Exploring Entrepreneurship” to affirm advantages and disadvantages of business ownership, explore preparedness from a personal perspective, assess skills related to the business venture, and explain IDVR guidelines for receiving technical and financial assistance for business development.~~
- ~~c. Examination of the individual's financial goals related to self-employment or supplemental self-employment should include consideration of issues such as terminating government benefits, supplementing family income versus primary source of support, and earning sufficient funds to maintain competitive employment standards.~~
- ~~d. The individual's expectations relative to the financial support s/he anticipates/expects from IDVR should be discussed at the onset. It is important that the participant understands that IDVR will not be the sole source of start up capitalization and that any funding allocated to the start up of the business will be consistent with IDVR policy related to financial participation.~~

~~2. Assess the participant's disability as it relates to the self-employment goal:~~

- ~~• a. Ensure the viability of self-employment as it relates to the individualscustomer's ability to handle the physical, mental, emotional, and cognitive aspects of the business venture including their disability. This may require consultation with medical and/or psychological service providers that have been treating the individualcustomer. If clear information is not available reflecting the participant's ability to handle the physical, mental/emotional, and cognitive aspects of the business venture, additional assessments, such as a functional capacity evaluation, an assessment of cognitive skills and abilities, mental status evaluations, and work site analysis, should may be pursued as appropriate. needed.~~
- ~~• The customer has attended a training session, such as the Small Business Development Center's “Exploring Entrepreneurship” or another comparable program, to evaluate the advantages and disadvantages of business ownership and explore self-employment preparedness from a personal perspective.~~

- Examination of the customer's financial goals related to self-employment should include consideration of issues such as, impact on Government benefits, supplementing family income versus primary source of support, and earning sufficient funds to maintain competitive employment standards. A referral for benefits planning may be appropriate.

### Conduct

- ~~3. Assess~~ a preliminary assessment of various funding sources for business capitalization. The customer's expectations relative to the financial support she/he anticipates/expects from IDVR should be discussed at the onset. It is important that the customer understands that IDVR will not be the sole source of startup capitalization and that any funding allocated to the start-up of the business will be consistent with IDVR policy related to financial participation.

## **IV. Assessment of the Feasibility of the Business:**

### **Concept**

#### **a. Participants will**

Customers may be referred to outside resources for assistance in examining the concept, market and financial feasibility of the business. ~~Examples of resources may include: The Abilities Fund, the Idaho Small Business Development Centers, Bonner Business Center in Sandpoint, META and Sage Community Resources Program in Boise, and other local/regional microenterprise organizations and community economic development programs.~~ If the business idea is deemed feasible, the information developed at this stage will provide some of the basic data that will be used in completing the Business Plan to be written later.

Testing the feasibility of the business idea should be formalized through a written Feasibility Assessment documenting the following:

- Concept Feasibility: Clear description of the business idea; ~~individual's~~customer's background related to the business concept including education, training, direct experience and transferable skill sets; a summary statement identifying issues of concern regarding the feasibility of the concept; and a recommendation as to whether the business concept ~~is~~is feasible.
- Market Feasibility: Geographic description of market area; description of competitors working in or marketing to potential customers in geographic area; definition of target markets including size and scope of each market; zoning issues/requirements for establishing a business at intended location.
- Financial Feasibility: Capitalization requirements (start-up funding not to exceed 6 months) consistent with the individual's business concept; identification of

resources for start-up funding and ongoing capitalization. Twelve (12) months of projected sales/expenses may be included, when appropriate.

#### **V. 4. Participant Writing an IPE – Developing a Business Plan**

After a positive assessment of the feasibility of the business concept an initial IPE is written. Some of the key components of writing an IPE for business plan development include:

- IPE goal will be the anticipated vocational outcome that is the focus of the business plan.
- IPE must be identified as a self-employment IPE.
- Comprehensive assessment for this IPE is based on the appropriateness of self-employment as a strategy for the individual VR customer. It should be based on the feasibility analysis, the assessment of the customer's appropriateness for self-employment, and other information available.

Services provided as part of this IPE are intended to support the development, writing, and ultimate approval of the business plan. The following are key elements to the development of the business plan:

##### **1. IDVR Customer Training and Technical Assistance:**

- ~~a. —All individuals~~customers will be expected to attend training, when available, and participate in technical assistance services related to self-employment ~~and supplemental self-employment.~~ This could include options such as: training and technical assistance ~~from: The Abilities Fund, the Idaho Small Business Development Centers, local/regional microenterprise development service providers such as Bonner Business Center in Sandpoint, META, and Sage Community Resources Program in Boise, and other local/regional microenterprise organizations and community economic development programs, consisting of on~~ subjects such as: exploring entrepreneurship, small business development, business plan development, small business management, accounting for business, and business financing. *Exceptions to the above requirement may be made with supervisory approval in limited circumstances* ~~such as:~~  
:
- ♦ ~~At the time the individual establishes self-employment or supplemental self-employment as a vocational goal, the individual has completed a positive feasibility assessment, a business plan including the Participant Business Plan Checklist. In this case, the counselor will complete the Counselor Business Plan Checklist and~~

~~then proceed with actions required for consideration of financial assistance.~~

- ~~• b. Individuals may require business specific skill training to eliminate skill gaps or prepare for the operation of the business. This could include coursework such as accounting/bookkeeping, using computers in business, human resources in business, etc. Skill building courses should be noted in the IPE as necessary.~~

5.

- Customers may require business specific skill training to eliminate skill gaps or prepare for the operation of the business. This could include coursework such as accounting/bookkeeping, using computers in business, human resources in business, etc. Skill-building courses should be noted in the IPE as necessary.

## 2. Business Plan Development:

The Business Plan is viewed as an essential element in any business venture and will be the document used by IDVR, banks, micro lenders, and other funding organizations to determine whether or not to participate in capitalizing the business venture.

- ~~• a. A comprehensive Business Plan will be required for all participants, regardless of their goal of complex self-employment or supplemental self-employment, as they request financial assistance for a business venture goals.~~  
The content for a comprehensive Business Plan is ~~defined~~ a thorough assessment of all the components listed in the ~~Participant~~ Business Plan Checklist (see Attachment 1). ~~Participants should use the Participant Business Plan Check List as a guide for preparing the business plan to ensure that all the critical areas are addressed~~ definition.
- ~~• b. The individual~~ customer will prepare the Business Plan with or without external technical assistance from a service provider experienced in business plan development.
- ~~• c. Benefits counseling will~~ may be provided with a focus on the projected impact of revenues and expenses as noted in the Business Plan.

## 3. 6. Explore and Apply for Resources Available From Other Sources:

IDVR ~~participants~~ customers pursuing self-employment ~~and supplemental self-employment~~ are required to explore, ~~and when appropriate, apply for~~ funding from

sources other than IDVR. These may include microloans, commercial and consumer loans, loans from family, forgivable loans, equity grants, and work incentives for Social Security recipients including Plans to Achieve Self Support (PASS) and personal property (inventory and equipment) essential to the operation of the business ~~(PESS).~~ If the business plan is approved and the IPE is amended, the customer will apply for other resources necessary to implement the business plan.

**4. ~~7.~~ Review of Process for Business Plans for Funding Consideration:**  
**Plan Review:**

The ~~individual's~~customer's goal toward self-sufficiency and the level of the agency's financial participation in the start-up capitalization of the business will determine the level of review and approval required.

~~a.~~ The counselor will review the plan for completeness according to the Counselor's Business Plan Checklist (Attachment 2);

- ~~b.~~ When components listed in the individual's vocational goal is supplemental self-employment (not seeking self-sufficiency), the counselor may approve the definition of a Business Plan for financial assistance up to \$2,500. Financial participation by the individual is not required. A cap of \$3,500 in IDVR support will be established for supplemental self-employment strategies. The individual must contribute all costs beyond the \$3,500. It is not necessary to assemble a self-employment team for this strategy.

~~c.~~ When

- The business plan is submitted for technical assistance and feasibility review by an outside consultant (approved by the individual's vocational goal is VR counselor and customer) with experience in business development.
- All complex self-employment (seeking self-sufficiency), and his/her request plans will be reviewed by a self-employment team. The self-employment team will include the customer, VR counselor, Regional Manager, at least one outside consultant, and other individuals as appropriate.
  - a. If the customer and IDVR agree, based on the feedback from the self-employment team, then the VR counselor and customer proceed to amend the IPE to initiate the self-employment plan.

- b. If the customer and IDVR agree, based on the feedback from the self-employment team, that revisions are needed, the customer proceeds to revise the plan with or without technical assistance.
- c. If the customer does not ~~exceed \$2,500, the counselor~~ agree with the recommendations from the self-employment team the customer may ~~approve~~ choose to follow the appeal process. (See Section 4.0)
- d. The customer may decide not to proceed with the identified business goal. If so, the customer and the VR counselor proceed with developing a new IPE goal (this may or may not be a different self-employment option).

## **VI. Amending IPE - Implementing the Business Plan** ~~for~~

Once the business plan has been approved by the customer and the VR counselor an IPE amendment will be developed that identifies necessary services and activities to implement the business plan.

1. Update comprehensive assessment based upon the additional information acquired through the business plan development process.
2. Identifying specific VR services, resources, cost, and vendors need to implement the self-employment plan. It is important that the financial ~~assistance~~ responsibility for each party is identified on the IPE.
3. Identifying necessary training and technical assistance needed to implement the plan.
4. Identifying post start-up support services that may be needed.
5. Identifying the benchmarks for successful closure. At minimum, one benchmark must identify acceptable wage level for the customer (not less than Federal minimum wage standards). Additional benchmarks should be identified that are critical to the success of self-employment and how to proceed if the benchmarks are not met. It is important that these benchmarks be clearly written, and the consequences for not meeting the benchmarks are clearly explained to the customer and stated on the IPE. Examples of consequences for not meeting the benchmark on the IPE:
  - Evaluating the appropriateness of the benchmarks and possibly modification of the benchmarks (this would require an amendment to the IPE).

- Withdrawal of IDVR support of the business and reassess other VR options.
- Proceeding with case closure.

## **VII. Closure of Self-Employment Case**

### **1. Successful Closure**

Successful closure can be completed when the following has been established:

- Identified benchmarks have been achieved.
- At least 90 days of stable employment and at least six (6) months of business operation.

Equipment provided for the self-employment plan may be released or returned, consistent with Section 13 of the policy.

### **2. Unsuccessful Closure**

If adequate progress towards meeting the identified benchmarks is not made, the VR counselor proceeds with case closure unless the customer expresses interest in developing a new IPE goal. “All Other Reasons” would be the reason selected for case closure.

The customer is expected to return equipment provided for the self-employment plan, consistent with Section 13 of the policy.

## **B. Supported Self Employment**

### **a. Role of IDVR**

When working with customers expressing an interest in supported self-employment the primary role of IDVR is to:

- Provide relevant information regarding the availability of supported self-employment services supported by the agency.
- 44) • Assist the customer in information gathering and assessment in deciding whether supported self-employment is an appropriate option to achieve their employment goal.
- ~~Assess When the request for financial assistance exceeds \$2,501, Business Plan review and approval by a Self-Employment Team will be required. The Self-Employment team will include the counselor, area supervisor, and at least one outside consultant/business development organization with experience in business development and/or business finance. The Counselor's Business Plan Checklist (Attachment 2) will determine the completeness of the Business Plan.~~

~~d. In cases where feasibility of the plan is in question as it relates to the funding request, IDVR may have the Business Plan reviewed by an outside resource with expertise in small business, micro-enterprise development and/or business finance.~~

~~**Note:** The recommendation of the outside resource will contribute to, but not define, the agency's final determination as to business feasibility. When an outside resource is used to contribute to the final determination, final funding approval will rest with the Supervisor and will be dependent on a variety of factors including, but not limited to:~~

- ~~• Total start-up costs, the customer's disability as it relates to the self-employment goal and the nature and level of support required (Examples: guardians/family members, targeted service coordinator, psychosocial rehabilitation provider, Medicaid broker, SSA payee).~~
- ~~• Reduce or eliminate barriers to supported self-employment created by the disability.~~
- ~~• May authorize for the provision of external technical assistance including, but not limited to, business feasibility, training, business planning, and post start-up monitoring.~~
- ~~• Participate with the customer, support team, and external technical assistance to evaluate the feasibility of the business.~~
- ~~• Coordinate training and technical assistance services.~~
- ~~• Provide technical assistance as deemed appropriate at post start-up of the business.~~
- ~~• Monitor business development at post start-up.~~

#### **b. Role of the IDVR Customer with their Support Team**

Customer and support team's responsibilities, as part of the informed choice process relating to self-employment, include but are not limited to:

- ~~• Determining the concept of the business.~~
- ~~• Participating in the assessment process.~~
- ~~• Exploring the feasibility of the business venture. This may include gathering information, market feasibility, and likelihood of financial sustainability. This may include collaboration with technical assistance.~~



- Writing the business plan with or without technical assistance and approval by the VR counselor.
- Contributing, as appropriate, financially to the capitalization of the business venture by utilizing all available financial resources.
- Assisting in the identification of existing and potential barriers including those created by the disability, as well as identifying possible solutions.
- Identifying the areas within self-employment that need ongoing support and identify the specific individuals or resources that will provide that support.
- Developing skills and abilities necessary to operate and sustain the business venture.
- Business implementation and management.
- Providing regular financial or other relevant documentation or information requested by the Agency for post start-up monitoring.
- Fulfilling participation in the business start-up as noted in the Individualized Plan of Employment (IPE).

#### **c. Assessment of Customer's Appropriateness for Supported Self Employment**

- A. Evaluation of the customer's interests, skills, aptitudes, and personality traits as they relate to supported self-employment. This may include; a) use of data gathering instruments, and b) formal vocational assessment to the degree necessary to ensure the customer has the basic skills necessary to operate and manage a small business with adequate support systems.
- B. Ensure the viability of supported self-employment as it relates to the customer's ability to handle the physical, mental, emotional, and cognitive aspects of the business venture including their disability. This may require consultation with medical and/or psychological service providers that have been treating the customer. If clear information is not available additional assessments may be needed.
- C. Examination of the customer's financial goals related to supported self-employment should include consideration of issues such as: impact on Government benefits, supplementing family income versus primary source of support, and earning sufficient funds to maintain competitive employment standards. A referral for benefits planning may be appropriate.

#### **I. Writing an IPE – Developing a Business Plan**

After a positive assessment of the feasibility of the business concept an initial IPE is written. Some of the key components of writing an IPE for business plan development include:

- IPE goal will be the anticipated vocational outcome that is the focus of the business plan.
- IPE must be identified as a supported self-employment IPE.
- Comprehensive assessment for this IPE is based on the appropriateness of supported self-employment as a strategy for the individual VR customer. It should be based on the feasibility analysis, the assessment of the customer's appropriateness for supported self-employment, and other information available.

Services provided as part of this IPE are intended to support the development, writing, and ultimate approval of the business plan. The following are key elements to the development of the business plan:

### **1. IDVR Customer Training and Technical Assistance:**

- Customers may be expected to attend training and participate in technical assistance services related to supported self-employment. This could include options such as; training and technical assistance on subjects such as exploring entrepreneurship, small business development, business plan development, small business management, accounting for business, and business financing.
- Customers may require business specific skill training or support to eliminate gaps for the operation of the business.

### **2. Business Plan Development:**

The Business Plan is viewed as an essential element in any business venture and will be the document used by IDVR to determine whether or not to participate in capitalizing the business venture. If the supported self-employment plan meets the criteria for a complex self-employment plan refer to the business plan development for complex self employment plan. If the supported self-employment plan meets the criteria for low cost/low risk/low complexity plan refer to the business plan development for low cost/low risk/low complexity plan.

### **Process for**

### **3. ~~Feasibility of the Business Plan in all aspects.~~ Review:**

- ~~Potential for other financial resources,~~ The customer's goal toward self-sufficiency and
- ~~Availability~~ the level of agency funds.

#### e. ~~Process for Review by Self-Employment Team~~

- ~~The counselor will review the Business Plan, complete the Counselor's Business Plan Checklist, and notate~~ Agency's financial participation in the IDVR participant's file as appropriate.
- ~~When warranted, start-up capitalization of the counselor will coordinate the Self-Employment Team, including determining who will participate as the outside consultant/business development organization. A Participant Release of Information will be obtained from the individual and will be submitted as part~~ will determine the level of the Business Plan review package.
- ~~The counselor will distribute the Business Plan review package to the Self-Employment Team and schedule the review.~~
- ~~The Self-Employment Team will convene and conduct its review within fifteen (15) working days of receiving the Business Plan review package.~~
- ~~The Self-Employment Team will provide an opportunity for the participant, or a designated representative, to present information about the Business Plan.~~
  - ~~The panel will review the Business Plan in terms of its feasibility, offer suggestions for improvement if necessary, and make recommendations for approval or disapproval~~ required.
- ~~The review panel will provide a written response with recommendations to the individual within ten (10) working days of their review.~~

### Individual Plan for Employment

~~The~~ If the supported self-employment plan meets the criteria for a complex self-employment plan refer to the business plan review for complex self-employment plan. If the supported self-employment plan meets the criteria for low cost/low risk/low complexity plan refer to the business plan review for low cost/low risk/low complexity plan.

## II. Amending IPE or-- Implementing the Business Plan

Once the business plan has been approved by the customer, support team, and the VR counselor an IPE Amendment amendment will be developed after the that identifies necessary services and activities to implement the business plan.

1. Update comprehensive assessment based upon the additional information acquired through the business plan development process.
2. Identifying specific VR services, cost, and vendors need to implement the supported self-employment plan. It is important that the financial responsibility for each party is identified on the IPE.
3. Resources to provide long term support (Extended Employment Services, Medicaid waiver, private pay, or natural supports) are identified and secured.
4. Identifying necessary training and technical assistance needed to implement the plan.
5. Identifying post start-up support services that may be needed.
6. Identifying the benchmarks for successful closure. At minimum, one benchmark must identify acceptable wage level for the customer (not less than Federal minimum wage standards). Additional benchmarks should be identified that are critical to the success of supported self-employment and how to proceed if the benchmarks are not met. It is important that these benchmarks be clearly written, and the consequences for not meeting the benchmarks are clearly explained to the customer and stated on the IPE. Examples of consequences for not meeting the benchmark on the IPE:
  - Evaluating the appropriateness of the benchmarks and possibly modification of the benchmarks (this would require an amendment to the IPE).
  - Withdrawal of IDVR support of the business and assess other VR options.
  - Proceeding with case closure.

### **III. Closure of Supported Self-Employment Case**

#### **1. Successful Closure**

Successful closure can be completed ~~and before development of~~ when the following has been established:

- Identified benchmarks have been achieved.
- At least 90 days of stable employment and at least six (6) months of business operation.

- Verification of necessary long term supports.

Equipment provided for the supported self-employment plan may be released or returned, consistent with Section 13 of the policy.

## **2. Unsuccessful Closure**

If adequate progress towards meeting the identified benchmarks is not made, the VR counselor proceeds with case closure unless the customer expresses interest in developing a new IPE goal. “All Other Reasons” would be the reason selected for case closure.

The customer is expected to return equipment provided for the self-employment plan, consistent with Section 13 of the policy.

## **C. Continued Self-Employment:**

### **I. Writing IPE**

Prior to completing the IPE, a ~~Business Plan~~ is initiated.

- ~~a. 1. As part of the comprehensive assessment, training and technical assistance, activities will occur such as training workshops and/or seminars focused on self-employment issues, feasibility assessment development, and other exploratory or preparatory activities that contribute to determining business feasibility prior to Business Plan (Note: If an IPE is in place at the time self-employment is determined as the vocational goal, an IPE Amendment may be developed).~~  
- must be completed.

✓

2. Identify ~~An~~ specific VR services, cost, and vendors need to implement the self-employment plan. It is important that the financial responsibility for each party is identified on the IPE.

✓

3. Identify ~~IPE Amendment~~ necessary training and technical assistance needed to implement the plan.

4. Identify post start-up support services that may be needed.

5. Identify the benchmarks for successful closure. At minimum, one benchmark must identify acceptable wage level for the customer (not less than Federal minimum

wage standards). Additional benchmarks should be ~~initiated at the point in time that the~~ identified that are critical to the success of self-employment and how to proceed if the benchmarks are not met. It is important that these benchmarks be clearly written, and the consequences for not meeting the benchmarks are clearly explained to the customer and stated on the IPE. Examples of consequences for not meeting the benchmark on the IPE:

- Evaluating the appropriateness of the benchmarks and possibly modification of the benchmarks (this would require an amendment to the IPE).
- Withdrawal of IDVR support of the business ~~feasibility~~ and assess other VR options.
- Proceeding with case closure.

## II. Closure of Continued Self-Employment Case

### 1. Successful Closure

Successful closure can be completed when the following has been established ~~and before technical assistance for Business Plan development is authorized. The IPE/IPE Amendment would include the specific services to be:~~

- Identified benchmarks have been achieved.
- At least 90 days of stable employment.

~~b.~~ Equipment provided for ~~Business Planning.~~ the continued self-employment plan may be released or returned, consistent with Section 13 of the policy.

### 2. ~~Upon review of~~ Unsuccessful Closure

~~c.~~ If adequate progress towards meeting the Business Plan for financial assistance ~~identified benchmarks is not made, the IPE should be amended to reflect the approved financial assistance and technical assistance plan for monitoring the business post start-up. Benchmarks for~~ VR counselor proceeds with case closure ~~will be included in the IPE at this point.~~

## ~~Financial Participation Requirements~~

~~For those individuals pursuing self-sufficiency through self-employment, they will be required to participate in the start-up capitalization of the business through documented investment of funds from microloans; commercial and consumer loans; loans from family; forgivable loans; equity grants; and equipment critical to the business operation, inventory, and preparation of the business location valued at market rate (sweat equity) including, but not limited to, painting, cleaning, and general business site preparation activities.~~

- ~~a. In consideration of the business start-up capitalization noted in the Business Plan, financial participation by IDVR and participant is as follows:~~

<del>Business Capitalization</del>	<del>IDVR Financial Assistance</del>	<del>Client Participation</del>
<del>Under \$2,500</del>	<del>100%</del>	<del>0%</del>
<del>\$2,501 to \$5,000</del>	<del>80% of start-up capital</del>	<del>20%</del>
<del>\$5,001 to \$7,500</del>	<del>70% of start-up capital</del>	<del>30%</del>
<del>\$7,501 to \$10,000</del>	<del>60% of start-up capital</del>	<del>40%</del>
<del>\$10,001</del>	<del>50% of start-up capital</del>	<del>50%</del>

- ~~b. Financial participation will not be required for IDVR investment in:~~

- ~~• Training and technical assistance~~
- ~~• Accommodations necessitated by the individual's disability in order to participate in training, technical assistance or in consideration of financial assistance~~

## ~~Limitations and Restrictions~~

Financial assistance for business start-up capitalization does not include:

- ~~7.11. Funding for speculative real estate development.~~
- ~~8. Utility deposits that are refundable to the individual or business.~~
- ~~9. Cash.~~
- ~~10.12. Salary or benefits for the individual, partners in ownership, or employees of the business that are members of the participant's immediate family.~~
- ~~11.13. Purchase of real estate.~~
- ~~12.14. Erection of buildings.~~
- ~~13.15. Inventory or business supplies that include tobacco, firearms or alcoholic beverages.~~
- ~~14.16. Refinancing of existing debt — business or personal.~~
- ~~15. Business continuation expenses subsequent to the initial startup costs.~~

## Exceptions

If the counselor determines that there are circumstances in an individual case that warrants consideration for an exception to financial participation policy, a full explanation with justification should be presented to the Supervisor for review and decision.

## Case Closure and Follow-up

- ~~4. Benchmarks leading to consideration~~unless the customer expresses interest in developing a new IPE goal. "All Other Reasons" would be the reason selected for case closure in self-employment include:
  - ~~a. The business shows signs of stability as reflected in the business' financial records including profitability at a level consistent with the participant's definition of "Profitability~~



Goal” as noted in the Participant Self-Employment Checklist.

~~b. The business has been operating for a period of time long enough to adequately assess the stability of the business. A minimum of six months and a maximum of one year are recommended.~~

~~c. All services agreed to in the IPE have been~~ The customer is expected to return equipment ~~provided.~~

~~d. The Individual agrees with the counselor’s recommendation to close the case.~~

2. ~~Benchmarks leading to consideration for case closure in supplemental~~ for the continued self-employment include:

~~a. The business shows signs of stability as reflected in the business’ financial records and is contributing to the individual’s income as indicated by goal noted in the IPE.~~

~~b. The business has been operating for a period of time long enough to adequately assess the stability of the business. A minimum of six months and a maximum of one year are recommended.~~

~~c. All services agreed to in the IPE have been provided.~~

~~d. The individual agrees~~ plan, consistent ~~with the counselor’s recommendation to close the case~~ Section 13 of the policy.

3. ~~Property Agreements~~

~~Self-Employment Plans that include property purchased by the agency must designate that such property will be released to the client only after they have completed one successful year of business.~~

## Client Checklist for Self Employment

~~The Client Checklist should accompany a completed business plan and be submitted to the IDVR Counselor for consideration of financial assistance~~

~~\_\_\_\_\_ Description/dates of training and technical assistance for feasibility & business planning~~

~~\_\_\_\_\_ Copy of Feasibility Assessment~~

~~\_\_\_\_\_ Completed Business Plan that includes:~~

~~**Executive Summary:** One to two page review of the business summarizing the most important points of the plan~~

- ~~• Business description~~
- ~~• Business objectives~~
- ~~• Form of organization~~
- ~~• *Product description*~~
- ~~• Summary of business owner's qualifications~~

~~**Industry/Business Analysis:** Analysis of the current status of the industry in which the business operates~~

- ~~• Definition (description of the economic sector that the industry occupies)~~
- ~~• Industry size and growth rate~~
- ~~• Key growth factors~~
- ~~• Analysis of industry in the geographic area where you will operate~~

~~**Competition Analysis:** Review of three to five direct competitors with a comparative analysis to your business~~

- ~~• Image~~
- ~~• Location~~
- ~~• Products & Services~~
- ~~• Pricing~~
- ~~• Advertising methods~~

**Marketing Plan:** Detail how business will identify, attract, and retain customers

- Customer profile: Comprehensive description of primary and secondary customer groups including the number of customers in market area
- Description of product attributes and why customers will want to purchase it
- Plan for distributing product (if applicable)
- Promotional schemes for initial **12** months of business
  - ✓ Low cost and no cost advertising
  - ✓ Buying advertising: Media type, frequency, intensity

**Management:** Description of the management of the organization including position responsibilities, salary/wages

- Management organization chart
- Personnel

**Financial Plan:** Total business capitalization request with supporting documentation

- Source and use of all funds for business development
  - ✓ Total dollars needed to adequately capitalize business
  - ✓ ~~Identify~~ all resources (banks, microlenders, IDVR, etc) and confirm participation including personal financial participation
  - ✓ Details of how all capital will be used (what it will buy)
    - Specify use of "operating capital"
- Cash flow projection for 24 months
- Income/Expense projection for 2 years
- Projected business balance sheet for 2 years
- Break-even analysis
- ~~Personal~~ financial statement for business owner
- Personal financial statement(s) for all business principals

**Supporting Documents:** Documents that will strengthen the business plan. For example:

- Survey results
- Letters of commitment from funding sources
- Contracts
- Leases
- Letters of intent
- Sales agreements
- Resumes
- Personnel policies
- Job descriptions
- Credit report

---

---

Client Signature \_\_\_\_\_

Date \_\_\_\_\_

Attachment #2

### Counselor Checklist for Self Employment

~~\_\_\_\_\_ Case Summary Feasibility Statement by the Rehabilitation Counselor: Detail the participant's ability to pursue the proposed plan based on academic and personality assessments (if applicable) and client readiness for considering self employment and should include: evaluation of client's interest, skills, aptitude and personal qualities related to self employment; notation of participation in Exploring Entrepreneurship training or equivalent; examination of client's financial goals related to self employment; review of client's expectations to anticipated financial support from IDVR; assessment of client's disability as it relates to self employment goal.~~

\_\_\_\_\_

~~\_\_\_\_\_ \$\_\_\_\_\_ Business Start Up/Expansion Capitalization (total as presented in business plan)~~

\_\_\_\_\_

~~\_\_\_\_\_ \$\_\_\_\_\_ Financial Request to IDVR~~

\_\_\_\_\_

~~\_\_\_\_\_ Self Employment Team Review Needed: \_\_\_\_\_ Yes \_\_\_\_\_ No~~

\_\_\_\_\_

~~\_\_\_\_\_ Copy of Feasibility Assessment~~

\_\_\_\_\_

~~\_\_\_\_\_ Completed Business Plan that includes:~~

**Executive Summary:** One to two page review of the business summarizing the most important points of the plan

- Business description
- Business objectives
- Form of organization
- Product description
- Summary of business owner's qualifications

— **Industry/Business Analysis:** Analysis of the current status of the industry in which the business operates

- Definition (description of the economic sector that the industry occupies)
- Industry size and growth rate
- Key growth factors
- Analysis of industry in the geographic area where you will operate

**Competition Analysis:** Review of three to five direct competitors with a comparative analysis to your business

- Image
- Location
- Products & Services
- Pricing
- Advertising methods

**Marketing Plan:** Detail how business will identify, attract, and retain customers

- Customer profile: Comprehensive description of primary and secondary customer groups including the number of customers in market area
- Description of product attributes and why customers will want to purchase it
- Plan for distributing product (if applicable)
- Promotional schemes for initial 12 months of business
  - ✓ Low cost and no cost advertising
  - ✓ Buying advertising: Media type, frequency, intensity

**Management:** Description of the management of the organization including position responsibilities, salary/wages

- Management organization chart
- Personnel

**Financial Plan:** Total business capitalization request with supporting documentation

- Source and use of all funds for business development
  - ✓ Total dollars needed to adequately capitalize business

- ✓ ~~Identify~~ all resources (banks, microlenders, IDVR, etc) and confirm participation including personal financial participation
- ✓ ~~Details of how all capital will be used (what it will buy)~~
  - ~~Specify use of "operating capital"~~
- ~~Cash flow projection for 24 months~~
- ~~Income/Expense projection for 2 years~~
- ~~Projected business balance sheet for 2 years~~
- ~~Break-even analysis~~
- ~~Personal financial statement for business owner~~
- ~~Personal financial statement(s) for all business principals~~

**Supporting Documents:** Documents that will strengthen the business plan.  
For example:

- ~~Survey results~~
- ~~Letters of commitment from funding sources~~
- ~~Contracts~~
- ~~Leases~~
- ~~Letters of intent~~
- ~~Sales agreements~~
- ~~Resumes~~
- ~~Personnel policies~~
- ~~Job descriptions~~
- ~~Credit report~~

---

Counselor Signature \_\_\_\_\_ Date \_\_\_\_\_

### **12.10 Interpreter ~~Effective Communication~~ Services and Note Taking Services for Customers with Sensory Impairments**

IDVR can provide interpreter services and note taking services for ~~individuals~~customers who are deaf, including tactile interpreting for ~~individuals~~customers who are deaf-blind; reader services, rehabilitation teaching services, note-taking services and orientation and mobility services for ~~individuals~~customers who are blind; telecommunications, sensory and other technological aids and devices.

**Note:** *-If the ~~participant~~customer is enrolled in an academic/technical training program at an institution that receives ~~federal~~Federal financial support, the institution will be responsible for the provision of interpreter services within the classroom or formal training environment i.e., outside the classroom, but mandated or supported by the class curriculum. (A regional exception has been made at the Eastern Idaho ~~Vocational-Technical School based upon office space that is being provided to~~College – EITC as per the agreement between IDVR ~~staff at that institution~~ and EITC).*

### ***12.11 Occupational Licenses, Tools, Equipment Initial Stocks and Supplies necessary in order to enter an Occupation***

~~Based upon the participant's financial status, occupational~~  
Occupational licenses, tools ~~and~~, equipment, initial stocks, and supplies may be purchased in order to adequately prepare the individualcustomer for a vocational outcome. *Private pilot's license will not be secured through the financial support of IDVR.*

IDVR will not purchase land or buildings for individualscustomers with disabilities. IDVR retains the right to reclaim occupational tools and equipment purchased by ~~the IDVR when the individual's IPE is not completed and/or the case is closed other than rehabilitated.~~ IDVR when:

- Customer's IPE is not completed.
- The tools and equipment are no longer necessary or appropriate for the existing or new employment goal.
- Case is closed other than rehabilitated.

## **12.12 Supported Employment Services**

Supported employment services may be provided to individualscustomers with the most severe disabilities who require ~~job site~~ongoing training ~~and a variety of on-going-the-job and~~ support services.

### **12.12.1 Supported employment is defined as follows:**

~~A.~~ \_\_\_\_\_

A. Competitive work (defined as payment of an hourly rate not less than minimum wage or less than the employer usually pays individuals who are not disabled) in an integrated work setting (defined as an environment in which the individualcustomer engages in as much contact with co-workers or the non-disabled general public as any other non-disabled person working in that job would experience) with ongoing support services for individualscustomers with the most severe disabilities for whom competitive employment:

1. Has not traditionally occurred; ~~or~~
- ~~2.~~ Has been interrupted or intermittent as a result of severe
2. disability; and
3. Who, because of the nature and severity of their disability(ies), need intensive supported employment services or extended services in order to be gainfully employed; or

~~B.~~ \_\_\_\_\_

B. Transitional employment for individualscustomers with chronic mental illness.

**Note:** Non-competitive, non-integrated employment (sometimes referred to as Sheltered Work, Facility Based Work, Work Services, or Workshop Services) is not part of VR services. If a customer requests these services, IDVR will provide information about competitive, integrated employment to assist in informed choice. If the customer still request non-competitive, non-integrated employment they will be referred to the Extended Employment Services Program through the Extended Employment Services Referral Form.

### 12.12.2 Supported ~~Employment Services~~employment Process:

- ~~A. Through~~ The specific supported employment services to be provided must be included as an objective of the IPE. A Gemini 20 (Referral for Extended Employment Services) must be sent to the appropriate IDVR Extended Employment Services Specialist (EESS), located either in Boise (208-287-6458) or Moscow, Idaho (208-883-8410).
- ~~A. B.~~ At a minimum, contact must be maintained between the service provider and an assessment (internally provided or through a review of external documentation) or through the provision of VR services, supported employment is identified as a necessary strategy for successful employment.
- ~~B.~~ The VR counselor and participant twice per month, during the delivery customer will identify the level of ongoing job support necessary to maintain successful employment.
- ~~C.~~ The VR counselor and customer will identify the availability of long term support strategies for the level of supported employment services. This contact identified.
- ~~D.~~ If long term support strategies are available then an IPE may be at or away written.
- ~~E.~~ If long term support strategies are not available the case will be closed "Unable to Benefit from the participant's place of work. Services."
- ~~C.~~ Extended services may include the use of natural supports (family, friends, significant others, supervisors, co-workers) as needed.
- ~~D.~~ The source of extended services, or statement that a reasonable expectation exists that extended services will be available following the completion of IDVR supported services, is to be included on the IPE. If the source of funding is the Extended Employment Services' (EES) budget, the vocational counselor should procure a "Client Update Form" from the EESS stating that EES services have been authorized. The "Client Update Form" is generated by the CRP, sent to the EESS who will determine whether to authorize the service. A decision will be made and a hard copy submitted to the CRP and VR counselor for inclusion in the file.
- ~~E.~~ Supported employment is provided by IDVR for a period of time not to exceed 18 months, unless under special circumstances the participant and VR counselor agree to extend the time in order to achieve the rehabilitation objectives included on the IPE.
- ~~F.~~ Supported Employment services are intended to be short-term in duration with transition to an extended service (traditionally called "Long Term Support") that assists the participant to maintain employment.

### 12.12.3 Examples of Long Term Support Services in Idaho



~~Long term support services must be provided through an ongoing support plan using another agency, service provider or natural supports and developed in conjunction with or prior to closure.~~

~~Employment for the purpose of Supported Employment must include:~~

~~A. Integrated work to mean job sites where there is daily contact in the immediate work setting with other employees and/or the general public who are not disabled (or as much contact as any other employee in that same position would have with other employees and/or the general public who are not disabled – e.g., a night janitor, with or without disabilities, might not have much contact with anyone).~~

~~Supported Employment requires that no more than eight individuals with disabilities be clustered in an employment setting (enclave).~~

~~B. Transitional employment services for persons with chronic mental illness means a series of temporary job placements in competitive work in an integrated work setting with on-going support services for individuals with chronic mental illness.~~

~~C. Work that results in competitive earnings (no less than the prevailing state minimum wage).~~

~~Potential sources of extended services may include, but are not limited to the following:~~

### **12.12.3 Supported Employment Strategies**

#### **Natural Supports:**

Support from supervisors and co-workers occurring in the workplace to assist employees with disabilities to perform their jobs, including supports already provided by an employer for all employees. These natural supports may be both formal and/or informal, and include mentoring, supervision (ongoing feedback on job performance), training (learning a new job skill with a co-worker), and co-workers socializing with employees with disabilities at breaks or after work. Support provided by family, friends, or significant others ~~is~~are also included within this definition.

**Extended Employment Services:** (IDAPA 47.01.02) Funds Managed by IDVR/EES. There are four eligibility categories:

~~A.~~

~~A. Developmental Disabilities: Eligibility determined by a Medicaid contracted Independent Assessment Provider (IAP) or EESS using the definition provided (as defined in section 66-402, Idaho Code).~~

~~Initial job placement and stabilization, and training are provided through IDVR Supported Employment (CSE) funds. The CRP provides the actual extended (long-term support) services funded by EES.~~

~~—NOTE: EES funds cover sheltered employment in addition to long-term maintenance for Community Supported Employment.~~

~~B.—~~

~~B. Mental Health: (Typically Schizophrenia, Major Mood Disorders, Borderline Personality Disorder, Delusional Disorder, Schizoaffective Disorder).~~

~~Initial job placement and stabilization, and training are provided through IDVR Community Supported Employment funds and the CRP provides extended services.~~

~~C.—~~

~~C. Specific Learning Disability—determined by EESS based on DSM-IVR and school records.~~

~~Initial job placement and stabilization, and training are provided through IDVR Community Supported Employment funds and the CRP provides extended services funded by EES.~~

~~D. Traumatic Brain Injury—determined by EESS using medical records provided by the vocational counselor. (Typically a traumatic incident rather than the result of a disease process).~~

~~Initial job placement and stabilization, and training are provided through IDVR Community Supported Employment funds and the CRP provides extended services funded by EES.~~

D. Traumatic Brain Injury.

#### **Medicaid Funded Employment Supports:**

~~A.—~~Developmental Disabilities – Adult DD ~~or Idaho State School and Hospital (ISSH)~~ Home and Community Based Services Medicaid Waiver (IDAPA 16.03.10.703.03). Eligibility for ~~these waivers~~this waiver is determined by the Independent Assessment Providers (IAP) at the Idaho Center on Disability Evaluation.

~~B.—Mental Health—~~ The ~~category of services~~Self-Directed option falls under this waiver.

Aged or Disabled Waiver – Supported Employment is a component included in this Home and Community Based Services Medicaid ~~may be billed for are:~~

- ~~a.—Pre-vocational skills.~~
- ~~b.—Vocational skills training.~~
- ~~c.—Case management services.~~

~~NOTE: EES lacks the information to confirm or deny these types of Medicaid funded services for individuals with mental health eligibility. There is a mental health waiver but it does not cover vocational services. Under the mental health waiver~~Waiver (IDAPA 16.03.10.125.03) “employment”~~is listed as an excluded service and is defined as “job specific interventions, job training, and job placement services, which includes helping the participant develop a resume, apply for a job, utilize job training or coaching” (07.01.06T~~326.17).

#### **12.12.4 ~~Diagnostic and post~~ Steps to Securing Long Term Support for Medicaid or EES Services:**

1. Contact the Regional Community Supported Employment (CSE) coordinator.
2. The Regional CSE coordinator will submit the Referral for Extended Employment Services to the EES program.
3. The Regional CSE coordinator and VR counselor will receive documentation regarding the availability within ten (10) business days.
  - a. Funding for EES Available – The VR counselor proceeds with plan development.
  - b. No EES Funding Available – Customer is placed on the EES waiting list by EES program.
    - i. Waiver Eligible –
      - VR staff notifies in writing to EES program that employment services are approved from Medicaid. Customer is removed from the waiting list once employment waiver services ~~for all participants (including supported)~~ are approved by Medicaid.
      - ~~If employment) are paid for using general program (Title 1) funds.~~ services are not included on the customer's waiver plan, if EES funding is not secured within three (3) months then the case will be closed (EES case will remain open and the customer will remain on the waitlist).
    - ii. Not Waiver Eligible – Customer remains on the EES waiting list
      - VR counselor does not proceed to plan development.
      - If funding is not secured within three (3) months then the case will be closed (EES case will remain open and the customer will remain on the waitlist).
      - Once EES funding becomes available EES program will notify CSE coordinator and VR counselor; customer will be removed from the EES waiting list. IPE development may be initiated (VR case file may need to be reopened).

#### **12.13 Post-Employment Services (PES)**

~~An individual~~

A customer with a disability who had been previously rehabilitated may require additional services in order to maintain, advance in, or regain suitable employment. In order to qualify for this service strategy, the need must be based upon a disability previously documented in the eligibility determination section. Post-employment services require an amendment to the IPE ~~(in~~

Gemini under “Pages” there is a separate section dedicated to “post-employment services”). In order to qualify for these services, the ~~participant’s~~ customer’s vocational needs must be minor in scope (\$1,000 or less) and duration (6 months or less). This means the ~~individual~~ customer only needs relatively short-term services with minimal cost associated. ~~Individuals~~ Customers requiring multiple services over an extended period of time and/or a comprehensive/complex rehabilitation plan should be encouraged to reapply for the full-spectrum of VR services since their needs exceed the intent of post-employment services. ~~Services~~ PES can be ~~provided at any time during the period in which a case record is maintained by the agency (5 initiated within three (3) years) of successful closure.~~ Once the record is destroyed, a new case must be opened.

**Note:-** The intent of PES is to ensure that the employment outcome remains consistent with the ~~individual’s~~ customer’s strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

## **12.14 Rehabilitation Technology ~~Services~~**

Rehabilitation technology services (assistive/adaptive technology) may be provided as compensatory strategies to increase, maintain, or improve functional capabilities of ~~individuals~~ customers with disabilities. Rehabilitation technology services may be provided at any time in the rehabilitation process, including the assessment for determining eligibility and vocational rehabilitation needs, extended evaluation, services provided under an IPE, and post-employment services. Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices are exempt from a determination of the availability of comparable services ~~and benefits. If, however, comparable services~~ or benefits exist under any other program and are available to the ~~individual~~ customer, IDVR ~~must use those resources to meet in whole or part, may request, but may not require~~ the ~~costs~~ use of ~~the vocational rehabilitation comparable services and benefits.~~ (For further information, please review the series of comprehensive fact sheets provided by Idaho Assistive Technology Project located on the IDVR intranet web site. There are also direct links to the Idaho Assistive Technology Project web site at that location).).

**12.14.1 “Assistive technology service”** means any service that directly assists ~~an individual~~ a customer with a disability in the selection, acquisition, or use of an assistive technology device, including:-

~~A. ———~~

A. The evaluation of the needs of ~~an individual;~~ a customer;

B. ~~B. ———~~ Purchasing, leasing, or otherwise providing for the acquisition by ~~an individual~~ a customer with a disability of an assistive technology device;

C. ~~C. ———~~ Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

D. ~~D. ———~~ Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

E. ~~E. ———~~ Training or technical assistance for ~~an individual~~ a customer with a disability.

**12.14.2**— An assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off-the-shelf, modified, or customized that is used to increase, maintain, or improve the functional capabilities of ~~an individual~~a customer with a disability.

**12.14.3** — Vehicle ~~modifications~~modification, may be provided as an assistive technology device only ~~when~~—when the applicant/~~individual~~customer is otherwise precluded from achieving a vocational objective.

1. In the event that a ~~van~~vehicle requires modification. e.g., hand controls, lift installation, or structural revision, ~~the cost may be provided on vehicles with an expected life of the modification cannot exceed the current N.A.D.A. Blue Book value of the vehicle. five (5) years or longer after modification, as evaluated by a certified mechanic (paid for by IDVR).~~  
The ~~participant~~customer must agree to maintain insurance on the vehicle for replacement costs of the modified equipment.
2. Any vehicle modification over \$~~3000~~3,000 must include a minimum of two bids from approved vendors.
- ~~3. Recipients of a vehicular modification service must be regarded as potentially job ready and capable of working on a competitive basis. This will require a careful assessment by the VR counselor to ensure that the participant fully understands that vehicular modifications are tied directly to the capacity and willingness to complete a plan for employment and actively cooperate in acquiring competitive employment.~~
- ~~4. The participant must understand that a personal financial responsibility exists for the maintenance and replacement of the vehicle, as well as its future modification needs and adaptive equipment following case closure. This should always be stipulated within the IPE that outlines the vehicular modification.~~
- ~~5.3. Adaptive equipment items that are not documented as medically and/or vocationally necessary will be the responsibility of the individual~~customer.
- ~~6. In the event that~~When a participant, through necessity, disposes a modified vehicle and subsequently requests IDVR assistance in funding~~customer purchases a new vehicle requiring~~ modifications ~~for a replacement vehicle, the individual must contribute the residual value of the disposed modifications toward the cost of the replacement~~they should check with the dealership to see if the vehicle modification assistance is available. The VR counselor ~~must ensure that a list of previously purchased equipment is appraised by a qualified vendor for residual value.~~
- ~~7.4. If a participant, when purchasing a new vehicle, is offered a cash reimbursement by a manufacturer to help cover the cost of modifications, the reimbursement will be used~~check with the customer to reduce IDVR's cost for modifications. The see if the customer is willing to access and apply the rebate ~~will be applied against the cost of the modifications regardless of obligations imposed by a Financial Needs Assessment. Such rebates are occasionally offered~~

~~to individuals with disabilities and should be explored as a comparable benefit by the VR counselor and participant.~~ to the cost of vehicle modification.

**12.14.4** Housing modifications may be provided as a supportive service so the individual customer can benefit from a core vocational rehabilitation service. Typically these services are provided under an IPE.

## **12.15 Supportive Services**

**A.**

A. Maintenance is a funding provision designed to offset *identified additional costs incurred as a result of participating in a rehabilitation service* (expenses incurred by the individual customer while engaged in assessments required for determining eligibility or while receiving services under an IPE).

**NOTE:** -Maintenance means monetary support provided to an individual a customer for expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the individual customer and that are necessitated by the individual's customer's participation in an assessment for determining eligibility and vocational rehabilitation needs or the individual's customer's receipt of vocational rehabilitation services under an individualized plan for employment. -(Ref: 34 CFR, Part 361.5 (35)-)).

Counselors cannot pay maintenance for those existing living costs that an individual a customer would normally incur regardless of the individual's customer's participation in a plan of vocational rehabilitation services.

~~Maximum: \$1,500 total per federal fiscal year. No single monthly amount.~~ Maintenance intended to cover shelter related expenses will not exceed \$500. No limit on number of four (4) months upper case without the Chief of Field Service's approval.

Maintenance intended to the \$1,500 maximum cover food expenses will not exceed four (4) weeks per case without the Chief of Field Service's approval.

Maximum per diem food rates for the state of Idaho can be found at: <http://www.sco.idaho.gov/web/sbe/sbeweb.nst/pages/trvlpolicy.htm#Apendix%20%22B%22>.

Maximum per diem food rates for out of state can be found at: [www.gsa.gov](http://www.gsa.gov).

VR counselors should ~~These maximums also apply to Rent and Room & Board for post secondary education.~~

~~If the participant receives SSI or SSDI, VR cannot provide maintenance for basic living expenses.~~

~~B. —be aware and make their customers aware, that any maintenance payments for food, shelter, or clothing may impact SSI benefits.~~

~~B. Transportation —is a reimbursement~~service ~~for identified travel and related expenses that are necessary to enable individuals~~for customers ~~to participate in a vocational rehabilitation service.~~services or assessment.

~~Participants and their families are expected to participate in the cost of their transportation expenses since in most cases vehicles are not used exclusively for rehabilitation activities.~~

1. Actual costs may be paid for taxi, buses, airplanes, etc.
2. When using a privately owned vehicle, fuel assistance will be negotiated ~~at IPE development.~~ This depends upon actual transportation expenses for participation in rehabilitation services. Routine vehicle maintenance is not covered by IDVR.
3. ~~3.~~ The VR counselor must take into account the following issues when confronted with a request from a ~~participant~~customer to repair ~~or modify~~ a privately owned vehicle:
  - a. ~~\_\_\_\_\_~~
    - a. The overall condition and value of vehicle.
    - b. ~~\_\_\_\_\_~~
    - b. The extent of the repairs~~or modifications needed.~~
    - c. ~~\_\_\_\_\_~~ The availability of other appropriate transportation.
    - d. ~~\_\_\_\_\_~~
    - d. The necessity that the vehicle be used for VR participation or work~~or training.~~

~~C. Auto Insurance —A one-time authorization may be issued to purchase three months state required liability insurance. Insurance purposes must be directly related to the individual's attending work.~~

### ***12.16 School Transition***

The Idaho Division of Vocational Rehabilitation (IDVR) participates in student transition planning as outlined at 34 CFR 361.22 of the Rehabilitation Act ~~Regulations~~Regulation. The Regulations require plans, policies, and procedures that provide for the development and approval on an individualized plan for employment as early as possible during the transition planning process but, at the latest, by the time each student who is determined to be eligible for vocational rehabilitation services leaves the school setting. The Act also provides for:

1. Consultation and technical assistance to educational agencies in planning for ~~the~~ transition of students with disabilities from school to post-school activities, including vocational rehabilitation~~;~~

2. Transition planning by personnel of IDVR and the educational agency for students with disabilities that facilitates the development and completion of their Individualized Education Programs (~~IPE's~~ IPE's) under section 604 (d) of the Individuals with Disabilities Education Act (IDEA);
3. ~~3.~~ The roles and responsibilities including financial responsibilities, of each agency; and
4. Procedures for outreach to and identification of students with disabilities who are in need of transition services. Outreach to these students should occur as early as possible during the transition planning process and must include, at a minimum, a description of the purpose of the vocational rehabilitation programs, eligibility requirements; application procedures, and scope of services that may be provided to eligible ~~individuals~~ customers.

~~Both the Amendments of the Rehabilitation Act and the Individuals with Disabilities Education Act (IDEA) define transition services as a coordinated set of activities for a student designed within an oriented process that promotes movement from school to post-school activities including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, and independent living or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation.~~

- ~~• Both the 1992 Amendments of the Rehabilitation Act and the Individuals with Disabilities Education Act (IDEA) define transition services as a coordinated set of activities for a student designed within an outcome-oriented process that promotes movement from school to post-school activities including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, and independent living or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation.~~
- Referrals should be made to the ~~VRC no later than two years before the student exits high school~~ VR counselor as early as possible following the completion of the student's sophomore year. Earlier referrals can be made based on individual student need. All students with disabilities should be referred, not just those students in special education.
- ~~The attendance of the VRC at~~ The VR counselor may participate and/or consult during the development of Individual Educational Plans (IEPs), Individual Transition Plans (ITPs) and Child Study Teams (CSTs) ~~is~~ at the invitation of the school and agreement between the ~~VRC~~ VR Counselor and CST members. VRC will determine the appropriate time to take an application when the focus is on the



final vocational objective or formal planning for continued employment preparation after the student exits from high school.

- The ~~school's~~school district's responsibility is to provide a free and appropriate education to all students. This includes instructional ~~aids~~aides, devices, and necessary services to achieve educational goals.
- IDVR's responsibility is to facilitate the accomplishment of long-term vocational rehabilitation goals and intermediate rehabilitation objectives identified in the student's IPE. Only services that are required for achievement of the employment goal will be provided or coordinated.
- ~~There is a statewide interagency agreement among the Idaho Department of Education, the Idaho Division of Vocational Education and the Idaho Division of Vocational Rehabilitation. There are also regional cooperative agreements between IDVR and specific school districts. For additional information, please refer to those cooperative agreements.~~

## ***12.17 Services to Family Members***

The definition of "Family Member" ~~includes any~~is a relative ~~by blood, marriage, or adoption of the eligible participant as well as other individuals living~~guardian of the customer or someone who lives in the same household ~~with whom~~as the ~~participant~~customer and has a ~~close interpersonal relationship.~~

substantial interest in the well-being of the customer.

Conditions and Criteria:

### ***Services***

- A. Service may be provided only to individuals that meet the definition of family member.
- B. The services to be provided are those which are deemed to be necessary to the successful completion of the ~~participant's~~customer's rehabilitation plan (IPE, Extended Evaluation, or Trial Work Period). ~~The participant~~customer and VR counselor will make the determination as to whether a service to a family member is necessary to the vocational rehabilitation of the individual ~~participant~~customer.
- C. Comparable services and benefits are to be explored and if available, utilized prior to expenditure of agency funds.
- D. IDVR funds can only be utilized if economic need is established on ~~the~~ Financial ~~Needs Form (FNA)~~Participation Assessment (FPA).

- E. Family members may not have access to the ~~participant's~~customer's record of service without a release of information. Family members may have access to information pertaining to the services they received.

**Procedures:**

~~A.~~

A. The category of Services to Family Members requires prior approval from the Regional Manager.

B. The IPE must set forth the services to be provided to the family member.

~~B.~~

C. In developing the IPE the VR counselor must ensure that the ~~participant~~customer and family member(s) understand the basis for the provision of services in order to avoid any misunderstanding as to the scope, nature, and duration of services.

~~C.~~

D. Services under this section must comply with all other portions of the manual relating to the provision of VR services.

E. Services to family members must be terminated whenever one of the following conditions prevails:

1. When a service(s) is no longer necessary to the ~~individual's~~customer's plan; or
2. When the ~~participant's~~customer's plan is terminated in accordance with case closure procedures; or
3. When Post-Employment Services are terminated.

~~D.~~

When services are provided to family members, the record of service must

F. include:

1. A rationale that ~~the~~ services are required to support the ~~participant's~~customer's success in completing objectives of the IPE;
- ~~2.~~ Data, including medical information, to support the decision to provide services;
- ~~3.2.~~ That services are provided in an integrated environment; (the least amount necessary to verify the need);
- ~~4.3.~~ Identification of family member(s) receiving those services;
- ~~5.4.~~ The cost of such services; and  
And documentation
- ~~6.5.~~ Documentation of the time limited nature of these services.

**12.18 Personal Care ~~Attendant~~Assistant Services**

A personal care assistant (PCA) assists ~~an individual~~ a customer with a significant disability by performing personal activities of daily living requiring hands-on help, which cannot be performed by the ~~individual~~ customer because of the significance of the disability. PCA services include ~~including~~ personal care related tasks such as:

1. Eating
2. Drinking
3. Toileting
4. Bathing
5. Transfers
6. Dressing
7. Grooming

Medications ~~1. eating~~

~~2. drinking~~

~~3. toileting~~

~~4. bathing~~

~~5. transfers~~

~~6. dressing~~

~~7. grooming~~

~~8. medications~~

8.

PCA services do not include chore services, respite, cueing, or household tasks. In most cases, tasks performed by the PCA are ~~participant~~ customer directed. The PCA is not responsible for any tasks that the ~~individual~~ customer with a disability can perform independently.

PCA services have been developed to enhance the ability of ~~an individual~~ a customer with a significant disability to live and work independently. The need for PCA services is normally identified through an independent living (IL) evaluation ~~and services are, in most cases, provided to an individual with a significant disability, prior to application for IDVR services.~~

A PCA must have completed a ~~state~~ State approved training program or have substantial knowledge and experience in providing PCA services.

It is the policy of the IDVR to provide PCA services to ~~individuals~~ customers with significant disabilities, when PCA services over and above those required for normal daily living are required to assist the ~~participant~~ customer to complete the VR process. IDVR does not provide PCA services in lieu of existing PCA programs and providers. If the VR counselor determines that PCA services are necessary for the ~~participant~~ customer to complete the objectives of the IPE,

the VR counselor will need to conduct or obtain a personal care assistant evaluation to determine the number of hours of PCA services that are required for participation in the IPE over and above the ~~participant's~~customer's normal daily living needs.

It is the responsibility of the ~~participant~~customer and the VR counselor to identify, apply for and utilize any and all similar benefits for PCA services. PCA recruitment and management is the responsibility of the ~~participant~~customer. Payment for PCA services is made through an authorization to the ~~participant~~customer for PCA services. The ~~participant~~customer then pays the chosen provider. ~~The hourly rate for PCA services funded by IDVR will not exceed the current rate established by Medicaid. The PCA is paid by the task. All other time is-~~ IDVR does not pay for standby ~~per regulation. The participant~~time; only for direct service time related to the VR service that the PCA service is addressing. The customer is required to submit verification of services received from the provider to IDVR on a monthly basis to continue to receive PCA funds.

IDVR PCA services are time limited in nature and are provided during the vocational rehabilitation process, if required, to assist in determining eligibility, for participation in vocational evaluation and assessment, and during implementation of an IPE with a goal leading to competitive employment. The provision of PCA services must be linked directly to the objective of the IPE. PCA services funded by IDVR must be for those tasks over and above PCA services normally ~~required~~require for tasks of daily living. No more than 40 hours per week will be authorized for PCA services.

When the IPE objectives have been successfully completed and the goal of competitive employment has been achieved, provision of PCA services required to maintain employment becomes the responsibility of the ~~participant~~customer.

### ***12.19 ~~Reserve Fund~~Services to a Group of Individuals***

The Rehabilitation Act of 1973 as amended authorizes the provision of rehabilitation services to groups of individuals.

#### **Guidelines:**

Services for a group of individuals with disabilities must be expected to substantially contribute to the vocational rehabilitation of a group of individuals, but does not relate directly to the individualized rehabilitation program of any one individual with disability. The decision to provide services to groups will be made based on the need for the services as well as the available resources of the agency.

#### **Establishment**

~~Fiscal will hold \$100,000 for each Federal Fiscal year at Central Office for participant plans, i.e. van conversion, or prosthetic/orthotic devices. When a Regional Manager receives a request for one of the above items in excess of \$10,000, the Regional Manager shall contact the Chief of Field Services and submit a faxed copy of the lowest bid for the requested services.~~

~~Best practice mandates a minimum of 3 bids be procured when available within a reasonable proximity.~~

~~Upon approval, the requested amount will be allotted to that Regional Office by the Manager of Fiscal Operations. For further information or clarification, please contact the Chief of Field Services.~~

Under the authority of 34 CFR 361.49(a)(1), IDVR may pursue the establishment, development, or improvement of a public or non-profit community rehabilitation program that is used to provide vocational rehabilitation services that promote integration and competitive employment, including, under special circumstances, the construction of a facility for a public or non-profit community rehabilitation program. Examples of “special circumstances” include the destruction or natural disaster of the only available center serving an area or a State determination that construction is necessary in a rural area because no other public agencies or private non-profit organizations are currently able to provide vocational rehabilitation services to individuals.

Any CRP establishment activities undertaken by IDVR will be supported by the pre-planning requirements under 34 CFR 361.49(b)(1) and 34 CFR 361.29.

In order for IDVR to engage in activities to establish, develop or improve a public or non-profit CRP, pursuant to 34 CFR 361.49(a)(1), and use of non-Federal expenditures incurred by those activities to satisfy match requirement under the VR Program, IDVR must first satisfy several pre-planning requirements:

1. IDVR must have written policies that set forth the nature and scope of services that will be provided to groups of customers with disabilities, and the criteria that will be used to determine the provision of those services (34 CFR 361.49(b)(1)); and
2. Establishment activities must have been identified as a need in IDVR's most recent statewide comprehensive needs assessment and IDVR must have included in its State plan a discussion of the strategies it would use to meet that need (34 CFR 361.29).

If IDVR has satisfied the above pre-planning requirements for activities related to establishing, developing, or improving a CRP, then the following requirements must be satisfied in order for IDVR to use non-Federal expenditures incurred for these activities towards its match requirements under the VR program pursuant to 34 CFR 361.60(b)(3)(i):

1. The activities proposed must fit within the definition of establishment, development, or improvement of a CRP at 34 CFR 361.5(b)(17);

2. The establishment, development, or improvement of a facility for a CRP at 34 CFR 361.5(b)(18), or
3. The construction of facility for a CRP at 34 CFR 361.5(b)(12); and
4. The activities must be designed to provide services to IDVR customers and applicants.

Based on 34 CFR 361.5(b)(17), IDVR may:

1. The establishment of a facility for a public or non-profit community rehabilitation program.
2. Staffing, if necessary to establish, develop, or improve a community rehabilitation program for the purpose of providing vocational rehabilitation services to applicants or eligible customers.
3. Other expenditures related to the establishment, development, or improvement of a community rehabilitation program that are necessary to make the program functional or increase its effectiveness in providing vocational rehabilitation services to applicants or eligible customers, but are not ongoing operating expenditures of the program.

#### **Employment Related Services to Customers with Disabilities**

Under the authority of 34 CFR 361.49(a)(6), IDVR may pursue services that promise to contribute substantially to the rehabilitation of a group of customers but that are not related directly to the individualized plan for employment of any one customer.

The nature and scope of the services provided include:

1. Increase access to employment and educational opportunities for persons who are deaf or hard of hearing.
2. Increase awareness of the needs of persons who are deaf and hard of hearing through educational informational programs.
3. Encourage consultation and cooperation among departments, agencies, and institutions serving the deaf and hard of hearing.

#### **SECTION 13.0 - CLOSURE**

~~The VR counselor shall close an individual's record of services at any time in the vocational rehabilitation process when it is determined that the individual is no longer eligible, is unavailable for diagnostic or planned services, chooses not to participate, or is rehabilitated. The authorized "Reasons" for closure are stipulated in the drop down box in the "Closure" module of Gemini under "Outcome".~~

#### **~~13.1 Ineligibility Based Upon Disability Issues~~**

~~13.1.1 A person will be determined ineligible when it is determined that s/he has no disability, or no substantial impediment to employment or the individual does not require vocational rehabilitation services to achieve an employment outcome.~~

This decision requires:

~~A. That Idaho Division of Vocational Rehabilitation (IDVR) provides~~

### 13.1 Closure During Application Status

#### A. No disabling condition

The VR counselor is unable to verify the existence of a disabling condition. The decision requires VR staff to:

1. Provide an opportunity for the individualcustomer or his/her representative to receive full consultation regarding the closure decision.  
~~B. A~~
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agency (ies), including Idaho Department of Labor.

#### B. No impediment to employment

The VR counselor cannot establish that there is a substantial barrier to employment based on disability. The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure determinationdecision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. ~~C. A written notification of appeal~~Appeal rights, including the name (Rights and address of the person with whom an appeal may be filed, and the availability ofResponsibilities)
  - c. Information regarding the Client AdvocacyAssistance Program (CAP).--)
3. ~~D. Referral to anotherother~~ agency (ies), including One-Stop-service delivery systems and community rehabilitation programs when

~~appropriate~~ Idaho Department of Labor.

~~13.1.2 It must be documented that there is clear and convincing evidence after a Trial Work Experience or an Extended Evaluation following a period of service provision under an IPE that the individual with a disability is incapable of benefiting (too severe) from IDVR services in terms of achieving an employment outcome.~~

~~This decision requires:~~

**C. ~~A. An~~ Does not require VR services to achieve an employment outcome**

The VR counselor has been unable to identify substantial VR services necessary to secure, retain or regain employment. The decision requires VR staff to:

1. Provide an opportunity for the ~~individual~~customer or ~~designated~~his/her representative to receive full consultation ~~at regarding the closure-~~ decision.  
~~B. A~~
2. Provide written notification ~~of ineligibility closure decision~~, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agency (ies), including Idaho Department of Labor.

**D. Unable to benefit from VR services**

The VR counselor~~C. A~~, through trial work or extended evaluation has established that the applicant is unable to benefit in terms of an employment outcome. The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of ~~appeal rights,~~ including communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the ~~name and address of~~reason(s) for the ~~person~~ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agency (ies), the Extended Employment Program and as appropriate the Idaho Department of Labor.



4. Conduct a review of the ineligibility determination following the closure of the record within 12 months and annually thereafter, up to two (2) years, or longer if requested. The customer with whom an appeal a disability, or, if appropriate, the customer's representative, may have input into the review and re-evaluation. Signed documentation should be filed, and of the availability of the CAP included of the review and re-evaluation if the review and re-evaluation is able to be completed.

~~D. An annual~~

#### **E. Extended services unavailable**

The VR counselor has determined that extended services are required and the VR counselor and customer have determined that the extended services are not available at this time. The decision requires VR staff to:

1. Provide opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agency (ies), the Extended Employment Program and as appropriate the Idaho Department of Labor.
4. Conduct a review of the ineligibility determination following the closure of the record will be conducted within 12 months and annually thereafter, up to two (2) years, or longer if requested. The individual customer with a disability, or, if appropriate, the individual's customer's representative, shall may have input into the review and reevaluation, and through signed acknowledgement attest that re-evaluation. Signed documentation should be included of the review and re-evaluation if the review and reevaluation have been conducted. re-evaluation is able to be completed.

~~E. A review is not required in situations where the individual refuses services; the individual is no longer present in the State; the individual's whereabouts are unknown or the individual's medical condition is rapidly progressive~~

~~F. Referral to another agency(ies), including One-Stop service delivery systems and community rehabilitation programs when appropriate~~

### **13.2 Ineligibility Based Upon Other Reasons**

~~13.2.1~~ The VR counselor may close a case record when an individual is unavailable for an extended period of time. The VR counselor must make a concerted effort to contact the individual, or when appropriate, a designated representative to encourage the participation of the individual in IDVR services.

This

**F. Refused service, moved unable to locate, failure to cooperate, death, institutionalized, transportation not feasible, transferred to another agency, and all other reasons.**

These are closures without eligibility determination. The decision requires:- VR staff to:

~~A. A rationale~~

1. Provide an opportunity for closure documented in the case record and documentation of efforts to contact individual customer or designated his/her representative. to receive full consultation regarding the closure decision.

~~B. A~~

Provide written notification ~~to the individual, if whereabouts are known.~~

~~13.2.2~~ The VR counselor may determine that an individual receiving services under an IPE is no longer eligible for services. The VR counselor must:

~~A. Make the determination only after providing an opportunity for full consultation with the individual or a representative.~~

2. ~~B. Inform the individual in writing of the ineligibility determination including the reasons for that determination. The individual will also be given a statement of his/her rights and remedies available at , or other appropriate mode of communication of (when death is a reason for case closure. (Gemini 3) do not send any written documentation):~~

~~C. Complete the closure check list (Gemini 19), which includes the referral of the individual to other appropriate programs.~~

- a. ~~13.3~~ Closure ~~of individuals who have achieved~~ determination.
- b. Appeal rights (Rights and Responsibilities)
- c. Information regarding the Client Assistance Program (CAP)

### **13.2 Closure during Eligibility Status**

#### **A. Unable to benefit from VR services, disability too severe for services**

The VR counselor, through clear and convincing evidence has established that the customer is unable to benefit in terms of an employment outcome-. An ineligibility determination, based on inability to benefit from VR services or disability too severe for services, may be completed after an initial eligibility determination. The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agency (ies), the Extended Employment Program and as appropriate the Idaho Department of Labor.
4. Conduct a review of the ineligibility determination following the closure of the record within 12 months and annually thereafter, up to two (2) years, or longer if requested. The customer with a disability, or, if appropriate, the customer's representative, may have input into the review and re-evaluation. Signed documentation should be included of the review and re-evaluation if the review and re-evaluation is able to be completed.

#### **B. Extended services unavailable**

The VR counselor has determined that extended services are required and the VR counselor and customer have determined that the extended services are not available at this time. The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agency (ies), the Extended Employment Program and as

appropriate the Idaho Department of Labor.

**C. Refused service, moved unable to locate, failure to cooperate, death, institutionalized, transportation not feasible, transferred to another agency, and all other reasons.**

The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of (when death is a reason for case closure do not send any written documentation):
  - a. Closure determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)

**D. Closure from the Order of Selection Waitlist**

When the VR counselor is unable to contact (the VR counselor uses the closure reason – unable to contact/locate or moved) or the customer has declined VR participation (the VR counselor uses the closure reason – refused services).

The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of (when death is a reason for case closure do not send any written documentation):
  - a. Closure determination.
  - b. Appeal rights (Rights and Responsibilities).
  - c. Information regarding the Client Assistance Program (CAP).

**13.3 Unsuccessful Closure After Implementation of IPE**

**A. Unable to benefit from VR services, disability too severe for services**

The VR counselor, through clear and convincing evidence has established that the customer is unable to benefit in terms of an employment outcome. An ineligibility determination, based on inability to benefit from VR services or disability too severe for

services, may be completed after an initial eligibility determination. The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agency (ies), the Extended Employment Program and as appropriate the Idaho Department of Labor.
4. Conduct a review of the ineligibility determination following the closure of the record within 12 months and annually thereafter, up to two (2) years, or longer if requested. The customer with a disability, or, if appropriate, the customer's representative, may have input into the review and re-evaluation. Signed documentation should be included of the review and re-evaluation if the review and re-evaluation is able to be completed.
5. Customer must return tools and equipment to the agency at the time of unsuccessful closure, in accordance to the tool agreement. Exceptions must be approved by the Regional Manager.

#### **B. Extended services unavailable**

The VR counselor has determined that extended services are required and the VR counselor and customer have determined that the extended services are not available at this time. The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)

#### **C. Refused service, moved unable to locate, failure to cooperate, death, institutionalized, transportation not feasible, transferred to another agency, and all other reasons.**

The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of (when death is a reason for case closure do not send any written documentation);
  - a. Closure determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)

### **13.4 Successful Competitive Closure After Implementation of IPE**

#### **A. Rehabilitated with supports**

Customers in supported employment are determined rehabilitated when the objectives of the IPE for supported employment training are achieved and a plan for extended support services is verified through the activation of services related to the long-term source of support.

In order to determine that ~~an individual~~a customer has achieved an employment outcome, the case record must document:

1. ~~A.~~ That services provided under the IPE contributed to the achievement of the employment outcome
2. ~~B.~~ That the employment outcome is consistent with the ~~individual's~~customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice
3. ~~C.~~ That the employment is in the most integrated setting possible, consistent with the ~~individual's~~customer's informed choice ~~and if competitive employment~~, that the ~~individual~~customer is compensated at or above the minimum wage and his/her wages and benefits are not less than that customarily paid by the employer for same or similar work ~~performed~~performed by non-disabled individual.
4. ~~D.~~ That the employment outcome has been maintained for a minimum of 90 days.
5. ~~E.~~ The ~~individual~~customer and the VR counselor consider the employment outcome to be satisfactory and agree that the ~~individual~~customer is performing well on the job. Whenever possible,

confirm that the employer is satisfied with the work performance of the ~~individual~~customer as well as IDVR services.

6. ~~F.~~ That an assessment occurred regarding whether a need exists for Post-Employment Services and that the customer was informed regarding the purpose and availability of post-employment services, should the need arise.
7. Ownership of tools and equipment may be transferred to the customer at the time of closure if the tools and equipment are necessary for on-going employment purposes.

## **B. Rehabilitated without supports**

In order to determine that a customer has achieved an employment outcome, the case record must document:

1. That services provided under the IPE contributed to the achievement of the employment outcome.
2. That the employment outcome is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
3. That the employment is in the most integrated setting possible, consistent with the customer's informed choice, that the customer is compensated at or above the minimum wage and his/her wages and benefits are not less than that customarily paid by the employer for same or similar work performed by non-disabled individual.
4. That the employment outcome has been maintained for a minimum of 90 days.
5. The customer and the VR counselor consider the employment outcome to be satisfactory and agree that the customer is performing well on the job. Whenever possible, confirm that the employer is satisfied with the work performance of the customer as well as IDVR services.
6. That an assessment occurred regarding whether a need exists for Post-Employment Services and that the customer was informed regarding the purpose and availability of post-employment services, should the need arise; ~~and.~~

~~G. That the individual was provided a written notification~~Ownership of ~~closure~~  
~~outlining rights at closure.~~

### **13.3.1 Closure of Individuals in Supported Employment**

Individuals in supported employment are determined rehabilitated when the objectives of the IPE for supported employment training are achieved tools and a plan for extended support services is verified through the activation of services related to the long-term source of support.



## ~~SECTION 14.0 PURE STATE KIDNEY — (PSK)~~

### ~~14.1 History of Pure State Kidney (PSK) Program~~

~~In 1970, the Idaho Legislature established a program for lifesaving care and treatment for persons with chronic renal diseases who are unable to pay for medical treatment and related services on a continuing basis. There are no age restrictions. IDVR administers this program. In 2008 HB 398 was passed to clarify the nature and scope of services available to eligible PSK clients. The following reflects the 2008 changes to State code.~~

~~Idaho Code, Chapter 23, Vocational Rehabilitation 33-2307 to 33-2308.~~

~~33-2307. Care of persons suffering from renal diseases—Legislative intent.—It is the intent of the legislature of Idaho to insure the establishment of a program for the care and treatment of persons suffering from chronic renal diseases. This program shall assist persons suffering from chronic renal diseases who require lifesaving care and treatment for such renal disease, but who are unable to pay for such services on a continuing basis. [1970, ch. 72, sec. 1, p. 186]~~

~~33-2308. **Establishment** of vocational rehabilitation program to provide treatment to persons suffering from chronic renal diseases.—The Board for Professional Technical Education shall establish a vocational rehabilitation program to provide treatment to persons suffering from chronic renal diseases, including dialysis and other medical procedures and techniques, which will have a lifesaving effect in the care and treatment of persons suffering from these diseases. The board shall extend financial assistance to persons suffering from chronic renal diseases to assist such persons in obtaining the medical, nursing, pharmaceutical, technical and other services necessary to care for such diseases, including financial assistance for the rental or purchase of home dialysis equipment and supplies, the payment of medical insurance premiums and patient travel expenses. Provided that the board shall not provide financial assistance to such persons for expenses that are covered by Medicare. The board shall promulgate rules that establish standards for determining eligibility for care and treatment under this program in order that treatment shall be provided to those who are financially unable to obtain such treatment without causing severe economic imbalance in the family economic unit. Such standards shall be established without reference to maximum or minimum income levels. [1970, ch 72, sec 2, p.186.] [2008 HB 398] [2008 RS 17404]~~

## ~~14.2 To be eligible for PSK Services, the participant must:~~

~~1. Have a diagnosis of chronic end stage renal disease (ESRD) by M.D.~~

~~2. Meet residence requirements:~~

- ~~• must live within the state of Idaho for prior 12 consecutive months, or~~
- ~~• must maintain permanent residency in the state of Idaho, although may be temporarily absent, or~~

~~7. • applicant or a spouse, parent or guardian must show proof of employment or offer of employment in Idaho prior to moving~~transferred to the state, if living less than 12 months in statecustomer at the time of application.closure if the tools and equipment are necessary for on-going employment purposes.

~~3. Demonstrate financial need (Gemini 12 – FNA must be taken on all PSK clients including those on SSDI).~~

~~4. The participant must meet one of the following criteria: Demonstrate no vocational potential because of age or severity of medical issues, be currently employed but is unable to afford kidney related expenses on a continuing basis or has been referred to the IDVR general program for vocational services.~~

## ~~5. Medicare eligible~~13.5 Successful Non-Competitive Closure After Implementation of IPE

In order to determine that a customer has achieved an employment outcome, the case record must document:

1. That services provided under the IPE contributed to the achievement of the employment outcome.
2. That the employment outcome is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
3. A. Homemaker – verify that the customer has increased their ability to provide services around the house that enable other family members to increase their financial contribution to the family.  
B. Unpaid Family Worker – verify that the customer is working for the family farm or family business.
4. That the employment outcome has been maintained for a minimum of 90 days.
5. The customer and the VR counselor consider the employment outcome to be satisfactory and agree that the customer is performing well on the

job. Whenever possible, confirm that the employer is satisfied with the work performance of the customer as well as IDVR services.

6. That an assessment occurred regarding whether a need exists for Post-Employment Services and that the customer was informed regarding the purpose and availability of post-employment services, should the need arise.

7. Ownership of tools and equipment may be transferred to the customer at the time of ~~eligibility~~ closure if the tools and equipment are necessary for on-going employment purposes.

### **13.6 Closure After Post Employment Services (PES)**

#### **A. Closed unemployed; opening a new VR case**

The VR counselor has made a ~~determination~~ that the scope of services is inappropriate for PES and the customer has agreed to apply for a new VR case.

#### **Use of IDVR Medical Consultant (if needed):**

- ~~• To clarify diagnosis to insure that it is chronic ESRD.~~
- ~~• To insure that proposed medical treatment is related to chronic ESRD.~~
- ~~• To clarify any issues or concerns regarding recommended medications or other medical services for eligible ESRD participants.~~

### **14.3 Comparable Benefits**

~~Comparable benefit search must be documented in file: what benefits participant is eligible for and receiving.~~

- ~~— 1. VR requires all PSK participants to apply for and be receiving Medicare. Medicare, a federal health insurance program, provides benefits for people with ESRD.~~
- ~~— 2. All participants must apply for all Health and Welfare benefits, including Medicaid, Qualified Medical Benefits (QMB), and Specified Low Income Medical Beneficiary (SLMB). Verification of denial required if not eligible for Medicaid.~~
- ~~— 3. Participants must apply for Veteran's benefits, if applicable.~~

~~4. Participants must apply for Indian Health Service for Native American participants, if applicable.~~

- ~~— 5. The VR representative and participant should investigate all comparable benefits and cost-savings programs such as the American Kidney Fund, the National Kidney Foundation, Medicare Part D and private insurance. Also, participants are required to apply for medical insurance assistance available from the American Kidney Fund. IDVR may pay insurance premiums if this is more cost-effective than paying for individual medical services. VR may pay up to the full amount for insurance premiums if denied assistance from the American Kidney Fund.~~

---

#### **~~14.4 Service Delivery~~**

~~1. Eligibility and plan development need to be accomplished as quickly as possible.~~

- ~~— 2. Remember, to be eligible for PSK, participants must be eligible for Medicare.~~

- ~~— 3. The VR PSK representative needs to establish a good working relationship with medical professionals and social workers. IDVR encourages the most cost-effective dialysis option suitable to the participant's medical needs.~~

- ~~— 4. IDVR will only pay for services that are directly related to chronic ESRD, not covered by Medicare.~~

~~5. IDVR will only pay for medications that are directly related to chronic ESRD.~~

~~6. Case file must contain justification of eligibility for PSK program and written plan for services (Gemini 34) including comparable benefit search.~~

~~7. PSK plans can be developed for up to 5 years but reviewed annually with FNA updates. Continued financial assistance is pending on the availability of funds appropriated to IDVR by the State Legislature.~~

#### **~~14.5 PSK Services~~**

- ~~— IDVR will not provide financial assistance for services covered by Medicare. This includes dialysis, physician's follow-along or all other Medicare covered medical services.~~

- 
1. PES is closed.
  2. Customer applies for services.

### **B. Employment maintained or regained**

The customer and VR counselor are in agreement the job is or has been maintained, regained or advanced in.

1. PES case is closed
2. Customer agreement with case closure is documented in the case record.

### **C. Lost job; no further services at this time**

- ~~4. The customer's employment was not maintained, regained, or advanced in and no Medications related to ESRD. All medications prescribed by the participant's Nephrologist will be assumed to be related to ESRD, to include required "over the counter medications". A letter from all other physicians will be required to substantiate the need related to the ESRD diagnosis.~~

~~**Maximum:** \$400 per month.~~

- ~~2. Transportation. Financial assistance for transportation costs to and from dialysis centers will be based upon financial need and in compliance with the IDVR general program fee schedule and caps. (See page 74 of Field Service Manual)~~

~~— **Maximum:** \$200 per month or actual cost of public conveyance (bus or van).~~

- ~~3. Supplemental or primary medical insurance premiums to include Medigap and Medicare Part D (supplemental). IDVR may cover up to the full amount pending financial need and cost effectiveness.~~

---

**The VR PSK program does not pay for the following:**

- ~~—— 1. Dietary products, including ensure or similar products.~~
- ~~—— 2. Homeopathic remedies.~~
- ~~—— 3. Prosthetics/orthotics.~~
- ~~—— 4. Medicare premiums, exception Medicare Part D supplemental insurance.~~
- ~~—— 5. Family members as dialysis technicians.~~
- ~~—— 6. For Medicaid recipients, all dialysis, medication and transportation costs are paid by Medicaid (don't open VR PSK case).~~

~~7. If Epogen is medically necessary, participant needs to dialyze in hospital, as Medicare will pay.~~

~~8. Medications for non-ESRD related conditions.~~

## **Transplant Costs**

1. VR will not provide any services for participant to get on the transplant list.
2. VR will not provide any financial assistance for any transplant medical services covered by Medicare.
3. If participant is on the transplant list, VR may pay for services that the nephrologist or primary ESRD physician recommends for the transplant, if not covered by Medicare. Such services could include dental work, visual exam or other services not covered by Medicare and/or other insurance.
4. For the transplant and immediate aftercare, VR may pay for:
  - Participant's transportation cost to and from transplant (negotiated with participant, not to exceed current state rates).
  - Participant's Per Diem to and from transplant (not to exceed current state rates).
  - Participant's lodging costs prior to hospital admittance and following discharge (usually hospice).
  - VR will financially assist one family member or significant other to accompany participant to and from transplant. Transportation, Per Diem and lodging costs will be negotiated with the participant in the best interest of the agency and not to exceed state rates.
5. Post Transplant:
  - VR may pay transportation costs up to 12 months for medical follow up visits, negotiated with participant not to exceed general program fee schedule and caps (see page 74 of Field Service Manual)
  - VR may pay for supplemental and primary insurance premiums to include Medigap and Medicare Part D pending financial need and cost effectiveness.
  - VR may pay for medications (other than anti-rejection) following transplant (per section 14.5.1). Participants are encouraged to apply for other programs that provide assistance for medications. A letter from the participant's Nephrologist will be required to confirm that medications are needed as a result of the kidney disease.

### **Post Transplant Medication Maximum: \$400 per month**

- VR does not pay for physician follow up as are appropriate at this service is covered under original cost of transplant by Medicare time.

- ~~VR does not pay for anti-rejection medications since Medicare pays for them for three years after transplant, then participant can apply to pharmaceutical indigent drug programs.~~

## **~~14.6 General Guidelines~~**

If a participant has:

- ~~1. Full coverage Medicaid — Not eligible for PSK services, don't open PSK file.~~
- ~~2. Only Medicare — Based upon financial need VR will assist with medications related to ESRD up to the \$400 per month maximum. Transportation costs to and from dialysis up to the \$200 per month maximum. Supplemental or primary medical insurance premiums up to full amount based upon financial need and cost effectiveness. Transplant services as described in policy.~~
- ~~3. Medicare and QMB — VR may pay medications up to \$400/month maximum.~~

## **~~Program Referral~~**

~~Referrals can be made to the general VR program for participants who have vocational potential and wish to pursue employment services. Dual program cases would be maintained with participants receiving services from both programs simultaneously. Referrals can also be made from the general VR program to the PSK program, if participants have ESRD and meet all other PSK requirements related to residency, financial need, etc. The PSK case will cover financial assistance for the costs associated with the treatment of ESRD and the VR case will provide all other services required to attain the planned employment goal.~~

1. PES case is closed
2. Customer has been informed of case closure is documented in the case record.

## **~~Types of~~ Dialysis**

~~There are three types of dialysis available to persons with end stage renal Disease (ESRD):~~

- ~~1.. Hemodialysis — Blood is pumped outside the body to an artificial kidney machine. The machine cleanses the blood and returns it to the body. Only a small amount of blood is out of the body at any time. Hemodialysis can be done in-home or in-center.~~



~~2. Continuous Ambulatory Peritoneal Dialysis (CAPD) — Continuous ambulatory peritoneal dialysis (CAPD) is done manually by placing a bag of dialysate on an IV pole or coat rack above the head and connecting it to a catheter. Once the abdomen is filled with dialysate, the dialysate remains, or dwells, in the abdomen for an amount of time specified by the patient's Nephrologist. After the determined amount of dwell time, the abdomen is drained and refilled with fresh dialysate. CAPD is a good choice for patients that do not sleep well while dialyzing or are not comfortable doing dialysis at night because CAPD allows for a daytime treatment schedule. CAPD is also a good treatment choice for patients that maintain a full-time job since exchanges can be done in a sterile environment within the workplace.~~

~~3. Automated Peritoneal Dialysis (APD) — Automated peritoneal dialysis (APD), commonly referred to as continuous cycling peritoneal dialysis (CCPD), requires a machine called a cycler to automate the fill and drain process. Cyclers are programmed to fill and drain a patient's abdomen at night during sleep. Two to four automated exchanges are performed during sleep and an additional manual exchange may be required during the day. CCPD is a good choice if the patient has a career or is in school, leads a busy life during the day or travels often.~~

## Exceptions

~~Discuss any special circumstances or exceptions with the Zone Field Services Manager assigned to PSK.~~

## SECTION ~~15-~~14.0 ORDER OF SELECTION

### ~~15~~14.1 ~~AUTHORITY~~Authority

Rehabilitation Act of 1973 as amended by ~~The~~the Rehabilitation Act of 1998,

~~Sections 101 and 102. 34 CFR Part 361 §361.36, §361.3.~~

### ~~15~~14.2 ~~POLICY~~Policy

In the event that the projected fiscal and personnel resources of IDVR become inadequate to provide the full range of services, as appropriate, to all eligible ~~individuals~~customers, the Administrator will implement the Division's ~~order~~Order of ~~selection~~Selection procedure. By law,

this procedure must insure that ~~individuals~~customers with the most significant disabilities are served first. -The criteria used for determining the ~~order~~Order of ~~selection~~Selection for services is the category of significance of the disability as defined in Policy Section 6.2 and the application date for VR services.

Factors that will not be considered in determining an order of selection priority category include:

- A. Type of Disability
- B. Duration of residency, provided the ~~individual~~customer is present in the state;
- C. Age, gender, race, color or national origin;
- D. Source of referral;
- E. Type of expected employment outcome;
- F. The need for specific services or anticipated cost of such services; or
- G. The income level of the ~~individual~~customer or ~~individual's~~customer's family.

### **15.3 ADMINISTRATIVE REQUIREMENTS**

#### **14.3 Administrative Requirements**

IDVR must ensure that ~~its~~it is funding arrangements for providing services under the State Plan, including third-~~party~~ arrangements and awards, such as cooperative funding agreements with school districts, other ~~state~~State agencies or contractual arrangements, are consistent with the ~~order~~Order of ~~selection~~Selection. If any funding arrangements are inconsistent, the ~~agency~~Agency must renegotiate these funding arrangements so that they are consistent with the ~~order~~Order of ~~selection~~Selection.

#### **1514.4 PROCEDURESProcedures**

##### **Determination of ~~Significance of~~Significant Disability**

When a VR counselor determines ~~an individual~~a customer is eligible, the VR counselor also establishes the level of significance of disability based upon the criteria established in Section 6.~~20~~. The level of significance of the ~~individual's~~customer's disability is identified with one of the following three priority categories:

- ~~A. Individuals~~ Customers with disabilities
- B. Customers with significant disabilities
- ~~A.C. Customers~~ with the most significant disabilities
- ~~B. Individuals with significant disabilities~~
- ~~C. Individuals with disabilities~~

## Statewide Order of Selection Waiting list

When a VR counselor completes the eligibility process and the determination of the significance of the disability determination, the ~~individual~~ customer is added to the statewide ~~order~~ Order of ~~selection~~ Selection waiting list in the appropriate category by date of application. The date of application process is ~~either the date the application is signed in the presence of the VR counselor or the date the application is 'date stamped' in the office.~~ completed (see section 5.3). The case is transferred from the VR counselor caseload to the office ~~order~~ Order of ~~selection~~ Selection waiting list.

~~The Chief, Field Services, in consultation with the Administrator and the Field Service Managers, who collectively compose a Field Services Management Counsel (FSMC), determines when resources are available~~ Written notification will be provided to initiate Individualized Plans for Employment (IPE) for individual(s) the customer informing them of:

- Their eligibility determination.
- Their placement on the ~~statewide order of selection~~ waiting list.
- The priority categories of IDVR's Order of Selection.
- Their assignment to a particular category.
- Their right to appeal their category assignment.
- The availability of the Client Assistance Program (CAP).

When resources are available, the Chief, ~~of~~ Field Services notifies the Regional Managers of the number of ~~participants~~ customers to take from the waiting list by priority category, application date(s) and office locations. Regional Managers then coordinate with the VR counselors to transfer the corresponding cases from the ~~order~~ Order of ~~selection~~ Selection waiting list in respective offices to VR counselor's caseloads.

A ~~participant~~ customer on the statewide ~~order~~ Order of ~~selection~~ Selection waiting list may request that his/her case be transferred from one office to another ~~by~~ by

contacting the local VR office – The request for transfer ~~is submitted to~~ will be processed by the Regional Manager ~~to coordinate.~~

## **~~Order of Selection Office Waiting list~~**

~~A separate order of selection waiting list is established for each office to track those eligible individuals on the statewide order of selection waiting list who would typically receive services from that office. The Regional Manager for where the office is designated to manage the office waiting list and to transfer cases from the order of selection waiting list to a VR counselor when notified that resources are available to initiate services for individuals on the order of selection waiting list. case resides.~~

## **Transferring a New Case to the Order of Selection Waiting List**

The Regional Manager is responsible ~~within his/her region~~ for ensuring appropriate priority categories are being served, for maintaining the office ~~order~~ Order of ~~selection~~ Selection waiting list and for verifying Information and Referral (I&R) is occurring. Cases will be transferred from a VR counselor's caseload to the office ~~order~~ Order of ~~selection~~ Selection waiting list within ten (10-working) business days of the eligibility date. ~~Cases needing to be transferred to the office order of selection waiting list will be listed on a report generated every Monday by the Regional Manager or designee.~~

The Regional Manager will verify ~~a referral has been entered in the~~ Information and Referral ~~portion of sources have been documented prior to transferring~~ the case ~~management system or the case service record contains a case note explaining efforts to locate information and referral sources and the reason(s) a referral was not provided. Upon verification, the Regional Manager will transfer the case from the VR counselor's caseload to the office~~ ~~order~~ Order of ~~selection~~ Selection waitlist.

## **Transferring a Case from the Order of Selection Waiting List to a VR Counselor**

Upon notification to initiate services for ~~cases~~ case on the ~~order~~ Order of ~~selection~~ Selection waiting list for the specified priority category and application dates, the Regional Manager ~~or designee~~ must transfer cases from the ~~order~~ Order of ~~selection~~ Selection office waiting list to a VR counselor within five (5-workdays-) business days. The VR counselor is notified of the case ~~transfer~~ transferred and is authorized to initiate services.

If a case is closed from the office ~~order~~Order of ~~selection~~Selection waiting list, the case is automatically removed from the statewide ~~order~~Order of ~~selection~~Selection list.

### Initiating Services for ~~Individuals~~Customers Referred from the Order of Selection Waiting List

~~The FSMC~~IDVR will determine when it is ~~appropriated~~appropriate to implement procedures to ~~reestablish~~re-establish or maintain contact with ~~individuals~~customers while they are on the ~~order~~Order of ~~selection~~Selection waiting list. Factors to consider are the length of time ~~an individual~~a customer has been on the list and the anticipated time before the ~~individual's~~customer's category will open.

Upon receipt of ~~a~~the case transferred from the ~~order~~Order of ~~selection~~Selection waiting list, the VR ~~counselor~~staff takes the following steps ~~to~~:

1. To contact the ~~individual within three working days. Telephone~~customer and schedule an appointment.
2. If telephone contacts are unsuccessful a letter will be sent to initiate contact ~~is acceptable; however, if~~.
3. Reasonable and timely efforts to ~~contact the individual by telephone are not successful within 2 days, a letter must be sent by the third day, scheduling the individual for an appointment. The appointment is scheduled no later than 10~~find updated phone numbers and addresses for the customer.
4. If the customer has not responded within forty (40) days from the date the letter ~~is~~was sent, VR staff will proceed with case closure.

~~Counselors~~VR counselors need to consider the communication needs of the ~~participant~~customer, including the need for information in alternate formats when initiating contact by telephone or letter.

~~If a participant missed a scheduled appointment or does not respond to an initial letter by the specified date, a certified letter is sent within 3 working days explaining that if the individual does not contact IDVR within 10 days to initiate services, the case service record will be closed. The letter will include information explaining the current status of the waiting list and instructions on how to reapply at a later time.~~

~~Reasonable and timely efforts will also be made to verify or find updated telephone numbers and addresses, to contact the referral source, and/or to contact person(s) identified on the application or otherwise in the case service record.~~

~~If the date identified in the closure notification letter passes and there is no response from the participant and efforts to locate the individual through other sources have not resulted in contact, the case is closed.~~

Steps to contact each ~~individual~~customer are documented in the case management system narrative and filed in the case service record.

### **Exceptions for Reopening Closed Cases**

A VR counselor may request the Regional Manager to get permission from the Chief of Field Services to reopen a case on an exception to policy basis if ~~an individual~~a customer contacts IDVR after his/her case is closed. If the ~~participant's~~customer's lack of response was a result of exceptional circumstances that prevented the ~~individual~~customer from responding, the VR counselor should consult with his/her supervisor about an exception to policy to reopen the case. ~~If an exception to policy is requested and granted, contact the IDVR central office help desk to restore the case in the case management system.~~

**~~Participants~~Customers not ready to Proceed with IPE Development upon Referral from the ~~order~~Order of ~~selection~~Selection Waiting ~~list~~List**

If a VR counselor contacts a ~~participant~~customer to initiate services and ~~s~~she/he is not ready to begin working with IDVR, the VR counselor needs to help the ~~individual~~customer make an informed decision about how to proceed. If a customer does not wish to, or is unable to proceed with IPE development, IDVR will close the case and the customer must reapply. IDVR cannot 'hold' a spot on the waiting list nor can ~~an individual~~a customer be put back at the top of the list. The VR counselor needs to discuss the reasons the ~~participant~~customer is not ready to proceed and whether a reasonable time frame can be agreed upon to resolve the issues. ~~The VR counselor and participant make plans to proceed with vocational planning and IPE development within a reasonable time period or to close the case. In some cases, closing the case and submitting a new application at later date may be most appropriate.~~

## **14.5 Information and Referral (I & R)**

When operating under ~~order~~Order of ~~selection~~Selection, IDVR is required to offer ~~a formal, discreet~~ Information and Referral (I&R) ~~service~~services to ~~individuals~~customers who cannot be served and must wait for services because of the ~~order~~Order of ~~selection~~Selection.

IDVR must document and retain information about referrals to other ~~federal~~Federal and ~~state~~State programs that provide employment-related services. ~~The I&R~~

~~screen of the case management system is used to record the required information.~~

### **Information and Referral Requirements**

Federal regulations establish minimum requirements under I&R as follows. IDVR must:

- A. Provide ~~individuals~~customers with accurate vocational rehabilitation information and guidance (which may include counseling and referral for job placement) to prepare for, get, or keep a job.
- B. Refer ~~individuals~~customers with disabilities to other ~~federal~~Federal or ~~state~~State programs that are best suited to address their specific employment needs, including partners in the workforce investment system.
- C. Initiate a notice of referral identifying:
  - a. The name of the program to which the ~~individual~~customer is referred;
  - b. A contact person in that program; and
  - c. Information about the most suitable services to assist the ~~individual~~  
~~prepares~~customer prepare for, get or keep a job.

## **14.6 Counseling and Guidance**

To provide ~~individuals~~customers with accurate VR information and guidance, which may include counseling and referral for job placement, a VR counseling staff member talks to the ~~individual~~customer about his/her need to prepare for, get or keep a job. The VR counseling staff member provides advice and guidance about how the ~~individual~~customer might proceed, explains referral sources available, and offers to initiate a referral to another program, if appropriate. These interactions occur in the course of other activities, such as completing the application, intake, and eligibility determination.

For ~~individuals~~customers who choose not to apply for IDVR services because of the ~~order~~Order of ~~selection~~Selection, a general guideline is to limit I-&-R services to one appointment. The VR counselor will NOT establish an on-going counseling relationship nor perform follow-up services regarding I&R.

### **Counseling and Guidance – Referrals**

Each office will maintain a list of ~~federal~~Federal and ~~state~~State programs with which IDVR has established a formal referral relationship. It is expected that the Idaho Department of Labor One-Stop Centers will be used extensively, but not exclusively, for the referral of ~~individuals~~customers who either choose not to apply or are on a waiting list to receive IDVR services. Other programs to be used in this capacity, as appropriate, include Tribal VR programs and other community programs. Because of limited resources in some areas and the unique needs of some ~~individuals~~customers with disabilities, there ~~will~~may not be an appropriate program available to every person.

### **Counseling and Guidance – Job Placement**

VR counseling staff may provide brief counseling for job placement. If the ~~individual~~customer intends to engage in independent, self-directed job search or related activities, the VR counseling staff member may provide brief counseling to assist the ~~individual~~customer in this effort. Examples of counseling and referral for job placement may include, but are not limited to:



- A. A counseling session with the ~~individual~~customer to discuss what efforts to find a job the ~~individual~~customer has already tried and offering other job search strategies and suggestions.
- B. Reviewing and giving advice on ~~an individual's~~a customer's resume.
- C. Discussing reasonable accommodation issues and strategies for approaching an employer.
- D. Discussing and providing the ~~individual~~customer with access to the Internet or another resource.
- E. Sharing information about the local labor market.

#### **14.7 Documenting a Formal Referral**

All referrals to employment-related programs must be documented, including referrals for ~~individuals~~customers who have applied and are waiting for services ~~and referrals for individuals who choose not to apply for services because of the order of selection~~. Each Regional Manager, or designee, will identify and maintain the list of regional referral sources that require a formal referral. Each time ~~an individual~~a customer is referred to one of the listed organizations, the VR ~~counseling~~ staff member documents the referral in the ~~I&R portion of the~~ case management system. Every case will have an entry in the ~~I&R screen~~case management system prior to transferring the case to the ~~order~~Order of ~~selection~~Selection waiting list, or the case service record will document efforts to locate referral sources and the reason(s) a referral was not provided.

If ~~an individual~~a customer requests a referral, the VR ~~counseling~~ staff member prepares and sends a written referral to the organization. In addition, the VR counseling staff member provides the ~~individual~~customer being referred with the following:

- A. A copy of the written referral notifying the other federal or state program about the referral.

- B. The name of the person in that organization to be contacted by the ~~individual~~customer being referred.
- C. Information about the most suitable services to prepare for, secure, retain, or regain employment.

### **Informal Referrals**

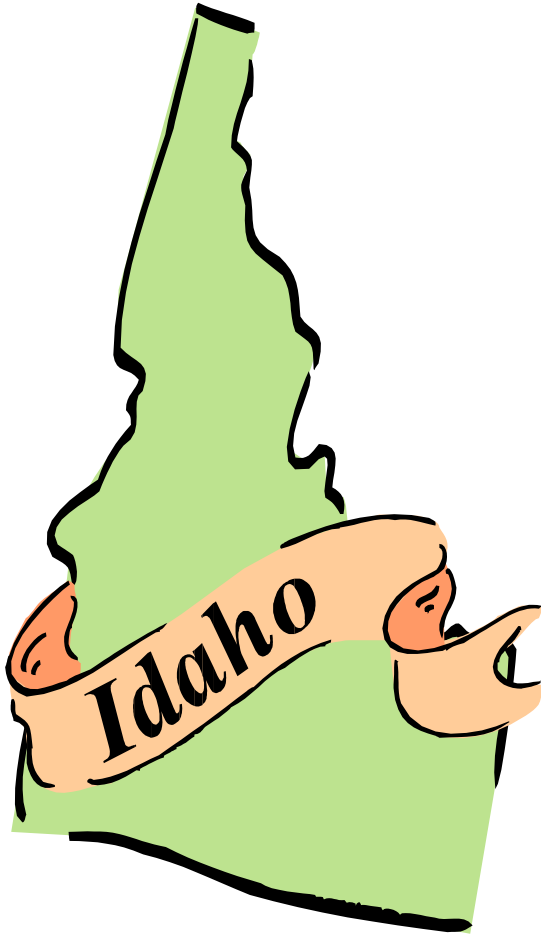
VR counselors routinely provide information to applicants and eligible ~~individuals~~customers about a wide array of community assistance programs that may offer services or benefits to assist the ~~individual~~customer meet a variety of needs (food or clothing banks, medical programs, counseling services, etc.). These types of referrals are considered informal referrals. IDVR staff are encouraged to continue providing ~~individuals~~customers with information about other programs that offer services to assist them in meeting a variety of needs. ~~Informal referrals are not documented in the I&R screen.~~

### **~~15~~14.8 Post Employment Services**

Order of ~~selection~~Selection does not impact or alter the provision of post-employment services. Post-employment services are considered an amendment of the IPE, and therefore, ~~an~~ ~~individual~~a customer who needs post-employment services is not required to meet the highest priority category currently being ~~served~~served under an ~~order~~Order of ~~selection~~Selection nor is the ~~individuals~~customers required to wait for services.

~~If the VR counselor determines that~~If substantial services are needed ~~a,~~ PES is not appropriate. A new application is completed subjectshould be taken and would be subjected to ~~order~~Order of ~~selection~~.

Selection.



# **Field Services Policy Manual**

**August 2012**

(Approved by the Idaho State Board of Education August 16, 2012)

**IDAHO DIVISION OF VOCATIONAL REHABILITATION  
FIELD SERVICES POLICY MANUAL (update to index 7/2012)**

## **Table of Contents (updated 7/23/2012)**

<b>SECTION 1.0 PURPOSE AND GENERAL REQUIREMENTS OF THE IDAHO VOCATIONAL REHABILITATION PARTICIPANT SERVICES PROGRAM.....</b>	<b>1</b>
<i>1.1 Legal Citations .....</i>	<i>2</i>
<i>1.2 Program Requirements.....</i>	<i>2</i>
<i>1.3 Provider Standards .....</i>	<i>3</i>
<i>1.4 Selection of Service Providers .....</i>	<i>3</i>
<i>1.5 Definitions .....</i>	<i>3</i>
<b>SECTION 2.0 ETHICS.....</b>	<b>11</b>
<b>SECTION 3.0 PROTECTION, USE, AND RELEASE OF PERSONAL INFORMATION .....</b>	<b>12</b>
<i>3.1 Confidentiality .....</i>	<i>12</i>
<i>3.2 Release of Personal Information to Customers with Disabilities, their, Representative or Attorney .....</i>	<i>12</i>
<i>3.3 Release to Other Agencies or Organizations .....</i>	<i>13</i>
<i>3.4 Release in Response to Investigations in Connection with Law Enforcement.....</i>	<i>13</i>
<i>3.5 Release for Audit, Evaluation or Research.....</i>	<i>13</i>
<i>3.6 Subpoena for Release of Information to the Courts, Other Judicial Bodies, Worker's Compensation and Law Enforcement Agencies .....</i>	<i>14</i>
<i>3.7 Social Security Information .....</i>	<i>14</i>
<b>SECTION 4.0 APPEALS PROCESS .....</b>	<b>14</b>
<i>4.1 Continuation of Services Pending Completion of the Hearing .....</i>	<i>15</i>
<i>4.2 Client Assistance Program (CAP) and Supervisory Review .....</i>	<i>15</i>
<i>4.3 Dispute Resolution Process .....</i>	<i>15</i>
<i>4.4 Mediation.....</i>	<i>16</i>
<i>4.5 Fair Hearing Process .....</i>	<i>17</i>
<b>SECTION 5.0 APPLICATION AND ELIGIBILITY DETERMINATION .....</b>	<b>18</b>
<i>5.1 Inquiry.....</i>	<i>18</i>
<i>5.2 Referral .....</i>	<i>18</i>
<i>5.3 Application for Idaho Division of Vocational Rehabilitation (IDVR) Services.....</i>	<i>19</i>
<i>5.4 Assessment for Determining Eligibility and Priority for Services.....</i>	<i>20</i>
<i>5.5 Eligibility Criteria .....</i>	<i>20</i>
<i>5.6 Review and Assessment of Data for Eligibility Determination .....</i>	<i>23</i>
<b>SECTION 6.0 THE DETERMINATION OF SIGNIFICANCE OF DISABILITY.....</b>	<b>25</b>
<i>6.1 Policy .....</i>	<i>25</i>
<i>6.2 Definitions .....</i>	<i>25</i>
<i>6.3 Procedures .....</i>	<i>26</i>

<b>SECTION 7.0 ASSESSMENT OF VOCATIONAL REHABILITATION NEEDS</b>	28
7.1 Primary Source of Information	28
7.2 Comprehensive Assessment of Rehabilitation Needs	29
7.3 IPE Development	31
7.4 Medical Consultation Policy	32
<b>SECTION 8.0 PARTICIPATION OF CUSTOMERS IN COST OF SERVICES BASED ON FINANCIAL NEED</b>	32
<b>SECTION 9.0 PURCHASE OF SERVICES AND SUPPLIES FOR PARTICIPANT USE IN THE VOCATIONAL REHABILITATION PROGRAM</b>	37
<b>SECTION 10.0 INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)</b>	38
10.1 Options for Developing the IPE	38
10.2 Developing the Vocational Goal	39
10.3 Ticket to Work	40
10.4 The IPE must include the following:	40
10.5 Annual Review	42
10.6 IPE Electronic Case Management Functions	42
<b>SECTION 11.0 COMPARABLE SERVICES AND BENEFITS</b>	44
11.1 Comparable Services and Benefits	44
11.2 Exempt Service	44
11.3 Timeliness of Comparable Benefits	45
<b>SECTION 12.0 VOCATIONAL REHABILITATION SERVICES</b>	45
12.1 Timeliness	45
12.2 Agency Payment Policy	46
12.3 Counseling and Guidance	54
12.4 Physical and Mental Restoration Services	54
12.5 Training Services	55
12.6 Benefits Counseling	57
12.7 On-the-Job Supports	57
12.8 Job Placement of Customers	57
12.9 Self-Employment Policy	60
12.10 Effective Communication Services for Customers with Sensory Impairments	83
12.11 Occupational Licenses, Tools, Equipment, Initial Stocks, and Supplies Necessary in Order to Enter an Occupation	83
12.12 Supported Employment Services	84
12.13 Post-Employment Services (PES)	86
12.14 Rehabilitation Technology	87
12.15 Supportive Services	88
12.16 School Transition	89
12.17 Services to Family Members	90

12.18 Personal Care Assistant Services .....	91
12.19 Services to a Group of Individuals .....	92
<b>SECTION 13.0 CLOSURE .....</b>	<b>94</b>
13.1 Closure during Application Status.....	94
13.2 Closure during Eligibility Status.....	97
13.3 Unsuccessful Closure after Implementation of IPE .....	99
13.4 Successful Competitive Closure after Implementation of IPE .....	100
13.5 Successful Non-Competitive Closure after Implementation of IPE .....	102
13.6 Closure after Post Employment Services (PES) .....	103
<b>SECTION 14.0 ORDER OF SELECTION .....</b>	<b>103</b>
14.1 Authority.....	103
14.2 Policy .....	104
14.3 Administrative Requirements.....	104
14.4 Procedures .....	105
14.5 Information and Referral (I & R) .....	106
14.6 Counseling and Guidance.....	107
14.7 Documenting a Formal Referral.....	108
14.8 Post-Employment Services.....	108

## **SECTION 1.0 – PURPOSE AND GENERAL REQUIREMENTS OF THE IDAHO VOCATIONAL REHABILITATION PARTICIPANT SERVICES PROGRAM**

The Idaho Division of Vocational Rehabilitation (IDVR) program assists eligible persons with disabilities to prepare for and achieve an employment outcome. “Employment outcome” means entering or retaining full-time, or if appropriate, part-time competitive employment in the integrated labor market to the greatest extent possible. It also means supported employment; or other types of employment, including self-employment, consistent with self-sustaining activity for wages or compensation consistent with the customer’s strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice.

Competitive employment is work performed in the integrated labor market in which the customer is compensated at or above minimum wage, but not less than the customary wage and benefits paid for the same or similar work performed by customers who do not have a disability.

The IDVR is a statewide program that develops and utilizes partnerships for effective service delivery. Partnerships vary, but include those programs authorized under the Rehabilitation Act such as Independent Living Centers and Tribal Vocational Rehabilitation Programs. Programs authorized under the Workforce Investment Act (WIA) are utilized to the maximum extent possible as allowed in Section 188 of the Act. It is understood that each program is unique and offers unique cultural and professional expertise. Cooperative Agreements with respective programs are encouraged and should be referred to for local understanding. Staff is encouraged to understand these agreements and provide information, referral and services as appropriate to the needs of the customers they serve. Consult with the Regional Manager for access to pertinent cooperative agreements.

Vocational Rehabilitation is based upon an Individual Plan of Employment (IPE) that is oriented to the achievement of an employment outcome. Services provided to persons with disabilities must be documented as necessary to overcome related barriers to employment and must be provided as cost effectively as possible.

The Division strives to maintain a highly accountable program to all customers.

IDVR provides, as appropriate to the vocational rehabilitation needs of each eligible customer, goods or services necessary to enable the customer to achieve an employment outcome.

### **EXCEPTION TO POLICY**

VR Counselors are delegated substantial decision and purchasing authority based upon the caps outlined in the Payment Policy. Exceptions to policy require the approval of a VR Regional Manager and the notification and consultation of the Chief of Field Services. Documentation of the VR Regional Manager’s approval must be noted in the case file.

Purchases in excess of delegated authority are reviewed by the Regional Manager and approved by the Chief of Field Services or designee. Documentation of the approval of purchases in excess must be noted in case file.

## ***1.1 Legal Citations***

The IDVR program is operated in compliance with the Federal Rehabilitation Act of 1973, as amended. The legal authorities for the policies contained in the Vocational Rehabilitation Services Policy Manual are: Title 34 CFR Part 361, issued January 17, 2001 in the Federal Register implementing the Rehabilitation Act Amendments of 1998; and Title 67, Chapter 53 of the Idaho code related to provisional appointments in state government for those with severe disabilities.

## ***1.2 Program Requirements***

Eligibility is determined without regard to sex, race, creed, age, color, national origin or type of disability.

There is no duration of residency requirement. The customer must be living in the State of Idaho and legally able to work in the United States.

IDVR will establish and maintain a record of services for each customer for, and recipient of, vocational rehabilitation services, which includes data necessary to comply with VR agency and Federal Rehabilitation Service Administration (RSA) requirements.

In the purchase of goods or services for persons with disabilities, IDVR complies with its procurement policy, Purchase of Services and Supplies for customer use in the Vocational Rehabilitation Program.

Case service expenditures require written authorization prior to the initiation of the service or purchase of any goods. Oral authorizations by a Regional Manager or above are permitted in emergency situations, but must be confirmed promptly in writing and forwarded to the provider. Emergency oral authorizations are to be followed up with a written authorization within three (3) business days.

Goods and services will be provided subject to the guidelines of the Order of Selection (Section 14.0).

When appropriate, counselors shall refer customers with disabilities to receive services from other agencies and organizations.

Each applicant or eligible customer being provided vocational rehabilitation services shall be informed of the procedure for requesting a review and a determination of agency action concerning the furnishing or denial of services, including the names and addresses of individuals with whom appeals may be filed and the availability of the Client Assistance Program (CAP).

## ***1.3 Provider Standards***

IDVR requires service providers:

To be licensed by the Division of Occupational Licensing, the U.S. Department of Education Office of Post-Secondary Education, or a professional certifying body.



OR

IDVR requires service providers that offer vocational rehabilitation services to apply to be an approved service provider with the Division. CRPs must be accredited based on IDAPA rules.

OR

IDVR Counselors may occasionally approve the purchase of services from non-license providers such as, educational tutoring, foreign language interpreters, or other services to support the rehabilitation needs of a customer.

#### ***1.4 Selection of Service Providers***

Providers are selected by a combination of the customer's informed choice and State procurement rules. VR counselors will assist the customer in acquiring information necessary to make an informed choice regarding the selection of service provider.

#### ***1.5 Definitions:***

(Reference Federal Register / Vol. 66, No. 11 / Wednesday, January 17, 2001 / Rules and Regulation)

- a. ***Applicant*** means, customer who submits an application for vocational rehabilitation services in accordance with Sec. 361.41(b)(2). (Authority: Section 12(c) of the Act; 29 U.S.C 709 (c))
- b. ***Assessment for determining eligibility and vocational rehabilitation needs*** means, as appropriate in each case, (i)(A) A review of existing data—(1) To determine if a customer is eligible for vocational rehabilitation services; and (2) To assign priority for an order of selection described in Sec. 361.36 in the States that use an order of selection; and (B) To the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data to make the eligibility determination and assignment; (ii) To the extent additional data are necessary to make a determination of the employment outcomes and the nature and scope of vocational rehabilitation services to be included in the individualized plan for employment for an eligible customer, a comprehensive assessment to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for support employment, of the eligible customer. This comprehensive assessment – (A) is limited to information that is necessary to identify the rehabilitation needs of the customer and to develop the individualized plan of employment of the eligible customer; (B) Uses as a primary source of information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements –
  - 1) Existing information obtained for the purposes of determining the eligibility of the customer and assigning priority for an order of selection described in Sec. 361.36 for the customer; and
  - 2) Information that can be provided by the customer and, if appropriate, by the family of the customer; (c) May include, to the degree needed to make such a

determination, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the customer and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that effect the employment and rehabilitation needs of the customer; and (D) May include, to the degree needed an appraisal of the patterns of work behavior of the customer and services needed for the customer to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the use of work in real job situations to assess and develop the capacities of the customer to perform adequately in a work environment; (iii) Referral, for the provision of rehabilitation technology services to the customer, to assess and develop the capacities of the customer to perform in a work environment; and (iv) An exploration of the customer's abilities, capabilities, and capacity to perform in work situations, which must be assessed periodically during trial work experience, including experiences in which the customer is provided appropriate supports of training.  
(Authority: Section 7(2) of the Act; 29 U.S.C. 705(2))

- c. ***Assistive technology device*** means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a customer with a disability.  
(Authority: Section 7(3) of the Act; 29 U.S.C. 705(3))
- d. ***Assistive technology service*** means any service that directly assists a customer with a disability in the selection, acquisition, or use of an assistive technology device, including; (i) The evaluation of needs of a customer with a disability, including a functional evaluation of the customer in his or her customary environment; (ii) Purchasing, leasing, or otherwise providing for the acquisition, by a customer with a disability, of an assistive technology device; (iii) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices; (iv) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs; (v) Training or technical assistance for a customer with a disability or, if appropriate, the family members, guardians, advocates, or authorized representatives of the customer; and (vi) Training or technical assistance for professionals (including customers providing education and rehabilitation services), employers, or others who provide services to, employ, or are otherwise substantially involved in the major life functions of customers with disabilities, to the extent that training or technical assistance is necessary to the achievement of an employment outcome by a customer with a disability. (Authority: Sections 7(4) and 12(c) of the Act; 29 U.S.C. 705(4) and 709 (c))
- e. ***Community rehabilitation program.*** (i) Community rehabilitation program means a program that provides directly or facilitates the provision of one or more of the following vocational rehabilitation services to customers with disabilities to enable those customers to maximize their opportunities for employment, including career advancement: (A) Medical, psychiatric, psychological, social, and vocational services that are provided

under one management; (B) Testing, fitting, or training in the use of prosthetic and orthotic devices; (C) Recreational therapy; (D) Physical and occupational therapy; (E) Speech, language, and hearing therapy (F) Psychiatric, psychological, and social services, including positive behavior management;. (G) Assessment for determining eligibility and vocational rehabilitation needs; (H) Rehabilitation Evaluation or control of specific disabilities; (K) Orientation and mobility services for customers who are blind; (L) Extended employment; (M) Psychosocial rehabilitation services; (N) Supported employment services and extended services; (O) Services to family members if necessary to enable the applicant or eligible customer to achieve an employment outcome; (P) Personal assistance services; (Q) Services similar to the services described in paragraphs (A) through (P) of this definition. (ii) For the purposes of this definition, the word program means an agency, organization, or institution, or unit of an agency, organization, or institution, that provides directly or facilitates the provision of vocational rehabilitation services as one of its major functions.

- f. ***Comparable services and benefits means***, (i) Services and benefits that are (A) Provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits; (B) Available to the customer at the time needed to ensure the progress of the customer toward achieving the employment outcome in the customer's individualized plan for employment in accordance with Sec. 361.53; and (C) Commensurate to the services that the customer would otherwise receive from the designated State vocational rehabilitation agency. (ii) For the purposes of this definition, comparable benefits do not include awards and scholarships based on merit. (Authority: Sections 12 (c) and 101 (a)(8) of the Act; 29 U.S.C. 709 (c) and 721 (a)(8))
- g. ***Competitive employment*** means work; (i) in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and (ii) For which a customer is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by customers who are not disabled. (Authority: Sections 7(11) and 12© of the Act; 29 U.S.C. 705(11) and 709 (c))
- h. ***Employment outcome*** means, with respect to a customer, entering or retaining full-time or, if appropriate, part-time competitive employment, as defined in Sec. 361.5 (b)(11), in the integrated labor market, supported employment, or any other type of employment in an integrated setting, including a customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. (Authority: Sections 7(11), 12(c), 100(a)(2), and 102 (b)(3)(A) of the Act; 29 U.S.C. 705 (11), 709(c), 720 (a)(2), and 722 (b)(3)(A))
- i. ***Employment outcome maintained*** means the customer 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 customer no longer needs vocational rehabilitation services.

- j. **Satisfactory outcome** means at the end of the appropriate period, not less than 90 days, the customer and the vocational counselor consider the employment outcome to be satisfactory and agree that the customer is performing well in the employment.
- k. **Extended services** means ongoing support services and other appropriate services that are needed to support and maintain a customer with a most significant disability in supported employment and that are provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource, from funds other than funds received under this part and 34 CFR part 363 after a customer with a most significant disability has made the transition from support provided by the designated State unit. (Authority: Sections 7 (13) and 623 of the Act; 29 U.S.C. 705 (13) and 795i)
- l. **Family member**, for purposes of receiving vocational rehabilitation services in accordance with Sec 361.48(i), means a customer; (i) Who either, (A) Is a relative or guardian of an applicant or eligible customer; or (B) Lives in the same household as an applicant or eligible customer; (ii) Who has a substantial interest in the well-being of that customer; and (iii) Whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible customer to achieve an employment outcome. (Authority: Sections 12 (c) and 103 (a)(17) of the Act; 29 U.S.C. 709 (c) and 723 (a)(17))
- m. **Homemaker** is recognized as non-competitive gainful work. In order for a household manager to be considered an appropriate vocational objective, the customer must perform a majority of certain work activities within a family unit. These include, but are not limited to: family financial management, cleaning, meal preparation, laundry, mending, childcare, and other household activities. The performance of these responsibilities must positively impact the family's economic circumstances. For example, by rehabilitating a household manager, economic advantage occurs because the family will not have to pay someone else to perform household management tasks.
- n. **Indian tribe** means any Federal or State Indian tribe, band, Rancheria, pueblo, colony, or community, including any Idaho native village or regional village corporation. (Authority: Section 7 (19)(B) of the Act; 29 U.S.C. 705 (19)(B))
- o. **Customer with a disability**, except as provided in Sec. 361.5(b)(29), means a customer (i) Who has a physical or mental impairment; (ii) Whose impairment constitutes or results in a substantial impediment to employment; and (iii) Who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services. (Authority: Sections 7(20)(A) of the Act; 29 U.S.C. 705(20)(A))
- p. **Customer's representative** means any representation chosen by a customer or eligible customer, as appropriate, including a parent, guardian, other family member, or advocate, unless a representative has been appointed by a court to represent the customer, in which case the court-appointed representative is the customer's representative. (Authority: Sections 7 (22) and 12 (c) of the Act; 29 U.S.C. 705(22) and 709 (c))
- q. **Informed choice** means the process by which customers in the public rehabilitation program make decisions about their vocational goals, the services and service providers necessary to reach those goals, and how those services will be procured. The decision

making process takes into account the customer's values, lifestyle, and characteristics, the availability of resources and alternatives, and general economic conditions.

**Informed Choice Guidelines:**

Informed choice does not mean unlimited choice. A customer's choices are limited by several factors.

- The choice must relate to and be necessary to achieving an employment outcome
  - The choice must be cost effective
  - The choice must be consistent with the customer's strengths, resources, priorities, abilities, capabilities, needs and interests.
  - The choice must be made pursuant to all Federal, State, and IDVR rules related to purchasing and providing services.
- r. *Integrated setting*,** (i) With respect to the provision of services, means a setting typically found in the community in which applicants or eligible customers interact with non-disabled customers other than non-disabled customers who are providing services to those applicants or eligible customers; (ii) With respect to an employment outcome, means a setting typically found in the community in which applicants or eligible customers interact with non-disabled customers, other than non-disabled customers who are providing services to those applicants or eligible customers, to the same extent that non-disabled customers in comparable positions interact with other persons. (Authority: Sections 12 (c) of the Act; 29 U.S.C. 709 (c))
- s. *Maintenance*** means monetary support provided to a customer for expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the customer and that are necessitated by the customer's participation in an assessment for determining eligibility and vocational rehabilitation needs or the customer's receipt of vocational rehabilitation services under an individualized plan for employment. (Authority: Sections 12 (c) and 103 (a)(7) of the Act; 29 U.S.C. 709 (c) and 723 (a)(7))
- t. *Ongoing support services*,** as used in the definition of "Supported employment" (i) Means services that are (A) Needed to support and maintain a customer with a most significant disability in supported employment; (B) Identified based on a determination by the designated State unit of the customer's need as specified in an individualized plan for employment; and (C) Furnished by the designated State unit from the time of job placement until transition to extended service, unless post-employment services are provided following transition, and thereafter by one or more extended services providers throughout the customer's term of employment in a particular job placement or multiple placements if those placements are being provided under a program of transitional employment; (ii) Must include an assessment of employment stability and provision of specific services or the coordination of services at or away from the worksite that are needed to maintain stability bases on; (A) At a minimum, *twice-monthly monitoring at the worksite* of each customer in supported employment; or (B) If under specific circumstances, especially at the request of the customer, the individualized plan for employment provides for *off-site monitoring, twice monthly meetings with the customer*; (iii) Consist of; (A) Any particularized assessment supplementary to the comprehensive assessment of rehabilitation needs described in paragraph (b)(6)(ii) of this section; (B)

The provision of skilled job trainers who accompany the customer for intensive job skill training at the work site; (C) Job development and training; (D) Social skills training; (E) Regular observation or supervision of the customer; (F) Follow-up services including: regular contact with the employers, the customers, the parents, family members, guardians, advocates, or authorized representatives of the customers, and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement; (G) Facilitation of natural supports at the worksite; (H) Any other service identified in the scope of vocational rehabilitation services for customers, described in SEC. 361.48; or (I) Any service similar to the foregoing services. (Authority: Sections 7 (27) and 12 (c) of the Act; 29 U.S.C. 705 (27) and 709 (c))

- u. *Personal assistance services*** means a range of services provided by one or more persons designed to assist a customer with a disability to perform daily living activities on or off the job that the customer would typically perform without assistance if the customer did not have a disability. The services must be designed to increase the customer's control in life and ability to perform everyday activities on or off the job. The services must be necessary to the achievement of an employment outcome and may be provided only while the customer is receiving other vocational rehabilitation services. The services may include training in managing, supervising, and directing personal assistance services. (Authority: Sections 7(28), 102(b)(3)(B)(i)(I), and 103(a)(9) of the Act; 29 U.S.C. 705(28), 722(b)(3)(B)(i)(I), and 723(a)(9)) [[Page 272]]
- v. *Physical and mental restoration services*** means; (i) Corrective surgery or therapeutic treatment that is likely, within a reasonable period of time, to correct or substantially modify a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment; (ii) Diagnosis of and treatment for mental or emotional disorders by qualified personnel in accordance with State licensure laws; (iii) Dentistry; (iv) Nursing services; (v) Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services; (vi) Drugs and supplies; (vii) Prosthetic and orthotic devices; (viii) Eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids prescribed by personnel that are qualified in accordance with State licensure laws; (ix) Podiatry; (x) Physical therapy; (xi) Occupational therapy; (xii) Speech or hearing therapy; (xiii) Mental health services; (xiv) Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical treatment; (xv) Special services for the treatment of customers with supplies; and (xvi) Other medical or medically related rehabilitation services. (Authority: Sections 12 (c) and 103 (a)(6) of the Act; 29 U.S.C. 709 (c) and 723 (a)(6))
- w. *Physical or mental impairment*** means; (i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculo-skeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or (ii) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. (Authority: Sections 7(20)(A) and 12 (c) of the Act; 29 U.S.C. 705(20)(A) and 709 (c))

- x. ***Post-employment services*** means one or more of the services identified in Section 361.48 that are provided subsequent to the achievement of an employment outcome and that are necessary for a customer to maintain, regain, or advance in employment, consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. (Authority: Sections 12 (c) and 103 (a)(18) of the Act; 29 U.S.C. 709 (c) and 723 (a)(18)) Note to paragraph (b)(42): Post-employment services are intended to ensure that the employment outcome remains consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. These services are available to meet rehabilitation needs that do not require a complex and comprehensive provision of services and, thus, should be limited in scope and duration. If more comprehensive services are required, then a new rehabilitation effort should be considered. Post-employment services are to be provided under an amended individualized plan for employment; thus, a re-determination of eligibility is not required. The provision of post-employment services is subject to the same requirements in this part as the provision of any other vocational rehabilitation service. Post-employment services are available to assist a customer to maintain employment, eg., the customer's employment is jeopardized because of conflicts with supervisors or co-workers, and the customer needs mental health services and counseling to maintain the employment; to regain employment, e.g., the customer's job is eliminated through re-organization and new placement services are needed; and to advance in employment, e.g., the employment is no longer consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

The customer is informed through appropriate modes of communication of the availability of post-employment services.

- y. ***Rehabilitation engineering*** means the systematic application of engineering sciences to design, develop, adapt, test, evaluate, apply, and distribute technological solutions to problems confronted by customers with disabilities in functional areas, such as mobility, communications, hearing, vision, and cognition, and in activities associated with employment, independent living, education, and integration into the community. (Authority: Section 7(12)(c) of the Act; 29 U.S.C. 709 (c))
- z. ***Rehabilitation technology*** means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, customers with disabilities in areas that include: education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services. (Authority: Section 7(30) of the Act; 29 U.S.C. 705(30))
- aa. ***Substantial impediment to employment*** means that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, communication, and other related factors) hinders a customer from preparing for, entering into, engaging in, or retaining employment consistent with the customer's abilities and capabilities. (Authority: Sections 7(20)(A) and 12 (c) of the Act; 29 U.S.C. 705(20)(A) and 709 (c))
- bb. ***Supported employment means***, (i) Competitive employment in an integrated setting, or employment in integrated work settings in which customers are working toward

competitive employment, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the customers with ongoing support services for customers with the most significant disabilities; (A) For whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or intermittent as a result of a significant disability; and (B) Who, because of the nature and severity of their disabilities, need intensive supported employment services from the designated State unit and extended services after transition as described in paragraph (b)(20) of this section to perform this work; or (ii) Transitional employment, as defined in paragraph (b)(54) of this section, for customers with the most significant disabilities due to mental illness. (Authority: Section 7(35) of the Act; 29 U.S.C. 705(35))

- cc. ***Supported employment services*** means ongoing support services and other appropriate services needed to support and maintain a customer with a most significant disability in supported employment that are provided by the designated State unit; (i) For a period of time not to exceed 18 months, unless under special circumstances the eligible customer and the rehabilitation counselor or coordination jointly agree to extend the time, to achieve the employment outcome identified in the individualized plan for employment; and (ii) Following transition, as post-employment services that are unavailable from an extended services provider and that are necessary to maintain or regain the job placement or advance in employment. (Authority: Sections 7(36) and 12 (c) of the Act; 29 U.S.C. 705(36 and 709 (c))
- dd. ***Transition services*** means a coordinated set of activities for a student designed within an outcome-oriented process that promotes movement from school to post-school activities, including: post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based upon the student's needs, taking into account the student's preferences and interests, and must include instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services must promote or facilitate the achievement of the employment outcome identified in the student's individualized plan for employment. (Authority: Sections 7(37) and 103 (a)(15) of the Act; 29 U.S.C. 705(37) and 723 (a)(15))
- ee. ***Transitional employment***, as used in the definition of "Supported employment," means a series of temporary job placements in competitive work in integrated settings with ongoing support services for customers with the most significant disabilities due to mental illness. In transitional employment, the provision of ongoing support services must include continuing sequential job placement until job permanency is achieved. (Authority: Sections 7(35)(B) and 12 (c) of the Act; 29 U.S.C. 705(35)(B) and 709 (c))
- ff. ***Transportation*** means travel and related expenses that are necessary to enable an applicant or eligible customer to participate in a vocational rehabilitation service, including expenses for training in the use of public transportation vehicles and systems. (Authority: 103 (a)(8) of the Act; 29 U.S.C. 723 (a)(8)) (i)



gg. ***Unpaid Family Worker*** is recognized as non-competitive gainful work. In order for unpaid family work to be considered an appropriate vocational objective, the customer must work in a family business or on a family farm, which is operated by one or more members of the customer's family.

hh. ***Vocational Rehabilitation Counselor*** (VRC) is the designated employee position in charge of managing the customer's case. For the purposes of this manual a Vocational Rehabilitation Specialist is considered a VRC.

## **SECTION 2.0 – ETHICS**

- A. All Idaho Division of Vocational Rehabilitation (IDVR) employees must adhere to the Idaho Ethics in Government Manual:  
<http://www2.state.id.us/ag/manuals/index/html>
- B. IDVR ascribes to, and requires all Vocational Rehabilitation Counselors and Field Services Staff to follow the Code of Professional Ethics for Rehabilitation Counselors accepted by the Commission of Rehabilitation Counselor Certification (CRCC).  
<http://www.crcertification.com>
- C. Provision of Services to Potential and Current IDVR Employees/Interns/Volunteers
  - If an IDVR employee becomes a customer, their VR case will be served by a region other than where they work.
  - If an IDVR customer accepts employment with IDVR their case will be served by a region different than where they accepted employment.
- D. Internships, participants in training programs, or trial work experiences of customers served by IDVR will not be served from a counselor in the same office where the trial work, internship, or participation in training programs is located.
- E. If a family member of an employee or a family member of anyone who resides in the employee's residence applies for services they will be served by a counselor from a different region from the employee.
- F. An employee shall not financially benefit from decisions made under the authority of IDVR.
- G. An employee will not make IDVR purchases (case services or other purchases) from a family member or a family member of anyone who resides in the employee's residence, or from a business owned or controlled by such an individual. This includes customer reimbursements.

## **SECTION 3.0 PROTECTION, USE, AND RELEASE OF PERSONAL INFORMATION**

### ***3.1 Confidentiality***

All information acquired by Idaho Division of Vocational Rehabilitation (IDVR) must be used only for purposes directly connected with the administration of the vocational rehabilitation program. As a general rule, information containing personal information may not be shared with advisory or other bodies that do not have official responsibility for administration of the program, except as provided in this policy. Use, release, and obtaining of personal information by IDVR shall conform to applicable State law and rules, and applicable Federal law and regulations.

Requests for information under the Idaho public records laws should be referred to the deputy attorney general assigned to the Agency.

For purposes of this policy, informed written consent shall:

- A. Be explained in language that the customer or their representative understands;
- B. Be dated, and specify the length of effect;
- C. Be specific in designating IDVR as the agency authorized to use, disclose or receive information;
- D. Be specifically designated to the parties to whom the information may be released;
- E. Specifically designate the parties whom the information may be released; and
- F. Be specific as to the purpose(s) for which the information may be used.

### ***3.2 Release of Personal Information to Customers with Disabilities, their Representative or Attorney***

If requested in writing by a customer of IDVR, and upon informed written consent by the customer and/or his or her representative, all information in such customer's case record that pertains to such customer shall be made available in a timely manner to that customer, except:

- 3.2.1** Medical, psychological or other information that IDVR believes may be harmful to the customer. This information may not be released directly to the customer but may be provided to the customer through a third party chosen by the customer, which may include, among others, an advocate, a family member, or a qualified medical or mental health professional, unless a representative has been appointed by a court to represent the customer, in which case the information must be released to the court appointed representative.

**3.2.2** Information obtained from outside IDVR may be released only under the conditions established by the outside agency, organization or provider or mandated for them by Federal or State law.

**3.2.3** An applicant or eligible customer who believes that information in the customer's record of services is inaccurate or misleading may request that IDVR amend the information. If the information is not amended, the request for an amendment must be documented in the record of service.

**3.2.4** IDVR will respond to a case records request made under this section within ten (10) working days after receipt of a written request. One current copy of the case record will be made for the customer at no charge. Additional copies will be provided at the flat fee of \$25 each.

### ***3.3 Release to Other Agencies or Organizations***

If information requested has been obtained from another agency, organization or professional, it will be released only under conditions established by that agency, organization or professional.

- IDVR may release personal information without informed written consent of the customer in order to protect the customer or others when the customer poses a threat to his/her safety or the safety of others.

### ***3.4 Release in Response to Investigations in Connection with Law Enforcement***

IDVR shall release personal information in response to investigations in connections with law enforcement, fraud, or abuse, unless expressly prohibited by Federal or State laws or regulations, and in response to a court order.

### ***3.5 Release for Audit, Evaluation or Research***

At the discretion of the Administrator, personal information may be released to an organization, agency, or customer engaged in audit, evaluation or research only for purposes directly connected with the administration of the vocational rehabilitation program, or for purposes which would significantly improve the quality of life for customers with disabilities, and only if the organization, agency or customer assures that:

- A. The information will be used only for the purposes for which it is being provided;
- B. The information will be released only to customers officially connected with the audit, evaluation or research;
- C. The information will not be released to the involved customer;
- D. The information will be managed in a manner to safeguard confidentiality and,

- E. The final product will not reveal any personal identifying information without the informed written consent of the involved customer, and/or his/her representative.

### ***3.6 Subpoena for Release of Information to the Courts, Other Judicial Bodies, Worker's Compensation and Law Enforcement Agencies***

A subpoena issued to IDVR for information relating to a customer of IDVR must immediately be referred to the Chief of Field Services who will subsequently refer the document to the Deputy Attorney General assigned to the Agency to determine how the agency will respond to the subpoena.

### ***3.7 Social Security Information***

Confidentiality of SSA information is covered under Section 11.06 of the Social Security Act and may be disclosed only as prescribed by regulations. The Act permits disclosure of all information about a claimant to State VR agencies. State VR agencies routinely obtain information, including entitlement and medical information, from SSA records. Medical information may be obtained without the claimant's consent; however, State VR agencies may not permit access to such information, release it further (this includes other state agencies), or testify concerning it for any other purpose than the rehabilitation of the Social Security Disability beneficiary claimant. To obtain information from Disability Determination Services, a release form must be used.

## **SECTION 4.0 APPEALS PROCESS**

The IDVR counselor shall notify and provide written information to all applicants and eligible customers regarding:

- A. Their right to appeal determinations made by IDVR personnel, which affect the provision of rehabilitation services;
- B. Their right to request mediation;
- C. The names and addresses IDVR personnel to whom requests for mediation or appeals may be filed;
- D. The manner in which a mediator or hearing officer may be selected;
- E. Availability of assistance from the Client Assistance Program (CAP).
- F. If the Agency is following an Order of Selection, it shall inform all eligible customers of the priority they are in.

Timing of such notification shall be provided by the IDVR counselor:

- A. At the time a customer applies for rehabilitation services;
- B. At the time of the Individualized Plan for Employment (IPE) is developed;

- C. At the time the customer is assigned to a category in the State's Order of Selection, if applicable; and
- D. Upon reduction, suspension, or cessation of approved rehabilitation services for the customer.

*Whenever possible, IDVR will attempt to resolve conflicts informally or through the Dispute Resolution process. IDVR will not pay for a customer's legal services.*

IDVR shall make disability related accommodations to assist customers in the conduct of the appeals process.

#### ***4.1 Continuation of Services Pending Completion of the Appeal Process***

Pending a final determination of an Informal Review or Fair Hearing or participation in Mediation, IDVR may not suspend, reduce, or terminate approved services being provided under an IPE, unless the services were obtained through misrepresentation, fraud or collusion or the customer or authorized representative, requests suspension, reduction, or termination of services.

#### ***4.2 Client Assistance Program (CAP) and Supervisory Review***

The CAP and supervisory review are encouraged as a means to resolve dissatisfaction. These options are in keeping with the IDVR policy to resolve a customer's dissatisfaction at the earliest possible time.

#### ***4.3 Dispute Resolution Process***

**4.3.1** The Informal Review process is an option available to the customer as a proven means likely to result in a timely resolution of disagreements. A customer must request an Informal Review within twenty-one (21) calendar days of the agency notice regarding IDVR's decision to provide or deny services that are in question. The request must be in writing to the Regional Manager. The request must describe the complaint.

In holding an Informal Review, the Regional Manager will function as the Review Officer. At the customer's request another Regional Manager may be substituted. The reviewer will be responsible for:

- A. Advising the customer of his/her right to have a representative present and encouraging the customer to use the services of CAP.
- B. Conducting the review within fifteen (15) calendar days following written receipt of a request for such a hearing. Unless an extension is agreed to by both parties.
- C. When the customer makes a documented effort to utilize CAP or another selected advocate to resolve his/her dissatisfaction, the time allowed for conducting an Informal Review will be extended accordingly.

- D. Holding the review at a time and place convenient to the customer, generally at the local IDVR branch office.
- E. Providing communication methods for those customers who have a sensory impairment. An interpreter will be provided for those customers who cannot communicate in English.
- F. If needed, assure that the customer is provided transportation to and from the review site.
- G. The Informal Review Officer (Regional Manager) will attempt to resolve the matter to the satisfaction of the customer, developing a written proposal with the customer at the conclusion of the appeal process. The results are binding for the agency unless the proposal is not permitted by law. The customer may reject the proposal and request a Fair-Hearing within ten (10) calendar days of the Informal Review proposal or sixty (60) calendar days of the original IDVR decision, whichever comes later.

#### ***4.4 Mediation***

**4.4.1** Mediation is an alternate dispute resolution method available to applicants and eligible customers who have initiated the Formal Appeals Process.

- A. A customer must request Mediation within twenty (20) calendar days of the original decision or ten (10) calendar days following the written proposal from the Informal Review. Mediation is available to a customer when an Informal Review has not resolved the dispute to the satisfaction of the customer.
- B. Requests for mediation must be made in writing to the Chief of Field Services and clearly state the reason for dissatisfaction with the decision or results of the Informal Review. The Chief of Field Services will represent IDVR or assign a member of the administrative or supervisory staff who has not participated in the Agency action that created the customer's dissatisfaction.
- C. Participation in the mediation process is voluntary on the part of the customer and on the part of IDVR. Either party may reject mediation as an alternate dispute resolution method. Either party, once accepting mediation as an alternate dispute resolution method, may terminate the mediation process.
- D. Mediation is not used to deny or delay the customer's right to pursue a Fair Hearing. Should the customer and/or designated representatives select mediation in lieu of a Fair Hearing the option for the Fair Hearing will be extended to allow the results of the mediation to be established. After the final results of the mediation are determined, the customer retains the right to request a Fair Hearing.
- E. Mediation is conducted by qualified and impartial mediators, who are selected randomly from a list of mediators maintained by the IDVR.

- F. Mediation discussions are confidential and may not be used as evidence in a subsequent Fair Hearing. A confidentiality agreement will be signed by both parties at the beginning of the mediation process.
- G. The mediator will develop a written Mediation Agreement, if an agreement between the parties is reached, it must be signed by the customer, the mediator, and IDVR.
- H. Cost of mediation is paid by IDVR. IDVR is not required to pay for any cost related to the representation of a customer.

#### ***4.5 Fair Hearing Process***

The Fair Hearing Process is an option available to any customer who is dissatisfied with any determination made by personnel of IDVR that affects the provisions of vocational rehabilitation services. A customer may request a Fair Hearing immediately without having to go through the other appeal steps.

A customer may request, or if appropriate, may request through the customer's representative, a timely review of the determination. Such a request must be made within sixty (60) days of the IDVR decision resulting in the initial disagreement or within ten (10) calendar days of the conclusion of the Informal Review or ten (10) calendar days of the conclusion of the Mediation Process whichever is later. The Fair Hearing Process shall include a Fair Hearing by a Fair Hearing Officer (FHO).

- 4.5.1** A Formal Hearing is a procedure whereby a customer who is dissatisfied with any determination concerning the provision or denial of IDVR services or the findings of the Informal Review or Mediation may seek a determination of the agency action before a Fair Hearing Officer.
- 4.5.2** A request for a Fair Hearing must be sent in writing to the Chief of Field Services and clearly state the customer's dissatisfaction with the Agency's decision.
- 4.5.3** The hearing shall be conducted within sixty (60) calendar days of receipt of the customer's request for review, unless informal resolution is achieved prior to the 60<sup>th</sup> day, or both parties agree to a specific extension of time.
- 4.5.4** A list of Fair Hearing Officers shall be identified jointly by the Administrator of IDVR and the State Rehabilitation Council.
- 4.5.5** The Fair Hearing Officer will be selected from the list by the Administrator of IDVR and the customer.
- 4.5.6** The Fair Hearing Officer shall issue a written report of the findings and decision of the hearing within thirty (30) calendar days of the completion of the hearing.
- 4.5.7** The decision of the Fair Hearing Officer shall be considered final by the agency.

**4.5.8** Any party who disagrees with the findings and decisions of a Fair Hearing Officer shall have the right to bring a civil action with respect to the matter in dispute. The action 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.

## **SECTION 5.0 APPLICATION AND ELIGIBILITY DETERMINATION**

- A. People with disabilities can achieve competitive, high quality employment in an integrated setting and can live full productive lives.
- B. People with disabilities often experience major barriers related to the low expectations of and misunderstandings toward, people with disabilities that exists within society, within the persons with disabilities themselves, and sometimes, within our own rehabilitation system.
- C. People with disabilities should have responsibility and accountability to make their own choices about their lives; the kind of employment they want to pursue, who they want to provide services for them, as well as the kind of services they need.
- D. The primary purpose and role of the public vocational rehabilitation system is to empower individuals with disabilities by providing them with information, education, training, and confidence, in order that they will make effective employment choices when appropriately informed. It is also the purpose of the public vocational rehabilitation system to support those choices when they are based upon reasonable and verifiable premises.
- E. The most effective rehabilitation occurs when there are true partnerships between the Federal and State partners, State agency providers, community providers and employers, the disability community, all other partners, and the consumer.

The ultimate goal is to provide eligible customers with the skills, tools and information to aid in their vocational discovery process and to initiate informed choices when creating their Individual Plan for Employment (IPE) with the VR counselor.

### ***5.1 Inquiry***

IDVR will respond to all general inquiries for VR services received via telephone, mail or electronic format within seven (7) business days.

### ***5.2 Referral***

A completed Referral form for VR services from customers available to participate in services that are made via mail or electronic format will be entered into the case management system as an open referral within three (3) business days. IDVR staff will make a minimum of three (3) attempts to contact the customer before the referral is closed. The first attempt will include a phone call or e-mail. If unable to make contact, a letter will be sent to confirm IDVR has received the inquiry and will include the VR office phone number. If the customer does not respond to the first letter, a second letter will be sent stating that IDVR has been unable to



contact the customer and that the referral for services will be closed. Attempts to reach the customer and those results will be documented in the case management system.

### ***5.3 Application for Idaho Division of Vocational Rehabilitation (IDVR) Services***

An application process is complete when the following three criteria are met:

1. IDVR receives a signed and dated application signature sheet from a customer or his/her representative, or an alternate request for application is made to an IDVR office;

And

2. The customer provides the information needed to begin an assessment of eligibility. Information gathered in the intake interview meets this criterion;

And

3. The customer is available and free of restrictions to complete the assessment process for determining eligibility for VR services.

There is no duration of residency requirement. The customer must be living in the State of Idaho and legally able to work in the United States.

Applicants must be available and participate in the eligibility determination process.

IDVR must, as part of the application process, inform applicants that the goal of the VR services is to assist eligible customers to obtain or maintain employment and that services provided are toward this goal. Customers must also be informed of their rights and responsibilities.

The 60-day eligibility determination period begins when the application process is complete.

#### **5.3.1 Orientation to Vocational Rehabilitation**

IDVR is obligated to provide all customers with information about the following:

1. The Client Assistance Program (CAP);
2. Confidentiality;
3. VR services;
4. Informed choice;
5. The rehabilitation process;
6. That customers who receive VR services must intend to achieve an employment outcome;
7. The rights and responsibilities of the customer; and
8. The VR appeals process.

This information may be conveyed to customers through group orientations, in a one-on-one interview setting or over the telephone by IDVR staff.

### **5.3.2 Intake Interview**

The intake interview is part of the application process and is the beginning of the assessment process to determine eligibility and potential services to be included on the Individualized Plan for Employment (IPE). Medical, psychological, social, vocational, educational, cultural and economic information is gathered to determine the unique strengths, abilities, and interests of the customer.

Prior to the end of the intake interview, the IDVR staff member should identify the actions needed by both IDVR and the customer. This could include:

1. Appointment(s) scheduled
2. Releases of Information obtained
3. Authorizations to be issued
4. Referral letters
5. Next scheduled meeting
6. Existing information the customer agrees to provide VR staff

### **5.4 Assessment for Determining Eligibility**

Any customer who applies for services shall undergo an assessment for determining eligibility and the priority for services, the results of which shall be shared with the customer.

The assessment will be conducted in the most integrated setting possible and consistent with the needs and informed choice of the customer.

Eligibility for IDVR services shall be determined within a reasonable period of time, not to exceed sixty (60) days after the application for services (All three components of an application received) unless the following occurs:

- A. The customer is notified that exceptional and unforeseen circumstances beyond control of IDVR preclude the counselor from completing the determination within the prescribed time frame and customer agrees that an extension of time is warranted;

OR

- B. A trial work experience including an exploration of the customer's abilities, capabilities, and capacity to perform in work situations is carried out;

OR

- C. An extended evaluation is necessary.

### **5.5 Eligibility Criteria**

A customer is eligible for Vocational Rehabilitation if the following criteria are met:

- A. A determination by qualified personnel that the customer has a physical or mental impairment;

- B. A determination by a qualified vocational rehabilitation counselor that the customer's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant;
- C. A determination by a qualified vocational rehabilitation counselor employed by IDVR that the customer requires vocational rehabilitation services to prepare for, secure, retain or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice;
- D. A presumption by a qualified vocational rehabilitation counselor that the applicant can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

**NOTE:** *The customer can benefit in terms of an employment outcome from vocational rehabilitation services unless the counselor demonstrates on the basis of clear and convincing evidence, and only after an exploration of the customer's abilities, capabilities, and capacity to perform in work situations or an extended evaluation is carried out, that such customer is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome.*

#### **5.5.1 Qualified Personnel**

IDVR has established a policy for "qualified personnel" for the purpose of disability determination. Under the Rehabilitation Act, the assessment for determining eligibility must be made by "qualified personnel" including, if appropriate, personnel skilled in rehabilitation technology (Section 103 (a)(1) of the Act). In addition, diagnosis and treatment for mental and emotional disorders must be provided by "qualified personnel who meet State licensure laws" (Section 103 (a)(6)(F) of the Act).

Qualified personnel are those who meet existing licensure, certification, or registration requirements applicable to the profession, this includes VR Counselors who meet IDVR's CSPD policy.

The determination of the existence of impairment should be supported by medical and/or psychological documentation. Medical/psychological disabilities shall be diagnosed by qualified personnel who demonstrate the possession of requisite State licensure, certification, or registration of requirements applicable to the practice of their profession within the state of Idaho.

The following occupations have been licensed in Idaho to provide general medical diagnoses. *The VR Counselor can utilize general medical diagnoses established by these medical professionals:*

- Medical Physician or Doctor of Osteopathy
- Nurse Practitioner (works under own licensure)
- Physician's Assistant (works under a "Delegation of Services Agreement" with a physician providing oversight)

The following occupations have been licensed in Idaho to provide specific medical diagnoses within the specialized areas of competency for which the specific licensure has been determined. *It is critical that the VR Counselor take special precaution to ensure that when utilizing medical diagnoses from one of the medical professions listed below that only those areas of expertise for which the particular professional has been credentialed are documented within the eligibility determination module.*

- Licensed Psychologist
- Chiropractor
- Naturopath
- Podiatrist
- Optometrist
- Physical Therapist
- Dentist/Orthodontist
- Advanced Certified Alcohol and Drug Counselor (ACADC) / Certified Alcohol and Drug Counselor (CADC) (restricted to identifying alcohol impairment related to specific testing outcome)
- School Psychologist (limited to diagnosing eligibility for school related special needs services)
- Licensed Audiologist (restricted to diagnosing hearing impairments specifically related to audiological testing results when medical conditions have been ruled out)

For further clarification, you may access [www.ibol.idaho.gov](http://www.ibol.idaho.gov) and connect to “The Individual Board Pages” to determine the full extent of the professional latitude allocated to the medical occupations that are licensed to provide specialized services within narrowly defined parameters of competency. The State Board of Medicine maintains jurisdiction over the authority and conduct of medical doctors.

Private Licensing/certifying boards outside the Federal/State purview cannot be utilized as a basis for VR diagnostic purposes.

### **5.5.2 Social Security Presumption**

Any applicant, who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act, is presumed to meet the eligibility requirements for vocational rehabilitation services and is considered a customer with a significant disability.

Following an application and initial interview where a customer reports receiving SSI or SSDI, the counselor will obtain verification of receipt of SSI/SSDI, such as an award letter, a copy of the customer’s check, or a verification document through the Social Security Entry and Verification System (SVES). Upon verification, the customer is made eligible for vocational rehabilitation with a Presumption of Eligibility statement in the record of services.

NOTE: If the applicant presents sufficient medical documentation to determine eligibility at the first meeting, verification will still be procured but eligibility can be determined immediately without designating presumptive status.

The assessment for determining rehabilitation needs will continue, as needed, to obtain information necessary to determine the Individual Plan for Employment. This assessment will

include: gathering existing records to determine the customer's impairment, impediment and nature and scope of the VR services necessary to obtain an employment outcome consistent with the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

When the assessment adequately documents the impairment(s), employment impediment(s) and required service(s) needed, the qualified VR counselors completes an Eligibility Determination in the Agency's computerized data system.

If a customer receives disability benefits under Title II or Title XVI of the Social Security Act and intends to work, IDVR presumes eligibility for services, unless, because of the significance of the customer's disability, a VR counselor cannot presume that VR services will enable the customer to work (based on clear and convincing evidence).

Should the significance of the disability prevent a VR counselor from presuming that VR services will enable the customer to work, the customer will be asked to complete a trial work experience in order for the counselor to make an eligibility determination.

If the customer cannot take advantage of a trial work experience, an extended evaluation must be conducted in order to make the decision of eligibility.

### ***5.6 Review and assessment of data for eligibility determination***

The eligibility determination shall be based on the review and assessment of existing data, including: counselor observations, education records, and information provided by the customer or family, particularly information used by education officials and determinations made by officials or other agencies. Current medical records will be utilized to determine the nature and extent of the disability as well as for justification for the procurement of additional medical data when required to identify/verify alleged medical restrictions.

To the extent that existing data does not describe the current functioning of the customer, IDVR will conduct an assessment of additional data resulting from the provision of VR services including: trial work experiences, assistive technology devices and services, personal assistance services, and any other support services that are necessary to determine whether a customer is eligible.

**5.6.1 Eligibility/Ineligibility:** For each customer determined eligible or ineligible for vocational rehabilitation services, the record of services must include a dated Determination completed by a qualified vocational rehabilitation counselor. Written notification of an ineligibility determination will be provided to the customer.

An ineligibility notification must include the reason for the determination, rights and responsibilities, and Client Assistance Program (CAP) information. A customer should be referred to the local Department of Labor to address the customer's training or employment needs or to the Extended Employment Services Program (Work Services / Sheltered Workshops) if the ineligibility is "Too Severely Disabled."

Ineligibility decisions based upon the severity of disability must outline clear and convincing evidence and require a period of trial work experiences or extended evaluation prior to closure. (See Closure, Section 13)

It is federally mandated that IDVR review the closure outcome of “too severely disabled” within 12 months of closure and annually thereafter, if requested. (See Section 13)

**5.6.2 Trial Work Experiences (TWE) for customers with significant disabilities:** Prior to any determination that a customer with a disability is incapable of benefiting from VR services in terms of an employment outcome because of the severity of that customer’s disability, an exploration of that customer’s abilities, capabilities, and the capacity to perform in realistic work situations must be conducted to determine whether or not there is clear and convincing evidence to support such a determination.

In such cases a written plan must be developed to assess and determine the above. The assessment must be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the customer. TWE include: supported employment, situational assessment, and other experiences using realistic work settings and must be a sufficient variety and over a sufficient period of time to make such determination. Appropriate supports, including assistive technology devices and services and personal assistance services to accommodate the rehabilitation needs of the customer must be provided.

Trial Work Experience is used to demonstrate whether the customer is capable of benefiting from VR services. Trial Work Experience will be conducted before Presumptive Eligibility is completed if there is a question regarding capacity to benefit.

TWEs may include: Community Based Work Evaluation (CBWE), job coaching, on-the-job training, supported employment or other experiences using realistic work settings, as well as assistive technology and other needed services.

Review the TWE Plan at least every 90 days to determine if there is sufficient evidence to conclude that the customer can benefit from VR Services in terms of an employment outcome or there is clear and convincing evidence that the customer is incapable of benefiting from VR Services in terms of an employment outcome due to the severity of the disability.

Make the determination for eligibility or case closure within the 18-month time frame.

**5.6.3 Extended Evaluation:** Under limited circumstances if a customer cannot take advantage of trial work experiences or if options for trial work experiences have been exhausted, an Extended Evaluation (EE) must be conducted to make these determinations.

In all cases where the counselor determines that an extended evaluation is required, the case record must include a Determination of Extended Evaluation completed by a qualified VR counselor, which documents:

- A. That the customer has a physical or mental impairment which constitutes or results in a substantial impediment to employment and requires VR services, and
- B. That it is questionable if the customer is capable of benefiting from VR services in terms of an employment outcome because of the severity of the disability.

During the extended evaluation period, VR services must be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the customer. There must be a written Extended Evaluation Plan for providing services necessary to make an eligibility or ineligibility determination. Only those services that are necessary to make the above determinations are to be provided and extended evaluation services are terminated when the qualified vocational rehabilitation counselor is able to make the determinations.

A customer will remain in extended evaluations only for the period of time required to determine if the customer can benefit from VR services in terms of an employment outcome but not to exceed eighteen (18) months. A review of the case shall be conducted as often as necessary but at least every ninety (90) days. Written documentation will be provided of determination.

## **SECTION 6.0 THE DETERMINATION OF SIGNIFICANCE OF DISABILITY**

### ***6.1 Policy***

At the time a customer is determined eligible for VR services, a VR counselor will determine the significance of the disability and, based upon the determination, will assign the customer to a priority category. If the agency is not under an Order of Selection, the prioritization will be used (1) for planning purposes to ascertain services that can continue to be provided to all who are eligible and (2) to provide a structure for an easy transition to an Order of Selection if required. If the Agency is under an Order of Selection (see section 14), the priority categories are used to determine the order in which customers receive services.

### ***6.2 Definitions***

#### **Priority Categories:**

- A. No Significant Disability (NSD)
- B. Significant Disability (SD)
- C. Most Significant Disability (MSD)

#### **No Significant Disability (NSD)**

- 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.

### **Significant Disability (SD)**

- a. Meets the criteria for a customer with no significant-disability;
- b. Experiences a severe physical and/or mental impairment that seriously limits two or more functional categories (such as mobility, work skills, self-care, interpersonal skills, communication, self-direction or work tolerance) in terms of an employment outcome; and
- c. Requires multiple primary Individualized Plan for Employment (IPE) services over an extended period of time (at least 6 months).

### **Most Significant Disability (MSD)**

- a. Meets the criteria established for a customer with a significant disability;
- b. Experiences a severe physical and/or mental impairment that seriously limits three or more functional categories (such as mobility, work skills, self-care, interpersonal skills, communication, self-direction or work tolerance) in terms of an employment outcome; and
- c. Requires multiple primary Individualized Plan for Employment (IPE) services over an extended period of time (at least 6 months).

**Note:** Customers who are beneficiaries of Social Security Disability Insurance (SSDI) or recipients of Supplemental Security Income (SSI) for disability reasons are automatically classified as either SD or MSD depending upon the extent of their functional loss category limitations.

**Order of Selection (OOS):** When VR services cannot be provided to all eligible customers because of financial or service capacity constraints, the Agency will enter an Order of Selection process that will assure that first priority is giving to customers with most significant disabilities. *Please review Section 14.0 for details regarding Order of Selection.*

## **6.3 Procedures**

### **Determination of Significance of Disability**

A VR counselor determines and adequately documents the level of severity of a customer's disability based on a review of the information gathered to determine eligibility. If additional information is necessary to make the determination, a VR counselor may obtain the information from the customer, customer's family, an outside professional and/or another public agency.

If adequate information is not available to describe or document current functioning, a VR counselor may purchase diagnostics from a qualified service provider.



A VR counselor reviews the data to determine:

- A. The number of functional capacity categories in terms of an employment outcome that are seriously impacted as a result of a disability;

AND

- B. Whether a customer is likely to need multiple primary IPE services to prepare for, obtain, or maintain a job;

AND

- C. The anticipated duration of IPE services are needed for an extended period of time (at least 6 months).

### **Identifying a Serious Loss of Functional Capacity**

Functional capacity categories include: mobility, work tolerance, communication, self-care, interpersonal skills, self-direction, and work skills. To identify a loss of functional capacity, a VR counselor reviews and assesses data provided by the customer or customer's family, observed by the VR counselor, or reported by another qualified professional to determine whether:

- A. A loss of functional capacity resulting from a disability is present;

AND

- B. The loss of functional capacity represents an impediment to employment;

AND

- C. The loss of functional capacity meets the definition of "serious loss of functional capacity."

A serious loss of functional capacity means a reduction in capacity of the customer to the degree that the person requires services or accommodations not typically provided to other customers in order to prepare for, secure, or maintain a job.

A specific disability diagnosis does not automatically infer a serious loss of functional capacity. Although certain functional losses are commonly associated with specific disability diagnoses, the presence and seriousness of the loss is unique for each person. Therefore, a VR counselor must complete a thorough evaluation of loss of functional capacity for each customer.

Non-disability factors such as age, sex, race, cultural, geographic location, poor public transportation, legal history, or lack of training should not be considered when determining loss of functional capacity. It is within the VR counselor's judgment to determine whether limitations are disability related or not.

## **Self-Reported or Observed Loss of Functional Capacity**

A VR counselor may identify a loss of functional capacity based on a customer's self-report, reports from the family, school representative or others, or based on counselor observations.

For example, while interviewing an applicant who is hard of hearing, a VR counselor observes that the applicant is not able to effectively communicate verbally. Medical records clearly establish a hearing impairment, but do not address verbal limitations. Because a loss of functional capacity in verbal communication is consistent with and commonly associated with hearing loss, the VR counselor may determine, based on his or her observations, that a serious loss of functional capacity is present. To ensure the case service record explains and supports the determination, the VR counselor enters case narrative explaining that a loss in the area of communication was observed, a summary of the observations, and how the loss of functional capacity affects the customer.

### **SD/MSD Checklist**

Once the VR counselor determines a disability-related loss of functional capacity, the VR counselor considers whether the loss of functional capacity meets the definition of a "serious loss of functional capacity" contained in the SD/MSD Checklist loss of functional capacity definitions. If the loss of functional capacity meets the definitions of a "serious loss of functional capacity" the VR counselor checks the appropriate indicator on the Checklist.

The VR counselor completes the SD/MSD Checklist for each customer as soon as sufficient information is available, but no later than sixty (60) days from the date of application (unless an extension has been agreed upon).

## **SECTION 7.0 ASSESSMENT OF VOCATIONAL REHABILITATION NEEDS**

### ***7.1 Primary Source of Information***

To the extent possible, the vocational goal, intermediate objectives, and the nature and scope of services to be included in the Individual Plan of Employment (IPE) must be determined based on the data used for the assessment of eligibility and priority for services.

The Comprehensive Assessment to be completed prior to the development of the IPE will use, as a primary source of information, to the maximum extent possible, the following:

- A. Existing information
- B. Information provided by the customer and, where appropriate, by the family of the customer.
- C. The Assessment may also include new information acquired by IDVR including an in-house vocational evaluation; Community Based Work Evaluation (CBWE), aptitude tests, interest tests, job shadowing or any pertinent assessment required to identify the objectives, nature and scope of VR services that the customer may need in order to substantiate the choice of employment outcome.

## ***7.2 Comprehensive Assessment of Rehabilitation Needs***

A comprehensive assessment of rehabilitation needs is a process utilized to identify the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice as it relates to any potential vocational goal. The assessment shall be conducted in the most integrated setting possible, consistent with the informed choice of the customer.

### **7.2.1 Assessment of the Customer's Current Realities**

The VR counselor and customer will evaluate the following relevant factors.

#### **Work History:**

The VR counselor is required to obtain a thorough work history of the customer at the time of the intake interview. The gathering of this information requires the identification of job titles, job duties/responsibilities, and length of time in each position, hiring/educational requirements, and the reasons for leaving. Some attempt should be made to assess the customer's satisfaction with the job, the employer, and co-workers.

#### **Functional Limitations:**

Functional limitations need to be clearly outlined before the customer begins the development of a vocational goal. The establishment of an appropriate vocational goal requires that both the VR counselor and customer are aware of and address the true barriers to employment including the customer's perception of their limitations. This involves addressing the following areas:

- A. Physical limitations (lifting, walking, carrying, driving, stooping, reaching, handling, and bending)
- B. Mental limitations (coping with stress, working with other people, working alone)
- C. Current work tolerance
- D. Acceptance of disability
- E. Cognitive functioning

#### **Personal Social & Economic Factors:**

It is important for the VR counselor and customer to gather, document, and understand personal social and economic considerations. These considerations include:

- A. Values (personal and work)
- B. Family
- C. Service or support agencies
- D. Legal

- E. Financial (current realities and future expectations)
- F. Substance Use
- G. Non-financial resources / supports available

It is critical to understand the personal, social and economic factors as it relates to the development of the employment goal and the IPE.

### **Aptitudes/Transferable Skills:**

To determine an appropriate employment goal the VR counselor and customer must identify the aptitudes, skills, and ability that the customer possesses. The following skill areas are to be addressed:

- A. Personal
  - Self-management
  - Self-care
  - Personality characteristics
- B. Functional skills – A person’s level of skill working with data, people, and things.
- C. Specific work skills – competencies in specific work task areas.

Many tools exist to assist the customer and the VR counselor to identify aptitudes and transferable skills.

### **7.2.2 Identification of potential employment goal, rehabilitation needs, and IPE services**

The VR counselor and customer will evaluate a potential employment goal and identify rehabilitation needs and services required to achieve that employment goal.

### **Vocational Assessment:**

Vocational assessment is a comprehensive process involving the VR counselor and the customer that focuses on functional abilities and will incorporate medical, psychological, social, vocational, educational, cultural, economic data, and real or simulated work. This is done to identify the employment goal, its overall feasibility, and the VR services that are needed to achieve that goal. Examples of vocational assessment include:

- A. Formal Vocational Evaluation
- B. Community Based Assessment
- C. Guidance & Counseling – Facilitated Self-Discovery
- D. Labor Market Research
- E. Assistive Technology Review

### ***7.3 IPE Development:***

Through the comprehensive assessment the customer has made an informed choice of his/her vocational goal. The VR counselor must concur that the vocational goal is feasible. The VR counselor will then assist in identifying the IPE services needed to remove barriers to employment. The VR counselor is required to address all previously identified disability related barriers to employment. These services include but are not limited to:

- A. Counseling and Guidance
- B. Training
- C. Medical and mental restoration
- D. Disability adjustment training
- E. Information and referral services
- F. Interpreter services
- G. Job placement assistance
- H. Job readiness training
- I. Job search assistance
- J. Maintenance
- K. On-the-job supports
- L. On-the-job training
- M. Other services
- N. Personal attendant services
- O. Reader services
- P. Rehabilitation technology
- Q. Technical assistance services
- R. Transportation services

Vocational rehabilitation services are any services described in an IPE necessary to assist a customer with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the customer.

The following are essential components that need to be addressed and documented as part of the comprehensive assessment:

- Compatibility of Disability with Employment
- Skills, Interests, Aptitudes, and Abilities
- Market Analysis
- Economic Expectations and Potential for Career Growth
- Vocational Strengths and Capacities
- Customer Financial Issues
- Informed Customer Choice
- Social Support
- Training and Academic Test Results
- Rehabilitation Technology needs
- Legal barriers and industry specific requirement (criminal issues, drug and alcohol screenings, tobacco use, etc)

## ***7.4 Medical Consultation Policy***

Medical consultants are retained by IDVR. Medical consultants can be used to review a customer's diagnostic information to determine; 1) if it is complete or if updated and/or additional medical reports are necessary; 2) to train the counselor about medical conditions; and 3) to assist in case management direction.

Examples of times to use a medical consultant are:

- A. Eligibility determination
- B. Plan development
- C. Prior to medical restoration services
- D. Whenever a VR staff member has a question about a customer's treatment, medications, or condition including such issues as the natural course of the disease or treatment options.

When presenting a case file to the medical consultant, be prepared to:

- 1. Present specific questions to the medical consultant; and
- 2. Speak knowledgeably about the customer.

Some examples of things a VR staff member may consider prior to medical consultation:

- A. File medical information in chronological order with most recent on top
- B. Highlight or tab important information
- C. Eliminate duplicate data
- D. List questions for the medical consultant

## **SECTION 8.0 PARTICIPATION OF CUSTOMERS IN COST OF SERVICES BASED ON FINANCIAL NEED**

In order to further IDVR's mission to help customers move towards independence and self-sufficiency, IDVR encourages customers to be personally invested in and contribute financially towards the cost of their plan when possible. The extent of the customer's financial participation is based on income and other factors. Regardless of the amount that is going to be contributed by the customer, the assessment of the customer's financial participation is an effective tool for identifying customer resources as they relate to VR planning and implementation.

Reminder: Financial need and/or participation is not a factor in the eligibility determination.

### **Financial Participation**

Financial participation is assessed:

- 1. After eligibility, during plan development, while exploring comparable benefits.
- 2. Using the Financial Participation Assessment (FPA) form.
- 3. Every twelve (12) months or sooner if financial circumstances change significantly.

## **Financial Participation Assessment Guidelines**

A Financial Participation Assessment will be applied as a condition for furnishing all vocational rehabilitation services EXCEPT the following:

1. Purchased services for determining eligibility and vocational rehabilitation needs;
2. Counseling, guidance and referral services;
3. Any auxiliary aid or services (e.g., interpreter services or reader services);
4. Personal Assistance Service;
5. Rehabilitation Technology;  
[CFR 361.5(b)(45) includes vehicular modification and telecommunications. Home modifications are not exempt.]
6. Job related services; including: job search and placement assistance, job retention services, follow-up services, and follow-along services, i.e., Community Based Work Adjustment, Job Site Development (CBWAJSD), Community Based Work Adjustment (CBWA), Placement and Follow Along Job Site Development (P&FJSD), and Placement and Follow Along (P&F).
7. Supported employment services, i.e., Community Supported Employment Job Site Development (CSEJSD), and CSE Job Coaching.

## **Customer Financial Participation for IPE Services**

Upon completion of the FPA and the determination of services to be included on the IPE the counselor and customer will identify the specific IPE services that will be paid for by each party.

The FPA will be used to identify financial responsibility for IPE services.

It should be emphasized to the customer and vendor, IDVR will not be responsible for the customer's debts. If the customer's debts to a vendor inhibit the provision of services necessary to achieve the employment goal, IDVR will work with the customer to explore options for the continuation of services.

IDVR cannot, under any circumstances, pay for a customer's previous financial obligations or debts.

## **Financial Participation Assessment (FPA) Form**

The VRC and customer will complete the FPA form in eligible status and identify the customer's financial participation responsibilities.

Estimate the cost for rehabilitation services each twelve (12) month period of the IPE. Calculate the amounts of participation to be provided by both the customer and IDVR for each twelve (12) month time period covered by the FPA.

## Directions for Completion:

### 1. Exemption from required participation:

Customers who receive SSDI and/or SSI are not required to make a financial contribution toward the cost of services. However, to ensure a customer qualifies for this exemption, written proof of SSDI or SSI determination must be received. This information will be used in completing the FPA form exemption status for SSDI and/or SSI recipients. *It should be noted that customers receiving Social Security benefits under retirement, spouse of retired worker, child of a retired worker, child of deceased worker, widow, parent of deceased worker, spouse of disabled worker, or child of disabled worker would not be eligible for this exemption.* The VR Counselor must complete the top portion of the FPA certifying that the customer is exempt from any required financial participation. The VR Counselor will also make a note in the IPE and subsequent plan amendments that may be developed, in the appropriate section, outlining the customer's exemption.

### 2. Income Data:

Customers (and spouse's if married) sources of income verification would include:

- Most recent year IRS tax filings,
- Employment Security Wage or Unemployment Benefit Reports,
- Employer generated pay stubs,
- Retirement program documents, or
- Documentation from public or private income support programs.  
(TANF and food stamps are examples that are not considered income)

#### a. Modification

The customer or their representative may request modification to the FPA, as needed to adjust for changes in income or other circumstances (e.g., disability related costs and number of family members). If modification is requested, the customer, parent or guardian must provide income verification from the sources listed above.

#### b. Exceptional Cases

In exceptional cases, circumstances may occur where rigid adherence to the Financial Participation Policy and Procedures could seriously jeopardize the customer's opportunity to achieve rehabilitation objectives and an employment outcome. In such cases, the VRC may elect to seek an exception to the policy by reviewing the case with the Regional Manager who will then seek an exception approval by the Chief of Field Services or designee who will render a decision within ten (10) business days.

#### c. Total Income Excluded:

This figure is the Income Exclusion Allowance (300% of the Federal Poverty Level) plus exclusion of disability related expenses, per the Code of Federal Regulations – Title 34: Education: 361.54(2)(iv)(B).



For the purposes of this policy, the Social Security Administration's use of impairment-related work expenses will serve as a guideline to disability related expenses.

A disability related work expense is an expense for an item or service, which is directly related to enabling an impaired customer to work, and which is necessarily incurred by that customer because of a physical or mental impairment. To qualify as a disability related work expense, the expense must be paid by the customer. Expenses paid by sources such as health insurance, vocational rehabilitation and the employer are not considered a disability related work expense for the customer with the impairment.

Examples include, but are not limited to:

- The cost of attendant care services rendered in the work setting or in assisting the customer in making the trip to and from work (attendant care rendered on non-work days or those performed at any time which involve shopping or general homemaking are not considered a disability related work expense. Additionally, attendant services performed for other family members such as babysitting, are not considered a disability related work expense).
- Durable medical equipment which can withstand repeated use, used to serve a medical purpose, and generally not useful to a person in the absence of an illness or injury, such as wheelchairs, hemodialysis equipment, respirators, pacemakers, traction equipment.
- The cost of the modification of vehicle (but not the cost of the vehicle) in order to drive or be driven to work, where the modification is critical to the vehicle's operation or its accommodation of the customer. The modification must be directly related to the impairment (without the modification the customer would either be unable to drive or would be unable to ride in the vehicle).
- Expenses paid by a person with blindness in owning a guide dog including the costs of purchasing a dog, food, licenses and veterinary services.
- Prosthetic devices that replace internal body organs or external body parts (a prosthetic device primarily for cosmetic purposes usually is not considered a disability related work expense).
- The cost of drugs and medical services necessary to control the disabling condition, thereby enabling the customer to work (drugs and medical services used for minor physical or mental problems

not resulting in any significant loss of function such as, yearly routine physical examinations, dental examinations and optician services and eyeglasses, when unrelated to a disabling visual impairment, are not considered a disability related work expense).

- Work equipment and assistants that are required to accommodate the impairment and perform the job such as, a one-handed typewriter, telecommunications device and a job coach paid for by the customer.

**Applicable Income:**

This section enables IDVR to specify the extent of the expected customer cost responsibility toward the cost of services during the upcoming twelve (12) month period of expected plan expenditures. Applicable Income equals Income minus the Total Income excluded and Disability Related Work Expenses.

The Income Exclusion Allowance information is adjusted annually to reflect 300% of Federal HHS Poverty Guidelines.

**Determination of Required Participation:**

The Customer Participation Table (Table A) is formulated to assess that portion of Applicable Income, which is considered to be available to meet the cost of services. The customer is expected to contribute toward the service cost(s) at the specified percentage of participation level. The amount of financial participation will not exceed the Annual Maximum Percentage of the customer's Applicable Income. All service cost anticipated or purchased during the twelve (12) month period covered by the FPA are to be considered in aggregate rather than individually calculated.

**TABLE A – CUSTOMER PARTICIPATION TABLE**

<b><u>Yearly Cost of Plan</u></b>	<b><u>% of Participation</u></b>
\$2,000 and Under	50%
Over \$2,000	75%

**Certification:**

The customer, parents or legal guardian completing the form will be asked to verify, by signature, that the information provided is correct. The customer, parents or legal guardian should be advised that he/she will be asked to document the financial information provided from external sources, such as the most recent year IRS tax fillings, Employment Security Wage or Unemployment Benefit Reports, employer generated pay stubs, retirement program documents, or

documentation from public or private economic support programs. The form will then be signed by the VR counselor.

## **SECTION 9.0 PURCHASE OF SERVICES AND SUPPLIES FOR PARTICIPANT USE IN THE VOCATIONAL REHABILITATION PROGRAM**

All purchases must follow Federal, State, and IDVR purchasing guidelines.

Purchases require written authorization (purchase order), prior to initiation of the service or the purchase of any equipment.

The responsibility for authorizing services and approving payment of those services must be assigned to separate employees.

Purchases will be made consistent with the prevention of discrimination due to race, religion, color, national origin, sex, age, and disability.

The Rehabilitation Act of 1973, as amended, and its implementing regulations mandate procedures in the provision of services and methods of procurement. Customers with a disability served through the vocational rehabilitation program must be actively involved in choosing the vocational rehabilitation services they receive and the entities providing those services.

Consistent with procurement guidelines, a VR counselor cannot obligate Idaho Division of Vocational Rehabilitation (IDVR) to services that exceed his/her procurement authority. An Individual Plan for Employment (IPE) that will include a service generating an Authorization for Case Service (ACS) over \$5,000 will require the Regional Manager's written approval of the IPE prior to the plan being approved. The VR counselor will inform the customer that the plan is pending approval during this process. An ACS purchase cannot be fragmented into multiple ACS's as a way to circumvent this approval.

All purchases in excess of \$5,000 shall be reviewed and recommended by the Regional Manager.

**NOTE:** *Case service expenditures require written authorization prior to the initiation of the service or the purchase of any equipment. Oral authorizations are permitted in emergency situations by the Regional Manager or designee, but must be confirmed promptly in writing and forwarded to the provider. These authorizations are to be issued within three (3) business days of the beginning of the service.*

### **The following principles shall guide customer purchases:**

- A. The IPE is the primary document that determines the scope, duration and provider of services. The customer with a disability must agree to the terms and conditions of the IPE prior to services being provided.
- B. VR counselors are required to determine the rehabilitation needs of the customer first, and then determine the provider and the procurement method. Costs, availability, success, experience providing the service, and customer research, are characteristics that guide the choice of the provider.

- C. The method of procurement is also determined in partnership with the customer. The Agency prefers that a state Authorization for Case Services (ACS) be provided to the selected vendor, with an invoice from the vendor documenting the service provision. Other methods are available, given the informed choice of the customer, including reimbursement.
- D. The provision of services must be consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, and informed choice of the customer.
- E. All purchased services that are evaluative and restorative shall be authorized prior to the provision of services. The Agency will reimburse providers of medical services (both medical and psychological) based upon usual and customary fees for their area of specialization or based upon payment caps that have been imposed for specific services (Review Payment Policy – Section 12.2). Providers will be reimbursed at this rate independent of the customer attending the scheduled appointment.
- F. Staff will ensure fair and equitable treatment of all persons doing business with the Division.
- G. Purchases will be made consistent with the elimination and prevention of discrimination due to race, religion, color, national origin, sex, age, and disability.
- H. The responsibility for authorizing services and approving payment of these services must be assigned to separate employees.
- I. The record of service of the customer shall contain necessary evidence and documentation of adherence to these principles.
- J. Regional managers are the Division's field service procurement liaisons and are responsible to ensure that staff have necessary training.

## **SECTION 10.0 INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)**

### ***10.1 Options for Developing the IPE***

The eligible customer or, as appropriate, the customer's representative may develop all or part of the IPE:

- A. Without the assistance from Idaho Division of Vocational Rehabilitation (IDVR) or any other entity
- OR
- B. With assistance from:
  - a. A qualified vocational rehabilitation counselor employed by IDVR.
  - b. A qualified vocational rehabilitation counselor who is not employed by IDVR.
  - c. Other resources.

IDVR will not pay for IPE development services from other providers. IPE development must be completed on IDVR forms.

The IPE must be agreed to and signed by the customer or, as appropriate, the customer's representative, the VR counselor and, when required, the IDVR Regional Manager or designee. An IPE is considered approved and services initiated only after all required signatures have been obtained.

A comprehensive assessment must be completed in developing the IPE as described in section 7.2.

Customers must receive the supports that will assist them in making informed choices.

Customers shall promptly receive a copy of their initial IPE and any subsequent IPEs. Copies shall be provided in the native language of the customer or through appropriate modes of communication if appropriate.

The record of services must support the selection of the specific employment outcome, the objectives of the IPE and the selection of providers of services. All goods and services, except assessment services, may only be provided in accordance with IPE.

An IPE can support one of the five following employment outcomes:

1. Competitive employment in the integrated labor market.
2. Self-employment
3. Homemaker
4. Unpaid family worker
5. Integrated employment with supports

IDVR must:

1. Reinforce the ultimate purpose of the IPE: To assist the customer to prepare for, secure, retain, or regain employment.
2. Insure that the customer fully understands that she/he must participate as an active and cooperative partner in the identification and selection, through informed choice, of a vocational goal, having a reasonable expectation for marketable success.
3. Insure that the customer fully commits to participate in the implementation and completion of the IPE.

## ***10.2 Developing the Vocational Goal:***

In selecting a vocational goal, it is important that the customer is actively involved in all phases of this development. Much research has been done to substantiate that the successful outcome of vocational rehabilitation increases when the customer is involved in every phase of the vocational planning. Vocational planning is built around vocational exploration, understanding the customer's medical and work history, his/her perception of disability, social habits, functional limitations, inherent aptitudes and transferable skills, vocational exploration through vocational evaluation, training options, and labor market research. The customer will explore the relationship of vocational objectives around his or her personal capabilities, interest, and

situations and then attempt to understand the way these different factors impact and influence vocational potential. This information then helps the customer to develop the steps to a solid rehabilitation plan and provides tools for the customer to assess his/her current state of mind and to encourage positive self-initiated resolutions.

### ***10.3 Ticket to Work***

When a customer has a Ticket to Work through SSA and an approved VR IPE, their ticket is automatically assigned to IDVR, unless the ticket is already assigned to another employment network (EN). If the customer has a ticket assigned to another EN prior to IDVR involvement, the customer will be requested to reassign the ticket to IDVR. If the customer does not reassign their ticket, IDVR will need a copy of the work plan from the EN that the ticket was assigned to, to ensure that no service overlap occurs. It is the customer's responsibility to provide the ticket work plan.

An Agency verification program has been implemented that informs Maximus of all SSA recipients who have been placed into an initial IPE. If a recipient has been assigned a ticket by SSA, Maximus will designate the ticket as "in usage" at the time of notification by the Agency.

The VR counselor should always inform the SSA recipient that the choice to participate in an active IPE program will restrict any option to assign the ticket to other employment networks (ENs) while participating in the VR program.

At closure, the VR counselor is not required to contact Maximus. An Agency verification program has been designed to inform Maximus of case closure. This notification will re-activate the ticket for further engagement if desired by the customer.

At successful closure, it is highly recommended that a VR counselor provide a list of ENs who is capable of initiating follow-along services such as "Phase 2" and or "Monthly Outcome Payment" services. By referring the customer who is earning at Substantial Gainful Activity (SGA) level at closure to an EN, the probability of agency reimbursement at the completion of nine months of employment will be increased significantly.

### ***10.4 The IPE must include the following:***

- A. Using the information from the Comprehensive Assessment (Section 7.2) the VR counselor and customer must determine a specific employment outcome consistent with the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice. In concert with the customer, the VR counselor must conduct a thorough market analysis to include job outlook and the customer's economic expectations and needs. Planned services on the IPE should only entail those required to achieve the vocational goal.
- B. The specific rehabilitation services needed to achieve the employment outcome, along with the projected dates for initiation and anticipated duration of each service, including:

- a. As appropriate, assistive technology devices, assistive technology services and personal assistance services including training in the management of those services;
- b. As provided in the most integrated setting that is appropriate for the services and is consistent with the informed choice of the eligible customer;
- c. Timelines for the achievement of the employment outcome and for the initiation of services;
- d. A description of the entity or entities chosen by the eligible customer or, as appropriate, the customer's representative that will provide the vocational rehabilitation services and the methods to procure those services;
- e. A description of the criteria ("Plan Documentation") that will be used to evaluate progress toward achievement of the employment outcome;
- f. The terms and conditions of the IPE, will include information describing the responsibilities of IDVR and the customer to achieve the employment outcome;
- g. The extent of the customer's participation in paying for the costs of services;
- h. The customer is required to apply for and secure comparable services and benefits when available. The responsibilities of other comparable service and benefit entities will be listed on the IPE;
- i. As necessary, the expected need for post-employment services prior to the point of successful closure (Review Post-Employment – Section 12.14).
- j. A description of the terms, conditions, and duration of the provision of post-employment services;
- k. If appropriate, a statement of how post-employment services will be provided or arranged through other entities as the result of arrangements made pursuant to comparable services or benefits;
- l. Supported Employment – for customers with the most severe disabilities for whom a vocational objective of supported employment has been determined appropriate, the following must be addressed:
  - A description of time-limited services to be provided by IDVR not to exceed eighteen (18) months in duration, unless under special circumstances, the eligible customer and the VR counselor jointly agree to extend the time to achieve the employment outcome;
  - A description of an identified source of funding for the extended services needed (long-term support). If it is not possible to identify the source of such funding, a statement that there is a reasonable expectation that

extended services will be available. *Extended services are provided by a State agency, a private non-profit organization, employer, or other appropriate resource, from funds other than IDVR.*

- m. In developing an IPE for a transition student with a disability, the IPE shall be prepared in coordination with the appropriate educational agency and will consider the student's Individual Education Plan (IEP) if one exists;
- n. Completion of the IPE for all School-Work transition customers, *before they exit the school system.*

**NOTE:** *Because of the capability of the Case Management tool, with the ability to clone plans, write new plans, edit features and delete completed services, there will be only **one active plan**, which is the current plan with all current services reflected on it. When the current plan is signed and approved by the customer and approving authority (counselor or supervisor) all previous plans will become void.*

#### **10.4.1 Implementation of the IPE**

The VR counselor should ensure that the IPE is developed and implemented in a timely manner, within four (4) months of the eligibility decision. *An exception may be made and must be documented in case note on or before the plan due date if this timeframe will be exceeded due to the needs of the customer.* Documentation should include customer readiness to implement the IPE (i.e. legal, family, medical, transportation, and housing issues) and the anticipated time frame for resolution of factors delaying IPE implementation.

#### **10.5 Annual Review**

The IPE must be reviewed annually by a qualified VR counselor and the customer to assess the eligible customer's progress in achieving the identified employment outcome. An approved plan amendment would replace an annual review.

#### **10.6 IPE Electronic Case Management Functions**

**New Plan:** The "New Plan" option is utilized when completing an initial plan or when the overall nature of the IPE is changed. This would occur when a new vocational goal is chosen and there are major changes in the planned services. Any time a new vocational goal is chosen, a new comprehensive assessment case note must be completed that supports the new vocational goal. Remember: with the development of a new plan, the VR counselor and customer will need to include all needed services and complete the pertinent comparable benefit documentation outlined in Section 11.0.

**Clone:** The clone feature is to be used when the basic nature of the plan is going to remain the same. This feature brings forward a full copy of the previous IPE and allows the VR counselor and customer to add new services. New services will be given new service numbers when they are added to the clone. It is important to add new services before deleting previous services from the plan that have been completed or expired. This keeps service number 1-2-3... in numerical order and allows for subsequent services to be numbered appropriately. Justification for the new services must be documented in the comments section of the Plan sub-page. If the *goal is*



*changed without the need to modify services, the IPE can be cloned.* Change the goal and update the comprehensive assessment in a case note to justify vocational change. When adding new or expanded services to a clone, *always update the justification in the “documentation” box.* It is not necessary to clone the plan each time the price of a service outlined on a plan increases. This can be accommodated through the authorization showing the increased costs.

**Edit:** There are limited circumstances when editing an IPE is allowed. When editing an IPE, a VR counselor, who meets CSPD standards, must document in a case note the customer’s agreement with the edit of the IPE. The only two situations where an IPE can be edited are:

1. Changing the provider of a service

Generic services can be edited on an IPE, with customer agreement, without a customer’s signature, prior to the initiation to that service. Non-generic services cannot be edited. No service may be added to the IPE through the edit process.

- a. Generic services – Tutoring, computer equipment / software, auto repairs, books, transportation, community rehabilitation services, child care, clothing, academic testing, dental work, dialysis, driver’s training, eye glasses, functional capacity evaluation, GED, hearing aids, information referral services, insurance, kidney related services, lab work, licensure, maintenance, medication, vocational adjustment, tools and equipment, supplies, and x-rays.
- b. Non-generic services – Medical examination, diagnostic examinations, case management, post-secondary education, medical records, counseling and guidance, treatment, evaluation, hospitalization, interpreter services, education and evaluation, therapy, OJT, other services, personal assistant services, psychological consultation, prosthetics / orthotics, rehabilitation technology, rehab engineering, self-employment technical assistance, surgery, transition planning, and vocational evaluation.

2. Changing the cost of a service

The cost of services on the IPE can be edited if the cost increase is 10% or less for that particular service.

**Plan Approval Authority:**

VR counselors who do not meet CSPD will continue to require Regional Managers (RM) approval for all plans. RMs can, at their discretion, delegate this function to an Assistant Regional Manager (ARM) or other senior counselors at a level 2 or 3.

**Annual Review:** Upon completion of annual review with customer, the VR counselor must complete annual review function in Case Management System.

## **SECTION 11.0 COMPARABLE SERVICES AND BENEFITS**

### ***11.1 Comparable Services and Benefits***

Each eligible customer will be required to identify, with the VR counselor, all potential comparable benefits that may be available during the development of the Individual Plan of Employment (IPE). If comparable benefits and services are available, they *are required to* be utilized, to meet, in whole or in part, the cost of vocational rehabilitation services. Comparable benefits and services should be utilized before Idaho Division of Vocational Rehabilitation (IDVR) agency funds are expended.

Provision of Services:

1. If comparable services or benefits exist under any other program and are available to the customer at the time needed to ensure the progress of the customer toward achieving the employment outcome in the customer's IPE, the designated State unit must use those comparable services or benefits to meet, in whole or part, the costs of the vocational rehabilitation services.
2. If comparable services or benefits exist under any other program, but are not available to the customer at the time needed to ensure the progress of the customer toward achieving the employment outcome in the customer's IPE, the designated State unit must provide vocational rehabilitation services until those comparable services and benefits become available.

The utilization of comparable services and benefits does not apply in the following situations:

- A. If the determination of the availability would delay the provision of vocational rehabilitation to any customer who is at extreme medical risk. A determination of extreme medical risk shall be based upon medical documentation provided by an appropriate licensed medical professional and means a risk of substantially increasing functional impairment or risk of death if medical services are not provided expeditiously. It is strongly recommended that such cases receive medical consultation review whenever possible.
- B. If an immediate job placement would be lost due to a delay in the provision of comparable benefits.

### ***11.2 Exempt Services***

The following categories of service are exempt to the requirement that comparable services and benefits be utilized:

- A. Medical, psychological or other examination to determine eligibility.
- B. IDVR counseling, guidance, information and referral, and IDVR job related services including: job search and placement assistance, job retention services, follow-up services, and follow along services.

- C. Evaluation of vocational rehabilitation potential.
- D. Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices.
- E. Post-employment services that are outlined through A-D.

### ***11.3 Timeliness of Comparable Benefits***

If a comparable benefit exists, but is not available to the customer at the time needed to satisfy the rehabilitation objectives on the IPE due to no delay on the part of the eligible participant in seeking such benefits, IDVR may provide services until the comparable benefits become available.

## **SECTION 12.0 VOCATIONAL REHABILITATION SERVICES**

### ***12.1 Timeliness***

The VR Counselor and customer require adequate time to accomplish all steps in the VR process to reach a determination and approval of an agreed upon feasible employment goal. VR services, other than assessment services, are initiated when the steps to this process have been completed and a plan is in place. Sufficient time must be allowed for the completion of a comprehensive assessment prior to implementation of IPE services.

Post-Secondary Training (PST) and other IPE services are VR services that are provided when it is required for a VR customer to become a competitive applicant for an approved IPE goal. If an applicant for VR services expresses an interest in a vocational goal that requires Post-Secondary Training and the VR applicant is either already enrolled or desires to start a PST program within six (6) months of application, IDVR reserves the right to assert that six (6) months or less may not be adequate to complete the process described above.

### ***12.2 Agency Payment Policy***

**NOTE:** Many of the services listed below include *maximum agency contributions*. This section outlines in detail the payment policy of Idaho Division of Vocational Rehabilitation (IDVR) in regard to specific services. It is the policy of IDVR to pay usual, customary and reasonable charges for services provided to its customers by providers of goods and services except for the following list. An “Exception Policy” to the payment policy is included at the end of this sub section, explaining that the payment caps established may, on occasion be exceeded. It is important to emphasize that IDVR is not obligated to pay the total cost of services required to ensure that a customer achieves an employment outcome. When appropriate, customers are required to utilize Comparable Benefits and Services (Section 11.0). Personal participation in the payment of some portion of the costs of a vocational plan may be required based upon the particular service selected as well as the identification of personal resources that could be applied toward the cost of the targeted service.

### **Rates of Payment:**

These fees are established in accordance with Federal guidelines that permit an agency to establish fee limits for services designed to ensure a reasonable cost to the program for each service. Whenever appropriate, a competitive process will be used to achieve a reasonable price. Idaho is a low bid State; therefore, the lowest bid, meeting specifications, will then be the maximum amount IDVR will contribute to the purchase of goods or services. The Payment Policy will determine the maximum that IDVR will contribute to the purchase. For items not included in the payment policy, the usual, customary and reasonable rate will be used for the service, not to exceed the rate charged other public agencies. The services that will meet the customer's need at the least cost to IDVR shall be the service purchased. All decisions on cases, including fee for services, are determined on an individual case basis. The customer may choose his or her preferred vendor, but if the client chooses a product or vendor that exceeds the maximum rate of payment established by the Payment Policy, the customer will be responsible for the excess amount.

### **IDVR Payment Rates:**

- 1. Post-Secondary Training:** IDVR provides financial assistance for Post Secondary Training. Listed below are maximum assistance allowances to apply toward all training and educational programs including college, university, vocational-technical, truck driving, cosmetology, business school, computer training, commercial pilot training, etc.

The established percentage support applies to ALL tuition and fees including any associated health insurance fees.

- a. Pell Grant / Financial Aid:** Any customer planning on attending an institution that is eligible for Pell Grant funding must complete the Free Application for Federal Student Aid (FASFA) application and receive an award or denial letter prior to any IDVR financial participation. All PELL grant proceeds must be applied first toward tuition and book expenses before IDVR assistance is provided.

Any non-merit grants or scholarships must also be applied to tuition, fees and books before IDVR assistance is applied.

A merit scholarship, based on academic standing or achievement, can be utilized at the student's discretion.

Student loans, including Federal student loans, can be utilized at the student's discretion.

In situations where a comparable and accessible Pell Grant and non-Pell Grant supported programs co-exist, IDVR requires utilization of the Pell Grant supported program.

An exception for IDVR financial support to a non-Pell Grant supported program (when a comparable Pell Grant supported program exists) can be granted after

review and approval by the Regional Manager if the student can show extenuating circumstances and/or other very strong rationale for attending the non-Pell Grant supported program.

- b. Tuition:** IDVR will pay up to 90% of the total tuition and fees of any Idaho Public Post-Secondary Institution.

For customer's choosing out of the state or private institutions IDVR will pay up to 90% of the tuition and fees up to 90% of the highest Idaho Public Post-Secondary Institution offering the same program.

- c. Out-Of-State Education and Training:** Public and private post secondary institutions including colleges, universities, vocational technical schools, and other educational and training institutions outside the State of Idaho (see 12.5).

Normally IDVR financial participation will be limited to equivalent rates established for in state education and training with the following exceptions;

- i. If a customer's vocational goal requires an educational degree that is not available at a state of Idaho public institution, IDVR will pay a maximum of 2.5 times the rate of two semester's tuition of the University of Idaho.
  - ii. If the course of study is offered in-state, because of the additional costs caused by accommodations for disability, it would be more cost effective for the Agency to support the attendance of the customer at an out-of-state educational institute, then VR may pay the training rates established for out-of-state programs.
- d. Summer Sessions:** Summer sessions are generally considered optional for academic programs. Therefore additional funding is typically not allotted for summer sessions.

Payment for a summer session will be considered with approval from the Regional Manager. Maximum assistance rates will be established according to the length of the term, i.e. semester, trimester, quarter. Approval or denial for summer school assistance will be considered if it meets any of the following conditions;

- i. IDVR may pay for summer session if it is a required part of a program.
  - ii. IDVR may pay for summer session in exceptional cases where a disability-related reasonable accommodation is verified.
  - iii. IDVR may pay for an additional summer session if by attending the session the customer will be able to complete the college or university degree program by the end of that session.

- iv. IDVR may pay for a summer session if by attending the session the customer will be able to complete the college or university degree program within the timelines identified on the IPE.

**2. Books:**

Where available and feasible customers are required to use rental text books or e-books. All rented books need to be returned – customer will be billed when books are not returned.

If unavailable for rent or e-book format, some text books may need to be purchased. The expectation is that used books will be purchased when available. All books purchased by IDVR must be returned to IDVR unless negotiated previously with VR counselor (where the book may be used for additional classes, reference, or for disability reasons).

IDVR will pay a maximum of 90% of the text books. If non-merit grant funds are remaining after paying tuition and fees they must be applied to books.

- 3. Medical Insurance for students in post-secondary education:** IDVR may pay for medical insurance for students while attending an institution that requires medical insurance. If the student has medical insurance or can obtain medical insurance at no extra cost that meets the institutions requirement IDVR will not pay for medical insurance.

Note to staff: this must be issued as a separate authorization and classified as insurance.

**4. Medical exams with written report:**

- a. General Physical exam - \$65 maximum
- b. Specialist exam by M.D. - \$350 maximum, plus actual cost of related procedures (e.g. x-rays).

- 5. Psychiatric Evaluations:** \$250 maximum for the evaluation plus one medication monitoring sessions that is considered a diagnostic.

- 6. Psychological Exam by Licensed Psychologist:** \$200 maximum plus actual cost of psychometric tests.

- 7. Ophthalmologist:** The specialist fee (\$350) for an ophthalmologist will be authorized when diseases of the eye are present and cannot be dealt with by an Optometrist.

- 8. Optometrist:** Maximum fees are established for general visual exam, accompanying test, frames and glasses. Tinted glasses require a prescription for IDVR payment.

**Procedure Fees:**

Visual Exam \$85

Frames w/ Single Vision Lenses (per pair) \$165

Frames w/ Bifocal Lenses (per pair) \$185

Frames w/ Trifocal Lenses (per pair) \$210

Contact Lenses – Contact lenses cannot be purchased for clients unless there is documentation by an Ophthalmologist or Optometrist that there is a medical or visual need. Maximum assistance - \$125

**9. Psychotherapy / Counseling Sessions:** IDVR recognizes the benefits of additional training, education, and credentialing and has established the following payment policy for customer psychotherapy and counseling.

- a. Doctorate level licensed psychologist up to \$100.00 per session.
- b. Masters level clinician (to include LPC, LCPC, MSW, LCSW, and ACADC) up to \$80.00 per session.
- c. Bachelor's level counselor (CADC) up to \$40.00 per session.
- d. Group Counseling – IDVR also recognizes the importance of group counseling as a part of mental health restoration and as a supplement to customer counseling. The following payment policy has been established for group counseling (not to include family counseling). Group counseling up to \$25.00 per session.

The maximum that can be spent on any psychotherapy or counseling services is \$1,000.00 for the life of the case.

**10. Medication and Medication Monitoring:**

Maximum: 3 months of medication identified on an IPE with one additional month if needed for diagnostic purposes – total 4, while customer applies for reduced cost or free medication programs provided by drug companies or other sources of comparable benefits.

Maximum: 5 sessions of medication monitoring identified on an IPE. This does not include the one follow-up that is part of the evaluation.

**11. Dental Work:** including but not limited to, fillings, extractions, crowns, and dentures. Dental Work would need to create an impediment to employment and must be appropriate to the identified employment goal.

Maximum: \$500 per case

**12. Hearing Aids:**

Maximum: \$1,000 per hearing aid. Cost must include insurance for free replacements for one year.

**Audiologist exam:** \$85.00 maximum

### **13. Transportation:**

- a. Public conveyance (bus, van) – Actual cost of service
- b. Private vehicle not to exceed \$60 maximum per month within a 20 mile radius or up to a maximum of \$200 per month outside the 20 mile radius.
- c. Taxi Services – In areas without public conveyance, IDVR will not exceed \$60 maximum per month.

**14. Car Repairs:** Maximum: \$300 per case (except for cost of reasonable accommodation for disability). IDVR will not pay for customary general car maintenance (i.e. oil changes, tire rotations, etc).

**15. Auto Insurance:** Maximum six (6) months of auto insurance. VR will only pay necessary auto insurance required to cover the VR customer as a vehicle operator.

**16. Maintenance:** Maintenance means monetary support provided to a customer for expenses, such as food, shelter, and clothing, that are *in excess* of the normal expenses of the customer and that are necessitated by the customer's participation in an assessment for determining eligibility and vocational rehabilitation needs or the customer's receipt of vocational rehabilitation services under an individualized plan for employment (IPE). (Ref 34 CFR Part 361.5 (35)).

**NOTE:** *Counselors cannot pay maintenance for those existing living costs that a customer would normally incur regardless of the customer's participation in a plan of vocational rehabilitation services.*

Maximum: \$2,000 total per Federal fiscal year.

### **17. Copy Fees:**

Maximum: \$25 for a copy of records or reports.

### **18. Community Rehabilitation Programs (CRPs):**

- a. Maximum hourly rate for community based services - \$47.80/hour.

Services purchased from CRPs are not subject to the allowable maximum for training and educational expenses.

Regional Managers can approve exceptions to the following limits:

- All types of Job Site Development - maximum 40 hours per strategy.
- CBWE and CBWA – maximum 25 hours.
- P&F – maximum 15 hours.



- CSE Job Coaching – maximum 40 hours.

b. Maximum daily rate for in-house work evaluation, work adjustment - \$69.55/day.

## **19. Tools & Equipment:**

Maximum: \$1,500 per case. Agency inventory tools and equipment will count towards the \$1,500 maximum. *The VR counselor must always negotiate in the best interest of the agency on cost services and must get three bids, if vendors are available, on all durable equipment (reusable) value at \$300 or more.*

Tools will need to be required for training or employment and must be verified by the school or employer.

Exception: If there is a change in employment outcome, the customer must return the original tools to VR. After the tools have been returned, then VR may purchase new tools up to the \$1,500 maximum for the new employment outcome.

**NOTE:** *A Property Agreement must be secured on all durable equipment or reusable supplies that exceed \$150 in value.*

## **20. On-The-Job (OJT) Fees:**

(See section 12.5 On-The-Job Training)

Maximum: \$3,000 for a salary of \$9.00 per hour and under; \$5,000 for a salary between \$9.01 - \$15.00 per hour; \$7,500 for a salary of \$15.01 or more. There is a 20 hour a week minimum.

- The VR counselor must negotiate OJT fees based on:
  - Employer's cost to train the individual above the normal level of training
  - Level of technical skills required for job
  - Number of hours worked
- The Individualized Plan of Employment (IPE) and OJT Agreement must include:
  - Cost of training
  - Length of time (# of months)

VR counselors are strongly encouraged to negotiate a decreasing payment schedule with the employer.

## **21. Computers including hardware and software:**

Maximum: \$500 per case, except for disability related assistive technology.

## **22. Self-Employment Plans – (see Section 12.9)**

### **23. Child Care:**

Maximum: Up to \$300 per month per case.

### **24. Reimbursements for Fines:**

IDVR will not pay for costs associated or incurred due to illegal behavior (fines, restitution, and reinstatements due to legal related suspensions).

### **25. Advanced Degree:**

IDVR may assist with an advanced degree based upon the rehabilitation needs of the customer. (See section 12.5)

### **26. Typical exclusions from VR financial participation:**

- a. Securing a private pilot's license
- b. Organ transplantation
- c. Surgery; Surgery may be provided if it is not the sole vocational rehabilitation service needed for the customer to return to work or to achieve an employment outcome.

IDVR will only cover the cost of surgery if it will substantially reduce functional limitations. It is highly practical and appropriate for the VR counselor to explore alternative employment opportunities with the customers that may negate the need for the corrective surgery. Such an alternative should accommodate the customer's functional restrictions and provide a level of income that would be comparable with potential earnings following a surgery.

**NOTE:** *When physical restoration services for customers who have a temporary disability, which will be eliminated by surgical care in an acute general hospital, is the only vocational rehabilitation service to be provided, and the condition is likely to be remedied by relatively routine medical intervention with no significant lasting effects, the RSA position is that such cases should be referred to other agencies. Such services should not be paid for under vocational rehabilitation auspices. – (RSA Position Paper, 3/28/80, Robert R. Humphreys, commissioner of RSA)*

### **27. No Shows:**

If a customer does not attend an appointment and does not cancel or reschedule, the customer will be responsible for payment of any charges – not VR.

If VR authorizes for an interpreter to be present and the customer does not attend, VR will cover cost of the interpreter through administrative authorization.

**Exception to Rate of Pay Policy:**

The Rehabilitation Act of 1973, as amended, requires that IDVR have a policy that allows for exceptions to the Payment Policy, unless the exception would violate State or Federal laws. All exceptions will be reviewed on an individual case basis.

**Exception to Rate of Pay Process:**

To be considered for an exception, the Customer and VR counselor should first seek approval from the Regional Manager. Regional Managers have the authority to approve the exception as long the exception is not more than 50% of the service cap. Greater than 50% of the service cap will require the approval of the Chief of Field Services. The Regional Manager shall submit the request for the exception in writing to the Chief of Field Services.

The request must include:

1. A description of the requested exception.

Detailed reasons why the customer, VR counselor and manager (when appropriate) believe the exception is warranted. The Chief of Field Services (or Regional Manager when appropriate) will have ten (10) days from the date of receipt of the request to make a decision. If the request is approved, written notification will be sent to the Regional Manager (when appropriate) and this will be placed in the case file.

The Chief of Field Services reserves the right to deny any request.

If a request for exception is denied, the customer must be informed of the reason why and of his/her right to appeal the decision within ten (10) days of notification of the denial.

**Reasons for Exception:**

The items listed below are not all inclusive, but do contain the major reasons that will be considered in determining if an exception to policy will be granted. Financial need alone is not always sufficient grounds for asking for an exception. While a customer may present one or more of these reasons for an exception, VR counselors should use discretion in requesting an exception. It is sometimes the nature and scope of the reason and not the number of reasons that may justify the exception.

1. The need is disability related.
2. The customer has used all sources available; including his/her own financial contribution, as well as all available Federal Financial Aid in post-secondary training situation, insurance, Medicaid, Medicare, and other resources typically used by persons without disabilities.
3. Changes in circumstances resulting in loss of income or support making previously available resources unavailable.
4. Service is not available, in certain geographical locations of the State, within the Payment Policy maximums.

### ***12.3 Counseling and Guidance***

Idaho Division of Vocational Rehabilitation (IDVR) recognizes that vocational counseling and guidance is the key element in the rehabilitation process in that it is the method of involving the customer and significant others in that process. It begins when the customer contacts the agency and does not end until closure as successfully rehabilitation or through the completion of the post-employment period.

Vocational counseling and guidance, including referral and placement, are essential VR services provided by the VR counselor throughout the rehabilitation process. This is the *primary service* in the VR plan.

Counseling, guidance and placement should be an integral part of every IPE regardless of other services because it is the best method of coordinating services and maintaining a good working relationship with the customer. This is also the method used by the counselor to facilitate customer input. The VR counselor gathers the necessary information for providing vocational counseling and guidance services from a wide variety of sources, including, but not limited to:

- A. Medical and psychological information.
- B. Vocational evaluation information including labor market information, job analysis, aptitude and interest information, situational assessments and trail work experiences.
- C. Analysis of transferable skills.
- D. Rehabilitation technology, including rehabilitation engineering.

Counseling will address vocational and personal adjustment issues that are creating barriers to the customer obtaining and maintaining employment.

Counseling will be provided in a respectful manner encompassing the core conditions of helping. These will include unconditional positive regard, genuineness and congruence. Counselors will always maintain a professional demeanor and not allow counseling issues to become personal. Counselors are to follow the canons of ethical behavior and practice outlined by the Commission on Rehabilitation Counselor Certification (CRCC) Code of Ethics.

Counseling services must be provided in every case but will vary depending on the needs and complexities of each individual customer. Frequency of guidance and counseling contacts is determined at plan development and included on the IPE. Case notes will reflect contact and content of meetings. *A monthly summary of guidance and counseling activities is the agency "best practice" norm for recording progress.*

### ***12.4 Physical and Mental Restoration Services***

These are services necessary to correct or to substantially modify a physical or mental condition that is stable or slowly progressive. *Before medical restoration is provided, there must be documentation that the clinical status of the customer is stable or slowly progressive and the service is a requirement for the customer's successful employment. The medical consultant shall*

*review the record* to insure the adequacy of medical information, advice on the service requirement, educate the counselor on the procedure and required follow-up, and provide any necessary liaison with medical community.

Current maximum financial contributions by IDVR for specified services can be found in the “Payment Policy” section 12.2 of the manual (See also section 12.2 subsection “Typical Exclusions” and section “Comparable Benefits”). For all other services listed below, IDVR will pay the prevailing “Usual and Customary” charges after a comprehensive assessment of potential or available comparable benefits and resources has been conducted.

#### **12.4.1 Concurrent Acute or Chronic Conditions Arising from Physical or Mental**

**Restoration:** Services necessary to assist with acute treatment or care for a condition associated with or arising from physical and mental restoration services that are on the IPE. Comparable benefits will always be explored prior to authorization of this service. *The medical consultant should be utilized to determine the medical rationale for such services whenever possible.*

These services should be provided in the least intensive medical environment appropriate.

In the case of a chronic condition which does not appear to be resolving in a reasonable amount of time, consultation with the medical consultant should be used to determine whether a case should be closed.

### **12.5 Training Services**

#### **12.5.1 Disability related training services**

Disability related services include, but are not limited to: orientation and mobility, rehabilitation technology, speech reading, sign language, and cognitive training/retraining.

#### **12.5.2 Post-Secondary Training**

Post-Secondary training is provided when necessary to become a competitive applicant for an agreed upon IPE goal that reflects the customer’s interests and informed choice to the extent that those factors are consistent with a customer’s strengths, resources, priorities, concerns, capabilities and abilities. IDVR may support graduate study when the customer’s employment objective is otherwise unachievable.

Prior to providing post-secondary training, comparable benefits shall be determined. The customer is required to complete and submit for processing the Free Application for Federal Student Assistance (FAFSA). The resulting Student Aid Report (SAR) and Financial Aid Award Letter will determine the Federal grant awards available that are to be applied to tuition, books and fees. Proof of financial award status *is required to be placed* into the record of services for all customers sponsored in post-secondary education by IDVR for training and degrees that are eligible for grants. Examples of proof include; the SAR, Financial Aid Award Letter or Post-Secondary Institution Student Budget, Compromise and Release documents from Worker’s Compensation.

All non-merit scholarships and grants to be applied to tuition, books and fees as a first dollar source, prior to the consideration of expenditures of IDVR funds. Merit based funding may be

applied to any legitimate college costs as determined by the customer, with no comparable benefit test required.

When IDVR has a joint case with another VR agency (Veterans Administration, Tribal Vocational Rehabilitation, Idaho Commission for the Blind and Visually Impaired, or another state VR agency) the sharing of case cost shall be done in a way that multiple agencies are not paying for the same service.

The FAFSA Expected Family Contribution, Student Contribution, Work Study and other grants must be considered in meeting the financial needs of the customer's post-secondary education to the maximum extent possible.

Customers are required to submit an application for FAFSA whether or not they believe they are eligible for funding. *This process should occur along with the verification of determination of eligibility/ineligibility for financial aid prior to IDVR developing an Individualized Plan of Employment (IPE) and participating in financial assistance for a post-secondary education.*

#### **12.5.2.1 Out of State Training**

##### **Out-of-State Post-Secondary Education**

- a. If the VR customer must attend an out-of-state institution because the course of study is not offered within the state of Idaho, please see section 12.2.
- b. If the course of study is offered in-state, but because of the additional costs caused by the accommodation for disability, it would be more cost effective for the agency to have the customer attend the out-of-state educational institute, see section 12.2.
- c. If the customer chooses to attend an out-of-state institution when comparable training is clearly available in the state, see section 12.2.

#### **12.5.2.2 Progress Measures**

Customers must maintain a term and cumulative grade point average that meets the school's academic requirements, program entry requirements, or a minimum of 2.0 GPA whichever is higher and must demonstrate timely progress towards meeting the goal of the IPE. The VR financial participation towards schooling may be paused if academic progress is such that the customer will not qualify for entry into the program stated on their IPE.

If the customer is placed on academic probation, or does not meet the standards stated above, s/he has one grading period in which to attain good standing. IDVR financial participation will terminate after that grading period until the customer achieves good standing.

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

If a customer take an incomplete, she/he is responsible to complete the course(s) as designated by the institution and may be responsible to pay for the repeat of the course(s) *based upon whether or not active participation in the original coursework was demonstrated as agreed upon*

*in the IPE. Disability-related interruptions will serve as justification for an incomplete, but should be carefully assessed to determine the feasibility of extending a particular program.* If a customer is unable to complete a course(s) due to a disability related issue, IDVR may assist in coordinating with the institution to resolve the matter (examples: finances, withdrawals, incompletes, etc.).

IDVR post-secondary educational support will cease if the customer has an expulsion for academic dishonesty.

#### **12.5.2.3 Loan Defaults**

VR funds may not be utilized to pay for post-secondary education if a customer has defaulted on a State or Federal student loan. If a good faith effort is being made, as determined by the National Clearinghouse, VR funding may be available. The University or College Financial Aid office may be able to assist in unusual circumstances. Additional information can be obtained at [www.studentclearinghouse.org](http://www.studentclearinghouse.org).

#### **12.5.2.4 Loan Deferment**

Consumers may be eligible for temporary suspension of loan payments during specific conditions such as, returning to school, unemployment, disability, or military service. Additional information may be sought through the Financial Aid Office at the school the student plans to attend.

#### **12.5.2.5 On-the-job-training (OJT)**

An OJT is for a customer that is hired by an employer that needs specific training to achieve the employer's expectations. On-the-job training requires the completion and signing of the IDVR OJT Agreement between the customer, counselor, and employer, which states the hourly wage, the specific training needs, responsibility for Workers' Compensation coverage and any other conditions of employment. IDVR pays a training fee for OJT, not reimbursement or wages.

### ***12.6 Benefits Counseling***

Benefits counseling includes an informed discussion of the customer's benefits, employment status, consideration of work incentives, and the impact on existing or potential benefits a change in employment may create. All social security recipients should receive benefits counseling services.

### ***12.7 On-the-job-supports***

On-the-job-support services are provided to a customer who has been placed in employment in order to stabilize the placement and enhance job retention. Such services include; job coaching, follow-up and follow-along, and job retention services.

### ***12.8 Job Placement of Customers***

All customers have the obligation to be involved in their own job search activities to the fullest extent possible. The customer and the VR counselor will work together to identify the supports necessary for job search and placement. Some of the job search activities could include:

- Communication and presentation skills.
- Gaining access to and using information.
- Introducing customers to specific programs such as job centers.
- Gaining networking skills.
- Use of online job search and applications.
- Community Rehabilitation Provider (CRP) services.
- Providing information around Federal and State employment opportunities.

IDVR does not pay fees to private staffing/employment agencies.

### **12.8.1 Community Rehabilitation Providers (CRPs)**

Community Rehabilitation Providers may be used to assist a customer as they prepare to obtain or maintain employment. CRP services may only be provided if they are agreed to by customer, VR counselor, and CRP. The CRP services should be consistent with the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and be the informed choice of the customer. Potential employers contacted by the CRP should be informed of the CRPs contractual relationship with IDVR. If workplace accommodation or assistive technology needs are identified for a customer, IDVR staff will be involved in addressing the accommodation needs with the employer (this is not referring to job coaching accommodations).

If services are contracted out to a CRP:

1. The customer and VR counselor will review the available list of CRP vendors and the services offered by each and will make a selection. This process should be noted as "customer choice" when documenting the choice of the CRP vendor and services to be provided. The customer will sign an information release form authorizing communication between the selected vendor and IDVR.
2. The customer and VR counselor will contact the CRP to discuss required services, negotiate and agree upon time frames and costs.
3. The VR counselor will submit referral information necessary for the CRP to provide the agreed upon services.
4. The customer, VR counselor, and CRP will have a staffing prior to initiating services (this staffing can be by phone or in person).
5. The VR counselor and customer will develop and agree to regularly scheduled contacts while receiving CRP services (minimum once a month).
6. The customer, VR counselor, and CRP will mutually agree upon frequency of contacts to monitor progress, quality, and duration of services provided.

Employers should be educated with regard to the fact that a person eligible for vocational rehabilitation services under ID. Title 33, Chapter 23, Idaho Code and the Administrative Rules of IDVR, who is placed with an employer through the authorized services of a CRP for community-based evaluation, community-based work adjustment or community supported employment (CSE) training is covered for liability purposes through the Worker's Compensation



Insurance carried by the CRP unless an actual customer has actually been hired by a targeted employer prior to the provision of authorized services.

### **12.8.2 Schedule A Appointing Authority in the Federal Government**

5 CFR 213.3102 (t) (cognitive impairment), (u) (severe physical disabilities), and (gg) (psychiatric disabilities) are combined into one streamlined authority, 5 CFR 213.3102 (u). This authority is used to appoint persons who are certified that they are at a severe disadvantage in obtaining employment because of disrupted employment due to hospitalization or outpatient treatment for the severe disabilities listed above.

#### **Appointment and Certification Process**

IDVR can assist customers with disabilities (whether IDVR customers or not) in completing the Schedule A process. Information on how to assist customers with disabilities with the Schedule A process can be found at:

[www.eeoc.gov/eeoc/initiatives/lead/upload/abc\\_applicants\\_with\\_disabilities.pdf](http://www.eeoc.gov/eeoc/initiatives/lead/upload/abc_applicants_with_disabilities.pdf) or [http://www.opm.gov/disability/appointment\\_disabilities.asp](http://www.opm.gov/disability/appointment_disabilities.asp)

### **12.8.3 Alternative Hire Process for Employment with State Government**

Within the IDAPA rules (15.04.01) of the Division of Human Resources and Idaho Personnel Commission exists the provisions and protocol entitled: 097 “Alternative Examination Process for Persons with Disabilities,” under this rule:

1. The VR counselor determines the need for the Alternative Hire process by documenting that the customer cannot competitively compete for the job due to a disability(ies).
2. The VR counselor determines that the customer meets the criteria for the alternative hire program.
  - Disability limits one or more functional areas.
  - The customer meets the qualifications of the class.
  - The customer lacks competitiveness in the normal hiring process due to disability.
3. The VR counselor will complete the Application for the Alternative Hire Program Form. Include a letter to Idaho Division of Human Resources (DHR) explaining why the customer cannot compete through the normal examination process due to his/her disability. The examination process includes application, testing, and interviewing.
4. The VR Counselor will staff the case with the Regional Manager for approval. The Regional Manager will subsequently forward the application to the VR Administrator for final approval.
5. IDVR Administrator approves/disapproves. If approved, the application will be forwarded to the Administrator of the Division of Human Resources for final review.
6. Upon approval from DHR, the VR counselor proceeds with the Alternative Hiring Process to the hiring authority.

**Note:** This process requires the use of the “Alternative Hire Application.”

## ***12.9 Self-Employment Policy***

### **Introduction**

The primary goal of the Idaho Division of Vocational Rehabilitation (IDVR) is to assist the customer in attaining a suitable competitive employment outcome that results in financial self-sufficiency. Self-Employment is one option that may be considered to assist the customer in selecting a vocational goal.

The impediment created by the customer's disability must be addressed in the overall comprehensive assessment leading up to Individualized Plan of Employment (IPE).

The successful self-employment enterprise is operated by a participant who can demonstrate an array of skills and abilities, including; organization, business and financial management, marketing and other talents, as well as, knowledge and expertise in the goods or services being produced. These may be accomplished through natural supports or other resources and would need to be included in the self-employment plan. It is essential that the participant is well informed of potential risks and that efforts are made to minimize those risks.

A vocational evaluation/career exploration may be used as a method of assisting the customer and VR counselor in deciding if self-employment is a possible viable option. Vocational evaluators have a variety of instruments, work samples, inventories and other strategies to use in providing feedback and information related to self-employment.

There may be a need for VR services prior to a commitment from IDVR on a self-employment plan. It could be appropriate for IDVR to assist a customer in services, such as training needed for certain skills or business knowledge before the decision is made by the customer and VR counselor to pursue the development of a business plan.

IDVR values self-employment as a viable vocational outcome. Self-employment is presented by the VR counselor within the repertoire of vocational options and may be considered by customers and VR counselors as they work toward the development of an appropriate vocational goal.

IDVR supports active, not passive or speculative, self-employment goals.

### **General Self-Employment Process and Flow Chart**

The following steps will be required for all self-employment. The nature and extent of activities within each step will vary by the type and complexity of the self-employment business goal.

- 1. Assessment of Customer's Appropriateness for Self-Employment**
- 2. Writing an IPE – Developing a Business Plan**
- 3. Amending IPE - Implementing the Business Plan**
- 4. Closure of Self-Employment Case**

## Definitions

- a. **Business Plan** – A detailed outline of the business description, objectives, organization, product or service description, summary of Customer qualifications, analysis of the potential business environment and market, management and organizational structure, and financial plan.

The level of detail required for the various components of the business plan will vary depending upon the type of self-employment being pursued.

- b. **Contracting and Sub-Contracting** – When the VR customer works with a company under a limited or contract basis for either short or long term employment, but is not a company employee. There are some types of employment goals that could be sub contractors or a standalone business. Examples of likely contracting and sub-contractors opportunities include but are not limited to:

- Realtor
- Construction trades
- Cosmetology, nail tech, and hair stylist
- Paper delivery
- Tattoo artist

This is a type of start-up self-employment that will often be processed as a low cost, low risk, low complexity self-employment plan.

- c. **Continued Self-Employment** – Employment where the VR customer is presently or recently (within the last year) engaged in a *successful* self-employed business as identified by the customer and feasibility of the business is recognized by IDVR. In this scenario, the IPE services will address *disability related barriers* to employment. IPE will be written as maintaining employment.

Any capitalization of the business will require the use of low cost/low risk/low complexity, complex, or supported self-employment strategy.

- d. **Feasibility Analysis** – Provides an in-depth analysis of the business concept, the market, the financial investment and income potential. In addition, the feasibility analysis considers:

- Financial resources, skills and history of the customer as it relates to successfully operating a small business
- The need for customer training
- The availability of strong support network for long-term business success
- The need for a comprehensive business plan

- The likelihood of sustainability in a reasonable amount of time (what is a reasonable amount of time will likely vary by the type of self-employment)

The feasibility analysis offers the VR Counselor and customer a comprehensive, objective evaluation of the strength of the proposed self-employment venture.

**e. Forms of Organization** - refers to the way the individual legally organizes the business

i. *Sole Proprietorship* - one person who owns the business alone, but may have employees. She/he will have unlimited liability for all debts of the business, and the income or loss from the business will be reported on his or her personal income tax return along with all other income and expense she/he normally reports (although it will be on a separate schedule).

ii. *Corporation* – requires a legal filing with the Internal Revenue Service for corporate status. Corporate organization provides limited liability for the investors. Shareholders in a corporation are obligated for the debts of the corporation; creditors can look only to the corporation's assets for payment. The corporation files its own tax return and pays taxes on its income.

- VR customers who legally organize their businesses as a corporation, and are employed by their corporation may be eligible while in the start up phase of operations.

iii. *General and Limited Partnerships* – two or more individuals, one of which is a customer of IDVR with the controlling share (see Eligibility Requirements for Self Employment).

iv. *Limited Liability Company* - limited liability for all of its members (business partners), with the IDVR customer as the controlling member.

**f. Hobby** - customers identifying business-related goals that indicate a business activity that is:

- Operated for recreation and/or pleasure.
- Not projected to be profitable.
- Not seeking profitability.
- Neither operating nor carrying on activity in a business-like manner.
- Not depending on activity for livelihood.

**g. Low Cost / Low Risk / Low Complexity Self-Employment** – A comprehensive business plan is not required if a feasibility analysis report indicates the business concepts represents a (1) low cost (under \$5,000) total cost of anticipated self-employment start-up, (2) low risk (strong likelihood of success) and (3) low complexity (few and clearly identifiable barriers to self-employment). Examples of self-employment ventures that may not require a comprehensive business plan include:

- A VR customer is already self-employed and has demonstrated skills and abilities to successfully manage the business, and VR services are needed to retain employment due to a disability-related condition.
  - The VR customer has previous experience being self-employed in the same or similar field and start-up needs are minimal.
  - The VR customer has skills and experience in a trade and needs minimal training and services for startup, such as, lawn care, pressure washing, window washing, and bookkeeping.
  - A VR customer has experience or training in a trade and will lease space or sub-contract with an existing business and pay their own taxes, i.e., massage therapist, manicurist, cosmetologist, real estate agent.
- h. Complex Self Employment** – All self-employment plans that do not meet the criteria for low cost/low risk/low complexity, continued self-employment or supported self-employment fall under this category.
- i. Multi Level Marketing** –As a marketing strategy in which a person is compensated not only for sales they personally generate, but also for the sales of others they recruit into a business venture, creating a “down line” of distributors and a hierarchy of multiple levels of compensation.
- j. Natural Supports** – Long term supports provided by individuals naturally invested in the success of the VR customer (family and friends).
- k. Startup Self-Employment** - refers to an employment outcome in which a customer works in a business that she/he starts, owns, operates, and manages with the intention of being profitable.
- l. Supported Self-Employment** – refers to an employment outcome in which a customer works in a business that she/he owns, operates, and manages with natural or long term supports, with the intention of being profitable.

### **Eligibility Requirements**

Participation in self-employment or supported self-employment as a vocational goal requires that:

1. The business venture is, at a minimum, 51% owned, controlled and managed by the IDVR customer. For those in supported self-employment, some IDVR customers may require the assistance of a guardian or conservator in controlling or managing a business.

2. Businesses must be organized as Sole Proprietorships, Corporations, General and Limited Partnerships, and Limited Liability Companies, as noted in Definitions-Forms of Organization.
3. The business venture is considered legal in all jurisdictions in which it operates (Federal, Tribal, State and local Governments). This includes business and other necessary licenses.
4. The business venture is accurately reporting to appropriate government agencies, including the Internal Revenue Service and State taxing agency or other applicable
5. State or local authorities.
6. The business venture is organized as a for-profit entity.

### **Financial Participation Requirements**

Social Security beneficiaries are not required to financially participate towards the cost of their self-employment plan.

IDVR customers have a variety of sources to obtain their portion of the business costs. Some of these include:

- Investment of funds from microloans;
- Commercial and consumer loans;
- Loans from family;
- Forgivable loans;
- Equity grants;
- Equipment critical to the business operation;
- Inventory;
- Supplies;
- Facility (including fair value of existing facility in which the business will be operated)

- a. In consideration of the business start-up capitalization noted in the Business Plan, financial participation by IDVR and VR customer for the entirety of the self-employment plan, per case is as follows:

<u>Business Capitalization</u>	<u>Maximum IDVR Financial Assistance</u>	<u>Minimum Customer Participation</u>
Under \$2,500	100%	0%
\$2,501 to \$5,000	80% of startup capital	20%
\$5,001 to \$7,500	70% of startup capital	30%
\$7,501 to \$10,000	60% of startup capital	40%
\$10,001 and up	50% of startup capital	50%

If IDVR's portion for business start-up and capitalization is more than \$10,000, the Chief of Field Services must provide approval.

- b. Financial participation will not be required for IDVR investment in:
- Training and technical assistance.
  - Accommodations necessitated by the customer's disability in order to participate in training, technical assistance or in consideration of financial assistance.

### **Limitations and Restrictions**

Financial assistance for business start-up capitalization does not include:

1. Funding for speculative real estate development.
2. Deposits that are refundable to the customer or business.
3. Cash.
4. Salary or benefits for the customer, partners in ownership, or any employees of the business.
5. Purchase of real estate.
6. Erection of buildings.
7. Inventory or business supplies that include tobacco, firearms or alcoholic beverages.
8. Refinancing of existing debt – business or personal.
9. Business continuation expenses subsequent to the initial start-up costs.

10. IDVR does not support a customer hobby as a self-employment goal.

Self-employment involving payment for registration, legal services, patents, trademarks, copyrights, or franchise fees require an exception to policy approved by the Chief of Field Services.

Multi-Level Marketing plans are often similar to illegal pyramid schemes; therefore, VR counselors are cautioned about supporting self-employment businesses with a multi-level marketing structure. Support for multi-level marketing businesses may be appropriate when the emphasis is on sales by the VR customer versus recruitment of down line distributors.

## **Types of Self-Employment**

### **A. Start-up Business**

#### **a. Low Cost / Low Risk / Low Complexity Business Plan**

#### **I. Role of IDVR**

When working with customers expressing an interest in self-employment the primary role of IDVR is to:

- Provide relevant information regarding the availability of self-employment services supported by the agency.
- Assist the customer in information gathering and assessment in deciding whether self-employment is an appropriate option to achieve their employment goal.
- Assess the customer's disability as it relates to the self-employment goal.
- Reduce or eliminate barriers to self-employment created by the disability.
- May authorize for the provision of external technical assistance including, but not limited to, business feasibility, training, business planning, and post start-up monitoring.
- Participate with the customer and external technical assistance to evaluate the feasibility of the business.
- Coordinate training and technical assistance services.
- Provide technical assistance as deemed appropriate at post start-up of the business.
- Monitor business development at post start-up.



## **II. Role of the IDVR Customer**

Customer responsibilities, as part of the informed choice process relating to self-employment, include but are not limited to:

- Determining the concept of the business.
- Participating in the assessment process.
- Exploring the feasibility of the business venture. This may include gathering information, market feasibility, and likelihood of financial sustainability. This may include; collaboration with technical assistance.
- Writing the business plan with or without technical assistance and approval by the VR counselor.
- Contributing, as appropriate, financially to the capitalization of the business venture by utilizing all available financial resources.
- Assisting in the identification of existing and potential barriers including those created by the disability, as well as identifying possible solutions.
- Developing skills and abilities necessary to operate and sustain the business venture.
- Business implementation and management.
- Providing regular financial or other relevant documentation or information requested by the agency for post start-up monitoring.
- Fulfilling participation in the business start-up as noted in the Individualized Plan of Employment (IPE).

## **III. Assessment of IDVR Customer's Appropriateness for Self Employment**

- Evaluation of the customer's interests, skills, aptitudes, and personality traits as they relate to self-employment. This may include; a) use of data gathering instruments, and b) formal vocational assessment to the degree necessary to ensure the customer has the basic skills necessary to operate and manage a small business.
- Ensure the viability of self-employment as it relates to the customer's ability to handle the physical, mental, emotional, and cognitive aspects of the business venture including their disability. This may require consultation with medical and/or psychological service providers that have been treating the customer. If clear information is not available additional assessments may be needed.

- Examination of the customer's financial goals related to self-employment should include consideration of issues such as impact on government benefits, supplementing family income versus primary source of support, and earning sufficient funds to maintain competitive employment standards. A referral for benefits planning may be appropriate.

#### **IV. Writing an IPE – Developing a Business Plan**

After a positive assessment of the feasibility of the business concept an initial IPE is written. Some of the key components of writing an IPE for business plan development include:

- IPE goal will be the anticipated vocational outcome that is the focus of the business plan.
- IPE must be identified as a self-employment IPE.
- Comprehensive assessment for this IPE is based on the appropriateness of self-employment as a strategy for the individual VR customer. It should be based on the feasibility analysis, the assessment of the customer's appropriateness for self-employment, and other information available.

Services provided as part of this IPE are intended to support the development, writing, and ultimate approval of the business plan. The following are key elements to the development of the business plan:

##### **1. Customer Training and Technical Assistance:**

- Customers may be expected to attend training and participate in technical assistance services related to self-employment. This could include options such as; training and technical assistance on subjects such as: exploring entrepreneurship, small business development, business plan development, small business management, accounting for business, and business financing.
- Customers may require business specific skill training to eliminate skill gaps or prepare for the operation of the business. This could include coursework such as accounting/bookkeeping, using computers in business, human resources in business, etc. Skill-building courses should be noted in the IPE as necessary.

## **2. Business Plan Development:**

The Business Plan is viewed as an essential element in any business venture and will be the document used by IDVR to determine whether or not to participate in capitalizing the business venture.

- A basic Business Plan must be written and approved to the satisfaction for the VR counselor.
- The customer will prepare the Business Plan with or without external technical assistance from a service provider experienced in business plan development.
- Benefits counseling may be provided with a focus on the projected impact of revenues and expenses as noted in the Business Plan.

## **3. Process for Business Plan Review:**

The customer's goal toward self-sufficiency and the level of the Agency's financial participation in the start-up capitalization of the business will determine the level of review and approval required.

- The counselor will review the plan for completeness according to the components listed in the definition of a Business Plan.
- All low cost/low risk/low complexity self-employment plans will be reviewed by the customer and the VR counselor.
  - a. If the customer and IDVR agree, then the VR counselor and customer proceed to amend the IPE to initiate the self-employment plan.
  - b. If the customer and IDVR agree, that revisions are needed the customer proceeds to revise the plan with or without technical assistance.
  - c. The customer may decide not to proceed with the identified business goal. If so, the customer and the VR counselor proceed with developing a new IPE goal (this may or may not be a different self-employment option).

## **V. Amending IPE - Implementing the Business Plan**

Once the business plan has been approved by the customer and the VR counselor an IPE amendment will be developed that identifies necessary services and activities to implement the business plan.

1. Update comprehensive assessment based upon the additional information acquired through the business plan development process.
2. Identifying specific VR services, cost, and vendors need to implement the self-employment plan. It is important that the financial responsibility for each party is identified on the IPE.
3. Identifying necessary training and technical assistance needed to implement the plan.
4. Identifying post start-up support services that may be needed.
5. Identifying the benchmarks for successful closure. At minimum, one benchmark must identify acceptable wage level for the customer (not less than Federal minimum wage standards). Additional benchmarks should be identified that are critical to the success of self-employment and how to proceed if the benchmarks are not met. It is important that these benchmarks be clearly written, and the consequences for not meeting the benchmarks are clearly explained to the customer and stated on the IPE. Examples of consequences for not meeting the benchmark on the IPE:
  - Evaluating the appropriateness of the benchmarks and possibly modification of the benchmarks (this would require an amendment to the IPE).
  - Withdrawal of IDVR support of the business and reassess other VR options.
  - Proceeding with case closure.

## **VI. Closure of Self-Employment Case**

### **1. Successful Closure**

Successful closure can be completed when the following has been established:

- Identified benchmarks have been achieved.

- At least 90 days of stable employment and at least six (6) months of business operation.

Equipment provided for the self-employment plan may be released or returned, consistent with Section 13 of the policy.

## **2. Unsuccessful Closure**

If adequate progress towards meeting the identified benchmarks is not made, the VR counselor proceeds with case closure unless the customer expresses interest in developing a new IPE goal. “All Other Reasons” would be the reason selected for case closure.

The customer is expected to return equipment provided for the self-employment plan, consistent with Section 13 of the policy.

## **b. Complex Business Plan**

### **I. Role of IDVR**

When working with customers expressing an interest in self-employment the primary role of IDVR is to:

- Provide relevant information regarding the availability of self-employment services supported by the Agency.
- Assist the customer in information gathering and assessment in deciding whether self-employment is an appropriate option to achieve their employment goal.
- Assess the customer’s disability as it relates to the self-employment goal.
- Reduce or eliminate barriers to self-employment created by the disability.
- Authorize for the provision of external technical assistance including, but not limited to, business feasibility, training, business planning, and post start-up monitoring.
- Participate with the customer and external technical assistance to evaluate the feasibility of the business.
- Assist in identifying resources for the capitalization of the business plan.
- Coordinate training and technical assistance services.
- Provide technical assistance as deemed appropriate at post start-up of the business.

- Monitor business development at post start-up.

## **II. Role of the IDVR Customer**

Customer responsibilities, as part of the informed choice process relating to self-employment, include but are not limited to:

- Determining the concept of the business.
- Participating in the assessment process.
- Exploring the feasibility of the business venture. This includes conducting research, gathering information, market feasibility, and likelihood of financial sustainability. This may include collaboration with technical assistance.
- Writing the business plan with or without technical assistance.
- Researching the availability of financial resources.
- Contributing, as appropriate, financially to the capitalization of the business venture by utilizing all available financial resources.
- Assisting in the identification of existing and potential barriers including those created by the disability, as well as identifying possible solutions.
- Developing skills and abilities necessary to operate and sustain the business venture.
- Business implementation and management.
- Providing regular financial or other relevant documentation or information requested by the Agency for post start-up monitoring.
- Fulfilling participation in the business start-up as noted in the Individualized Plan of Employment (IPE).

## **III. Assessment of IDVR Customer's Appropriateness for Self Employment**

- Evaluation of the customer's interests, skills, aptitudes, and personality traits as they relate to self-employment. This may include; a) use of data gathering instruments, and b) formal vocational assessment to the degree necessary to ensure the customer has the basic skills necessary to operate and manage a small business.
- Ensure the viability of self-employment as it relates to the customer's ability to handle the physical, mental, emotional, and cognitive aspects of the business venture including their disability. This may require consultation with medical

and/or psychological service providers that have been treating the customer. If clear information is not available additional assessments may be needed.

- The customer has attended a training session, such as the Small Business Development Center's "Exploring Entrepreneurship" or another comparable program, to evaluate the advantages and disadvantages of business ownership and explore self-employment preparedness from a personal perspective.
- Examination of the customer's financial goals related to self-employment should include consideration of issues such as, impact on Government benefits, supplementing family income versus primary source of support, and earning sufficient funds to maintain competitive employment standards. A referral for benefits planning may be appropriate.
- Conduct a preliminary assessment of various funding sources for business capitalization. The customer's expectations relative to the financial support she/he anticipates/expects from IDVR should be discussed at the onset. It is important that the customer understands that *IDVR will not be the sole source of startup capitalization and that any funding allocated to the start-up of the business will be consistent with IDVR policy related to financial participation.*

#### **IV. Assessment of the Feasibility of the Business Concept**

Customers may be referred to outside resources for assistance in examining the concept, market and financial feasibility of the business. If the business idea is deemed feasible, the information developed at this stage will provide some of the basic data that will be used in completing the Business Plan to be written later.

Testing the feasibility of the business idea should be formalized through a written Feasibility Assessment documenting the following:

- **Concept Feasibility:** Clear description of the business idea; customer's background related to the business concept including education, training, direct experience and transferable skill sets; a summary statement identifying issues of concern regarding the feasibility of the concept; and a recommendation as to whether the business concept is feasible.
- **Market Feasibility:** Geographic description of market area; description of competitors working in or marketing to potential customers in geographic area; definition of target markets including size and scope of each market; zoning issues/requirements for establishing a business at intended location.
- **Financial Feasibility:** Capitalization requirements (start-up funding not to exceed 6 months) consistent with the individual's business concept; identification of resources for start-up funding and ongoing capitalization. Twelve (12) months of

projected sales/expenses may be included, when appropriate.

## **V. Writing an IPE – Developing a Business Plan**

After a positive assessment of the feasibility of the business concept an initial IPE is written. Some of the key components of writing an IPE for business plan development include:

- IPE goal will be the anticipated vocational outcome that is the focus of the business plan.
- IPE must be identified as a self-employment IPE.
- Comprehensive assessment for this IPE is based on the appropriateness of self-employment as a strategy for the individual VR customer. It should be based on the feasibility analysis, the assessment of the customer's appropriateness for self-employment, and other information available.

Services provided as part of this IPE are intended to support the development, writing, and ultimate approval of the business plan. The following are key elements to the development of the business plan:

### **1. IDVR Customer Training and Technical Assistance:**

- All customers will be expected to attend training, when available, and participate in technical assistance services related to self-employment. This could include options such as; training and technical assistance on subjects such as: exploring entrepreneurship, small business development, business plan development, small business management, accounting for business, and business financing. *Exceptions to the above requirement may be made with supervisory approval in limited circumstances.*
- Customers may require business specific skill training to eliminate skill gaps or prepare for the operation of the business. This could include coursework such as accounting/bookkeeping, using computers in business, human resources in business, etc. Skill-building courses should be noted in the IPE as necessary.

### **2. Business Plan Development:**

The Business Plan is viewed as an essential element in any business venture and will be the document used by IDVR, banks, micro lenders, and other funding organizations to determine whether or not to participate in capitalizing the business venture.



- A comprehensive Business Plan will be required for all complex self-employment goals. The content for a comprehensive Business Plan is a thorough assessment of all the components listed in the Business Plan definition.
- The customer will prepare the Business Plan with or without external technical assistance from a service provider experienced in business plan development.
- Benefits counseling may be provided with a focus on the projected impact of revenues and expenses as noted in the Business Plan.

### **3. Explore and Apply for Resources Available From Other Sources:**

IDVR customers pursuing self-employment are required to explore funding from sources other than IDVR. These may include microloans, commercial and consumer loans, loans from family, forgivable loans, equity grants, and work incentives for Social Security recipients including Plans to Achieve Self Support (PASS) and personal property (inventory and equipment) essential to the operation of the business. If the business plan is approved and the IPE is amended, the customer will apply for other resources necessary to implement the business plan.

### **4. Process for Business Plan Review:**

The customer's goal toward self-sufficiency and the level of the agency's financial participation in the start-up capitalization of the business will determine the level of review and approval required.

- The counselor will review the plan for completeness according to the components listed in the definition of a Business Plan.
- The business plan is submitted for technical assistance and feasibility review by an outside consultant (approved by the VR counselor and customer) with experience in business development.
- All complex self-employment plans will be reviewed by a self-employment team. The self-employment team will include the customer, VR counselor, Regional Manager, at least one outside consultant, and other individuals as appropriate.
  - a. If the customer and IDVR agree, based on the feedback from the self-employment team, then the VR counselor and customer proceed to amend the IPE to initiate the self-employment plan.

- b. If the customer and IDVR agree, based on the feedback from the self-employment team, that revisions are needed, the customer proceeds to revise the plan with or without technical assistance.
- c. If the customer does not agree with the recommendations from the self-employment team the customer may choose to follow the appeal process. (See Section 4.0)
- d. The customer may decide not to proceed with the identified business goal. If so, the customer and the VR counselor proceed with developing a new IPE goal (this may or may not be a different self-employment option).

## **VI. Amending IPE - Implementing the Business Plan**

Once the business plan has been approved by the customer and the VR counselor an IPE amendment will be developed that identifies necessary services and activities to implement the business plan.

1. Update comprehensive assessment based upon the additional information acquired through the business plan development process.
2. Identifying specific VR services, resources, cost, and vendors need to implement the self-employment plan. It is important that the financial responsibility for each party is identified on the IPE.
3. Identifying necessary training and technical assistance needed to implement the plan.
4. Identifying post start-up support services that may be needed.
5. Identifying the benchmarks for successful closure. At minimum, one benchmark must identify acceptable wage level for the customer (not less than Federal minimum wage standards). Additional benchmarks should be identified that are critical to the success of self-employment and how to proceed if the benchmarks are not met. It is important that these benchmarks be clearly written, and the consequences for not meeting the benchmarks are clearly explained to the customer and stated on the IPE. Examples of consequences for not meeting the benchmark on the IPE:
  - Evaluating the appropriateness of the benchmarks and possibly modification of the benchmarks (this would require an amendment to the IPE).
  - Withdrawal of IDVR support of the business and reassess other VR options.

- Proceeding with case closure.

## **VII. Closure of Self-Employment Case**

### **1. Successful Closure**

Successful closure can be completed when the following has been established:

- Identified benchmarks have been achieved.
- At least 90 days of stable employment and at least six (6) months of business operation.

Equipment provided for the self-employment plan may be released or returned, consistent with Section 13 of the policy.

### **2. Unsuccessful Closure**

If adequate progress towards meeting the identified benchmarks is not made, the VR counselor proceeds with case closure unless the customer expresses interest in developing a new IPE goal. “All Other Reasons” would be the reason selected for case closure.

The customer is expected to return equipment provided for the self-employment plan, consistent with Section 13 of the policy.

## **B. Supported Self Employment**

### **a. Role of IDVR**

When working with customers expressing an interest in supported self-employment the primary role of IDVR is to:

- Provide relevant information regarding the availability of supported self-employment services supported by the agency.
- Assist the customer in information gathering and assessment in deciding whether supported self-employment is an appropriate option to achieve their employment goal.
- Assess the customer’s disability as it relates to the self-employment goal and the nature and level of support required (Examples: guardians/family members, targeted service coordinator, psychosocial rehabilitation provider, Medicaid broker, SSA payee).
- Reduce or eliminate barriers to supported self-employment created by the disability.

- May authorize for the provision of external technical assistance including, but not limited to, business feasibility, training, business planning, and post start-up monitoring.
- Participate with the customer, support team, and external technical assistance to evaluate the feasibility of the business.
- Coordinate training and technical assistance services.
- Provide technical assistance as deemed appropriate at post start-up of the business.
- Monitor business development at post start-up.

**b. Role of the IDVR Customer with their Support Team**

Customer and support team's responsibilities, as part of the informed choice process relating to self-employment, include but are not limited to:

- Determining the concept of the business.
- Participating in the assessment process.
- Exploring the feasibility of the business venture. This may include gathering information, market feasibility, and likelihood of financial sustainability. This may include collaboration with technical assistance.
- Writing the business plan with or without technical assistance and approval by the VR counselor.
- Contributing, as appropriate, financially to the capitalization of the business venture by utilizing all available financial resources.
- Assisting in the identification of existing and potential barriers including those created by the disability, as well as identifying possible solutions.
- Identifying the areas within self-employment that need ongoing support and identify the specific individuals or resources that will provide that support.
- Developing skills and abilities necessary to operate and sustain the business venture.
- Business implementation and management.
- Providing regular financial or other relevant documentation or information requested by the Agency for post start-up monitoring.
- Fulfilling participation in the business start-up as noted in the Individualized Plan of Employment (IPE).

### **c. Assessment of Customer's Appropriateness for Supported Self Employment**

- A. Evaluation of the customer's interests, skills, aptitudes, and personality traits as they relate to supported self-employment. This may include; a) use of data gathering instruments, and b) formal vocational assessment to the degree necessary to ensure the customer has the basic skills necessary to operate and manage a small business with adequate support systems.
- B. Ensure the viability of supported self-employment as it relates to the customer's ability to handle the physical, mental, emotional, and cognitive aspects of the business venture including their disability. This may require consultation with medical and/or psychological service providers that have been treating the customer. If clear information is not available additional assessments may be needed.
- C. Examination of the customer's financial goals related to supported self-employment should include consideration of issues such as: impact on Government benefits, supplementing family income versus primary source of support, and earning sufficient funds to maintain competitive employment standards. A referral for benefits planning may be appropriate.

### **I. Writing an IPE – Developing a Business Plan**

After a positive assessment of the feasibility of the business concept an initial IPE is written. Some of the key components of writing an IPE for business plan development include:

- IPE goal will be the anticipated vocational outcome that is the focus of the business plan.
- IPE must be identified as a supported self-employment IPE.
- Comprehensive assessment for this IPE is based on the appropriateness of supported self-employment as a strategy for the individual VR customer. It should be based on the feasibility analysis, the assessment of the customer's appropriateness for supported self-employment, and other information available.

Services provided as part of this IPE are intended to support the development, writing, and ultimate approval of the business plan. The following are key elements to the development of the business plan:

### **1. IDVR Customer Training and Technical Assistance:**

- Customers may be expected to attend training and participate in technical assistance services related to supported self-employment. This could include options such as; training and technical assistance on subjects such as exploring entrepreneurship, small business development, business plan development, small business management, accounting for business, and business financing.
- Customers may require business specific skill training or support to eliminate gaps for the operation of the business.

### **2. Business Plan Development:**

The Business Plan is viewed as an essential element in any business venture and will be the document used by IDVR to determine whether or not to participate in capitalizing the business venture. If the supported self-employment plan meets the criteria for a complex self-employment plan refer to the business plan development for complex self employment plan. If the supported self-employment plan meets the criteria for low cost/low risk/low complexity plan refer to the business plan development for low cost/low risk/low complexity plan.

### **3. Process for Business Plan Review:**

The customer's goal toward self-sufficiency and the level of the Agency's financial participation in the start-up capitalization of the business will determine the level of review and approval required.

If the supported self-employment plan meets the criteria for a complex self-employment plan refer to the business plan review for complex self-employment plan. If the supported self-employment plan meets the criteria for low cost/low risk/low complexity plan refer to the business plan review for low cost/low risk/low complexity plan.

## **II. Amending IPE - Implementing the Business Plan**

Once the business plan has been approved by the customer, support team, and the VR counselor an IPE amendment will be developed that identifies necessary services and activities to implement the business plan.

1. Update comprehensive assessment based upon the additional information acquired through the business plan development process.

2. Identifying specific VR services, cost, and vendors need to implement the supported self-employment plan. It is important that the financial responsibility for each party is identified on the IPE.
3. Resources to provide long term support (Extended Employment Services, Medicaid waiver, private pay, or natural supports) are identified and secured.
4. Identifying necessary training and technical assistance needed to implement the plan.
5. Identifying post start-up support services that may be needed.
6. Identifying the benchmarks for successful closure. At minimum, one benchmark must identify acceptable wage level for the customer (not less than Federal minimum wage standards). Additional benchmarks should be identified that are critical to the success of supported self-employment and how to proceed if the benchmarks are not met. It is important that these benchmarks be clearly written, and the consequences for not meeting the benchmarks are clearly explained to the customer and stated on the IPE. Examples of consequences for not meeting the benchmark on the IPE:
  - Evaluating the appropriateness of the benchmarks and possibly modification of the benchmarks (this would require an amendment to the IPE).
  - Withdrawal of IDVR support of the business and assess other VR options.
  - Proceeding with case closure.

### **III. Closure of Supported Self-Employment Case**

#### **1. Successful Closure**

Successful closure can be completed when the following has been established:

- Identified benchmarks have been achieved.
- At least 90 days of stable employment and at least six (6) months of business operation.
- Verification of necessary long term supports.

Equipment provided for the supported self-employment plan may be released or returned, consistent with Section 13 of the policy.

## **2. Unsuccessful Closure**

If adequate progress towards meeting the identified benchmarks is not made, the VR counselor proceeds with case closure unless the customer expresses interest in developing a new IPE goal. “All Other Reasons” would be the reason selected for case closure.

The customer is expected to return equipment provided for the self-employment plan, consistent with Section 13 of the policy.

### **C. Continued Self-Employment:**

#### **I. Writing IPE**

1. Prior to completing the IPE, a comprehensive assessment must be completed.
2. Identify specific VR services, cost, and vendors need to implement the self-employment plan. It is important that the financial responsibility for each party is identified on the IPE.
3. Identify necessary training and technical assistance needed to implement the plan.
4. Identify post start-up support services that may be needed.
5. Identify the benchmarks for successful closure. At minimum, one benchmark must identify acceptable wage level for the customer (not less than Federal minimum wage standards). Additional benchmarks should be identified that are critical to the success of self-employment and how to proceed if the benchmarks are not met. It is important that these benchmarks be clearly written, and the consequences for not meeting the benchmarks are clearly explained to the customer and stated on the IPE. Examples of consequences for not meeting the benchmark on the IPE:
  - Evaluating the appropriateness of the benchmarks and possibly modification of the benchmarks (this would require an amendment to the IPE).
  - Withdrawal of IDVR support of the business and assess other VR options.
  - Proceeding with case closure.



## **II. Closure of Continued Self-Employment Case**

### **1. Successful Closure**

Successful closure can be completed when the following has been established:

- Identified benchmarks have been achieved.
- At least 90 days of stable employment.

Equipment provided for the continued self-employment plan may be released or returned, consistent with Section 13 of the policy.

### **2. Unsuccessful Closure**

If adequate progress towards meeting the identified benchmarks is not made, the VR counselor proceeds with case closure unless the customer expresses interest in developing a new IPE goal. “All Other Reasons” would be the reason selected for case closure.

The customer is expected to return equipment provided for the continued self-employment plan, consistent with Section 13 of the policy.

## ***12.10 Effective Communication Services for Customers with Sensory Impairments***

IDVR can provide interpreter services and note taking services for customers who are deaf, including tactile interpreting for customers who are deaf-blind; reader services, rehabilitation teaching services, note-taking services and orientation and mobility services for customers who are blind; telecommunications, sensory and other technological aids and devices.

**Note:** *If the customer is enrolled in an academic/technical training program at an institution that receives Federal financial support, the institution will be responsible for the provision of interpreter services within the classroom or formal training environment i.e., outside the classroom, but mandated or supported by the class curriculum. (A regional exception has been made at the Eastern Idaho Technical College – EITC as per the agreement between IDVR and EITC).*

## ***12.11 Occupational Licenses, Tools, Equipment Initial Stocks and Supplies necessary in order to enter an Occupation***

Occupational licenses, tools, equipment, initial stocks, and supplies may be purchased in order to adequately prepare the customer for a vocational outcome. *Private pilot’s license will not be secured through the financial support of IDVR.*

IDVR will not purchase land or buildings for customers with disabilities. IDVR retains the right to reclaim occupational tools and equipment purchased by IDVR when:

- Customer's IPE is not completed.
- The tools and equipment are no longer necessary or appropriate for the existing or new employment goal.
- Case is closed other than rehabilitated.

## ***12.12 Supported Employment Services***

Supported employment services may be provided to customers with the most severe disabilities who require ongoing training on-the-job and support services.

### **12.12.1 Supported employment is defined as follows:**

- A. Competitive work (defined as payment of an hourly rate not less than minimum wage or less than the employer usually pays individuals who are not disabled) in an integrated work setting (defined as an environment in which the customer engages in as much contact with co-workers or the non-disabled general public as any other non-disabled person working in that job would experience) with ongoing support services for customers with the most severe disabilities for whom competitive employment:
  1. Has not traditionally occurred; or
  2. Has been interrupted or intermittent as a result of severe disability; and
  3. Who, because of the nature and severity of their disability(ies), need intensive supported employment services or extended services in order to be gainfully employed; or
- B. Transitional employment for customers with chronic mental illness.

**Note:** Non-competitive, non-integrated employment (sometimes referred to as Sheltered Work, Facility Based Work, Work Services, or Workshop Services) is not part of VR services. If a customer requests these services, IDVR will provide information about competitive, integrated employment to assist in informed choice. If the customer still request non-competitive, non-integrated employment they will be referred to the Extended Employment Services Program through the Extended Employment Services Referral Form.

### **12.12.2 Supported employment Process:**

- A. Through an assessment (internally provided or through a review of external documentation) or through the provision of VR services, supported employment is identified as a necessary strategy for successful employment.
- B. The VR counselor and customer will identify the level of ongoing job support necessary to maintain successful employment.
- C. The VR counselor and customer will identify the availability of long term support strategies for the level of supported employment services identified.
- D. If long term support strategies are available then an IPE may be written.

- E. If long term support strategies are not available the case will be closed “Unable to Benefit from Services.”

### **12.12.3 Supported Employment Strategies**

**Natural Supports:** Support from supervisors and co-workers occurring in the workplace to assist employees with disabilities to perform their jobs, including supports already provided by an employer for all employees. These natural supports may be both formal and/or informal, and include mentoring, supervision (ongoing feedback on job performance), training (learning a new job skill with a co-worker), and co-workers socializing with employees with disabilities at breaks or after work. Support provided by family, friends, or significant others are also included within this definition.

**Extended Employment Services:** (IDAPA 47.01.02) Funds Managed by IDVR/EES. There are four eligibility categories:

- A. Developmental Disabilities (as defined in section 66-402, Idaho Code).
- B. Mental Health: (Typically Schizophrenia, Major Mood Disorders, Borderline Personality Disorder, Delusional Disorder, Schizoaffective Disorder).
- C. Specific Learning Disability.
- D. Traumatic Brain Injury.

### **Medicaid Funded Employment Supports:**

Developmental Disabilities – Adult DD Home and Community Based Services Medicaid Waiver (IDAPA 16.03.10.703.03). Eligibility for this waiver is determined by the Independent Assessment Providers (IAP) at the Idaho Center on Disability Evaluation. The Self-Directed option falls under this waiver.

Aged or Disabled Waiver – Supported Employment is a component included in this Home and Community Based Services Medicaid Waiver (IDAPA 16.03.10.326.17).

### **12.12.4 Steps to Securing Long Term Support for Medicaid or EES Services:**

1. Contact the Regional Community Supported Employment (CSE) coordinator.
2. The Regional CSE coordinator will submit the Referral for Extended Employment Services to the EES program.
3. The Regional CSE coordinator and VR counselor will receive documentation regarding the availability within ten (10) business days.
  - a. Funding for EES Available – The VR counselor proceeds with plan development.

b. No EES Funding Available – Customer is placed on the EES waiting list by EES program.

i. Waiver Eligible –

- VR staff notifies in writing to EES program that employment services are approved from Medicaid. Customer is removed from the waiting list once employment waiver services are approved by Medicaid.
- If employment services are not included on the customer's waiver plan, if EES funding is not secured within three (3) months then the case will be closed (EES case will remain open and the customer will remain on the waitlist).

ii. Not Waiver Eligible – Customer remains on the EES waiting list

- VR counselor does not proceed to plan development.
- If funding is not secured within three (3) months then the case will be closed (EES case will remain open and the customer will remain on the waitlist).
- Once EES funding becomes available EES program will notify CSE coordinator and VR counselor; customer will be removed from the EES waiting list. IPE development may be initiated (VR case file may need to be reopened).

### ***12.13 Post-Employment Services (PES)***

A customer with a disability who had been previously rehabilitated may require additional services in order to maintain, advance in, or regain suitable employment. In order to qualify for this service strategy, the need must be based upon a disability previously documented in the eligibility determination section. Post-employment services require an amendment to the IPE. *In order to qualify for these services, the customer's vocational needs must be minor in scope (\$1,000 or less) and duration (6 months or less). This means the customer only needs relatively short-term services with minimal cost associated.* Customers requiring multiple services over an extended period of time and/or a comprehensive/complex rehabilitation plan should be encouraged to reapply for the full-spectrum of VR services since their needs exceed the intent of post-employment services. PES can be initiated within three (3) years of successful closure. Once the record is destroyed, a new case must be opened.

**Note:** The intent of PES is to ensure that the employment outcome remains consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

## ***12.14 Rehabilitation Technology***

Rehabilitation technology services (assistive/adaptive technology) may be provided as compensatory strategies to increase, maintain, or improve functional capabilities of customers with disabilities. Rehabilitation technology services may be provided at any time in the rehabilitation process, including the assessment for determining eligibility and vocational rehabilitation needs, extended evaluation, services provided under an IPE, and post-employment services. Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices are exempt from a determination of the availability of comparable services or benefits exist under any other program and are available to the customer, IDVR may request, but may not require the use of comparable services and benefits. (For further information, please review the series of comprehensive fact sheets provided by Idaho Assistive Technology Project located on the IDVR intranet web site. There are also direct links to the Idaho Assistive Technology Project web site at that location).

**12.14.1 “Assistive technology service”** means any service that directly assists a customer with a disability in the selection, acquisition, or use of an assistive technology device, including:

- A. The evaluation of the needs of a customer;
- B. Purchasing, leasing, or otherwise providing for the acquisition by a customer with a disability of an assistive technology device;
- C. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- D. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- E. Training or technical assistance for a customer with a disability.

**12.14.2** An assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off-the-shelf, modified, or customized that is used to increase, maintain, or improve the functional capabilities of a customer with a disability.

**12.14.3** Vehicle modification, may be provided as an assistive technology device only when the applicant/customer is otherwise precluded from achieving a vocational objective.

1. In the event that a vehicle requires modification. e.g., hand controls, lift installation, or structural revision, may be provided on vehicles with an expected life of five (5) years or longer after modification, as evaluated by a certified mechanic (paid for by IDVR). The customer must agree to maintain insurance on the vehicle for replacement costs of the modified equipment.
2. Any vehicle modification over \$3,000 must include a minimum of two bids from approved vendors.
3. Adaptive equipment items that are not documented as medically and/or vocationally necessary will be the responsibility of the customer.
4. When a customer purchases a new vehicle requiring modifications they should check with the dealership to see if the vehicle modification assistance is available. The VR counselor will check with the customer to see if the customer is willing to access and apply the rebate to the cost of vehicle modification.

**12.14.4** Housing modifications may be provided as a supportive service so the customer can benefit from a core vocational rehabilitation service. Typically these services are provided under an IPE.

### ***12.15 Supportive Services***

- A. Maintenance is a funding provision designed to offset *identified additional costs incurred as a result of participating in a rehabilitation service* (expenses incurred by the customer while engaged in assessments required for determining eligibility or while receiving services under an IPE).

**NOTE:** Maintenance means monetary support provided to a customer for expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the customer and that are necessitated by the customer's participation in an assessment for determining eligibility and vocational rehabilitation needs or the customer's receipt of vocational rehabilitation services under an individualized plan for employment. (Ref: 34 CFR, Part 361.5 (35)).

Counselors cannot pay maintenance for those existing living costs that a customer would normally incur regardless of the customer's participation in a plan of vocational rehabilitation services.

Maintenance intended to cover shelter related expenses will not exceed four (4) months per case without the Chief of Field Service's approval.

Maintenance intended to cover food expenses will not exceed four (4) weeks per case without the Chief of Field Service's approval.

Maximum per diem food rates for the state of Idaho can be found at:

<http://www.sco.idaho.gov/web/sbe/sbeweb.nst/pages/trvlpolicy.htm#Apendix%20%22B%22> .

Maximum per diem food rates for out of state can be found at: [www.gsa.gov](http://www.gsa.gov).

VR counselors should be aware and make their customers aware, that any maintenance payments for food, shelter, or clothing may impact SSI benefits.

- B. Transportation is a service for identified travel and related expenses for customers to participate in a vocational rehabilitation services or assessment.

1. Actual costs may be paid for taxi, buses, airplanes, etc.
2. When using a privately owned vehicle, fuel assistance will be negotiated. This depends upon actual transportation expenses for participation in rehabilitation services. Routine vehicle maintenance is not covered by IDVR.

3. The VR counselor must take into account the following issues when confronted with a request from a customer to repair a privately owned vehicle:
  - a. The overall condition and value of vehicle.
  - b. The extent of the repairs.
  - c. The availability of other appropriate transportation.
  - d. The necessity that the vehicle be used for VR participation or work.

### ***12.16 School Transition***

The Idaho Division of Vocational Rehabilitation (IDVR) participates in student transition planning as outlined at 34 CFR 361.22 of the Rehabilitation Act Regulation. The Regulations require plans, policies, and procedures that provide for the development and approval on an individualized plan for employment as early as possible during the transition planning process but, at the latest, by the time each student who is determined to be eligible for vocational rehabilitation services leaves the school setting. The Act also provides for:

1. Consultation and technical assistance to educational agencies in planning for transition of students with disabilities from school to post-school activities, including vocational rehabilitation;
2. Transition planning by personnel of IDVR and the educational agency for students with disabilities that facilitates the development and completion of their Individualized Education Programs (IPE's) under section 604 (d) of the Individuals with Disabilities Education Act (IDEA);
3. The roles and responsibilities including financial responsibilities, of each agency; and
4. Procedures for outreach to and identification of students with disabilities who are in need of transition services. Outreach to these students should occur as early as possible during the transition planning process and must include, at a minimum, a description of the purpose of the vocational rehabilitation programs, eligibility requirements; application procedures, and scope of services that may be provided to eligible customers.
  - Referrals should be made to the VR counselor as early as possible following the completion of the student's sophomore year. Earlier referrals can be made based on individual student need. All students with disabilities should be referred, not just those students in special education.
  - The VR counselor may participate and/or consult during the development of Individual Educational Plans (IEPs), Individual Transition Plans (ITPs) and Child Study Teams (CSTs) at the invitation of the school and agreement between the VR Counselor and CST members. VRC will determine the appropriate time to take an application when the focus is on the final vocational objective or formal planning for continued employment preparation after the student exits from high school.

- The school district's responsibility is to provide a free and appropriate education to all students. This includes instructional aides, devices, and necessary services to achieve educational goals.
- IDVR's responsibility is to facilitate the accomplishment of long-term vocational rehabilitation goals and intermediate rehabilitation objectives identified in the student's IPE. Only services that are required for achievement of the employment goal will be provided or coordinated.

### ***12.17 Services to Family Members***

The definition of "Family Member" is a relative or guardian of the customer or someone who lives in the same household as the customer and has a substantial interest in the well-being of the customer.

#### **Conditions and Criteria:**

- A. Service may be provided only to individuals that meet the definition of family member.
- B. The services to be provided are those which are deemed to be necessary to the successful completion of the customer's rehabilitation plan (IPE, Extended Evaluation, or Trial Work Period). The customer and VR counselor will make the determination as to whether a service to a family member is necessary to the vocational rehabilitation of the individual customer.
- C. Comparable services and benefits are to be explored and if available, utilized prior to expenditure of agency funds.
- D. IDVR funds can only be utilized if economic need is established on Financial Participation Assessment (FPA).
- E. Family members may not have access to the customer's record of service without a release of information. Family members may have access to information pertaining to the services they received.

#### **Procedures:**

- A. The category of Services to Family Members requires prior approval from the Regional Manager.
- B. The IPE must set forth the services to be provided to the family member.
- C. In developing the IPE the VR counselor must ensure that the customer and family member(s) understand the basis for the provision of services in order to avoid any misunderstanding as to the scope, nature, and duration of services.



- D. Services under this section must comply with all other portions of the manual relating to the provision of VR services.
- E. Services to family members must be terminated whenever one of the following conditions prevails:
  - 1. When a service(s) is no longer necessary to the customer's plan; or
  - 2. When the customer's plan is terminated in accordance with case closure procedures; or
  - 3. When Post-Employment Services are terminated.
- F. When services are provided to family members, the record of service must include:
  - 1. A rationale that services are required to support the customer's success in completing objectives of the IPE;
  - 2. Data, including medical information, to support the decision to provide services (the least amount necessary to verify the need);
  - 3. Identification of family member(s) receiving those services;
  - 4. The cost of such services; and
  - 5. Documentation of the time limited nature of these services.

### ***12.18 Personal Care Assistant Services***

A personal care assistant (PCA) assists a customer with a significant disability by performing personal activities of daily living requiring hands-on help, which cannot be performed by the customer because of the significance of the disability. PCA services including personal care related tasks such as:

- 1. Eating
- 2. Drinking
- 3. Toileting
- 4. Bathing
- 5. Transfers
- 6. Dressing
- 7. Grooming
- 8. Medications

PCA services do not include chore services, respite, cueing, or household tasks. In most cases, tasks performed by the PCA are customer directed. The PCA is not responsible for any tasks that the customer with a disability can perform independently.

PCA services have been developed to enhance the ability of a customer with a significant disability to live and work independently. The need for PCA services is normally identified through an independent living (IL) evaluation.

A PCA must have completed a State approved training program or have substantial knowledge and experience in providing PCA services.

It is the policy of the IDVR to provide PCA services to customers with significant disabilities, when PCA services over and above those required for normal daily living are required to assist the customer to complete the VR process. IDVR does not provide PCA services in lieu of existing PCA programs and providers. If the VR counselor determines that PCA services are necessary for the customer to complete the objectives of the IPE, the VR counselor will need to conduct or obtain a personal care assistant evaluation to determine the number of hours of PCA services that are required for participation in the IPE over and above the customer's normal daily living needs.

It is the responsibility of the customer and the VR counselor to identify, apply for and utilize any and all similar benefits for PCA services. PCA recruitment and management is the responsibility of the customer. Payment for PCA services is made through an authorization to the customer for PCA services. The customer then pays the chosen provider. IDVR will not exceed the current rate established by Medicaid. IDVR does not pay for standby time; only for direct service time related to the VR service that the PCA service is addressing. The customer is required to submit verification of services received from the provider to IDVR on a monthly basis to continue to receive PCA funds.

IDVR PCA services are time limited in nature and are provided during the vocational rehabilitation process, if required, to assist in determining eligibility, for participation in vocational evaluation and assessment, and during implementation of an IPE with a goal leading to competitive employment. The provision of PCA services must be linked directly to the objective of the IPE. PCA services funded by IDVR must be for those tasks over and above PCA services normally require for tasks of daily living. No more than 40 hours per week will be authorized for PCA services.

When the IPE objectives have been successfully completed and the goal of competitive employment has been achieved, provision of PCA services required to maintain employment becomes the responsibility of the customer.

### ***12.19 Services to a Group of Individuals***

The Rehabilitation Act of 1973 as amended authorizes the provision of rehabilitation services to groups of individuals.

#### **Guidelines:**

Services for a group of individuals with disabilities must be expected to substantially contribute to the vocational rehabilitation of a group of individuals, but does not relate directly to the individualized rehabilitation program of any one individual with disability. The decision to provide services to groups will be made based on the need for the services as well as the available resources of the agency.

## **Establishment**

Under the authority of 34 CFR 361.49(a)(1), IDVR may pursue the establishment, development, or improvement of a public or non-profit community rehabilitation program that is used to provide vocational rehabilitation services that promote integration and competitive employment, including, under special circumstances, the construction of a facility for a public or non-profit community rehabilitation program. Examples of “special circumstances” include the destruction or natural disaster of the only available center serving an area or a State determination that construction is necessary in a rural area because no other public agencies or private non-profit organizations are currently able to provide vocational rehabilitation services to individuals.

Any CRP establishment activities undertaken by IDVR will be supported by the pre-planning requirements under 34 CFR 361.49(b)(1) and 34 CFR 361.29.

In order for IDVR to engage in activities to establish, develop or improve a public or non-profit CRP, pursuant to 34 CFR 361.49(a)(1), and use of non-Federal expenditures incurred by those activities to satisfy match requirement under the VR Program, IDVR must first satisfy several pre-planning requirements:

1. IDVR must have written policies that set forth the nature and scope of services that will be provided to groups of customers with disabilities, and the criteria that will be used to determine the provision of those services (34 CFR 361.49(b)(1)); and
2. Establishment activities must have been identified as a need in IDVR's most recent statewide comprehensive needs assessment and IDVR must have included in its State plan a discussion of the strategies it would use to meet that need (34 CFR 361.29).

If IDVR has satisfied the above pre-planning requirements for activities related to establishing, developing, or improving a CRP, then the following requirements must be satisfied in order for IDVR to use non-Federal expenditures incurred for these activities towards its match requirements under the VR program pursuant to 34 CFR 361.60(b)(3)(i):

1. The activities proposed must fit within the definition of establishment, development, or improvement of a CRP at 34 CFR 361.5(b)(17);
2. The establishment, development, or improvement of a facility for a CRP at 34 CFR 361.5(b)(18), or
3. The construction of facility for a CRP at 34 CFR 361.5(b)(12); and
4. The activities must be designed to provide services to IDVR customers and applicants.

Based on 34 CFR 361.5(b)(17), IDVR may:

1. The establishment of a facility for a public or non-profit community rehabilitation program.

2. Staffing, if necessary to establish, develop, or improve a community rehabilitation program for the purpose of providing vocational rehabilitation services to applicants or eligible customers.
3. Other expenditures related to the establishment, development, or improvement of a community rehabilitation program that are necessary to make the program functional or increase its effectiveness in providing vocational rehabilitation services to applicants or eligible customers, but are not ongoing operating expenditures of the program.

### **Employment Related Services to Customers with Disabilities**

Under the authority of 34 CFR 361.49(a)(6), IDVR may pursue services that promise to contribute substantially to the rehabilitation of a group of customers but that are not related directly to the individualized plan for employment of any one customer.

The nature and scope of the services provided include:

1. Increase access to employment and educational opportunities for persons who are deaf or hard of hearing.
2. Increase awareness of the needs of persons who are deaf and hard of hearing through educational informational programs.
3. Encourage consultation and cooperation among departments, agencies, and institutions serving the deaf and hard of hearing.

## **SECTION 13.0 - CLOSURE**

### ***13.1 Closure During Application Status***

#### **A. No disabling condition**

The VR counselor is unable to verify the existence of a disabling condition. The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agency (ies), including Idaho Department of Labor.

## **B. No impediment to employment**

The VR counselor cannot establish that there is a substantial barrier to employment based on disability. The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agency (ies), including Idaho Department of Labor.

## **C. Does not require VR services to achieve an employment outcome**

The VR counselor has been unable to identify substantial VR services necessary to secure, retain or regain employment. The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agency (ies), including Idaho Department of Labor.

## **D. Unable to benefit from VR services**

The VR counselor, through trial work or extended evaluation has established that the applicant is unable to benefit in terms of an employment outcome. The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.

- b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
- 3. Referral to other agency (ies), the Extended Employment Program and as appropriate the Idaho Department of Labor.
- 4. Conduct a review of the ineligibility determination following the closure of the record within 12 months and annually thereafter, up to two (2) years, or longer if requested. The customer with a disability, or, if appropriate, the customer's representative, may have input into the review and re-evaluation. Signed documentation should be included of the review and re-evaluation if the review and re-evaluation is able to be completed.

**E. Extended services unavailable**

The VR counselor has determined that extended services are required and the VR counselor and customer have determined that the extended services are not available at this time. The decision requires VR staff to:

- 1. Provide opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
- 2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
- 3. Referral to other agency (ies), the Extended Employment Program and as appropriate the Idaho Department of Labor.
- 4. Conduct a review of the ineligibility determination following the closure of the record within 12 months and annually thereafter, up to two (2) years, or longer if requested. The customer with a disability, or, if appropriate, the customer's representative, may have input into the review and re-evaluation. Signed documentation should be included of the review and re-evaluation if the review and re-evaluation is able to be completed.

**F. Refused service, moved unable to locate, failure to cooperate, death, institutionalized, transportation not feasible, transferred to another agency, and all other reasons.**

These are closures without eligibility determination. The decision requires VR staff to:

- 1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.

2. Provide written notification, or other appropriate mode of communication of (when death is a reason for case closure do not send any written documentation):
  - a. Closure determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)

### ***13.2 Closure during Eligibility Status***

#### **A. Unable to benefit from VR services, disability too severe for services**

The VR counselor, through clear and convincing evidence has established that the customer is unable to benefit in terms of an employment outcome. An ineligibility determination, based on inability to benefit from VR services or disability too severe for services, may be completed after an initial eligibility determination. The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agency (ies), the Extended Employment Program and as appropriate the Idaho Department of Labor.
4. Conduct a review of the ineligibility determination following the closure of the record within 12 months and annually thereafter, up to two (2) years, or longer if requested. The customer with a disability, or, if appropriate, the customer's representative, may have input into the review and re-evaluation. Signed documentation should be included of the review and re-evaluation if the review and re-evaluation is able to be completed.

#### **B. Extended services unavailable**

The VR counselor has determined that extended services are required and the VR counselor and customer have determined that the extended services are not available at this time. The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.

2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agency (ies), the Extended Employment Program and as appropriate the Idaho Department of Labor.

**C. Refused service, moved unable to locate, failure to cooperate, death, institutionalized, transportation not feasible, transferred to another agency, and all other reasons.**

The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of (when death is a reason for case closure do not send any written documentation):
  - a. Closure determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)

**D. Closure from the Order of Selection Waitlist**

When the VR counselor is unable to contact (the VR counselor uses the closure reason – unable to contact/locate or moved) or the customer has declined VR participation (the VR counselor uses the closure reason – refused services).

The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of (when death is a reason for case closure do not send any written documentation):
  - a. Closure determination.
  - b. Appeal rights (Rights and Responsibilities).
  - c. Information regarding the Client Assistance Program (CAP).



### ***13.3 Unsuccessful Closure After Implementation of IPE***

#### **A. Unable to benefit from VR services, disability too severe for services**

The VR counselor, through clear and convincing evidence has established that the customer is unable to benefit in terms of an employment outcome. An ineligibility determination, based on inability to benefit from VR services or disability too severe for services, may be completed after an initial eligibility determination. The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agency (ies), the Extended Employment Program and as appropriate the Idaho Department of Labor.
4. Conduct a review of the ineligibility determination following the closure of the record within 12 months and annually thereafter, up to two (2) years, or longer if requested. The customer with a disability, or, if appropriate, the customer's representative, may have input into the review and re-evaluation. Signed documentation should be included of the review and re-evaluation if the review and re-evaluation is able to be completed.
5. Customer must return tools and equipment to the agency at the time of unsuccessful closure, in accordance to the tool agreement. Exceptions must be approved by the Regional Manager.

#### **B. Extended services unavailable**

The VR counselor has determined that extended services are required and the VR counselor and customer have determined that the extended services are not available at this time. The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.

- b. Appeal rights (Rights and Responsibilities)
- c. Information regarding the Client Assistance Program (CAP)

**C. Refused service, moved unable to locate, failure to cooperate, death, institutionalized, transportation not feasible, transferred to another agency, and all other reasons.**

The decision requires VR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of (when death is a reason for case closure do not send any written documentation);
  - a. Closure determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)

***13.4 Successful Competitive Closure After Implementation of IPE***

**A. Rehabilitated with supports**

Customers in supported employment are determined rehabilitated when the objectives of the IPE for supported employment training are achieved and a plan for extended support services is verified through the activation of services related to the long-term source of support.

In order to determine that a customer has achieved an employment outcome, the case record must document:

1. That services provided under the IPE contributed to the achievement of the employment outcome
2. That the employment outcome is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice
3. That the employment is in the most integrated setting possible, consistent with the customer's informed choice, that the customer is compensated at or above the minimum wage and his/her wages and benefits are not less than that customarily paid by the employer for same or similar work performed by non-disabled individual.
4. That the employment outcome has been maintained for a minimum of 90 days.

5. The customer and the VR counselor consider the employment outcome to be satisfactory and agree that the customer is performing well on the job. Whenever possible, confirm that the employer is satisfied with the work performance of the customer as well as IDVR services.
6. That an assessment occurred regarding whether a need exists for Post-Employment Services and that the customer was informed regarding the purpose and availability of post-employment services, should the need arise.
7. Ownership of tools and equipment may be transferred to the customer at the time of closure if the tools and equipment are necessary for on-going employment purposes.

#### **B. Rehabilitated without supports**

In order to determine that a customer has achieved an employment outcome, the case record must document:

1. That services provided under the IPE contributed to the achievement of the employment outcome.
2. That the employment outcome is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
3. That the employment is in the most integrated setting possible, consistent with the customer's informed choice, that the customer is compensated at or above the minimum wage and his/her wages and benefits are not less than that customarily paid by the employer for same or similar work performed by non-disabled individual.
4. That the employment outcome has been maintained for a minimum of 90 days.
5. The customer and the VR counselor consider the employment outcome to be satisfactory and agree that the customer is performing well on the job. Whenever possible, confirm that the employer is satisfied with the work performance of the customer as well as IDVR services.
6. That an assessment occurred regarding whether a need exists for Post-Employment Services and that the customer was informed regarding the purpose and availability of post-employment services, should the need arise.

7. Ownership of tools and equipment may be transferred to the customer at the time of closure if the tools and equipment are necessary for on-going employment purposes.

### ***13.5 Successful Non-Competitive Closure After Implementation of IPE***

In order to determine that a customer has achieved an employment outcome, the case record must document:

1. That services provided under the IPE contributed to the achievement of the employment outcome.
2. That the employment outcome is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
3. A. Homemaker – verify that the customer has increased their ability to provide services around the house that enable other family members to increase their financial contribution to the family.  
  
B. Unpaid Family Worker – verify that the customer is working for the family farm or family business.
4. That the employment outcome has been maintained for a minimum of 90 days.
5. The customer and the VR counselor consider the employment outcome to be satisfactory and agree that the customer is performing well on the job. Whenever possible, confirm that the employer is satisfied with the work performance of the customer as well as IDVR services.
6. That an assessment occurred regarding whether a need exists for Post-Employment Services and that the customer was informed regarding the purpose and availability of post-employment services, should the need arise.
7. Ownership of tools and equipment may be transferred to the customer at the time of closure if the tools and equipment are necessary for on-going employment purposes.

### ***13.6 Closure After Post Employment Services (PES)***

#### **A. Closed unemployed; opening a new VR case**

The VR counselor has made a determination that the scope of services is inappropriate for PES and the customer has agreed to apply for a new VR case.

1. PES is closed.
2. Customer applies for services.

#### **B. Employment maintained or regained**

The customer and VR counselor are in agreement the job is or has been maintained, regained or advanced in.

1. PES case is closed
2. Customer agreement with case closure is documented in the case record.

#### **C. Lost job; no further services at this time**

The customer's employment was not maintained, regained, or advanced in and no VR services are appropriate at this time.

1. PES case is closed
2. Customer has been informed of case closure is documented in the case record.

## **SECTION 14.0 ORDER OF SELECTION**

### ***14.1 Authority***

Rehabilitation Act of 1973 as amended by the Rehabilitation Act of 1998, Sections 101 and 102.  
34 CFR Part 361 §361.36, §361.3.

### ***14.2 Policy***

In the event that the projected fiscal and personnel resources of IDVR become inadequate to provide the full range of services, as appropriate, to all eligible customers, the Administrator will implement the Division's Order of Selection procedure. By law, this procedure must insure that customers with the most significant disabilities are served first. The criteria used for determining the Order of Selection for services is the category of significance of the disability as defined in Policy Section 6.2 and the application date for VR services.

Factors that will not be considered in determining an order of selection priority category include:

- A. Type of Disability
- B. Duration of residency, provided the customer is present in the state;
- C. Age, gender, race, color or national origin;

- D. Source of referral;
- E. Type of expected employment outcome;
- F. The need for specific services or anticipated cost of such services; or
- G. The income level of the customer or customer's family.

### ***14.3 Administrative Requirements***

IDVR must ensure that its funding arrangements for providing services under the State Plan, including third-party arrangements and awards, such as cooperative funding agreements with school districts, other State agencies or contractual arrangements, are consistent with the Order of Selection. If any funding arrangements are inconsistent, the Agency must renegotiate these funding arrangements so that they are consistent with the Order of Selection.

### ***14.4 Procedures***

#### **Determination of Significant Disability**

When a VR counselor determines a customer is eligible, the VR counselor also establishes the level of significance of disability based upon the criteria established in Section 6.0. The level of significance of the customer's disability is identified with one of the following three priority categories:

- A. Customers with disabilities
- B. Customers with significant disabilities
- C. Customers with the most significant disabilities

#### **Statewide Order of Selection Waiting list**

When a VR counselor completes the eligibility process and the determination of the significance of the disability determination, the customer is added to the statewide Order of Selection waiting list in the appropriate category by date of application. The date of application process is completed (see section 5.3). The case is transferred from the VR counselor caseload to the office Order of Selection waiting list.

Written notification will be provided to the customer informing them of:

- Their eligibility determination.
- Their placement on the waiting list.
- The priority categories of IDVR's Order of Selection.
- Their assignment to a particular category.
- Their right to appeal their category assignment.
- The availability of the Client Assistance Program (CAP).

When resources are available, the Chief of Field Services notifies the Regional Managers of the number of customers to take from the waiting list by priority category, application date(s) and office locations. Regional Managers then coordinate with the VR counselors to transfer

the corresponding cases from the Order of Selection waiting list in respective offices to VR counselor's caseloads.

A customer on the statewide Order of Selection waiting list may request that his/her case be transferred from one office to another by contacting the local VR office – The request for transfer will be processed by the Regional Manager where the case resides.

### **Transferring a New Case to the Order of Selection Waiting List**

The Regional Manager is responsible for ensuring appropriate priority categories are being served, for maintaining the office Order of Selection waiting list and for verifying Information and Referral (I&R) is occurring. Cases will be transferred from a VR counselor's caseload to the office Order of Selection waiting list within ten (10) business days of the eligibility date.

The Regional Manager will verify Information and Referral sources have been documented prior to transferring the case to the office Order of Selection waitlist.

### **Transferring a Case from the Order of Selection Waiting List to a VR Counselor**

Upon notification to initiate services for case on the Order of Selection waiting list for the specified priority category and application dates, the Regional Manager or designee must transfer cases from the Order of Selection office waiting list to a VR counselor within five (5) business days. The VR counselor is notified of the case transferred and is authorized to initiate services.

If a case is closed from the office Order of Selection waiting list, the case is automatically removed from the statewide Order of Selection list.

### **Initiating Services for Customers Referred from the Order of Selection Waiting List**

IDVR will determine when it is appropriate to implement procedures to re-establish or maintain contact with customers while they are on the Order of Selection waiting list. Factors to consider are the length of time a customer has been on the list and the anticipated time before the customer's category will open.

Upon receipt of the case transferred from the Order of Selection waiting list, the VR staff takes the following steps:

1. To contact the customer and schedule an appointment.
2. If telephone contacts are unsuccessful a letter will be sent to initiate contact.
3. Reasonable and timely efforts to find updated phone numbers and addresses for the customer.
4. If the customer has not responded within forty (40) days from the date the letter was sent, VR staff will proceed with case closure.

VR counselors need to consider the communication needs of the customer, including the need for information in alternate formats when initiating contact by telephone or letter.

Steps to contact each customer are documented in the case management system narrative and filed in the case service record.

### **Exceptions for Reopening Closed Cases**

A VR counselor may request the Regional Manager to get permission from the Chief of Field Services to reopen a case on an exception to policy basis if a customer contacts IDVR after his/her case is closed. If the customer's lack of response was a result of exceptional circumstances that prevented the customer from responding, the VR counselor should consult with his/her supervisor about an exception to policy to reopen the case.

### **Customers not ready to Proceed with IPE Development upon Referral from the Order of Selection Waiting List**

If a VR counselor contacts a customer to initiate services and she/he is not ready to begin working with IDVR, the VR counselor needs to help the customer make an informed decision about how to proceed. If a customer does not wish to, or is unable to proceed with IPE development, IDVR will close the case and the customer must reapply. IDVR cannot 'hold' a spot on the waiting list nor can a customer be put back at the top of the list. The VR counselor needs to discuss the reasons the customer is not ready to proceed and whether a reasonable time frame can be agreed upon to resolve the issues.

## ***14.5 Information and Referral (I & R)***

When operating under Order of Selection, IDVR is required to offer Information and Referral (I&R) services to customers who cannot be served and must wait for services because of the Order of Selection.

IDVR must document and retain information about referrals to other Federal and State programs that provide employment-related services.

### **Information and Referral Requirements**

Federal regulations establish minimum requirements under I&R as follows. IDVR must:

- A. Provide customers with accurate vocational rehabilitation information and guidance (which may include counseling and referral for job placement) to prepare for, get, or keep a job.
- B. Refer customers with disabilities to other Federal or State programs that are best suited to address their specific employment needs, including partners in the workforce investment system.
- C. Initiate a notice of referral identifying:
  - a. The name of the program to which the customer is referred;



- b. A contact person in that program; and
- c. Information about the most suitable services to assist the customer prepare for, get or keep a job.

#### ***14.6 Counseling and Guidance***

To provide customers with accurate VR information and guidance, which may include counseling and referral for job placement, a VR counseling staff member talks to the customer about his/her need to prepare for, get or keep a job. The VR counseling staff member provides advice and guidance about how the customer might proceed, explains referral sources available, and offers to initiate a referral to another program, if appropriate. These interactions occur in the course of other activities, such as completing the application, intake, and eligibility determination.

For customers who choose not to apply for IDVR services because of the Order of Selection, a general guideline is to limit I&R services to one appointment. The VR counselor will NOT establish an on-going counseling relationship nor perform follow-up services regarding I&R.

##### **Counseling and Guidance – Referrals**

Each office will maintain a list of Federal and State programs with which IDVR has established a formal referral relationship. It is expected that the Idaho Department of Labor One-Stop Centers will be used extensively, but not exclusively, for the referral of customers who either choose not to apply or are on a waiting list to receive IDVR services. Other programs to be used in this capacity, as appropriate, include Tribal VR programs and other community programs. Because of limited resources in some areas and the unique needs of some customers with disabilities, there may not be an appropriate program available to every person.

##### **Counseling and Guidance – Job Placement**

VR counseling staff may provide brief counseling for job placement. If the customer intends to engage in independent, self-directed job search or related activities, the VR counseling staff member may provide brief counseling to assist the customer in this effort. Examples of counseling and referral for job placement may include, but are not limited to:

- A. A counseling session with the customer to discuss what efforts to find a job the customer has already tried and offering other job search strategies and suggestions.
- B. Reviewing and giving advice on a customer's resume.
- C. Discussing reasonable accommodation issues and strategies for approaching an employer.
- D. Discussing and providing the customer with access to the Internet or another resource.
- E. Sharing information about the local labor market.

### ***14.7 Documenting a Formal Referral***

All referrals to employment-related programs must be documented, including referrals for customers who have applied and are waiting for services. Each Regional Manager, or designee, will identify and maintain the list of regional referral sources that require a formal referral. Each time a customer is referred to one of the listed organizations, the VR staff member documents the referral in the case management system. Every case will have an entry in the case management system prior to transferring the case to the Order of Selection waiting list, or the case service record will document efforts to locate referral sources and the reason(s) a referral was not provided.

If a customer requests a referral, the VR staff member prepares and sends a written referral to the organization. In addition, the VR counseling staff member provides the customer being referred with the following:

- A. A copy of the written referral notifying the other federal or state program about the referral.
- B. The name of the person in that organization to be contacted by the customer being referred.
- C. Information about the most suitable services to prepare for, secure, retain, or regain employment.

### **Informal Referrals**

VR counselors routinely provide information to applicants and eligible customers about a wide array of community assistance programs that may offer services or benefits to assist the customer meet a variety of needs (food or clothing banks, medical programs, counseling services, etc.). These types of referrals are considered informal referrals. IDVR staff are encouraged to continue providing customers with information about other programs that offer services to assist them in meeting a variety of needs.

### ***14.8 Post Employment Services***

Order of Selection does not impact or alter the provision of post-employment services. Post-employment services are considered an amendment of the IPE, and therefore, a customer who needs post-employment services is not required to meet the highest priority category currently being serviced under an Order of Selection nor is the customers required to wait for services.

If substantial services are needed, PES is not appropriate. A new application should be taken and would be subjected to Order of Selection.

THIS PAGE INTENTIONALLY LEFT BLANK

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**SUBJECT**

Alcohol Permits - Issued by University Presidents

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies and Procedures, I.J.2.b.

**BACKGROUND/DISCUSSION**

The chief executive officer of each institution may waive the prohibition against possession or consumption of alcoholic beverages only as permitted by and in compliance with Board policy. Immediately upon issuance of an Alcohol Beverage Permit, a complete copy of the application and the permit shall be delivered to the Office of the State Board of Education, and Board staff shall disclose the issuance of the permit to the Board no later than the next Board meeting.

The last update presented to the Board was at the June 2012 Board meeting. Since that meeting, Board staff has received twenty-two (22) permits from Boise State University, eight (8) permits from Idaho State University, and seventeen (17) permits from the University of Idaho.

Board staff has prepared a brief listing of the permits issued for use. The list is attached for the Board's review.

**ATTACHMENTS**

Attachment 1 - List of Approved Permits by Institution

Page 3

**BOARD ACTION**

This item is for informational purposes only. Any action will be at the Board's discretion.

THIS PAGE INTENTIONALLY LEFT BLANK

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

<b>APPROVED ALCOHOL SERVICE AT BOISE STATE UNIVERSITY June 2012 – August 2012</b>				
<b>EVENT</b>	<b>LOCATION</b>	<b>Institution Sponsor</b>	<b>Outside Sponsor</b>	<b>DATE (S)</b>
Warhorse Donor Reception	Morrison Center – Founder's Room		X	6/7/12
Dining-Out for Soldiers/Families of 321 <sup>st</sup> Engineer Battalion	Student Union Building (SUB) - Lookout Room		X	6/9/12
Business Acumen for Emerging Leaders	Stueckle Sky Center (SSC)		X	6/19/12
Thank You Event – Exergy Bike Tour	SSC		X	6/21/12
Rood/Bordewyk Wedding/Reception	SSC		X	6/30/12
SEG-AGU Hydrogeophysics Workshop	SUB - Lookout Room		X	7/8/12, 7/10/12
Celebration of Life Service for Richard	SSC		X	7/12/12
Holhaus/Jones Wedding	SSC		X	7/14/12
Kevin Hart / Comedy	Morrison Center		X	7/20/12
Boise HS Class of 1972 - 40 <sup>th</sup> Reunion	SSC		X	7/21/12
Boise YMCA Retirement Party	Simplot Ballroom		X	7/21/12
Silverback Superintendents Dinner	SSC		X	7/24/12
Mason/Nelson Wedding	SSC		X	7/28/12
Trey McIntyre Project / Invited Dress Rehearsal	Morrison Center		X	7/28/12
Hospice & Palliative Care Conf. Banquet	SUB		X	7/30/12
ID Healthcare Assoc. - Convention Fun Night	SSC		X	7/31/12
An Evening with Yanni	Morrison Center		X	8/1/12
Treasure Valley Battle Against MS	SSC		X	8/2/12
Griffith/Flower Wedding	SSC		X	8/4/12
Hooker/Steel Wedding	SSC		X	8/11/12
Capital Class of 1987 – 25 Year Reunion	Hatch Ballroom		X	8/11/12
Zach Abel Wedding	SSC		X	8/13/12

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
AUGUST 16, 2012**

---

<b>APPROVED ALCOHOL SERVICE AT IDAHO STATE UNIVERSITY June 2012 – September 2012</b>				
<b>EVENT</b>	<b>LOCATION</b>	<b>Institution Sponsor</b>	<b>Outside Sponsor</b>	<b>DATE (S)</b>
SBOE CAES Dinner Tour	Center for Advanced Energy Studies (CAES)	X		6/20/12
Nancy Anthony Retirement	Alumni House, 921 S. 8 <sup>th</sup> , Pocatello, ID	X		7/20/12
SBOE Dinner	SPAC	X		8/15/12
IANS/IEEE Dinner Meeting	CAES	X		9/11/12
City Club of Idaho Falls Annual Dinner	Student Union Building (SUB) – Bennion		X	6/28/12
Champion/Taylor Wedding	Stephen's Performing Arts Center (SPAC) – Rotunda		X	6/30/12
Fowler/Craney Wedding Reception	SPAC		X	7/21/12
Klein/Guymon Wedding	SPAC		X	8/10/12

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

<b>APPROVED ALCOHOL SERVICE AT UNIVERSITY OF IDAHO June 2012 – November 2012</b>				
<b>EVENT</b>	<b>LOCATION</b>	<b>Institution Sponsor</b>	<b>Outside Sponsor</b>	<b>DATE (S)</b>
Carl Hunt Retirement Party	Litehouse Center – Kibbie Dome	X		6/1/12
Utility Executive Course (UEC) University Inn Orientation/Dinner	Best Western University Inn – Courtyard, 1516 Pullman Road, Moscow, ID 83843	X		6/10/12
UEC University Inn Reception/Dinner	Best Western University Inn – Silver Room, 1516 Pullman Road, Moscow, ID 83843	X		6/11/12
UEC Golf Scramble	Bogey's Grill	X		6/16/12
UEC Dinner Cruise	The Coeur d'Alene, Coeur d'Alene, ID	X		6/28/12
Enrollment Management Summer Retreat	Twin Larch	X		7/12/12
Grace Nixon Reception	Idaho Water Center	X		7/12/12
Corner Club Golf Tournament	UI Golf Course	X		7/15/12
Donor Recognition & Stewardship Dinner	President's Residence	X		7/16/12
Sustainable Housing Design Charette Dinner Reception	UI Campus – Commons Aurora Room	X		7/23/12
Alumni and Donor Event – McCall	McCall Outdoor Science School (MOSS)	X		7/27/12
Office of Admissions Recruitment Retreat	Twin Larch	X		8/1/12
Executive MBA University Inn Orientation/Dinner	Best Western University Inn – Silver Room, 1516 Pullman Road, Moscow, ID 83843	X		8/5/12
11 <sup>th</sup> Annual INBRE Research Conference	Best Western University Inn, 1516 Pullman Road, Moscow, ID 83843	X		8/6 – 8/8/12
EMBA Campus Week Bowling	Zeppoz, 780 Southeast Bishop Blvd., Pullman, WA 99163	X		8/7/12
College of Business & Economics - Faculty Retreat Reception	ALB 1 <sup>st</sup> Floor Gallery	X		8/16/12
University Gala - to recognize donors being inducted into new lifetime giving societies	Best Western University Inn – Convention Center, 1516 Pullman Road, Moscow, ID 83843	X		11/2/12



THIS PAGE INTENTIONALLY LEFT BLANK

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 16, 2012**

---

**SUBJECT**

Students Come First Reforms

**APPLICABLE STATUTE, RULE, OR POLICY**

Various Chapters, Title 33, Idaho Code

**BACKGROUND/DISCUSSION**

The Students Come First reform legislation was enacted in the 2011 legislative session in response to the budget cuts necessitated by the economic recession. The legislation sought to educate more students at a higher level with limited resources.

The final legislation addressed three main areas of K-12 education: Labor Relations, Teacher Pay and Modernization/Technology Upgrades.

The Board took a position in support of the reform efforts in February 2011.

**IMPACT**

The November 2012 ballot will include Propositions 1, 2 and 3 that ask voters to either support or reject the education reform laws, known as Students Come First, passed in the 2011 legislative session. If a majority of Idaho voters vote NO, the legislation would be repealed. This would require significant time and effort on the part of the State Department of Education and the Board to assess changes needed to reform efforts currently in process. While the fiscal impact of repeal has not been definitively estimated, it would potentially require reallocation of the \$38.8 million for pay-for-performance, the \$13.6 million for technology, and the \$2.6 million for laptops and maintenance that was appropriated for Fiscal Year 2013 as part of the reform efforts.

**STAFF COMMENTS AND RECOMMENDATIONS**

The Students Come First laws have provided the means for Idaho schools to reward good teachers based on performance, leadership and taking hard to fill position. The laws have also provided the means to create a 21<sup>st</sup> century learning environment through technology upgrades and access to tools, resources and information students need to be successful. In addition, the laws have created transparency by providing greater access to information on student achievement and financial matters in schools and districts.

Repeal of the Students Come First legislation would create uncertainty for the state's K-12 education system.

**BOARD ACTION**

I move to reaffirm the Board's support of Students Come First.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

THIS PAGE INTENTIONALLY LEFT BLANK