

State of Wyoming
Department of Workforce Services
Division of Vocational Rehabilitation

Policy, Procedure, and Training Manual

May 24, 2017

Using the DVR Policy Manual

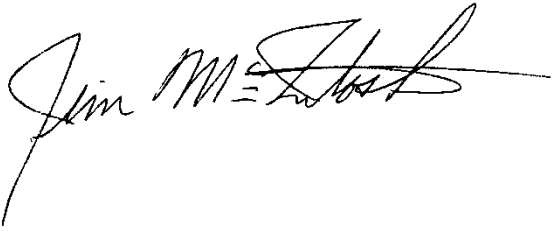
The Division of Vocational Rehabilitation (DVR) Service Delivery Policy Manual is divided into chapters that address the working rules of the DVR program. Each chapter begins with the law and the regulations upon which the DVR policies of the chapter are based. In many situations, the policies follow the exact requirements of the law and the regulations and in other situations Wyoming DVR determines the policy itself. Text indicated in italics is meant as guidance.

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POLICY AND PROCEDURAL MANUAL

Through the efforts of the Division's Futures Group, The policy and Procedural Manual of the State of Wyoming, Division of Vocational Rehabilitation has been updated and is in compliance with the Workforce Innovation and Opportunities Act and is hereby adopted and promulgated as the official policy of the Division. Effective: October 1, 2017

A handwritten signature in black ink, appearing to read "Jim McIntosh". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jim McIntosh
Administrator

WYOMING DIVISION OF VOCATIONAL REHABILITATION POLICY MANUAL

PREAMBLE

Welcome to the Wyoming Division of Vocational Rehabilitation. The purpose of the State Vocational Rehabilitation program is to provide "statewide comprehensive, coordinated, effective, efficient, and accountable vocational rehabilitation programs, each of which is--

- (a) An integral part of the statewide workforce development system; and
- (b) Designed to assess, plan, develop and provide vocational rehabilitation services for individuals with disabilities, consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice so that they may prepare for and engage in competitive integrated employment and achieve economic self-sufficiency. "

The guiding principles of the VR program are that individuals with disabilities including those with the most significant disabilities are capable of achieving high quality competitive integrated employment when provided the necessary services and support. To increase employment of individuals with disabilities in the labor market, the workforce system must provide individuals with disabilities opportunities to participate in job-driven training and pursue high quality employment outcomes.

Through the implementation of changes made to the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA) and the authorization of the Workforce Innovation and Opportunity Act, the Wyoming Division of Vocational Rehabilitation administers several programs that provide services to of individuals with disabilities, both youth and adults. The goal of each program is to provide VR services which lead to a successful competitive integrated employment outcome for each individual served.

The State Supported Employment Services program authorized under title VI of the Rehabilitation Act as amended by WIOA, utilizing the customized employment model, serves individuals with the most significant disabilities. It provides assistance with competitive integrated employment that is individualized and customized, consistent with the unique strengths, abilities, interests, and informed choice of the individual. It includes funding for ongoing support services for individuals with the most significant disabilities while participating in an appropriate supported employment competitive integrated placement.

Vocational Rehabilitation services for students and youth with disabilities have been implemented to ensure that they have meaningful opportunities to receive the VR services to successfully transition from a secondary education program into the postsecondary life, such as achievement of an employment outcome and to achieve competitive integrated employment. Pre-employment transition services are included in the range of vocational

rehabilitation services for students with disabilities. In collaboration with local educational agencies, pre-employment transition services are made available statewide to students with disabilities, regardless of whether the student has applied for or been determined eligible for vocational rehabilitation services. The required activities for pre-employment transition students are job exploration counseling; work-based learning experiences, counseling on opportunities for enrollment in comprehensive transition and postsecondary education programs at institutions of higher education; workplace readiness training; and instruction in self-advocacy.

The Business Enterprise Program (BEP) serves clients who are interested or involved in self-employment. A client who is served by the BEP program must have a significant or most significant disability designation. A client can receive technical assistance such as consultation towards a small business goal, and could receive financial assistance for business start-up expenses. In order for an eligible DVR client to obtain DVR funding, the client must develop a small business plan, show the feasibility for the proposed business, and have it approved by our small business expert.

The Wyoming Division of Vocational Rehabilitation and the Wyoming Division of Workers' Compensation partner services in a cooperative effort, in serving injured workers through the Vocational Option, to achieve the goal of returning to work. Both Divisions take into consideration the most expeditious and least costly program available with regard to the injured worker's current work restrictions and occupation at the time of injury. Both Divisions share resources when appropriate to reduce agency costs.

The Wyoming Division of Vocational Rehabilitation Policy Manual is developed to make certain that services afforded to individuals with disabilities follow the Federal and State laws and regulations, while also providing versatile guidelines for the VR Staff. The provision of vocational rehabilitation services is an individualized activity directed toward each individual being served and the rehabilitation needs of that specific individual. When the client's individual needs to achieve an employment outcome are in conflict with the State policy/procedure, the Rehabilitation Act of 1973, as amended by WIOA, allows the Counselor the flexibility to make professional and reasonable exceptions to the local policy, with the approval of the area manager or director. The written policies cover the nature and scope of each of the vocational rehabilitation services specified in Title 34 of the Code of Federal Regulations (CFR), Part 361.48 and the criteria under which each service is provided.

For further information:

The Act may be found online at:

<https://legcounsel.house.gov/Comps/Rehabilitation%20Act%20Of%201973.pdf>

The WIOA may be found online at:

<https://www.gpo.gov/fdsys/pkg/PLAW-113publ128/html/PLAW-113publ128.htm>

Introduction – Implementation of VR Programs and Principles

✓ The Act (a) Findings. Congress finds that -- (1) millions of Americans have one or more physical or mental disabilities and the number of Americans with such disabilities is increasing; (2) individuals with disabilities constitute one of the most disadvantaged groups in society; (3) disability is a natural part of the human experience and in no way diminishes the right of individuals to: (A) live independently; (B) enjoy self-determination; (C) make choices; (D) contribute to society; (E) pursue meaningful careers; and (F) enjoy full inclusion and integration in the economic, political, social, cultural and educational mainstream of American society. (4) increased employment of individuals with disabilities can be achieved through implementation of statewide workforce development systems defined in section 3 of the Workforce Innovation and Opportunity Act that provide meaningful and effective participation for individuals with disabilities in workforce investment activities and activities carried out under the Vocational Rehabilitation program established under Title I, and through the provision of independent living services, support services and meaningful opportunities for employment in integrated work settings through the provision of reasonable accommodations. (5) individuals with disabilities continually encounter various forms of discrimination in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting and public services. (6) the goals of the Nation properly include the goal of providing individuals with disabilities with the tools necessary to (A) make informed choices and decisions; and (B) achieve equality of opportunity, full inclusion and integration in society, employment, independent living and economic and social self-sufficiency, for such individuals. (7) (A) a high proportion of students with disabilities is leaving secondary education without being employed in competitive integrated employment, or being enrolled in postsecondary education; and (B) there is a substantial need to support such students as they transition from school to postsecondary life. Section 101(a)(15)(E) Annual State Goals and Reports of Progress- The State plan shall- (i) include results of an evaluation of the effectiveness of the vocational rehabilitation program . . .

Section 101(a)(11) Cooperation, Collaboration and Coordination

(A) Cooperative Agreements with other components of statewide workforce development systems-- The State plan shall provide that the designated State unit or designated State agency shall enter into a cooperative agreement with other entities that are components of the statewide workforce development system of the State . . . (C) Interagency cooperation with other agencies-- The State Plan shall include descriptions of interagency cooperation with, and utilization of the services and facilities of, Federal, State and local agencies and programs . . . Section 105 State Rehabilitation Council (a)

Establishment 1) In general-- . . . to receive financial assistance under this title a State shall establish a State Rehabilitation Council. . .

✓ The Regulations: 34 CFR § 361.47 Record of Services (a) The designated State unit must maintain for each applicant and eligible individual a record of services that includes, to the extent pertinent, the following documentation: (1) If an applicant has been determined to be an eligible individual, documentation supporting that determination in accordance with the requirements under 34 CFR § 361.42. (2) If an applicant or eligible individual receiving services under an IPE has been determined to be ineligible, documentation supporting that determination in accordance with the requirements under 34 CFR § 361.43. (3) Documentation that describes the justification for closing an applicant's or eligible individual's record of services if that closure is based on reasons other than ineligibility, including, as appropriate, documentation indicating that the State unit has satisfied the requirements in 34 CFR § 361.44. (4) If an individual has been determined to be an individual with a significant disability or an individual with a most significant disability, documentation supporting that determination. (5) If an individual with a significant disability requires an exploration of abilities, capabilities, and capacity to perform in realistic work situations through the use of trial work to determine whether the individual is an eligible individual, documentation supporting the need for, and the plan relating to, that exploration and documentation regarding the periodic assessments carried out during the trial work experiences in accordance with the requirements under 34 CFR § 361.42(e). (6) The individualized plan for employment, and any amendments to the individualized plan for employment, consistent with the requirements under 34 CFR § 361.46. (7) Documentation describing the extent to which the applicant or eligible individual exercised informed choice regarding the provision of assessment services and the extent to which the eligible individual exercised informed choice in the development of the individualized plan for employment with respect to the selection of the specific employment outcome, the specific vocational rehabilitation services needed to achieve the employment outcome, the entity to provide the services, the employment setting, the settings in which the services will be provided, and the methods to procure the services. (8) In the event that an individual's IPE provides for vocational rehabilitation services in a non- integrated setting, a justification to support the need for the non- integrated setting. (9) In the event that an individual obtains competitive employment, verification that the individual is compensated at or above the minimum wage and that the individual's wage and level of benefits are not less than that customarily paid by the employer for the same or similar work performed by non- disabled individuals in accordance with 34 CFR § 361.5(c)(9)(i). (10) In the event an individual achieves an employment outcome in which the individual is compensated in accordance with section 14(c) of the Fair Labor Standards Act or the designated State unit closes the record of services of an individual in extended employment on the basis that the individual is unable to achieve an employment outcome consistent with 34 CFR

§361.5(c)(15) or that an eligible individual through informed choice chooses to remain in extended employment, documentation of the results of the semi-annual reviews required under 34 CFR § 361.55, of the individual's input into those reviews, and of the individual's or, if appropriate, the individual's representative's acknowledgment that those reviews were conducted. (11) Documentation concerning any action or decision resulting from a request by an individual under 34 CFR § 361.57 for a review of determinations made by designated State unit personnel.

(12) In the event that an applicant or eligible individual requests under 34 CFR § 361.38(c)(4) that documentation in the record of services be amended and the documentation is not amended, documentation of the request. (13) In the event an individual is referred to another program through the State unit's information and referral system under 34 CFR §361.37, including other components of the statewide workforce development system, documentation on the nature and scope of services provided by the designated State unit to the individual and on the referral itself, consistent with the requirements of 34 CFR §361.37. (14) In the event an individual's record of service is closed under 34 CFR § 361.56, documentation that demonstrates the services provided under the individual's IPE contributed to the achievement of the employment outcome. (15) In the event an individual's record of service is closed under 34 CFR § 361.56, documentation verifying that the provisions of 34 CFR § 361.56 have been satisfied; (b) The State unite in consultation with the SRC if the State has a Council, must determine the type of documentation that the State unit must maintain for each applicant and eligible individual in order to meet the requirements in paragraph (a) of this section.

34 CFR §361.57 Review of determinations made by designated State unit personnel. (b) General Requirements. (4) Impact on Provision of Services. The State unit may not institute a suspension, reduction, or termination of vocational rehabilitation services being provided to an applicant or eligible individual, including evaluation and assessment services and IPE development, pending a resolution through mediation, pending a decision by a hearing officer or reviewing official, or pending informal resolution under this section unless (i) The individual or, in appropriate cases, the individual's representative requests a suspension, reduction, or termination of services; or (ii)The State agency has evidence that the services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the individual or the individual's representative.

DIVISION OF VOCATIONAL REHABILITATION

MISSION

To bridge human and economic development

VISION

We envision a Wyoming with a well prepared, economically self-sufficient workforce that empowers employees and employers to enjoy an improved quality of life.

VALUES

Customer Service

Professional Development and Empowerment

Collaboration

Communication

Trust and Honesty

ETHICAL CONSIDERATIONS

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

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

These values inform principles. They represent one important way of expressing a general ethical commitment that becomes more precisely defined and action-oriented when expressed as a principle. The fundamental spirit of caring and respect with which the Code is written is based upon six principles of ethical behavior:

Autonomy: To respect the rights of clients to be self-governing within their social and cultural framework.

Beneficence: To do good to others; to promote the wellbeing of clients.

Fidelity: To be faithful; to keep promises and honor the trust placed in rehabilitation counselors.

Justice: To be fair in the treatment of all clients; to provide appropriate services to all.

Nonmaleficence: To do no harm to others.

Veracity: To be honest.

PRINCIPLE BASED LEADERSHIP (PBL)

The Professional Code of Ethics for Rehabilitation counselors and Principle Based Leadership Character Traits are closely related. While some staff are not Certified Rehabilitation Counselors (CRC) they are all members of the Department of Workforce Services and should use PBL as a guideline when working with consumers and/or with each other.

“There is a bright line between right and wrong”

CHARACTER TRAITS OF PBL

1. **INTEGRITY;** honesty and integrity are essential
The queen of character traits
2. **COURAGE;** overcoming fear and willing to risk
Do what is right
3. **DISCIPLINE;** maintain self focus
Treat everyone the same
4. **LOYALTY;** submission to legitimate authority
Keeps commitments
5. **DILIGENCE;** the virtue of hard work and persistence
Staying on task and following through
6. **HUMILITY;** concern for the interests of others
Ask for help, opinions feedback and insight
7. **OPTIMISM;** expect a good outcome
Catch people doing something good
8. **CONVICTION;** the inner compass is imperative
Conviction reflects your very identity

CONSIDERATIONS FOR AND EXPECTATIONS OF DVR STAFF AND CLIENTS

The Division of Vocational Rehabilitation is committed to maintaining employees who demonstrate the highest ethical standards at all times and perform their job duties in an independent and impartial manner with integrity and honesty. DVR adheres to the guiding principles of the Wyoming Executive Department Code of Ethics (Executive Order D-001-99),

the Commission on Rehabilitation Counselor Certification (CRCC) Code of Professional Ethics and the State Personnel System Employee Handbook. The Division of Vocational Rehabilitation complies with and follows all policies and procedures put forth by the Wyoming Department of Workforce Services as well.

TRAINING

DVR shall provide and encourage opportunities for staff to participate in training to gain knowledge, skills and awareness for professional growth and development.

CRITICAL RELATIONSHIPS AND COLLABORATION

Engagement with Clients – The development of a strong working alliance and supporting the engagement of each client is critical in the rehabilitation process and to the provision of high quality vocational rehabilitation services, including vocational counseling and guidance. While all DVR staff actions contribute to client engagement, the autonomy and informed choice of each client is of equal importance in this relationship. An effective vocational rehabilitation program requires the active participation of each client.

To support the working alliance and engagement of clients, DVR staff shall engage in regular and meaningful contact with each eligible client. DVR staff will assure contact, defined as efforts by DVR staff to give or get information via phone, text, email, letter, or in person, with each applicant, eligible client, authorized representative(s), and/or individual(s) designated by the client (e.g. host home provider, resource coordinator, etc.) at least once every ninety (90) days. When DVR staff is able to directly engage through appropriate means, this interaction will be documented in the client record. In situations when DVR staff is unable to reach the individual, or an authorized representative as appropriate, the effort to engage the individual will be documented in the client record.

Engagement with Community Partners – DVR staff shall engage in cooperative relationships with public and private agencies and programs, including local school districts, Boards of Cooperative Educational Services (BOCES), mental health programs, community colleges, universities, human services agencies, programs serving persons with developmental disabilities, workforce development system partners, and other agencies at the state and local levels. The goal shall be to facilitate the provision of services to DVR's primary customers, reduce the duplication of services and maximize client opportunities to obtain chosen employment outcomes.

Agreements with Other Agencies and Organizations - DVR staff shall comply with the provisions of agreements between DVR and other agencies and community-based organizations, including other statewide workforce development system partners.

Engagement with Employers – DVR staff shall engage in cooperative relationships with federal, state and local employers for the purposes of:

- creating competitive integrated employment opportunities for clients;

- creating assessment and vocational services for clients;
- informing employers of the existence of DVR and the availability of DVR services;
- providing employers with information regarding the Americans with Disabilities Act and related amendments; and
- providing employers with information about awareness of disability and the employment of individuals with disabilities.

Engagement with the State Rehabilitation Council - DVR shall collaborate with and support the State Rehabilitation Council as the Council performs its duties.

CASE PROGRESS/CASE MANAGEMENT

The DVR Counselor's primary case management responsibility is to be actively engaged and working with every client on his or her caseload. The DVR Counselor shall consistently engage clients and monitor for ongoing and satisfactory case progress. The DVR Counselor shall be knowledgeable as to if each individual client is performing and participating in activities to the extent that those activities are advancing the client toward his or her goals.

Through documentation maintained in the DVR case record, the DVR Counselor shall demonstrate that he or she is keeping all of the cases for which he or she is responsible in continuous forward movement.

Prior to the development and implementation of the Individualized Plan for Employment (IPE), the DVR Counselor shall assure that the applicant or eligible individual's participation in assessment and other necessary activities is adequate to lead toward eligibility and the determination of priority for services, as well as toward the determination of rehabilitation needs and services and the development of an employment outcome that is consistent with the client's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice.

After the development of the IPE, the DVR Counselor shall continually monitor each case to assure client progress. On at least an annual basis, and more frequently if necessary, the client's activities and the rehabilitation plan shall be reviewed to assure that:

- a) the employment outcome remains consistent with the client's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice;
- b) activities will result, to the extent appropriate, in the achievement of competitive integrated employment;
- c) all goods and services are still necessary and are leading toward the chosen employment outcome;
- d) the proposed timelines (date of initiation of services and duration of services) are still on track;
- e) selected objective criteria are accurately measuring forward progress;

- f) procedures used to measure the objective criteria are doing so;
- g) the schedule of periodic evaluation and monitoring toward achievement of the employment outcome is working as identified in the IPE;
- h) the client has pursued and acquired comparable benefits as described in the case record;
- i) the client has paid his or her cost of necessary goods and services as described in the case record;
- j) the client is meeting his or her responsibilities as outlined in the case record;
- k) the client and DVR staff engage in regular and meaningful communication regarding case progress;
- l) DVR is meeting its responsibilities as outlined in the case record;
- m) DVR has provided goods and services as described in the IPE; and/or
- n) the client has no new or additional rehabilitation needs that should be addressed.

When the client's activities are not sufficient to move him or her forward toward a successful competitive integrated employment outcome, or when the client is not making forward case progress, the DVR Counselor shall document this in the case record and initiate steps to assist the client with identifying and resolving the issues which are impeding forward case progress. These activities, their results, and the steps identified to move the case forward shall be documented within the individual case record. If the DVR client is unable to resume forward progress within a reasonable period of time, the DVR Counselor shall close the case and document the rationale in the client record. A reasonable period of time to resume forward progress is determined by the DVR Counselor given the unique circumstances of each client's situation.

DOCUMENTATION

The purpose of client record documentation is to explain, describe, document, justify, and chronicle the DVR Counselor/Client relationship throughout the vocational rehabilitation process. The case record has the important role of representing the Client and the DVR Counselor in the absence of either or both.

Readers of the documentation must have proper releases of information and may include: auditors, judges, attorneys, other DVR staff, clients and client representatives, the Client Assistance Program, fair hearing officers, and others.

Each reader will view Client record documentation with different perceptions, different knowledge bases, different understandings, and different agendas. Documentation efforts should consider each possible reader and should consider under what circumstances readers may be reviewing a case record. Documentation should clearly explain, justify, and inform any reader as to decisions, interventions and resource expenditures in the individual DVR case record.

Much of the documentation used in the rehabilitation process is contained in DVR forms and in records and reports from sources outside DVR. The documentation that DVR Staff is responsible for includes creating documentation that links the Rehabilitation Act's legal and ethical authority to the DVR Counselor's decisions and determinations. It answers the questions "why" and is the logical argument which explains decisions that impact services to applicants and clients. The DVR Counselor completes documentation at critical decision points, including: Eligibility, Identification of and commitment by DVR to an employment outcome, Initial IPE, Annual and other IPE reviews, and case closure.

Case file documentation also includes observations, facts, descriptions and interventions. It is the flow of the case record and is used to tell the story of the Client's VR program. The documentation should depict the progress of the client's rehabilitation program through the rehabilitation process, always describing the present status and a clear history of the process. This type of documentation can be written by any DVR Staff working with the DVR case record and can include:

- The identification and addressing of disability and related issues;
- The documentation of rehabilitation counseling issues;
- The documentation of discussions between the client and the DVR staff;
- Documentation of interventions
- Description of facts that contribute to future decision points
- Updates about service provision
- Updates about overall and specific case progress
- Updates about progress toward establishing or achieving vocational goals and objectives; and
- Evaluation of next step

Required Case heading list see Appendix F

EXPECTATION OF TIMELY DOCUMENTATION

DVR Counselors and staff shall document events, activities and the rationale for their decisions promptly, so it is clear what was decided and when it was decided. Case narratives shall be kept up to date to accurately reflect the current status of the case and entered into DVR's electronic case management system as soon as possible following the actual date of the event, activity or decision.

DATA COLLECTION

DVR staff shall ensure the collection and entry of accurate and timely data into DVR's electronic case management system to facilitate the provision of vocational rehabilitation services to clients and to assure accurate Federal and State reporting. Additionally, DVR client records shall reflect documented practices that are consistent with federal regulations and agency policy. Documentation provides the means for DVR to discuss key determinations during the rehabilitation experience including eligibility and severity of disability, employment

outcome and service needs for all clients. Rehabilitation Counselors shall use case notes to document counseling and guidance and all relevant rehabilitation activities.

SUPERVISORY REVIEW

DVR Supervisory Review Protocol - DVR Area Managers shall use DVR's agency-defined procedure to regularly review various activities and decisions made during the rehabilitation process. Supervisory review shall take place in the manner and frequency identified by the agency administration. DVR Area Managers shall review case records for the purpose of making timely corrections and adjustments that facilitate satisfactory case progress and that improve the performance of staff providing services to DVR applicants and clients.

Area Manager Approval – As determined by the DVR agency, certain plans and services require consultation between the DVR Counselors and DVR Area Manager before verbal or written commitments shall be made. In these cases, the DVR Counselor and the DVR Area Manager shall document the approval. This form shall be completed, signed by the DVR Area Manager(s), and placed into the case record.

QUALITY ASSURANCE SYSTEM

DVR is committed to providing quality services and supports. DVR uses a quality assurance (QA) system and related review tools which are fully consistent with Federal regulation. The purpose of QA is to accurately evaluate the quality of DVR services. DVR does this using a variety of monitoring activities that are designed to provide an objective quality assurance process. Through the evaluation of client records, QA tools measure performance and long term continuous improvement in the delivery of vocational rehabilitation services.

Objectives of QA are to: ensure efficient DVR program operations and delivery of quality services; ensure that public funds are expended appropriately; and ensure that applicable federal and state laws, regulations, policies, procedures and guidelines are met. Quality assurance analyzes trends in excellence statewide. Using these trends, quality assurance guides DVR staff to make improvements through the provision of staff training and guides the need for technical assistance that promotes a continued level of excellence in the delivery of DVR services and supports.

Chapter One - Use and Release of Personal Information

✓ **The Regulations: 34 CFR § 361.38(a)(1)(iii) Protection, Use and release of personal information. (a) General provisions (1) The State agency and the State unit must adopt and implement written policies and procedures to safeguard the confidentiality of all personal information, including photographs and lists of names. These policies and procedures must ensure that- (iii) All applicants and recipients of services or their representatives are informed about the State unit's need to collect personal information and the policies governing its use, including- (a) Identification of the authority under which such information is collected; (b) Explanation of the principal purposes for which DVR intends to use or release the information; (c) Explanation of whether providing requested information to DVR is mandatory or voluntary and the effects of not providing requested information. (d) Identification of those situations in which DVR requires or does not require informed written consent of the individual before information may be released: and, (e) Identification of other agencies to which information is routinely released.**

1.1 Confidentiality

34 CFR Parts 361.38

All applicants, clients, or client representatives shall be informed of the Division's need to collect certain personal information and its policies governing its use and confidentiality.

1.1.1 Disclosure of Client Data 34 CFR Part 361.38 (c)

All applicant or client information acquired as part of the rehabilitation process shall remain the property of the Division of Vocational Rehabilitation and is strictly confidential.

Client information shall only be used for purposes directly related to the administration of the individual's vocational rehabilitation program. This information cannot be shared with anyone except Wyoming Division of Vocational Rehabilitation staff, including Disability Determination Services staff, without the informed written consent of the client or legal representative/ guardian. Exceptions to this are when:

1. Federal or State laws require it or;
2. It is in response to a judicial order; or In the case of a subpoena or legal investigations in connection with law enforcement, fraud, or abuse except where expressly prohibited;
3. It is to be used as protection for the individual or others when the individual poses a threat to his or her safety, to child endangerment or elderly abuse, or to the safety of others.

1.2 Informed Written Consent 34 CFR 361.38 (c) (1) Release to applicants and recipients of services, (1) Except as provided in paragraphs (c)(2) and (3) of this section, if requested in writing by an applicant or recipient of services, the State unit must make all requested information in that individual's record release the information to the individual or the individual's representative in a timely manner.

Information, which pertains to an applicant or client, shall not be released unless the counselor has documented that there is informed written consent of applicant or client to do so. This requires that the applicant or client has signed and dated a Release of Information form which:

- Designates the agency or person authorized to release the information;
- Specifically designates the parties to whom the information may be released;
- Specifies the purpose for which the related information may be used;
- Designates the specific information to be released; and
- Identifies the expiration date of the informed consent, not to exceed one year's duration.

An employee of the Wyoming Division of Vocational Rehabilitation shall not testify in court or in an administrative hearing regarding a client, or release records for testimony, without the informed written consent or authorization of the individual with disabilities, parent or guardian as applicable, unless served with an appropriate subpoena and/or ordered to do so by a judge or hearing officer with notification to the Division Administrator.

1.3 Client Access to Information 34 CFR Part 361.38 (c) (3)

Applicants or clients or, as appropriate, their legal representatives/guardian have the right to see and obtain copies of any information that DVR maintains on them except:

- Medical, psychological, or other information which the DVR counselor and an DVR area manager believes may be potentially harmful to the individual. This shall be provided through an acceptable third party chosen by the applicant, clients, or their legal representative/guardian, and the DVR agency.
- Applicants or clients, or their legal representative/guardian can request that misleading or inaccurate information in the individual's file be amended and have the request documented in the individual's file. If the information is not amended, the request for an amendment must be documented in the case service file.

1.3.1 Secondary Release of Information

If personal information, including psychological information, has been obtained from another agency or organization and includes a statement requesting that the information not be released, it can only be released by that other agency or organization. Information bearing this request will not be released directly to clients or their legal representatives/guardian.

Chapter Two - Informed Choice

✓ **The Act, Section 101(a)(2) Purpose** The purpose of this title is to assist states in operating statewide comprehensive, coordinated, effective, efficient and accountable programs of vocational rehabilitation, each of which is— (B) designed to assess, plan, develop and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, informed choice, and economic self-sufficiency, so that such individuals may prepare for and engage in gainful employment.

Section 101(a)(19) Choice- The State Plan shall include an assurance that applicants and eligible individuals or as appropriate, the applicant's representatives or individual's representatives, will be provided information and support services to assist the applicants and individuals in exercising informed choice throughout the rehabilitation process, consistent with the provisions of section 102(d), . . .

Section 102(b)(3)(B) Informed Choice An individualized plan for employment shall be developed and implemented in a manner that affords eligible individuals the opportunity to exercise informed choice in selecting an employment outcome, the specific vocational rehabilitation services to be provided under the plan, the entity that will provide the vocational rehabilitation services and the methods used to procure the services . . .

Section 103(a) Vocational Rehabilitation Services for Individuals-- Vocational rehabilitation services provided under this title are any services described in an individualized plan for employment necessary to assist an individual with a disability in preparing for, securing, retaining, or regaining an employment outcome ... including-- (2) Counseling and guidance, including information and support services to assist an individual in exercising informed choice consistent with the provisions of section 102(d). . .

✓ **The Regulations 34 CFR 361.52 Informed choice (a) General provision.** The vocational rehabilitation services portion of the Unified or Combined State Plan must assure that applicants and recipients of services . . . are provided information and support services to assist applicants and recipients of services in exercising informed choice throughout the rehabilitation process . . . (b) Written policies and procedures. The designated State unit, in consultation with its State Rehabilitation Council . . . must develop and implement written policies and procedures that enable an applicant or recipient of services to exercise informed choice throughout the vocational rehabilitation process. These policies and procedures must provide for—

(1) Informing each applicant and recipient of services (including students with disabilities who are making the transition from programs under responsibility of an educational agency to programs under the responsibility of the designated state unit and including youth with disabilities), through appropriate modes of communication about the availability of and opportunities to exercise informed choice, including the availability of support services for individuals with cognitive or other disabilities who

require assistance in exercising informed choice . . . (2) Assisting applicants and recipients of services in exercising informed choice in decisions related to provision of assessment services; (3) Developing and implementing flexible procurement policies and methods that facilitate the provision of vocational rehabilitation services and that afford recipients of services meaningful choices among the methods used to procure vocational rehabilitation services; (4) Assisting eligible individuals . . . in acquiring information that enables them to exercise informed choice in the development of their IPEs with respect to the selection of the--- (i) Employment outcome; (ii) Specific vocational rehabilitation services needed to achieve the employment outcome; (iii) Entity that will provide the services; (iv) Employment setting and the settings in which the services will be provided; and (v) Methods available for procuring the services; and (5) Ensuring that the availability and the scope of informed choice is consistent with the obligations of the designated State unit under this part.

2.1 CHOICE IN AUTHORIZED REPRESENTATION

An individual applying for and/or receiving vocational rehabilitation services from DVR may authorize the involvement of other person(s) of his or her choice to advocate for, assist and/or represent him/her at any time during vocational rehabilitation activities. Authorized representatives shall be involved in pertinent issues in the same manner as the applicant or recipient of services. All written documentation and notification which is provided to applicants and recipients of services shall also be provided to their authorized representatives. Legal guardians and court-appointed representatives are considered authorized representatives; in these situations, DVR's client record shall contain current proof of guardianship.

2.1.1 Signature of the Individual

DVR does not have a minimum age requirement regarding the signature of an individual at any time during the rehabilitation experience. When the nature of an individual's impairment precludes him or her from signing applications, plans, releases, requests for records and other documents requiring a signature, or if the client is under age 18 years, then acceptable evidence of a signature shall include a witnessed mark, or the signature of a parent, legal guardian or other authorized representative.

2.2 CLIENT/COUNSELOR RELATIONSHIP

DVR values an active and meaningful relationship with each individual to support and develop the exercise of informed choice. DVR Counselors have four (4) broad tasks:

1. To provide vocational guidance and counseling;
2. To ensure the individual has opportunities for appropriate experiences when necessary to develop preferences;
3. To provide necessary support services to assist individuals in identifying and understanding preferences in light of their strengths, resources, concerns, priorities, abilities, capabilities and interests; and,
4. To ensure that the individual has opportunities to choose among various options.

Informed choice activities shall be structured to assist the individual in making decisions that consider available community resources, employment opportunities, impact of work on benefits and work incentives, and applicable Federal/State legal and policy requirements that may impact choices about employment.

2.3 APPROPRIATE MODES OF COMMUNICATION

Informed choice and the provision of vocational rehabilitation services require that communications with persons with disabilities are effective. DVR staff shall inform each applicant and recipient of services through appropriate modes of communication about the availability of and opportunities to exercise informed choice. Individuals with cognitive or other disabilities who require assistance in exercising informed choice shall be notified that support services are available. Documentation of the process of providing this information and use of appropriate modes of communication shall be included in the client record.

2.4 ASSESSMENT AND PLAN DEVELOPMENT

The DVR Counselor shall provide information and assist the individual or, as appropriate his or her authorized representative, to make informed choices during assessment activities, the development of the Individualized Plan for Employment (IPE), and all amended IPEs with respect to the selection of the:

1. Employment outcome and setting;
2. Specific vocational rehabilitation services needed to achieve the employment outcome;
3. Providers of services;
4. Settings in which the services will be provided; and,
5. Methods available for procuring the services.

Helping individuals assess their skills, talents and capacities as well as their limitations and needs and set meaningful goals may be one of the most valuable services that the DVR Counselor provides persons with disabilities who have little or no previous experience and/or current skills in independent decision-making.

The DVR Counselor shall assure and document each individual's involvement in the choices and decisions related to: the provision of assessment services to determine eligibility and identify vocational rehabilitation needs; vocational planning to determine an employment outcome; and selection of the services necessary to reach the individual's employment outcome.

2.5 SELECTION OF SERVICES AND SERVICE PROVIDERS

The DVR Counselor shall provide information or help the individual find information necessary to be an informed decision maker about specific vocational rehabilitation services and the providers of those services. To the extent possible, information shall be provided regarding:

1. Cost, accessibility and duration of potential services;
2. Participant satisfaction with those services;

3. Qualifications of potential service providers;
4. Types of services offered by the potential providers;
5. Degree to which services are provided in integrated settings; and,
6. Outcomes achieved by individuals working with service providers.

2.6 NECESSARY AND APPROPRIATE SERVICES

The DVR Counselor shall assure that the individual and, as appropriate his or her authorized representative, understand that the informed choice process shall occur within the parameters of the DVR policy requirements that all vocational rehabilitation goods and services be necessary and appropriate. Once the necessity and appropriateness of a service or good is determined, the DVR Counselor shall procure the service/good at the least possible cost to DVR that meets the needs of the consumer. (See Chapter 9)

Whenever the DVR Counselor cannot support an individual's choice, the client record shall reflect the assistance and support offered to develop alternative goals and/or plans and clearly document the reasons for the DVR Counselor's decisions. The DVR Counselor shall provide information about appeal rights and the Client Assistance Program.

2.6.1 Necessary Services and Goods

A necessary service/good is one that is essential to: assess an individual's eligibility and severity of disability; establish his or her vocational rehabilitation needs; overcome or circumvent an impediment(s) to competitive integrated employment; or attain/retain the chosen employment outcome. If the individual's requested service or goal is not expected to result in a suitable employment outcome or is not necessary to reach the employment outcome, the DVR Counselor shall not support the individual's choice. The DVR Counselor is unable to support a chosen employment outcome that is incompatible with the individual's skills, abilities or limitations, when there are no accommodations, rehabilitation technology or other services that can be provided to overcome the difficulty.

2.6.2 Appropriate Services and Goods

An appropriate service/good is one that is of suitable and sufficient quality to fully meet the individual's needs and circumstances without sacrifices or adjustments which would not be reasonably expected of an individual who does not have a disability. The service/good shall first be determined to be necessary and then the exploration and choice of the most appropriate service/good shall occur.

2.6.3 Least Possible Cost for Necessary and Appropriate Services and Goods

Cost is not a consideration prior to the determination that a service/good is necessary and appropriate. If there is more than one necessary and equally appropriate, comparable service or good available from which to choose, DVR is required to provide the service/good that can be obtained at the least possible cost to DVR. In the event an individual chooses not to apply for or accept an available comparable benefit or service that would appropriately address the individual's identified rehabilitation needs, the DVR Counselor will inform the individual that

DVR will provide the amount for the least cost item and the difference in costs will be the individual's responsibility for the chosen benefit or service.

Chapter Three – Reviews, Appeals and Mediation

✓ **The Act, Section 102(c) Procedures (1) In general Each State shall establish procedures for mediation of, and procedures for review through an impartial due process hearing of, determinations made by personnel of the designated State unit that affect the provision of vocational rehabilitation services to applicants or eligible individuals. The procedures shall allow an applicant or an eligible individual the opportunity to request mediation, an impartial due process hearing, or both procedures.**

✓ **The Regulations: 34 CFR 361.57 Review of determinations made by designated State unit personnel (a) Procedures. The designated State unit must develop and implement procedures to ensure that an applicant or recipient of services who is dissatisfied with any determination made by personnel of the designated State unit that affects the provision of vocational rehabilitation services may request . . . a timely review of that determination. (b) General requirements. (1) Notification. Procedures established by the State unit . . . must provide an applicant or recipient . . . notice of—**

(i)The right to obtain review of State unit determinations that affect the provision of vocational rehabilitation services through an impartial due process hearing (ii) The right to pursue mediation (iii) The names and addresses of individuals with whom requests for mediation or due process hearings may be filed (iv) The manner in which a mediator or due process hearing officer may be selected (v) The availability of the client assistance program (2) Timing. Notice must be provided in writing—

(i) At the time the individual applies for vocational rehabilitation services (ii) At the time the individual is assigned to a category in the State’s order of selection (iii) At the time the IPE is developed (iv) Whenever vocational rehabilitation services are reduced, suspended or terminated. (3) Evidence and Representation

(i) Provide an applicant or recipient . . . an opportunity to submit during mediation sessions or due process hearings evidence and other information that supports the applicant’s or recipient’s position; and (ii) Allow an applicant or recipient to be represented ...by counsel or other advocate selected by the applicant or recipient. (4) Impact on provision of services. The State unit may not institute a suspension, reduction or termination of vocational rehabilitation services to an applicant or recipient, including evaluation and assessment services and IPE development, pending a resolution through mediation, pending a decision by a hearing officer or reviewing official, or pending informal resolution . . . unless—

(i)The individual . . . requests a suspension, reduction, or termination of services; or (ii) The State agency has evidence that the services have been obtained through misrepresentation, fraud, collusion or criminal conduct on the part of the individual . . .

3.1 Appeal Procedures

34 CFR Parts 361.57 Review of Determinations made by Designated Statement personnel

All applicants and clients shall be informed of the procedures for informal as well as formal resolution of disagreements, including the name and address of the Administrator of the designated state unit (DSU) with whom appeals for an Administrative Review, Mediation and Formal Hearings are to be directed in writing.

Additionally, applicants and clients shall be given the name and address of the Client Assistance Program (CAP) (307-638-7668, 1-800-821-3091, or www.wypanda.com) and the description of services available from this source. Applicants and clients will be notified in writing of individual's rights and availability of assistance from CAP at application, when the IPE is developed and when rehabilitation services are reduced or suspended.

Any applicant for or recipient of vocational rehabilitation services who is dissatisfied with a determination made by personnel of the DSU that affect the provision of vocational rehabilitation services concerning the furnishing or denial of services may request a timely review of those determinations. Applicants who are found ineligible for services and previously eligible individuals who are determined to be no longer eligible for services are permitted to challenge the determination of ineligibility. The individual has the right to be represented by a person of their choice at all levels of appeals and they have the right to submit evidence. If informal resolution fails, a formal hearing will be conducted within 60 days of the written request. The CAP is available to assist the applicant or eligible individual during all levels of the appeals process.

The appeal procedures may begin at any level. The DVR appeals process consists of four levels:

Level 1: Informal Review: If the client is dissatisfied with a decision made by his/her DVR counselor and it can't be resolved by discussing the issue with the DVR counselor, he/she can request that the DVR area manager review the decision. The DVR counselor will help schedule the managerial review.

Level 2: Administrative Review: Review of the decision will be completed by a previously uninvolved Vocational Rehabilitation administrative staff person. The applicant or client is encouraged to participate in the informal review and in the administrative review. The decision will be provided to the client in written form along with a description of how client can access the next level in the appeals process.

Level 3: Mediation: The mediation process is voluntary on the part of all parties, is not used to deny or delay the right of the individual to a formal hearing or to deny any other right afforded to the individual under Title I of the Act, and is conducted by a qualified and impartial mediator who is trained in effective mediation techniques. A list of qualified mediators will be maintained by the state. The state will pay the cost of mediation and formal hearing. Mediation will be scheduled in a timely manner and in a convenient location for all the parties of the dispute. All

discussions that occur during mediation will be kept confidential. If an agreement is reached, that agreement must be put in writing.

Level 4: Formal Review (Fair Hearing): Formal review (fair hearing) will be conducted by an Impartial Hearing Officer (IHO) from the Office of Administrative Hearings (OAH). Applicants and eligible individuals have the right to be represented during the mediation and formal review. The Fair Hearing will be held within 60 days of receipt of the client's request for review unless the parties jointly agree to a specific extension of the time. Selection of the IHO will be in accordance with the requirements of Section 102 (c)(5) of the Rehabilitation Act, as amended.

The second, third and fourth levels of review must be requested in writing. Client will have 10 (ten) days to request each review. This request will be addressed to the DSU Administrator.

The IHO will provide a full written report of the findings and the grounds for decision within 30 days of the completion of the hearing to the applicant or eligible individual or the individual's representative and the DSU.

Either party may request a review of the decision of the IHO within 20 days of the decision. The chief official of the designated state agency (Department of Workforce Services) shall be provided an opportunity to submit additional evidence and information relevant to the appeal.

The chief official shall not overturn or modify a decision of the IHO that supports the individual with a disability, unless it has been determined, based on clear and convincing evidence, that the decision of the IHO is clearly erroneous on the basis of being contrary to Federal or State law, the approved State Plan, Federal regulations, or any State regulation or policy that is consistent with Federal requirements.

The chief official shall make a final decision in writing, including a full report of the findings and grounds for the decision, within 30 days of providing notice of intent to review. A copy of the decision shall be provided to the individual or his/her designated representative.

The chief official shall not delegate responsibility for making the final decision to any officer or employee of the Department of Workforce Services.

During the appeals process, DVR shall not suspend, reduce or terminate vocational rehabilitation services, including evaluation and assessment services, being provided to the individual, unless the individual or the individual representative requests it, or unless such services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the individual or the individual's representative.

The chief official shall use the following standards when determining whether to review a hearing officer's decision.

1. Is the initial decision supported by substantial evidence?
2. In reaching the initial decision, has the Impartial Hearing Officer given appropriate and

adequate interpretation to such factors as:

- i. The Federal statute and regulations as they apply to the specific issue;
- ii. The State Plan as it applies to the specific issue in question;
- iii. Approved Federal and State policy as it applies to the issue in question;
- iv. State agency options in the delivery of services if such options are permissible by Federal statute or regulation;
- v. Restrictions in the Federal statutes or regulations with regard to such supportive services as maintenance and transportation;
- vi. Key portions of conflicting testimony.

At the request of one or both parties, reasonable time extensions for good cause are allowable, except for the 20-day limit for either party to request an impartial review of the IHO's decision. The IHO's decision will be sent to the RSA Regional Commissioner.

Either party may file a civil action for review of the final decision issued by the IHO or the reviewing official.

Chapter Four - Applications

✓ The Regulations

34 CFR 361.41 Processing referrals and applications (a) Referrals. The designated State unit must establish and implement standards for the prompt and equitable handling of referrals of individuals for vocational rehabilitation services . . . The standards must include timelines for making good faith efforts to inform these individuals of application requirements and to gather information necessary to initiate an assessment for determining eligibility and priority for services. (b) Applications. (1) Once an individual has submitted an application for vocational rehabilitation services . . . an eligibility determination must be made within 60 days, unless—

(i) Exceptional and unforeseen circumstances beyond the control of the designated State unit preclude making an eligibility determination within 60 days and the designated State unit and the individual agree to a specific extension of time; or (ii) An exploration of the individual's abilities, capabilities and capacity to perform in work situations is carried out in accordance with 361.42. (2) An individual is considered to have submitted an application when the individual or the individual's representative, as appropriate-

(i) (A) Has completed and signed an agency application form;

(B) Has completed a common intake application form in a One-Stop center requesting vocational rehabilitation services; or (C) Has otherwise requested services from the designated State unit; (ii) Has provided the designated State unit information necessary to initiate an assessment to determine eligibility and priority for services; and (iii) Is available to complete the assessment process.

4.1 REFERRAL

A person, or a representative of that person, requesting vocational rehabilitation services can contact their local office and will be provided an application. Upon receipt of the application, an appointment will be scheduled with a Vocational Rehabilitation Counselor to complete the initial interview process.

Eligibility determination will be made within sixty (60) days of signing the VR application. Exceptions to the eligibility timeline can be provided only in circumstances that are exceptional and unforeseen beyond the control of DVR, or if DVR is completing a trial work experience to explore the individual's abilities, capabilities, or capacity to work in a competitive integrated work setting. If an extension is necessary, the individual and DVR will sign an agreement to a specific extension of time to determine eligibility. If an eligibility extension is not secured, the decision of eligibility will be made based on current documentation received.

4.2 APPLICANTS AND APPLICATIONS

An applicant is an individual who has applied for DVR services. Authorized representatives shall be involved in pertinent issues in the same manner as the applicant or client. DVR shall

provide assistance and/or accommodations throughout the application process.

An individual is considered to have submitted an application when:

1. An application requesting services is signed and dated by the individual or, as appropriate, the individual's authorized representative; and
2. The individual is available to complete the assessment process; and
3. Information necessary to initiate the eligibility determination process is provided.

The information necessary to initiate the eligibility determination process may include documentation demonstrating potential and/or legal capacity to work.

4.3 CONSIDERATIONS REGARDING APPLICANTS

4.3.1 Prior Closure(s)

An applicant who was previously determined to be ineligible based on a finding that he or she was unable to achieve an employment outcome, due to the severity of his or her disability, has a right to have that decision reviewed within twelve (12) months from the date of case closure and annually thereafter upon request. An individual who wishes to reapply (within 12 months) following an ineligibility decision, shall provide evidence that suggests the individual can benefit from the provision of vocational rehabilitation services in terms of competitive integrated employment.

An individual whose client record was closed for reasons other than successfully rehabilitated during the previous twelve (12) months, or an individual who has multiple client records closed for such reasons, when reapplying, shall provide new information demonstrating potential to successfully achieve a competitive integrated employment outcome through the provision of DVR services. If information cannot be provided, the application shall not proceed and the individual shall be informed of his or her rights to appeal.

If a client has had a previous case but has not returned tools or equipment as per the equipment agreement form, the case may be placed on hold until the equipment has been replaced or the monies returned. If the client has defaulted on equipment or had an unsuccessful case closure, on a previous case, DVR will not purchase any equipment in any future cases.

4.3.2 Prior Self Employment Closures

An individual who wishes to be re-considered for self-employment within 12 months of having received start-up Small Business Development Fund (SBDF) funding for an enterprise following any closure decision shall provide evidence that suggests that the individual can benefit from the provision of additional self-employment services. Taking into consideration that, these services would result in creating a new business plan and require new start-up funding for the enterprise in terms of competitive and integrated employment.

4.3.3 Ability to Work in the US

The DVR Counselor shall ensure that an individual who is not a U.S. Citizen or national has documents required to work in the United States. Further information can be found at www.uscis.gov/.

Common documents include:

- Permanent Resident card (“Green Card” or previously also known as Alien Registration Receipt Card) indicates permanent residency and allows non-U.S. citizens to live and work in the United States indefinitely. This card will have the individual’s photograph and may also be referred to as the USCIS Form I-551.
- Employment Authorization Document (EAD) allows a nonimmigrant to work temporarily in the United States. The EAD is usually granted for a 1 year period and the individual can file to renew an EAD within 120 days prior to the original EAD expiring. A variety of nonimmigrant statuses may allow an individual to qualify for an EAD.
- In certain situations, Student Visas may provide authorization to work in the US for limited periods of time.

The I-9 Employment Eligibility Verification form which an employer must complete when hiring an individual is available at <http://www.uscis.gov/files/form/i-9.pdf>

4.3.4 Individual with an Outstanding Felony Warrant(s)

If it is known that an individual has been convicted of a criminal offense and is a fleeing felon or that an individual has an outstanding felony arrest warrant(s), the DVR Counselor shall advise the individual of the requirement, prior to application for DVR services, to take care of his or her legal obligations. Documentation of such resolution shall be provided as part of the information necessary to initiate the eligibility determination process.

Chapter Five - Eligibility

✓ The Act Section 102 (a) Eligibility

(1) Criterion for eligibility An individual is eligible for assistance under this title if the individual—(A) has undergone an assessment for determining eligibility and vocational rehabilitation needs and as a result has been determined to be an individual with a disability under section 7(20) (A); and (B) requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain employment that is consistent with the individual’s strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. For purposes of an assessment for determining eligibility and vocational rehabilitation needs under this Act, an individual shall be presumed to have a goal of an employment outcome.

(2) Presumption of benefit--(A)...an individual shall be presumed to be an individual that can benefit in terms of an employment outcome from vocational rehabilitation services **(B) Prior to determining . . . that an applicant . . . is unable to benefit due to the severity of the individual’s disability or that the individual is ineligible for vocational rehabilitation services, the designated State unit shall explore the individual’s abilities, capabilities, and capacity to perform in work situations, through the use of trial work experiences . . .**

(3) Presumption of Eligibility--(A) . . . an individual who has a disability or is blind as determined pursuant to title II or title XVI of the Social Security Act ...shall be— (i) considered to be an individual with a significant disability . . . (ii) presumed to be eligible for vocational rehabilitation services . . . (provided that the individual intends to achieve an employment outcome consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interest and informed choice of the individual) unless the state unit involved can demonstrate by clear and convincing evidence that such an individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the disability . . .

✓ The Regulations 34 CFR 361.42

Assessment for determining eligibility and priority for services In order to determine whether an individual is eligible for vocational rehabilitation services and the individual’s priority under an order of selection for services (if the State is operating under an order of selection), the designated State unit must conduct an assessment for determining eligibility and priority for services.

(a) Eligibility Requirements- (1) Basic Requirements – (i) A determination by qualified personnel that the applicant has a physical or mental impairment -- **(ii)** A determination by qualified personnel that the applicant’s physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant -- **(iii)** A determination by a qualified vocational rehabilitation counselor employed by the designated State unit that the applicant requires vocational rehabilitation services to

prepare for, secure, retain, advance in, or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice. For purposes of an assessment for determining eligibility and vocational rehabilitation needs under this part, an individual is presumed to have a goal of an employment outcome. (2) Presumption of benefit. The designated State unit must presume that an applicant who meets the eligibility requirements . . . can benefit in terms of an employment outcome. (3) Presumption of eligibility for Social Security recipients and beneficiaries. (i) Any applicant who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act is— (A) Presumed eligible for vocational rehabilitation services . . . (B) Considered an individual with a significant disability (ii) If an applicant for vocational rehabilitation services asserts that he or she is eligible for Social Security benefits under title II or title XVI of the Social Security Act . . . but is unable to provide appropriate evidence . . . the State unit must verify the applicant's eligibility under title II or title XVI of the Social Security Act by contacting the Social Security Administration. This verification must be made within a reasonable period of time that enables the State unit to determine the applicant's eligibility for vocational rehabilitation services within 60 days of the individual submitting an application for services. (4) Achievement of an employment outcome. Any eligible individual, including an individual whose eligibility for vocational rehabilitation services is based on the individual being eligible for Social Security benefits . . . must intend to achieve an employment outcome that is consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interest and informed choice. (i) The State unit is responsible for informing individuals, through its application process for rehabilitation services that individuals who receive services under the program must intend to achieve an employment outcome. (ii) The applicant's completion of the application process for vocational rehabilitation services is sufficient evidence of the individual's intent to achieve an employment outcome, and no additional demonstration on the part of the applicant is required.

5.1 ELIGIBILITY REQUIREMENTS 34 CFR Part 361.42(a)(1)(2)

5.1.1 Eligibility for Vocational Rehabilitation Title I Services

An individual is eligible for VR services if:

- (1) the individual has a physical or mental impairment (medical/psychological documentation or observable disability as documented by the DVR Counselor); (i.e. any professional who is licensed in the state of WY to provide medical or psychological diagnosis(es)).
- (2) the impairment constitutes or results in a substantial impediment to employment (look at functional limitations and work history);
- (3) the individual shall be presumed to be able to benefit in terms of an employment outcome from the provision of vocational rehabilitation services unless there is clear and convincing evidence that the applicant is incapable of benefiting in terms of a competitive integrated employment outcome from VR services; and

(4) the applicant requires services to prepare for, secure, engage in, regain, retain or advance in a competitive integrated employment outcome consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, and informed choice.

An eligible individual must receive at least one of the four (4) core services to assist in achieving their employment outcome. The core services are: 1- Eligibility Assessments, 2- Counseling and Guidance, 3- Information and Referral, 4- Job Search and Job Placement activities.

5.1.2 Eligibility Exclusion (Section 7(20); (C)(i)(v);(D);(E);(F))

The "individual with a disability" does not include an individual on the basis of- (i)transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders; (ii)compulsive gambling, kleptomania, or pyromania; or (iii) psychoactive substance use disorders resulting from current illegal use of drugs.

5.1.3 Timeframe for Determining Eligibility

Eligibility for the Vocational Rehabilitation program will be determined within sixty (60) days after all parties have signed VR application for services, unless DVR and the applicant agree to an extension. The applicant will be contacted at least once (at 30 days) by counseling staff and provided an update as to the status of his/her eligibility determination.

5.1.4 Presumptive Disability 34 CFR Part 361.42(a) (3)

Policy Statement:

An individual who has a disability or is blind as determined pursuant to Title II or Title XVI of the Social Security Act shall be:

1. Considered to be an individual with a significant disability; and
2. Presumed to be eligible for vocational rehabilitation services under this title (provided that the individual intends to achieve an employment outcome consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual) unless DVR can demonstrate by clear and convincing evidence that such individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the disability of the individual.

Nothing in this policy shall be construed to create an entitlement to any vocational rehabilitation service.

Procedure:

At the time of application for services, upon report of eligibility of benefits pursuant to Title II or Title XVI of the Social Security Act, DVR shall acquire verification of the consumer's benefit status. The date of eligibility will be determined within (two) 2 weeks of the date the benefit verification is received by DVR.

5.1.5 Trial Work Experience 34 CFR Part 361.42 (e)

Trial work experiences shall be provided prior to the determination that an individual with a disability is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome because of the severity of that individual's disability. Trial work experiences shall provide an exploration of the individual's abilities, capabilities, and capacity to perform in realistic work settings to determine whether or not there is clear and convincing evidence that an employment outcome is precluded by the severity of the individual's disability and an ineligibility decision is appropriate.

Trial work experiences for the purpose of determining eligibility, or continued eligibility, shall be provided under a Trial Work Experience Plan in competitive integrated employment settings to the maximum extent possible, consistent with the informed choice and rehabilitation needs of the individual. The DVR Counselor and the individual shall jointly develop the plan for the trial work experiences. Trial work experiences include supported employment, on-the-job training, and other experiences using realistic integrated work settings. Appropriate supports, including assistive technology devices and services and personal assistance services, to accommodate the rehabilitation needs of the individual shall be provided during the trial work experiences. Criteria shall be identified in the written plan that reflects the level of performance necessary to meet work requirements. Assessments of the individual's progress toward demonstrating and/or developing abilities, capabilities, and capacity to perform in work situations shall be planned, provided, and documented in the client record at least every thirty (30) days.

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

1. There is sufficient evidence to conclude that the individual can benefit from the provision of vocational rehabilitation services in terms of an employment outcome; or,
2. There is clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome due to the severity of the individual's disability.

The number, scope and duration of trial work experiences that need to be provided to each individual are determined by the individual's unique situation and his or her needs. In essence, it is determined by what is necessary to secure clear and convincing evidence that the individual can or cannot obtain competitive integrated employment. However, it is typically expected that the individual will be provided more than one trial work experience so that he or she has sufficient opportunities to demonstrate and/or develop his or her abilities, capabilities and capacity to perform in integrated work settings.

5.2 Evidence of Disability~ Note to 34 CFR Part 361.42

The clear and convincing standard constitutes the highest standard used in the U.S. civil system of law and is to be individually applied on a case-by-case basis. The term clear means unequivocal. For example, the use of an intelligence test result alone would not constitute clear and convincing evidence. Clear and convincing evidence might include a description of assessments, including situational assessments and supported employment assessments, from service providers who have concluded that they would be unable to meet the individual's

needs due to the severity of the individual's disability. The demonstration of “clear and convincing evidence” must include, if appropriate, a functional assessment of skill development activities, with any necessary supports (including assistive technology) in real life settings.

5.2.1 Verbal Information

Verbal information received from a licensed professional can be used for the determination of eligibility with case documentation of the conversation with the qualified professional. The same information in written form must be obtained and included in the office file.

Chapter Six - Order of Selection (OOS)

Order of selection will be activated upon approval by State of Wyoming and the Rehabilitation Services Administration when there is insufficient financial and/or human resources to work with all eligible individuals.

✓ The Act

Section 101. State Plans (a) (5) Order of Selection for vocational rehabilitation services
In the event that vocational rehabilitation services cannot be provided to all eligible individuals with disabilities in the State who apply for the services, the State plan shall-
(A) show the order to be followed in selecting eligible individuals to be provided vocational rehabilitation services; (B) provide the justification for the order of selection; (C) include an assurance that, in accordance with criteria established by the State for the order of selection, individuals with the most significant disabilities will be selected first for the provision of vocational rehabilitation services; and (D). . . permit the State, in its discretion, to elect to serve eligible individuals (whether or not receiving vocational rehabilitation services) who require specific services or equipment to maintain employment; and (C) provide that eligible individuals, who do not meet the order of selection criteria, shall have access to services provided through the information and referral system implemented under paragraph (20).

✓ The Regulations

34 CFR 361.36 Ability to serve all eligible individuals; order of selection for services (a) General provisions. (1) The designated State unit either must be able to provide the full range of services listed in section 103(a) of the Act and section 361.48, as appropriate, to all eligible individuals or, in the event that vocational rehabilitation services cannot be provided to all eligible individuals in the State who apply for the services, include in the State plan the order to be followed in selecting eligible individuals to be provided vocational rehabilitation services.

6.1 PRIORITIES FOR SERVICE

Each individual found eligible for vocational rehabilitation services shall be classified by placement into one of the three (3) following priority categories based on a determination of severity of his or her disability:

1. Eligible individuals with the most significant disabilities;
2. Eligible individuals with significant disabilities; and
- 3 All other eligible individuals.

An individual shall be classified in the highest priority category for which he or she is determined qualified. If an individual's circumstances change or when it has been determined that an individual has been misclassified, the priority classification shall be changed accordingly and the individual shall be notified of the change in written form.

All clients within a higher priority category shall be served before any client in the next lowest priority category is served. When it is impossible to serve all clients within a priority category, individuals shall be placed on a wait list and served in chronological order based on the date of application for vocational rehabilitation services and in accordance with their priority category. The client record shall document current disability priority in the DVR case management system and contain evidence to support the priority category classification.

6.2 NOTIFICATION

When a wait list is activated, all applicants for vocational rehabilitation services shall be notified, in writing, of the policies and procedures governing the provision of goods and services under an order of selection. Upon placement into a priority category, the client shall receive written notification of his or her priority classification and information regarding the policies and procedures governing availability of vocational rehabilitation services, including notification of placement on a wait list, when applicable. The written notification shall include information about appeal rights and the Client Assistance Program. A copy of the written notification shall be placed in the client record.

When a client is reclassified into a different priority category, he or she shall be notified, in writing, of the reclassification and provided written information as to how the change will affect the availability of vocational rehabilitation services. The written notification shall include information and contacts about appeal rights and the Client Assistance Program.

6.3 VOCATIONAL REHABILITATION SERVICES DURING AN ACTIVE Order Of Selection (OOS)

Services necessary to establish eligibility and priority shall be provided in a timely manner as it is critical when the agency is operating under an order of selection.

All individuals who have established a signed and approved Individualized Plan for Employment (IPE) prior to the implementation of an OOS shall continue to receive vocational rehabilitation services. After implementation of an OOS, any individual placed on a wait list according to his or her priority classification shall receive only information and referral services. Those individuals not placed on wait lists based on their priority classification shall proceed with the development of their IPE.

All requirements for the provision of vocational rehabilitation services are in effect when an OOS is implemented. All policies governing the expenditure of vocational rehabilitation funds, the individual's financial participation and the use of comparable services and benefits are applicable to applicants and clients receiving vocational rehabilitation services under an order of selection wait list.

DVR staff shall contact each client on the waitlist at least once every thirty (30) days to assure that current contact information is contained in client record, resolve any questions the client may have regarding the wait list, and provide additional information and referral services as appropriate.

6.3.1 Pre-employment Transition Services during an Active Implemented OOS

When DVR implements an OOS, students with disabilities who began receiving pre-employment transition services prior to applying for and being determined eligible for DVR will continue to have access to these services. Any student with a disability who is not yet participating in pre-employment transition services when the eligibility determination is made, and who is placed on an order of selection wait list, may not receive pre-employment transition services or other VR services until they are moved from the waitlist. A student with a disability, who submits an application for vocational rehabilitation services will be subject to the wait list in the same manner as any other applicant for services, regardless of whether he or she is receiving pre-employment transition services (Pre-ETS).

6.4 INFORMATION AND REFERRAL SERVICES

All clients on an order of selection wait list shall be provided information and guidance about services provided by other components of the statewide workforce development system and other Federal and State programs, including Employment Networks under the Ticket To Work program, which can be of assistance to persons with disabilities in preparing for, securing, retaining, advancing in, or regaining employment. Clients on an order of selection wait list shall be provided written referrals to those programs that are best suited to address their specific employment needs. Written referrals shall identify a specific point of contact and the most suitable services to meet the client's employment needs. The client record shall document DVR information and referral services.

6.5 EXPENDITURES FOR REASSESSMENT OF SEVERITY OF DISABILITY

During an order of selection, no vocational rehabilitation funds shall be authorized or expended on any client on an order of selection wait list or on any individual subsequently determined eligible when classification puts him or her in a closed priority category, unless the expenditure is necessary to reassess the severity of the individual's disability.

Chapter Seven - Severity of Disability

✓ The Act

Section 101(a) (10) Reporting Requirements (A) In general The State plan shall include an assurance that the designated State agency will submit reports in the form and level of detail and at the time required by the Commissioner regarding applicants for, and eligible individuals receiving, services under this title. (E) Additional information The Commissioner shall require that each designated State unit include . . . :

(i) information on—

(l) age, gender, race, ethnicity, category of impairment, severity of disability, and whether the individuals are students with disabilities; . . .

✓ The Regulations

Section 361.42 Assessment for Determining Eligibility and Priority for Services (f) Data for determination of priority of services under an order of selection . . . Section 361.47 Record of Services (a) The designated State unit must maintain for each applicant and eligible individual a record of services that includes . . .

(4) If an individual has been determined to be an individual with a significant disability or an individual with a most significant disability, documentation supporting that determination.

7.1 DETERMINATION OF SEVERITY OF DISABILITY AND PRIORITY CATEGORIZATION

The DVR Counselor shall determine the severity of an individual's disability, and his or her priority for services, at the time eligibility is determined. The severity determination shall not delay the determination of eligibility beyond sixty (60) days, and shall take place based upon the review and assessment of data used for eligibility determination and, if applicable, the outcomes of trial work experiences.

The client record shall contain evidence to support the determination of severity of disability. Documentation in the client record shall include a completed and accurate Priority Category Determination in DVR case management system.

Subsequent information obtained by the DVR Counselor, which indicates a level of severity that is different than the level determined at eligibility, shall be reflected in additional supporting documentation and shall be placed into the client record. Any time the severity and priority classification of an individual changes, the client shall be notified in writing.

7.1.1 Social Security Determinations

For individuals determined to be presumptively eligible based on SSI/SSDI verification, the existence of a significant disability is also presumed. Additionally, the DVR Counselor shall

review and assess existing data and obtain any additional assessments necessary to determine if a most significant disability exists and to assist the individual in determining an appropriate employment outcome and necessary services. The DVR Counselor shall complete the Disability Priority Categorization Form in DVR case management system and notify the individual of his or her priority classification in writing.

7.1.2 Severe Impairment

A physical or mental impairment is determined to be severe if one or more physical or mental impairments exist resulting from: amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions, including paraplegia and quadriplegia, sickle cell anemia, intellectual disability, specific learning disability, end-stage renal disease, severe & persistent mental illness (SPMI), or another disability or combination of disabilities determined on the basis of an assessment. The impairments are considered to be severe because of the nature of the impairment. Other impairments may be severe for one individual but not for another, depending on the impact on the individual's life activities. Sometimes an individual may have two (2) or more impairments, neither of which alone is severe, but together cause serious functional limitations. These determinations shall be supported by assessment data and the analysis of the DVR Counselor as to the impact of the impairment(s) on the particular individual's life activities.

7.1.3 Serious Limitation

A serious limitation means a reduction in functioning, due to a severe impairment, to the degree that the individual requires goods and services or special working conditions, such as job re-engineering, assistive technology, substantial on-the-job support or intensive supervision, not typically provided for other individuals in order to prepare for, enter, engage in, advance in, or retain employment in previous jobs, usual line of work and/or occupations usually available to people of equivalent age, education and capacities who do not have disabilities. Non-disability related factors, such as geographical location, availability of public transportation and lack of financial resources or training are not considered when determining whether or not a limitation meets the criteria for "serious".

7.1.4 Functional Limitation

Functional capacity is a set of activities or skills in which the ability to function is significant to successful independence and/or employment. The functional limitation areas which DVR identifies for the purpose of determination of severity of disability are: communication, interpersonal skills, mobility, motor skills, self-care, self-direction, work skills and work tolerance. These areas are reflected on the Priority Categorization Form.

The DVR Counselor shall analyze the impact, in terms of a competitive integrated employment outcome, of serious functional limitations on the individual's current employment, previous

jobs, usual line of work, opportunities for advancement, and/or occupations usually available to people of equivalent age, education and capacities who do not have an impairment.

A. Communication – The ability to give and receive information through language (writing, speaking, listening, sign language or other methods). Limitations may occur because of sensory, physical, cognitive or psychological impairment; challenges due solely to language or cultural differences are not considered.

B. Interpersonal Skills – The ability to establish and maintain personal, family and community relationships as they affect (or are likely to affect) job performance and security.

C. Mobility – An individual's physical access to his or her environment, either through his or her own ability (actions) or with the assistance of others. Mobility impairments include limitations in going to and from the worksite, activities of daily living or training. It does not include lack of a driver's license, geographic location or availability of transportation.

D. Motor Skills – The purposeful movement and control of the body necessary to obtain and maintain employment, including the capacity to perform work tasks at an acceptable pace.

E. Self-Care – The ability to care for self and living environment (i.e. eating, toileting, grooming, dress, money management) to participate in training or work. This includes the management of any special medical and safety needs. Limitations may occur because of physical, cognitive or emotional impairments.

F. Self-Direction - The ability to independently plan, initiate, problem-solve, organize or carry out goal-directed activities to the degree necessary to work. It is important to consider age and grade-level appropriateness.

G. Work Skills- The ability to do specific tasks required to carry out job functions, including the capacity to learn and/or perform job tasks.

H. Work Tolerance- The capacity to effectively and efficiently sustain physical, cognitive and/or psychological demands of a job. Limitations may be due to physical disability, stamina/fatigue, pain management, effects of medication, psychological, or other impairment related factors.

CRIMINAL RECORDS DO NOT PRESENT A FUNCTIONAL LIMITATION

7.2 NUMBER OF SERVICES AND DURATION OF SERVICE PROVISION

The requirement for multiple vocational rehabilitation services over an extended period of time has been defined by Wyoming DVR to mean two (2) or more core vocational rehabilitation services that require at least five (5) months of service provision. The core services are:

- Eligibility Assessments
- Counseling and Guidance
- Information and Referral
- Job Search and Job Placement activities

An individual may require supportive services that are necessary to, and directly tied to, the achievement of their employment outcomes. Supportive Services may include, but are not limited to:

- transportation,
- maintenance,
- services to family members, and
- personal assistance services.

7.3 MOST SIGNIFICANT DISABILITY

An individual is classified as having a most significant disability when he or she has a severe physical or mental impairment that seriously limits three (3) or more functional capacity areas in terms of an employment outcome; and, whose successful vocational rehabilitation can be expected to require the provision of two (2) or more core vocational rehabilitation services for at least twenty-four (24) months. The functional capacity areas are:

- mobility,
- motor skills,
- interpersonal skills,
- communication,
- work tolerance,
- work skills,
- self-care, and
- self-direction

Chapter Eight - Individual Analysis of the Comprehensive Assessment

✓ The Act

Sec. 7(a)(2). Definitions (a)(2) Assessment for determining eligibility and vocational rehabilitation needs the term “assessment for determining eligibility and vocational rehabilitation needs” means . . . (B) to the extent additional data is necessary to make a determination of the employment outcomes, and the nature and scope of vocational rehabilitation services . . . a comprehensive assessment to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment . . .

✓ The Regulations

34 CFR 361.45(b) Development of the individualized plan for employment (b) Purpose. (1) The designated State unit must conduct an assessment for determining vocational rehabilitation needs, if appropriate, for each eligible individual or, if the State is operating under an order of selection, for each eligible individual to whom the State is able to provide services. The purpose of this assessment is to determine the employment outcome, and the nature and scope of vocational rehabilitation services to be included in the IPE.

8.1 COMPREHENSIVE ASSESSMENT OF VOCATIONAL REHABILITATION NEEDS

34 CFR Part 361.45 (b) (1)

The client’s entire file shall be considered the documentation of the DVR Counselor’s assessment of the individual client’s comprehensive needs. The comprehensive assessment is an ongoing process, and continues throughout the implementation of services provided in the Individualized Plan for Employment, and through to the closure of the file.

The comprehensive assessment is the process in which the DVR Counselor assists the eligible individual in selecting a suitable employment outcome (including supported employment and self-employment, as appropriate) and identifying rehabilitation needs necessary for that individual client to achieve the mutually chosen vocational goal. Whenever possible, the selected vocational goal shall allow the individual to increase self-sufficiency and decrease dependence on public benefits. The assessment of the individual client’s vocational rehabilitation needs begins with the initial interview and continues when sufficient information is available to develop the IPE.

Important points of consideration in developing the Comprehensive Assessment of Rehabilitation Needs are:

- What are documented disabilities and how do they create an impediment to

- employment? Are there any other challenges to securing and maintaining employment?
- What are the rehabilitation needs necessary to assist the client in the minimizing the disability's impediment to employment?
 - What are the specific employment needs of the client based on the chosen employment outcome?
 - Does the client need to complete additional training or education?
 - Does the client require any extra supports such as a job coach or a tutor in obtaining the required employment skills?
 - Does the client require any assistive technology or aids, to complete education or job training or to perform functions of the job?
 - Does the client have transportation to attend rehabilitation activities and also to be able to get to and from work?
 - Is the client required to purchase any tools or professional clothing to perform the job?
 - Are there any comparable benefits available to meet the needs of the client?

This list is just an example of information to consider when developing the IPE.

The information used to assess the comprehensive vocational rehabilitation needs includes but is not limited to: all of the documentation gathered to determine eligibility, vocational guidance and rehabilitation counseling services provided by the DVR Counselor, and all information available from other programs and providers, particularly information used by education officials and the Social Security Administration (SSA); information provided by the individual client and the client's family; client's guardian; information obtained during the assessment for determining the individual's impairment related factors, and progress in the steps necessary to achieve the employment outcome.

Chapter Nine - Expenditure of Funds and Comparable Benefits

✓ The Act

Sec. 101(a)(8)(A)(i) In general – . . . prior to providing an accommodation or auxiliary aid or service or any vocational rehabilitation service to an eligible individual, except those specified . . . the designated State unit will determine whether comparable services and benefits are available under any program (other than a program carried out under this title) . . .

✓ The Regulations

34 CFR §361.5(c)(8) Comparable services and benefits.

(a) Determination of availability. The vocational rehabilitation services portion of the Unified or Combined State Plan must assure that prior to providing an accommodation or auxiliary aid or services or any vocational rehabilitation services, except those services listed in paragraph (b) of this section, to an eligible individual, or to members of the individual's family, the State unit must determine whether comparable services and benefits, as defined in 34 CFR 361.5(c)(8), exist under any other program and whether those services and benefits are available to the individual unless such a determination would interrupt or delay—(1) The progress of the individual toward achieving the employment outcome identified in the individualized plan for employment; (2) An immediate job placement; or (3) The provision of vocational rehabilitation services to any individual who is determined to be at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional.

(b) Exempt services. The following vocational rehabilitation services described in 34 CFR 361.53(b) are exempt from a determination of the availability of comparable services and benefits under paragraph (a) of this section:(1) Assessment for determining eligibility and vocational rehabilitation needs. (2) Counseling and guidance, including information and support services to assist an individual in exercising informed choice. (3) Referral and other services to secure needed services from other agencies, including other components of the statewide workforce development system, if those services are not available under this part. (4) Job-related services, including job search and placement assistance, job retention services, follow-up services and follow-along services. (5) Rehabilitation technology, including telecommunications, sensory and other technological aids and devices. (6) Post-employment services consisting of the services listed under paragraphs (b)(1) through (5) of this section.

(c) Provision of services. (1) If comparable services or benefits exist under any other program and are available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual'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 individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's IPE, the designated State unit must provide vocational rehabilitation services until those comparable services and benefits become available.

34 CFR 361.53(d) Interagency coordination. (1) The vocational rehabilitation services portion of the Unified or Combined State Plan must assure . . . interagency coordination takes effect between the designated State vocational rehabilitation unit and any appropriate public entity . . . to ensure the provision of vocational rehabilitation services, and, if appropriate, accommodations or auxiliary aids and services . . . that are included in the IPE . . .

34 CFR 361.54 Participation of individuals in cost of services based on financial need.

(a) No Federal requirement. There is no Federal requirement that the financial need of individuals be considered in the provision of vocational rehabilitation services.

9.1 Financial Need Assessment (As required under Wyoming State Statute 9-2-114; Section 5 Page 3-3)

All economic need determinations shall be documented on the DVR Financial Need Assessment (FNA) document. The FNA shall be signed and dated by the DVR Counselor and the client. The FNA document will be updated at least annually.

While the FNA shall be completed for individuals who are currently eligible for SSI and/or SSDI benefits for disability or blindness, (per State Statute), these individuals are exempt from financial contribution.

DVR shall strictly observe the confidentiality of all financial information obtained from the individual and/or family members.

9.2 COMPARABLE SERVICES AND BENEFITS

Except when exempted, comparable services and benefits shall be explored and utilized to meet all or part of the cost of any vocational rehabilitation service, including auxiliary aids and services provided as an accommodation to access vocational rehabilitation. The following services and goods are exempt from a comparable services and benefits search:

1. Assessment services to determine eligibility and vocational rehabilitation needs;
2. Vocational rehabilitation counseling and guidance including information and support services to assist the individual in exercising informed choice;
3. Referral and other services to secure needed services from other agencies;
4. Job related services including job search and placement assistance, job retention services, follow up services and follow along services;
5. Rehabilitation technology services and goods;
6. Post-employment services when the services and goods are listed in 1 through 5 above.

The search for comparable services and benefits is the responsibility of the DVR Counselor and can involve the client and other DVR staff. The DVR Counselor shall document the search and the availability of comparable benefits and services using a case note within the agency's

electronic case management system. The case note in the client record shall contain evidence of the conduct and outcome of a comparable services and benefits search prior to the expenditure of DVR funds for any good or service that is not exempt. Although a search is not required for an exempt service or good, the DVR Counselor is not precluded from identifying comparable benefits, as long as this does not delay services or otherwise negatively impact the client's vocational rehabilitation program.

9.2.1 Time Frames

The search for comparable benefits and services shall occur in compliance with agency-established time frames and shall not extend the sixty (60) days permitted for eligibility determination or the ninety (90) days permitted for IPE development.

9.2.2 Comparable Benefit Search Responsibilities

Throughout the rehabilitation process, the DVR counselor shall collaborate with the client to seek, apply for, and accept comparable services and benefits that appropriately meet service needs. The DVR Counselor shall advise the client of his or her responsibility to make maximum effort toward securing comparable benefits as soon in the IPE development process as possible, to ensure that comparable benefits will be available at the time services are initiated.

9.2.3 Wait Period for Benefit to Become Available

If the search identifies a comparable service or benefit that is non-exempt, but is not available at the time needed by the individual to receive vocational rehabilitation services under the IPE, DVR shall pay for the service or good until the comparable service or benefit becomes available. If DVR pays for a good or service when a comparable benefit is unavailable at the time of service delivery, the DVR Counselor shall create timeframes within the IPE that reflect only the specified period of DVR-paid services in the absence of the available comparable benefits. As soon as the comparable benefit or service becomes available to the client, DVR shall cease to pay for the benefit or service.

9.2.4 Urgent Vocational Need

A determination of the availability of comparable services and benefits is not required prior to the initiation of a non-exempt service or good if such a search would interrupt or delay the provision of services necessary to meet an urgent vocational rehabilitation need. Urgent vocational need occurs when:

1. The individual is determined to be at extreme medical risk by an appropriately licensed medical professional.
2. The conduct of a comparable services and benefits search jeopardizes an immediate job placement.
3. The conduct of a comparable services and benefits search after the initiation of an IPE would delay or interrupt the client's progress in achieving his/her employment outcome.

When the IPE is initiated under any of these circumstances to meet the urgent vocational

need, a subsequent comparable services and benefits search shall be conducted as soon as possible. The client record shall document the conduct and outcome of the search and the IPE shall be amended to reflect the use of comparable services and benefits if they are secured. DVR Counselor will consult with DVR Area Manager to review these individual situations and plan for uninterrupted service delivery.

9.2.5 Client Refusal to Use Comparable Services and Benefits

In the event an applicant or eligible individual chooses not to apply for or accept an available comparable benefit or service that would appropriately address the individual's identified rehabilitation needs, the DVR Counselor shall inform the individual of his or her responsibility for the cost of the benefit or service. When the comparable service or good is available for only a portion of a necessary benefit or service, the individual shall be responsible for any cost in excess of what DVR would pay if the comparable benefit or service were utilized.

9.3 EXPENDITURE OF VOCATIONAL REHABILITATION FUNDS

An Authorization for VR Service form reflects DVR's commitment to pay for specific goods and services rendered in accordance with the terms and conditions of the authorization. Any service paid for in part or in whole by DVR shall be authorized by the DVR Counselor in writing prior to its initiation, with written approval from the DVR Area Manager when necessary. When prior written authorization is not possible, or a prior written authorization does not get completed due to error, the client record shall document this and a DVR Area Manager will review to determine whether it is appropriate for DVR to pay for the good/service. If payment is not appropriate, the DVR Area Manager shall inform the DVR Counselor who will notify the provider and involve the DVR Area Manager in those discussions as necessary.

Once an IPE, Business Enterprise Program (BEP), or Trial Work Experience (TWE) Plan has been developed and signed by the individual and DVR Counselor, no service or good may be authorized unless it is identified in the applicable plan while the plan is in effect.

9.3.1 DVR Purchase/Reimbursement Restrictions

The DVR Counselor and client shall work collaboratively to identify a comprehensive set of necessary services to be included in the individual's plan for the achievement of an employment outcome. However, DVR is restricted from purchasing, or reimbursing others for the purchase of, the following goods and services under any circumstances:

1. Land or buildings,
2. Illegal Drugs and/or Alcohol
3. Marijuana in any form, or related equipment
4. Payments made directly to an employer in the marijuana industry

The following items require DVR Administrator approval:

1. Firearms,
2. Ammunition, and

3. Vehicles.

In the event that DVR is restricted from purchasing and/or reimbursing for a good/service, the DVR Counselor shall assist the client in finding other avenues to obtain the good/service when it is considered necessary and appropriate to reach the employment objective.

9.3.2 Absence of Prior Authorization

Payment for a vocational rehabilitation service provided before it was authorized in writing may only be made in the following circumstances:

1. To meet an urgent vocational rehabilitation need.

Vocational rehabilitation services authorized and paid for to address an emergency situation shall be limited only to those services and goods that are necessary to meet the immediate need that cannot be authorized under DVR's normal procedures.

2. To pay for unanticipated medical procedures.

When medical diagnostic or treatment procedures have been preauthorized and, during the course of medical examination or treatment, an additional procedure(s) and/or vendor was needed to accomplish the pre authorized medical service, payment may be made for the additional procedure(s) and/or vendor without preauthorization. Such circumstances are limited to those where the initial medical practitioner is unable to determine the exact scope of examination or treatment until medical services begin and the additional procedure(s)/vendor is necessary for the completion of the examination/treatment procedure(s) that has already been preauthorized.

3. Following premature cancellation of an existing authorization.

When vocational rehabilitation services have been preauthorized and the authorization balance has been prematurely cancelled before all covered services or goods have been completely provided, payment for the remaining vocational rehabilitation services may be paid for under a new authorization, even though the service or good was rendered before the new authorization was prepared.

4. To pay for medical records.

When DVR is told by the vendor there are no costs for medical records and the records are returned with a bill, an authorization shall be created as soon as possible following the receipt and date stamp of the invoice and medical records.

9.3.2(a) Payment of DVR Goods and Services Rendered Without Pre- Authorization

Payments for DVR goods and services rendered before the beginning date of service on a corresponding draft authorization shall be approved in writing by the DVR Area Manager. In the case of a cancelled authorization, the client record shall contain the new authorization and the previous authorization along with supervisory approval and an explanation which is

documented. The DVR Counselor shall provide the DVR Area Manager with the following to support a payment request:

1. The draft authorization for the VR service for which payment approval is being requested;
2. The vendor's bill for the provision of goods and services;
3. An explanation about why a prior authorization was not prepared.

After reviewing all of the materials, the DVR Area Manager shall attach his/her approval or denial to the documentation and return materials to the DVR Counselor. The DVR Area Manager shall work with the DVR Counselor to remedy the situation if payment cannot be approved.

9.3.3 Approved Providers

Payment for services and goods by DVR shall only be made to providers who are registered in accordance with purchasing requirements and meet required standards.

9.3.4 Authorizations/Payments to Clients

All direct payments to clients shall receive prior written approval from the DVR Area Manager and DVR Administrator, utilizing the agency approved form for this purpose. (See the direct client payment form in Appendix A).

Authorizations to clients shall not circumvent State purchasing rules. Payments to clients shall only be approved when no alternatives exist. All requests and approvals shall be fully documented in the DVR case management system and all supporting documentation shall be placed or scanned into the client's case records. Examples of supporting documentation may include:

- A reason why a vendor is not available
- Any research completed for other appropriate service providers
- Reasons why the client cannot use public transportation

Regardless of the amount, DVR field staff shall ensure all receipts/invoices and a direct client reimbursement form (signed and dated by the client) are attached to the corresponding authorization for direct payments to clients. After payment has been issued to the client, DVR field staff shall photocopy all warrants and attach these, with the remittance advice, to the corresponding authorization in the client's case records. DVR staff shall ensure:

- That client's sign the Receipt of Warrant Form (top half of the check)
- Staff shall place a copy of the signed form in the case record
- Ensure client signs the Equipment Agreement form if the service is for goods
- If the client cannot pick up the check in person, staff will mail the check with a request to sign and return the Receipt of Warrant form
- Document all transactions in the case record

9.4 FEE SCHEDULE

Currently, because there are very few service providers in nearly all areas of Wyoming, the

Wyoming DVR does not have a formal fee schedule. Due to the limited number of service providers in Wyoming, the Wyoming DVR pays the usual and customary rates as charged by the service providers in the local communities.

9.5 PURCHASING PROCEDURES AND BID PROCESS

The Wyoming DVR's case management client case service payments (known as 600 series "Grant Aid Payments") are not required to comply with State purchasing procedures. According to the State of Wyoming, Department of Administration and Information, General Services Division, Procurement Section's "Purchasing Policies and Procedures Manual" dated 10/01/2016 (page 10), all 600 series "Grant Aid Payments" may be submitted directly to the State Auditor's Office without prior approval of the Procurement Section. However, see Section 9.5.2 for more specific details on Price Quote Procedures.

9.5.1 Authority to Purchase and Approvals

The Wyoming Division of Vocational Rehabilitation uses usual and customary fees in determining rates of payment. The providers of DVR services may not charge or accept fees from the client for payment of authorized services unless written approval and agreement is obtained in advance by the counselor and client.

All direct client payment authorizations require the prior written approval of the DVR Area Manager and the DVR Administrator (or designee).

Direct client payments will be reimbursed after client submits an appropriate invoice documenting that the service has been completed/ received.

Client travel and lodging for rehabilitation services required by DVR; should be calculated at the same rate as state employee reimbursement. Mileage for client expenses to appointments required by DVR will be reimbursed at the same rate per mile that state employees receive. Cost for trips scheduled on a daily basis, i.e. transportation to school will be negotiated with the individual. Wear/ maintenance on the client's vehicle will be considered as part of his/her contribution to his/her program.

Single Services- Any IPE which contains a single code cost service, (i.e. surgeries, computer, assistive technology, etc) with an estimated cost to VR of \$10,000.00 or more, must be approved by the DVR Administrator (or designee) in writing PRIOR to any party signing the IPE.

- On a case by case basis DVR Area Manager approval and sign off can be used to exceed guidelines when necessary to meet the vocational rehabilitation goals.
- The \$5,000.00 single service DVR Area Manager approval policy and the \$10,000.00 DVR Administrator approval policy apply to all services.
- Rationale for service provision will be completed and an exit strategy will be documented for maintenance, rent, medications and food.

Surgery and practice- Cost estimates for surgery will be obtained in writing prior to writing the IPE and authorizations. Efforts to get Medicaid rates, discounts and other comparable benefits must be considered. Documentation should include:

- Name of contact person who gave the cost estimate(s)
- Date of contact(s)
- Things to consider:
 - Surgeon(s) fees
 - Anesthesiologist(s) fees
 - Medication fees
 - X-rays/MRIs/ diagnostic tests
 - Diagnostic interpretation fees
 - Pre surgery physical costs
 - Follow up appointments
 - Medical Supplies/ orthopedic aids

Purchase of Vehicles- Requires DVR Area Manager and DVR Administrator consultation and approval

1. Alternative methods of transportation must be considered before requesting vehicle purchase. This should include public transportation, family, friends, etc;
2. The request for purchase must be based on a rehabilitation need, such as, transportation to work or to an educational/ training setting.
3. The DVR Counselor/ DVR Area Manager will need to validate the purchase price of vehicle- SUGGESTION- use the Kelley Blue Book, which may be accessed on the internet.
4. Vehicle will have a mechanic's written inspection prior to approving purchase.
5. Vehicle will be purchased from an authorized car dealership.
6. Any vehicle so equipped as to accommodate a specific disability may be purchased from a private party after having a mechanic inspect the vehicle; and
7. The request for full or partial payment of a vehicle will be approved in writing by the DVR Area Manager before it is sent to the DVR Administrator for final approval.

VR will not pay for insurance, licenses, taxes or any cost above the purchase price of the vehicle.

Vehicle purchase- (\$5,000.00 guideline) Consider only after exploring all other options. Document this effort in the DVR case management system case record. DVR may use this amount as a down payment for a vehicle if the client is capable of making a monthly car payment. DVR will not be responsible for loans that default. Purchases over the \$5000.00 guideline must be made with consultation and approval of the DVR Administrator.

9.5.2 Price Quote Procedures

Every reasonable attempt will be made to obtain the least cost, most comparable benefit for services based on individual client needs. Case documentation will show the details of this process.

9.5.3 Authorizations, Approvals, and Payments

Authorizations may not be formally issued until the appropriate approvals have been obtained. All authorizations, supervisory approvals, and associated amended authorizations shall be

joined with at least one of the following and placed within the client record:

- The client-signed agency-approved form for receipt of state equipment
- A client-signed receipt
- The client-signed invoice
- An email from the client
- Verbal verification from the client by the agency bill-payer

Copies of all approvals shall be retained in the client record.

9.5.3(a) Dates of Service

When processing invoices, to comply with instructions issued by the State Auditor's Office, DVR will use the following dates of service (also known as date rendered) for goods or services purchased for DVR offices or for DVR clients:

- For a good(s) purchase, the date of service will be the date the good is ordered.
 - Note: The one exception to this will be for invoices received for medical records when the vendor initially told DVR that there would be no charge for the medical records. In this situation, the date of service will be the date the medical records and invoice were received by the DVR office.
- For a service(s) purchase, the date of service will be the date range that the services were received.
 - Note: DVR's case management system has only one field to record the date of service (date rendered) rather than a date range. For payments made through DVR's case management system, the following date of service will be used:
 - Tuition: Beginning date of semester;
 - Express Employment contract for trainers and client wages: the Sunday that ends the Express work week;
 - Other services such as counseling sessions, independent job coaching, dental restoration, etc.: Last date that the services were received by the client.

9.6 FINANCIAL PARTICIPATION

Throughout the DVR process, payment for most services or goods for individuals, other than individuals who are eligible for receiving SSI/SSDI benefits for disability or blindness, is based upon the economic need of the individual. The DVR Counselor shall conduct a determination of the individual's economic need prior to the preparation and approval of an Individualized Plan for Employment, through the completion of the Financial Needs Assessment.

DVR does not require the financial participation of the individual for the following vocational rehabilitation services:

1. Assessment services to determine eligibility and vocational rehabilitation needs, including transportation necessary to participate in the assessment(s), except for services that are considered supportive and goods and services provided under a Trial Work Experience Plan;

2. Vocational rehabilitation counseling and guidance;
3. Referral services;
4. Professional fees to providers of vocational adjustment and personal adjustment training, independent living skills training, job coaching, on-the-job training and job seeking skills training;
5. Interpreter services and note-taking services for individuals who are deaf;
6. Reader services and note-taking services for individuals who are blind;
7. Personal assistance services;
8. Auxiliary aids needed for an individual with a disability to participate in the vocational rehabilitation program;
9. Job-related services, including job search and placement, job retention services and follow up services (Statute 9-2-114)
10. Pre-Employment Transition Services.

Re-determinations of the individual's economic need shall be conducted and documented at least annually and any other time when the individual's financial circumstances change.

Chapter Ten - Individualized Plan for Employment (IPE)

✓ The Act

Sec. 102. Eligibility and Individualized Plan for Employment

(b) Development of an Individualized Plan for Employment (1) Options for developing an Individualized Plan for Employment if an individual is determined to be eligible for vocational rehabilitation services as described in subsection (a), the designated State unit shall complete the assessment for determining eligibility and vocational rehabilitation needs, as appropriate, and shall provide the eligible individual or the individual's representative, in writing and in an appropriate mode of communication, with information on the individual's options for developing an individualized plan for employment, including— (A) information on the availability of assistance from a qualified vocational rehabilitation counselor, or as appropriate, a disability advocacy organization in developing all or part of the Individualized Plan for Employment for the individual; (B) a description of the full range of components that shall be included in an Individualized Plan for Employment; (C) as appropriate—

(i) an explanation of agency guidelines and criteria associated with financial commitments concerning an Individualized Plan for Employment; (ii) additional information the eligible individual requests or the designated State unit determines to be necessary; and (iii) information on the availability of assistance in completing designated State agency forms required in developing an Individualized Plan for Employment; and (D) (i) a description of the rights and remedies available to such an individual including, if appropriate, recourse to the processes set forth in subsection (c); and ii) a description of the availability of a client assistance program established pursuant to Section 112 of the Rehab Act and information about how to contact the client assistance program. (2) Mandatory procedures

(A) Written document— An Individualized Plan for Employment shall be a written document prepared on forms provided by the designated State unit. (B) Informed choice— An Individualized Plan for Employment shall be developed and implemented in a manner that affords eligible individuals the opportunity to exercise informed choice in selecting an employment outcome, the specific vocational rehabilitation services to be provided under the plan, the entity that will provide the vocational rehabilitation services, and the methods used to procure the services, consistent with subsection (d). (C) Signatories— An Individualized Plan for Employment shall be—

(i) agreed to, and signed by, such eligible individual or, as appropriate, the individual's representative; and (ii) approved and signed by a qualified vocational rehabilitation counselor employed by the designated State unit. (D) Copy— A copy of the Individualized Plan for Employment for an eligible individual shall be provided to the

individual or, as appropriate, to the individual's representative, in writing, and if appropriate, in the native language or mode of communication of the individual or, as appropriate of the individual's representative.

✓ The Regulations

34 CFR 361.45 Development of the Individualized Plan for Employment (a) General requirements. The vocational rehabilitation services portion of the unified or combined State Plan must assure that-

(1) An Individualized Plan for Employment (IPE) meeting the requirements of this section and 34 CFR 361.46 is developed and implemented in a timely manner for each individual determined to be eligible for vocational rehabilitation services or, if the designated State unit is operating under an order of selection . . . , for each eligible individual to whom the State unit is able to provide services; and (2) Services will be provided in accordance with the provisions of the IPE.

10.1 INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE) DEVELOPMENT

The IPE should be developed with meaningful client input, and written in manner in which the client can clearly understand and reflects the goals, objectives and responsibilities to which all parties are committed. This will allow accountability for the client to actively participate toward their employment outcome.

An Individualized Plan for Employment (IPE) shall be developed and implemented within 90 days of the date eligibility is determined or, if DVR is operating under an order of selection, the date the individual is moved off the waitlist.

The employment outcome and the nature and scope of rehabilitation services included in the IPE shall be based on the data used for the assessment of eligibility and priority for services and the data obtained during comprehensive assessment activities.

The DVR Counselor, and any other individual preparing an IPE, shall provide information and assistance to assure that the client makes informed choices in the development of the IPE and subsequent changes to the IPE with respect to the selection of the:

- employment outcome;
- vocational rehabilitation services needed to achieve the employment outcome;
- providers of goods and services;
- employment setting and the settings in which the services shall be provided; and
- methods available for procuring goods and services.

Once an employment outcome has been identified the IPE objectives will be prioritized as follows:

- The most significant disability that is an impediment to employment shall be addressed

- first with associated necessary vocational rehabilitation services
- Any additional disabilities that are barriers will be addressed in order with their associated necessary vocational rehabilitation services
- After all disabilities have been addressed objectives regarding training and employment will follow with their associated necessary vocational rehabilitation services.

10.1.1 Options for the Development of IPE 34 CFR Part 361.45 (1)

The eligible individual has options for developing all or part of the IPE independently, with the assistance of a qualified DVR Counselor, or with technical assistance from another source.

The DVR Counselor shall provide the eligible individual or the individual's representative with information, in writing and in an appropriate mode of communication, on the individual's options for developing an IPE. This information will include:

- the availability of assistance from a qualified DVR Counselor and the availability of technical assistance from other sources in developing all or part of the IPE;
- a description of all the components of the IPE;
- an explanation of agency guidelines and criteria associated with financial commitments for the IPE, if appropriate;
- any additional information requested by the individual or deemed necessary by the State; and
- the availability of assistance in completing State Agency IPE forms.
- A description of the rights and remedies available to the individual and description of the availability of the Client Assistance Program (CAP) and information on how to contact CAP.

The eligible individual should determine the extent of appropriate assistance.

The IPE shall be a written document prepared on forms provided by the State VR agency.

The IPE shall be signed and agreed to by the individual or the individual's representative and approved and signed by a qualified DVR Counselor employed by the State VR agency with a copy of the original and any IPE amendments provided to the individual.

The DVR Counselor will document in case notes, that the individual with disabilities was provided information regarding options available to develop their IPE.

10.2 Determination of Vocational Outcome

A suitable employment outcome is work in the competitive labor market that is performed on a full-time or, if appropriate, part-time basis in an integrated setting, for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who do not have disabilities. DVR Counselors shall work in collaboration with clients to thoroughly explore their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. These exploration activities result in the identification of a suitable

employment outcome. DVR Counselors shall help individuals explore existing skills, attributes and strengths during the employment outcome selection process. The existence of transferable skills does not dictate the selection of an employment outcome. The selected employment outcome shall align with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

A rationale for this employment outcome should be documented in the case file at the time that the IPE is written.

Each time a vocational goal is changed or adjusted in the IPE, the DVR counselor should document a new rationale for that employment outcome in the client file, with supporting documentation as to why the vocational outcome has been changed.

DVR counselors should consider that a client has a reasonable expectation of being able not only to perform work in the chosen occupation (with accommodation and supports), but also have a reasonable chance of securing such employment in the client's chosen location. For example, if a client is not willing to leave the State of Wyoming for employment, becoming a marine biologist would likely not be a reasonable vocational outcome for the client.

An integrated employment setting (see definitions) is at a location typically found in the community and requires the individual to interact with other employees on the work unit who do not have disabilities to the same extent as employees in comparable positions without disabilities.

10.3 TIMELINE FOR IPE DEVELOPMENT

The IPE shall be developed as soon as possible following the determination of eligibility. When the individual chooses to prepare the IPE with the DVR counselor, the time between the determination of eligibility and finalization of the IPE shall not exceed ninety (90) calendar days unless additional comprehensive assessment is necessary to fully assess the individual's rehabilitation needs and/or determine an employment outcome. The rationale for IPE development delay will be documented in the case file.

When the individual chooses to prepare the IPE alone or with an individual other than the DVR Counselor, the time between the determination of eligibility and provision of a written comprehensive assessment summary shall not exceed ninety (90) calendar days unless it is mutually agreed upon that additional comprehensive assessment is necessary. In that case, the extension for additional assessment shall be in writing, describing the information needed to fully assess the individual's rehabilitation needs and determine an employment outcome and when completion of the additional assessments is expected. This extension shall be documented in the client record and completed before the expiration of ninety (90) days unless documentation shows good cause why the extension was not completed in a timely manner. A written summary of the comprehensive assessment shall be provided to the individual after the

additional information is obtained.

The DVR Counselor will carefully consider whether sufficient information has been gathered to develop an IPE, with the understanding that further development of the IPE may be necessary as the case progresses and the IPE can be amended to address emerging needs or changes to the employment outcome. However, if the DVR Counselor cannot reasonably develop or approve an IPE based on insufficient information and the client is unwilling to agree to an extension of the comprehensive assessment, the DVR Counselor will inform the individual of his or her appeal rights, including the availability of the Client Assistance Program.

For further policy on IPE development for Transition Students, Supported Employment and Self-Employment, please refer to the appropriate chapters. [Transition Ch 15; Supported Employment Ch 14; Self Employment Ch 17]

10.4 IPE APPROVAL AND SIGNATURES

The IPE shall be signed and dated by the DVR Counselor and by the individual or, as appropriate, the individual's authorized representative. If an individual other than the DVR Counselor prepares the IPE, that individual shall also sign the IPE.

Provisions of the IPE shall not take effect until the DVR Counselor and the client approve the IPE by signing it. The DVR Counselor cannot approve the IPE unless it is consistent with and reflective of all DVR policies and procedures regarding all requirements for IPE content. If IPE requires DVR Area Manager or DVR Administrator approval, the plan is not valid until all required signatures are provided. If the DVR Area Manager or the DVR Administrator signatures are delayed, DVR Counselor will discuss and document with the client that the IPE will not be valid until all signatures provided.

A copy of the signed and approved IPE shall be provided to the client or, as appropriate, to the individual's authorized representative, in writing and, if appropriate, in the native language or mode of communication of the individual or, as appropriate, the individual's authorized representative.

10.5 MONITORING THE IPE

DVR staff and the client shall monitor progress of IPE objectives on an ongoing basis in accordance with expectations documented on the IPE. The nature of this progress will be reflected in case notes in DVR case management system.

10.6 ANNUAL IPE REVIEW

The entire IPE shall be reviewed annually by the DVR Counselor and the individual or, as appropriate, the individual's representative. The DVR Counselor shall assure that the annual IPE review is conducted and documented in the client record.

The annual review shall encompass:

1. The progress toward and continued appropriateness of the planned employment outcome;

vocational rehabilitation services; providers of goods and services; and evaluation criteria, methods, and schedules contained in the IPE;

2. The need to address new vocational rehabilitation needs; and

3. A re-determination of the individual's ability to participate in the cost of vocational rehabilitation services.

10.7 REVISING THE IPE

The IPE shall be amended/revised whenever deemed necessary and appropriate by the client and the DVR Counselor to meet the individual's vocational rehabilitation needs. Amending the IPE is required whenever a new service.

- Changes in the planned employment outcome
- Addition or amendment of objectives
- Extending end dates on the IPE

The DVR Counselor shall document the rationale for any change to the IPE ensuring that all additional services and goods are necessary to the employment outcome and the identified rehabilitation needs of the individual.

The individual or his or her authorized representative may prepare the amended IPE without assistance, jointly with the DVR Counselor, with a qualified rehabilitation counselor other than the DVR Counselor, a disability advocacy organization, or any other resource. All of the requirements for the development, preparation, and content of the IPE shall apply to the development, preparation, and content of an amended IPE. The amended IPE shall be provided in writing to the individual in the native language or mode of communication of the individual or the individual's authorized representative.

The amended IPE shall be approved, signed, and dated by the client and by the DVR Counselor before its provisions take effect.

An IPE revision does not require a client signature. Examples are: *changing a vendor, *adding a service, or *adding units.

10.7.1 Urgent Vocational Need

An urgent vocational rehabilitation need is one that requires the immediate provision of a good or service:

- To avoid placing the individual at extreme medical or psychological risk;
- To save an existing job placement; or,
- To enable the individual to participate in planned services that shall begin within two weeks from the date the urgent need is identified.

The IPE shall be amended, signed, and dated by both the client, DVR Counselor, and possibly the DVR Area Manager prior to authorizing for services. Services can be authorized the same day as the IPE amendment is signed by both parties in order to meet an urgent vocational rehabilitation need.

Prior to completion of a written authorization for the urgent service or good, the DVR Counselor shall assure and document in the client record that the individual has been provided the opportunity to exercise informed choice in selecting the new good or service, the provider(s) furnishing the good or service, and the method to provide and/or procure the good or service to meet the urgent need; and the individual has been apprised of and verbally agrees to the amended IPE provisions.

10.7.2 IPE End Dates

Each IPE will contain estimated end dates for listed services representing the date on which the DVR Counselor and client anticipate the provision of vocational services will draw to a close. When an end date has occurred or the annual review of the IPE is due and rehabilitation services are not immediately needed, a period of time may lapse between approved plans for employment. This may occur when the DVR Counselor and client determine additional assessment is necessary to re-evaluate the employment goal and/or the nature and scope of services, when no services are immediately required, when the DVR Counselor is monitoring the client's employment without the ongoing provision of vocational rehabilitation services, or in other similar situations. During such periods of time, services are limited to necessary assessment, information and referral, and vocational counseling and guidance required to amend the IPE or monitor the stability of the client's employment, until the case is closed or the IPE is amended.

Chapter Eleven - Vocational Rehabilitation Services

✓ The Act

Section 103 Vocational Rehabilitation Services (a) Vocational Rehabilitation Services for Individuals Vocational rehabilitation services provided under this subchapter are any services described in an individualized plan for employment necessary to assist an individual 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, including-- (1) an assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology; (2) counseling and guidance, including information and support services to assist an individual in exercising informed choice consistent with the provisions of section 102(d); (3) referral and other services to secure needed services from other agencies through agreements developed under section 101(a)(11), if such services are not available under this title; (4) job-related services, including job search and placement assistance, job retention services, follow- up services and follow-along services; (5) vocational and other training services, including the provision of personal and vocational adjustment services, books, tools and other training materials, except that no training services provided at an institution of higher education shall be paid for with funds under this title unless maximum efforts have been made by the designated State unit and the individual to secure grant assistance, in whole or in part, from other sources to pay for such training; (6) to the extent that financial support is not readily available from a source (such as through health insurance of the individual or through comparable services and benefits consistent with section 101(a)(8)(A)), other than the designated State unit, diagnosis and treatment of physical and mental impairments, including--

(A) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that constitutes a substantial impediment to employment, but is of such a nature that such correction or modification may reasonably be expected to eliminate or reduce such impediment to employment within a reasonable length of time; (B) necessary hospitalization in connection with surgery or treatment; (C) prosthetic and orthotic devices; (D) eyeglasses and visual services as prescribed by qualified personnel who meet State licensure laws and who are selected by the individual; (E) special services (including transplantation and dialysis), artificial kidneys and supplies necessary for the treatment of individuals with end-stage renal disease; and (F) diagnosis and treatment for mental and emotional disorders by qualified personnel who meet State licensure laws; (7) maintenance for additional costs incurred while participating in an assessment for determining eligibility and vocational rehabilitation needs or while receiving services under an individualized plan for

employment; (8) transportation, including adequate training in the use of public transportation vehicles and systems, that is provided in connection with the provision of any other service described in this section and needed by the individual to achieve an employment outcome; (9) on-the-job or other related personal assistance services provided while an individual is receiving other services described in this section; (10) interpreter services provided by qualified personnel for individuals who are deaf or hard of hearing, and reader services for individuals who are determined to be blind, after an examination by qualified personnel who meet State licensure laws; (11) rehabilitation teaching services, and orientation and mobility services, for individuals who are blind; (12) occupational licenses, tools, equipment and initial stocks and supplies; (13) technical assistance and other consultation services to conduct market analyses, develop business plans and otherwise provide resources, to the extent such resources are authorized to be provided through the statewide workforce development system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome; (14) rehabilitation technology, including telecommunications, sensory and other technological aids and devices; (15) transition services for students with disabilities, that facilitate the transition from school to postsecondary life, such as achievement of the employment outcome in competitive integrated employment, or pre-employment transition services; (16) supported employment services; (17) customized employment; (18) encouraging qualified individuals who are eligible to receive services under this title to pursue advanced training in science, technology, engineering, or mathematics (including computer science) field, medicine, law, or business; (19) services to the family of an individual with a disability necessary to assist the individual to achieve an employment outcome; and (20) specific post-employment services necessary to assist an individual with a disability to retain, regain, or advance in employment.

✓ The Regulations

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

(a) **Policies.** The State unit must develop and maintain written policies covering the nature and scope of each of the vocational rehabilitation services specified in 34 CFR 361.48 and the criteria under which each service is provided. The policies must ensure that the provision of services is based on the rehabilitation needs of each individual as identified in that individual's IPE and is consistent with the individual's informed choice. The written policies may not establish any arbitrary limits on the nature and scope of vocational rehabilitation services to be provided to the individual to achieve an employment outcome . . .

34 CFR 361.32 Provision of training and services for employers. The designated State unit may expend payments received under this part to education and provide services to employers who have hired or are interested in hiring individuals with disabilities

under the vocational rehabilitation program . . .

11.1 SCOPE OF VOCATIONAL REHABILITATION SERVICES

As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's informed choice, DVR shall ensure that vocational rehabilitation services are available to assist the individual with a disability in preparing for, securing, retaining, advancing in, or regaining an employment outcome. The employment outcome shall be consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

Except for assessment services necessary to determine eligibility, severity of disability, and vocational rehabilitation needs, all vocational services and goods shall be identified in the Individualized Plan for Employment (IPE), or amended IPE. Services and goods shall be provided no longer than is required to accomplish the service objective leading to the employment outcome. Qualified providers shall be used and services and goods shall be provided in the most integrated settings possible, as appropriate and consistent with informed choice

11.1.1 Determination of Services

When determining vocational services and goods that shall be provided, DVR shall first determine if the service is necessary and then identify the most appropriate option. Once necessity and appropriateness of a service or good have been determined, DVR staff shall procure the service/good at the least possible cost.

Qualifications of Service Providers

The Wyoming Division of Vocational Rehabilitation shall promote services of high quality by requiring that providers meet relevant standards of competency:

- Professional service providers must meet applicable State licensure or professional certification requirements;
 - Master level Mental Health therapist- working for a mental health center are licensed. Licensed therapists are listed on their web site, if there is a question as to licensure
 - Clinical Psychologists- that complete our psychologicals are licensed and must have a PhD or PsyD.
 - Licensed Physician Assistants (PA) reports can be used to help determine an individual's eligibility for VR services. PA's are required to have a supervising physician (MD).
 - Advanced Nurse Practitioner- holds a Master or PhD and licensed in Wyoming; reports can be used to help determine eligibility
- The State's authorized accrediting body must accredit educational and training institutions;
- Hearing evaluations will only be provided by such physicians or audiologists licensed or

- certified in accordance with State law or requirements;
- The Commission on Accreditation of Rehabilitation Facilities (CARF) shall accredit rehabilitation facilities unless these circumstances exist:
 - The organization has been in existence for less than twelve (12) months; or
 - The organization has been in existence for more than twelve (12) months, but has been providing services to clients for less than twelve (12) months.
- The Division of Behavioral Health must certify Mental Health Centers.
- Or other entities that are approved by other State of Wyoming agencies

DVR retains the right to deny approval of a service or service provider based on background check or previous poor performance.

Information and assistance in the selection of vocational rehabilitation services and service providers. In assisting an applicant and eligible individual in exercising informed choice during the assessment for determining eligibility and vocational rehabilitation needs and during development of the IPE, the designated State unit must provide the individual or the individual's representative, or assist the individual or the individual's representative in acquiring, information necessary to make an informed choice about the specific vocational rehabilitation services, including the providers of those services, that are needed to achieve the individual's employment outcome.

This information must include, at a minimum, information relating to the --

- Cost, accessibility, and duration of potential services;
- Consumer satisfaction with those services to the extent that information relating to consumer satisfaction is available;
- Qualifications of potential service providers;
- Types of services offered by the potential providers;
- Degree to which services are provided in integrated settings; and
- Outcomes achieved by individuals working with service providers, to the extent that such information is available.

11.1.1(a) Necessary Vocational Rehabilitation Services and Goods

All of the services and goods provided by DVR shall be determined by the DVR Counselor to be essential to assess an individual's eligibility and severity of disability, to establish his or her vocational rehabilitation needs, to overcome or circumvent vocational impediments, and to attain the individual's chosen employment outcome.

11.1.1(b) Least Possible Cost Services and Goods

All services and goods that have been determined to be necessary and appropriate shall be procured at the least possible cost to DVR insofar as they are adequate to meet the needs of the individual. Services and goods shall be planned and authorized according to DVR policies regarding financial participation and use of comparable benefits and resources.

11.1.1(c) Exceeding Least Possible Cost to Meet Vocational Rehabilitation Needs

All services and goods provided to an applicant or client shall meet the vocational rehabilitation

needs of the individual and be at the least possible cost to DVR. When an individual chooses a more expensive service or good from among alternatives that all fully meet the individual's vocational rehabilitation needs, DVR shall not be responsible for those costs in excess of the least costly alternative.

11.1.1(d) State Ownership

Tools, equipment, initial stock and supplies, non-prescriptive rehabilitation technology devices and computers that are purchased by DVR for clients shall conform to the following process:

1. State Ownership:

Tools and Equipment- When authorizing for tools and equipment a list of each item to be purchased by DVR must be written and a copy provided to both the client and vendor so that all parties involved in the transaction understand what is authorized for purchase. Only listed items may be paid for by DVR. Receipt(s) for the transaction are to be provided to DVR by the client or vendor. An equipment received statement must be completed for items purchased.

In all cases where the agency has purchased tools, supplies or equipment for a client, an Equipment Agreement (see Appendix A) must be filled out and placed in the case file. If any of the following events occur DVR shall have the right to retake physical possession of the equipment:

- (a) Client abandons training or employment for which the equipment was granted;
- (b) Client ceases to use the equipment in vocational training, employment, or pursuit of employment; or
- (c) In the event of death.

2. Re-issue:

Recovered items, such as equipment or tools, shall be retained in field offices to be re-issued to other individuals with disabilities who may have need of such items. Documentation of re-issued items shall be placed in the client record of the individual from whom State property was recovered as well in the client record of the individual to whom it is being re-issued.

11.2 CORE VOCATIONAL REHABILITATION SERVICES

DVR staff shall ensure that the following core vocational rehabilitation services are available:

11.2.1 Pre-employment transition services 34 CFR 361.48(a)

Pre-employment transition services shall be provided to students with disabilities, regardless of whether the student has applied or been determined eligible for vocational rehabilitation services. These services are:

1. Job Exploration Counseling is career counseling designed to assist students explore career options, develop motivation for employment, and understand the role of high school and post-secondary education, as well as local labor market information.
2. Work-Based Learning Experiences use the workplace or realistic work situations to provide students with the knowledge and skill that will help them connect school to future career

opportunities. These experiences augment the learning process and can include both in-school and after school opportunities, tours of businesses as well as experiences outside the traditional school setting such as internships, apprenticeships, short term employment, fellowships or on the job trainings located in the community.

3. Counseling on Opportunities for Enrollment in Comprehensive Transition Programs and Postsecondary Educational Programs at Institutions of Higher Education is counseling and guidance on a variety of postsecondary education and training opportunities including community colleges, colleges, and universities; career pathway related workshops/training programs; trade/technical schools; military; and postsecondary programs at community colleges, colleges, and universities for students with intellectual and developmental disabilities;

4. Workplace Readiness Training is provided to develop the skills and behaviors that are necessary in any job, including specific social or interpersonal skills and independent living skills that are required for employment success, such as: *Communication and interpersonal skills, * financial literacy, *group orientation & mobility skills, *Understanding employer expectations for punctuality and performance as well as other “soft skills” necessary for employment.

5. Instruction in Self-Advocacy supports a student’s ability to effectively communicate, negotiate, and/or assert his or her own interests and/or desires, including the development of the skills necessary for self-determination and peer mentoring.

Pre-employment transition services are provided to students with disabilities in order to further develop an awareness of career and education opportunities, the general skills needed for employment success in any field, and the skills needed to appropriately advocate for themselves as they prepare to exit secondary education and enter the workforce or other post-school activities. They do not include assessments for eligibility or determining future success in employment.

For additional information and guidance on the provision of pre-employment transition services, please see DVR Service Delivery Policy Chapter 15: Transition.

11.2.2 Assessment Services

Assessment services shall be provided for determining eligibility, severity of disability, and vocational rehabilitation needs, including, if appropriate, assessment by personnel skilled in rehabilitation technology. Evaluation and diagnostic services are procured only when necessary to supplement the use of existing information. Diagnostic services may include situational assessments in community-based settings and community rehabilitation program facilities to assess work behaviors, interpersonal skills and job-related skill levels. When necessary, personal adjustment evaluations may be provided to assess an individual’s skills, behaviors and needs in the areas of independent living, communications, mobility and community travel and personal functioning. Personal adjustment evaluations shall be relevant to employment.

When necessary, supplemental assessment activities may be provided following the

implementation of eligibility and/or Individual Plan for Employment.

11.2.3 Vocational Rehabilitation Counseling and Guidance

Vocational rehabilitation counseling and guidance, including information and support services to assist an individual in exercising informed choice, shall be provided throughout an individual's rehabilitation process to encourage and facilitate full participation in the DVR program. Planned counseling and guidance shall be identified as a specific service in an individual's IPE for the purpose of addressing identified vocational impediments.

11.2.4 Physical and Mental Restoration Services

Physical and mental restoration services may be provided as necessary for the attainment of an appropriate employment outcome, and only to the extent they are not covered through comparable benefits.

Physical and mental restoration services are provided when DVR staff collaborates with the individual and appropriate providers to determine that they shall benefit the client in removing or adjusting barriers to an employment outcome. Medical or psychological conditions that do not or are not expected to adversely affect the attainment of the employment outcome shall not be addressed through the provision of physical or mental restoration services by DVR.

Restoration services provided by DVR shall not exceed 10 sessions pending DVR Area Manager approval, be expected to correct, stabilize or significantly modify an impairment which constitutes a substantial impediment to employment. DVR staff shall ensure continuing progress toward achieving a functioning level that allows the individual to participate in vocational rehabilitation and employment activities.

Medical prescriptions from qualified providers are required for prosthetic devices including eyeglasses; orthotic devices; wheelchairs; physical, occupational, speech and other therapies; drugs and medical supplies.

Diagnosis and treatment of physical and mental disorders shall be provided by individuals qualified in accordance with Wyoming licensure and certification laws or equivalent licensure and certification laws governing the provision of medical services in the state of purchase.

11.2.5 Vocational and Other Training Services

Vocational and other training services, and necessary books, tools and training materials shall be provided when necessary to an individual's rehabilitation needs and employment outcome. The case file shall contain rationale supporting the necessity of planned training to the achievement of the agreed-upon employment outcome. No training or training services in an institution of higher education (universities, colleges, community or junior colleges, vocational schools, technical institutes or hospital schools of nursing) may be paid for with DVR funds unless maximum efforts have been made by DVR and the individual to secure grant assistance in whole or in part from other sources to pay for that training.

11.2.5(a) Training in Institutions of Higher Education

DVR requires and assists individuals to apply for financial aid grants, need-based

scholarships, and all other alternative sources of funding, including training assistance that may be available through Wyoming Workforce Centers. DVR shall not finalize the provisions for training services in an institution of higher education until the individual's financial aid award status is determined and documented, in accordance with the timelines governing financial aid award decisions at the chosen training facility. Individuals shall apply for financial aid early enough so that the training institution has sufficient information to determine the award amount for each school term before it begins. **Merit based scholarships are not considered comparable services and benefits, and thus cannot be considered as part of the financial aid package when determining VR assistance.**

If a client is in default on a federal school loan, federal regulations require that maximum efforts be made to clear his or her default status before DVR can fund training. **DVR will not clear the defaulted loan.** Maximum efforts include loan repayment, repayment plan arrangements, or obtaining an approved deferral. Clients should work with their schools or the appropriate funding agency to see if their loan(s) can be forgiven due to disability related reasons. This forgiveness may make the student eligible for PELL and/or other grants. Bankruptcy does not cancel student loans; therefore, the student must still make maximum repayment effort.

DVR does not require an individual to apply for or accept loans for training.

DVR may pay tuition and required fees for courses that are necessary to obtain the required degree or certification to achieve the employment outcome. When more than one training program is available to fully meet the vocational rehabilitation needs of the individual, all associated costs for each of the training programs shall be considered in determining which training program shall be at the least possible cost to DVR. Required supportive services, accommodations, and the duration of the training shall be included in this consideration.

DVR will purchase only required books and supplies as outlined in the applicable course syllabus and will purchase used books for advanced training programs when they are available and adequate to meet the individual's training and employment needs. DVR will rent or lease equipment needed for academic and vocational training programs when rental or leasing is adequate to meet the individual's training needs unless the total rental/lease costs exceed purchase costs.

11.2.5(b) Wyoming Residency for Tuition

DVR will only pay in-state tuition rate for students who do not meet the Wyoming residency requirements. The IPE and/or amended IPE shall include statements of the individual's responsibilities for establishing Wyoming residency or for paying the remainder of the out-of-state tuition rate.

Training Services 34 CFR 361.48 (b)(6)

Training services in institutions of higher education shall not be paid for with funds under Title I unless maximum efforts have been made to secure grant assistance in whole or in part from other sources to pay for such training. Prior to determination by the counselor as to the amount of funding a client should receive for the cost of tuition, a client must apply for and

pursue a federal PELL education grant to assist with the cost of training. The client must notify DVR on the acceptance or denial of award.

Some institutions require tuition prepayment. Prepayment is to be avoided whenever possible. If prepayment is unavoidable DVR may negotiate with the institution regarding terms of the prepayment and the potential refund to DVR should the client not complete the training during the period of the authorization. All terms agreed upon should be documented in the client's file as case log or in a letter to the vendor. Documentation of the terms of the prepayment must be sent to central office with the authorization and invoice for payment.

11.2.5(c) Training Expectations

Clients are expected to go to school full time (as defined by the educational institution) unless there are disability related reasons that preclude full time attendance. Clients are expected to maintain a cumulative minimum grade point average (2.0 or above) , per term /semester, that will keep them in good standing in their academic program. DVR Area managers will be consulted when developing an IPE with less than the full time requirement. (See Appendix A- College Expectation Form)

DVR will pay in-state tuition only. Exceptions to these guidelines will be considered with DVR Counselor and DVR Area Manager approval.

11.2.5(d) Repeated Courses/Incompletes

If DVR has financially supported a client in a course and he or she receives a failing grade and/or withdraws after the add/drop date, the client shall be responsible for payment of retaking the course. Clients shall make every effort to appeal a failed grade, and do so by seeking guidance from their specific training institution.

If a client receives an incomplete in a course, he or she is responsible for finishing the coursework in a timely manner, as determined by the guidelines of the educational institution. If the coursework is not completed in a timely manner and results in a failing grade, it shall be the responsibility of the individual to cover the costs of the repeated course, as above.

Exceptions may be considered for individuals whose failure to complete a course, withdraw after add/drop deadlines, or whose attainment of a failing grade is due to special circumstances or a disability related reason.

11.2.5(e) Remedial Courses

It is the responsibility of the DVR Counselor and client to look for and utilize comparable benefits available in his or her community to pay for remedial courses. If none are available, and in keeping with DVR fee schedule, DVR may provide financial support when determined appropriate by the DVR Counselor.

11.2.5(f) Advanced Degrees (Graduate School) 34 CFR 361.48(b)(6)

In some instances, advanced degrees may be required for the achievement of an employment

goal. DVR supports the provision of graduate level training (leading to a Master's or Doctoral degree), including advanced training to support employment in science, technology, engineering, and math fields, when the agreed-upon and approved vocational goal necessitates this level of training. Sufficient written justification shall demonstrate the client has attempted and is unable to reach the selected employment goal without graduate education and/or that an advanced degree is the commonly recognized standard.

11.2.5(g) Summer Semester Courses

Timelines for completing post-secondary training or a college program are typically established by the training-educational institutions. While it is the expectation that students should maintain a full academic load as outlined by the training entity's timelines, students and Counselors shall develop a timeline for completion suitable to meet their specific needs. Some programs (courses on block system, open exit/entry programs, etc.) do require a continuum of attendance, which may include summer semester. In addition, summer semester courses, with appropriate documentation (i.e. graduation plan, degree audit, medical documentation, etc.) can be approved if:

1. The course(s) is not available during the fall or spring semesters or other standard grading periods;
2. The course(s) enables the client to retake a course not completed due to a disability/health related reason to meet the completion target date on the IPE; or
3. The course(s) shall reduce the time needed for the student to successfully complete his/her training program (graduate early).

11.2.5(h) Full Time Enrollment

It is the expectation that clients shall maintain a full time status in order to achieve the employment goal in a timely manner. Full time status will be defined by the educational institution. Part time enrollment may be considered if related to the limitations of the disability or special circumstances. Documentation related to the need for part time attendance shall be clearly documented in the case file.

11.2.5(i) Out of State Training Placement 34 CFR 361.50(b)

If training is not available in state, payment for out-of-state tuition and other educational expenses will be calculated at the same rate available at public in-state institutions. The DVR Area Manager will approve any exception, for example if the program is not available in the State. All fees may be adjusted with DVR Area Manager approval. Case documentation will show the discussion and decision making process for these purchases.

Out of state good and services- These services are provided at the same cost of a similar service available in state. If services are not available in state, said services could be scheduled out-of-state at that provider's normal rate.

Books- Up to \$500.00 per semester. Use online purchase or rent when possible.

Supplies- There is no guideline for supplies, but purchases at discount stores are expected.

11.2.5(j) Duration of Training Support

The timeframe for the duration of the training program shall be documented in the IPE. Satisfactory progress toward the completion of the training program shall be monitored each grading period. The IPE shall contain evaluation criteria that address maintenance of a specific grade point average, full or part time status, and clear identification of how sufficient progress shall be monitored. The VR IPE shall be written for no more than one (1) year at a time, unless DVR Counselor and DVR Area Manager have reviewed the individual situation, with the exception of a Workers Compensation IPE.

11.2.6 Interpreter Services

All types of interpretation services shall be provided when necessary to ensure an individual has access to communication and materials in his or her native language and/or through appropriate modes of communication. Interpreter services, including sign language and oral interpreter services, shall be available for individuals who are deaf or hard of hearing and tactile interpreting services for individuals who are deaf-blind. DVR and the client (or client representative) will explore comparable benefits, assistive technology, and other resources to provide a cost effective service.

11.2.7 Job-Related Services

Job-related services, including job seeking skills training and placement assistance, job retention services, and follow-up services, are to be available and provided as necessary to meet the needs of each individual.

11.2.7(a) Job Placement Services

Assistance may be provided to help an individual obtain competitive integrated employment which is suitable, stable, and satisfactory, and which is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

DVR prioritizes the delivery of staff-provided services whenever sufficient to meet the job seeker's placement needs.

Job ready criteria include each of the following:

1. Client has the genuine motivation, or desire, to work;
2. A complete assessment of the client's transferable skills, past work experience, previous education/training, etc. will be considered in developing the client's vocational outcome;
3. The client's vocational goal is determined and he or she can describe or demonstrate (with or without supports) skills and abilities related to the goal;
4. Vocational rehabilitation needs (e.g., restoration, education, etc.) are met as necessary and appropriate;
5. Client has shown that he or she can be relied on to show up when they need to;
6. Client has the capacity (with or without supports) to stay on task for a period of time

generally associated with working; and

7. Client is available to actively participate in job seeking activities.

Job placement services include job development services, assistance in completing work applications and arranging for interviews, on-site job analyses, on-site consultation with the employer, recommendations for work-site job modifications, and/or orientation to the workplace, as appropriate to the individual's specific needs.

11.2.8 Supported Employment Services

Supported employment services are a set of ongoing support and other appropriate services needed to support and maintain an individual with a most significant disability, once an individual is placed in employment.

For further information regarding Supported Employment Services, please see that specific Section located in this manual. (Chapter 14)

11.2.9 Occupational Licenses, Tools, Equipment, Initial Stocks and Supplies

Occupational goods and services shall be provided as necessary relative to an employment outcome. Occupational equipment refers to non-adaptive equipment normally required for job performance by all workers. Adaptive equipment necessary to accommodate limitations imposed by the impairment(s) for the performance of job tasks is rehabilitation technology. Tools, equipment and initial inventory for self-employment shall be procured in compliance with DVR purchasing procedures for equipment and other goods. *See Equipment Form*

11.2.10 Computer Purchase and Rental

The purchase of a computer is not considered rehabilitation technology. Clients use computers in the same situations or for the same reasons that others use it in the same environment. Computers are common in work and training environments. However, a client may need adaptations to the computer to promote, increase or maintain a skill or ability related to the person's functional limitations. Examples of adaptations that are considered rehabilitation technology include augmented speech (which would also be an auxiliary aid for effective communication), a device to operate an environmental system, or an adaptive device or software to operate the computer (such as screen readers or dictation software.)

DVR shall not purchase any computer-related equipment if a client's needs can be effectively met through alternative means. An assessment of the client's needs for computer-related equipment shall be conducted before a purchase if the client or the Counselor is unsure of the client's needs. If there are any technical questions regarding a computer purchase, WY ETS can be consulted. Client financial participation applies to purchase of computers. A comparable benefits search is required unless such a search would cause the loss of an immediate placement.

Generally, DVR shall purchase no more than one (1) computer for a client. If changes or upgrades are needed for disability-related reasons, or because of agreed-upon changes to the IPE, a new computer can be purchased. Efforts should be made to trade in the original computer or have it returned to the agency for reassignment to another client.

11.2.11 Rehabilitation Technology

Rehabilitation technology means the systematic application of technologies, engineering methodologies or scientific principles to meet the needs of, and address the barriers confronted by, individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living and recreation. The term includes rehabilitation engineering, assistive technology devices and assistive technology services. A comprehensive assessment may be required before any AT is purchased.

Rehabilitation technology goods and services include adaptive equipment and auxiliary aids for individuals with impaired sensory or written and/or oral communication skills, including hearing aids. (This section does not include physical and mental restoration services. See Appendix- Physical and mental restoration services. Rehabilitation technology also includes vehicle modification. Although vehicle modifications are not goods, they shall comply with DVR procurement procedures.

11.2.12 Phone and Internet

The use of the internet and access to reliable means of phone usage, including cell phones, is often crucial to complete many aspects of job seeking, job placement activities, and training or school requirements. The initial purchase of these items may be provided if deemed necessary and appropriate to achieve the vocational goal, and currently unavailable to the individual. DVR and the client and client's representative will look for comparable benefits before agreeing to pay for these expenses.

The individual will be advised of the appropriate use of the service and/or equipment, including timeframes of possession, state ownership guidelines, and client financial participation, if warranted through completion of Financial Need Assessment. In addition, the items shall be used for educational and vocational purposes only and this shall be explained to the individual. The individual and the DVR Counselor shall sign the Receipt of State Purchased Equipment form.

Phones and internet cards may be considered as there are no contract requirements and can be purchased through state vendors at least possible cost. If an individual will be reimbursed for items, or circumstances exist that require contract service, the DVR Counselor shall follow DVR procedural guidelines and obtain appropriate approvals.

In cases where phones are purchased as adaptive equipment, the above policy also applies.

11.2.13 Referral Services

Referrals shall be provided as necessary to assist applicants and clients to secure needed services from other agencies, including other the statewide workforce development system and the Client Assistance Program.

11.2.14 Vehicle Modifications

The DVR focus is on providing clients with the vehicle modifications that best meet the client's needs at the least possible cost. The purchase of vehicle modifications must be necessary,

appropriate, and at least possible cost. DVR Counselors shall provide rationale in the client record, stating why the modification(s) is necessary to the achievement of the individual's work goal. An assessment may be needed to determine what specific modifications are required. DVR normally purchases only those modifications required in order to enter, exit, or operate the vehicle. The DVR Counselor will determine the need for vehicle modification based on the client's ability to transfer in and out of an automobile independently.

Prior to the decision to purchase a vehicle modification, DVR Counselors should be able to substantiate each of the following:

1. There are no other means of transportation available. Vehicle modifications cannot be purchased if the individual can effectively use public transportation.
2. The individual has the means to maintain the vehicle and modification, including insurance on the modification.
3. The vehicle modification is required to support the individual's rehabilitation process at the time that it is being authorized. That is, the individual shall require the modification to be able to participate in a primary rehabilitation service at the time the modification is purchased.
4. All other comparable benefits were considered prior to purchase of any modification.

11.2.15 Residential Modifications

Clients will be referred to the Independent Living Centers (ILCs), Wyoming Independent Living and Wyoming Services for Independent Living (WIL/WSIL), to assist in providing modifications and adaptations. All comparable benefits shall be considered for other funding sources prior to DVR considering any modification or adaptation purchase.

DVR may make modifications to rental property only when prior written permission from the landlord/owner has been obtained. Modifications to rental property shall be restricted to portable and/or removable items.

11.2.16 Other Goods and Services

Other goods and services shall be provided as determined necessary for the individual with a disability to achieve an employment outcome. The purchase of warranties should be on a case by case basis with consideration to the client's IPE and home location as well as the length of warranty provided by the seller or manufacturer. The purchase of all goods shall comply with DVR procurement procedures.

Warranties may be considered when a client's situation or circumstance precludes him or her from either accessing repair or if the item is expected to require regular repair over an extended period of time. Examples of justification for extended warranties include if a client lives in a remote area and is unable to transport his or her equipment for repair or if a plan is expected to take significant time and it would be a cost savings to purchase an extended warranty rather than pay for ongoing maintenance.

An extended warranty can keep a client employed without interruption and without returning to DVR should these products fail.

DVR will not consider vehicle warranties.

A Counselor may choose to provide a client an extended warranty for a product if the warranty allows the Client reduced maintenance costs, especially in regards to durable medical equipment, assistive technology, and business equipment.

For example, a Client who has cochlear implants can often purchase an extended warranty for several years for these products. The Client cannot hear without the device, and would be potentially limited vocationally without this ability. A second example would be the purchase of a warranty on a tablet computer for an individual with limited hand dexterity. The device is required for the student to train or work in employment, and the warranty protects the Client in the event that a drop or spill may happen. A third example could be a warranty on a piece of essential business equipment, such as a massage chair for a salon.

11.3 Maintenance-- Sections 12(c) and 103(a)(7) of the Rehabilitation Act of 1973, as amended; 29 U.S.C. 709(c) and 723(a)(7)

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

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

1. The cost of a uniform or other suitable clothing that is required for an individual's job placement or job-seeking activities.
2. The cost of short-term shelter that is required in order for an individual to participate in assessment activities or vocational training at a site that is NOT within commuting distance of an individual's home.
3. The initial one-time costs, such as a security deposit or charges for the initiation of utilities, that are required in order for an individual to relocate for a job placement.

11.4 Transportation Services

Transportation services may be provided as a support service for travel and related expenses that are necessary to enable an applicant or client to participate in a vocational rehabilitation service.

Whenever available, public transportation shall be used unless the individual's impairment-related limitations prevent use of public transportation. DVR may provide reimbursement for

mileage, up to the cost of public transportation.

1. Comparable benefits should be explored and documented in the case file prior to providing any transportation services, to include ridesharing, family, independent living centers, and community services.
2. Public transportation shall be used unless the individual's functional limitations prevent the use of public transportation or public transportation is not available. The rationale for use of other methods must be documented in the case file.
3. The DVR Counselor and client will determine the most appropriate transportation option, which may include gas purchase or mileage reimbursement.
4. If an individual uses a personal vehicle, DVR will consider reimbursement for mileage at the State rate. DVR will not consider mileage reimbursement unless the driver has a valid driver's license, current insurance policy to cover the automobile, which must be currently licensed and registered. The Client or Applicant will provide appropriate documentation to support that the reimbursement is directly related to services for eligibility determination or the provision of services.
 - a. Mileage Computations:
 - i. In town mileage is not usually allowed unless DVR is the payer of last resort, as documented in the case file. In town mileage must be preapproved by the DVR Area Manager. In town mileage calculations must be supported by printed screens from Google Maps or Mapquest using the shortest distance of the address to address function.
 - ii. Out of town mileage: Town to town mileage within Wyoming must be calculated using the mileage grid on the Official Wyoming State Map (as printed by the Wyoming Department of Transportation). If one or both of the towns do not appear on the mileage grid, mileage calculations must be supported by printed screens from Google Maps or Mapquest using the shortest distance of the town to town function. If mileage will be from a Wyoming town to an out of state location, mileage calculations must be supported by printed screens from Google Maps or Mapquest using the shortest distance of the address to address function.
 - b. State Rate: Mileage reimbursements paid to clients will be at the same rate per mile that State employees would receive if a State vehicle is not available, which is the higher of the two rates available to State employees using their own personal vehicle.
5. DVR may consider the costs of transportation services beyond ninety (90) days in each case, with DVR Area Manager and DVR Administrator approval. This limit encompasses all forms of transportation.
6. When transportation to an out of State training is determined to be a necessary and appropriate service, DVR may pay for one round trip per case between the Client's originating address and training. Subsequent trips out of State for training will be reviewed individually and with DVR Area Manager approval. These trips may be determined to be the Client's responsibility.

7. DVR can consider the cost of mileage one way, one time for a personal vehicle at the State rate to support a client in moving for a guaranteed employment position in the State of Wyoming. For example, a DVR Counselor in Cody could pay mileage from the Client's home in Cody to Rock Springs one time should a client obtain a position in Rock Springs.

8. DVR may consider the cost of mileage at the State rate for a personal vehicle for assessment if a Client must travel for assessment in the determination of functional capacities, eligibility or restoration. Assessment must not be available in the Client's home community for this cost to be considered.

9. DVR can purchase one bicycle or tricycle per case for Client use if this service is necessary for a client to participate directly in a DVR service. The cost of one helmet and one set of safety pads may also be considered with this service.

11.5 Vehicle Repair/Purchase/Payments

11.5.1 VEHICLE REPAIR

Maintaining and repairing a private vehicle is primarily the responsibility of the owner. DVR does not pay for license plates, insurance, depreciation, and/or routine maintenance for vehicles because these are part of the typical costs of maintaining a vehicle. Individuals are expected to participate in the cost of their transportation expenses when using their own vehicle, as vehicles are not used exclusively for rehabilitation activities.

Vehicle repair is a supplemental service and can not be the sole basis of service for any client.

Assistance with vehicle repair is intended for situations where services have been initiated under the IPE and participation in the IPE cannot continue without the repair. Generally, this shall mean that the vehicle cannot be driven without the repair. In order to repair a vehicle, it shall be the client's primary means of transportation and shall be owned by the client or a family member. If the vehicle needs repair and the cost of that repair exceeds the blue book value of the car, DVR will not consider the cost of repair.

Before providing vehicle repair, the DVR Counselor shall consider the following:

1. The overall condition of vehicle (i.e. is the vehicle likely to require frequent repairs)
2. The extent of the repairs needed
3. The availability of other appropriate transportation
4. The vehicle is necessary for work or training;
5. There is no other source of funding for the repairs
6. The ability of the individual to assume long-term upkeep of the vehicle.

11.5.2 VEHICLE PURCHASE

1. Alternative methods of transportation must be considered and documented over time in the case file before requesting vehicle purchase. This should include public transportation, family, friends, Independent Living Centers, Bicycles, etc.
2. Consider if the Client has the ability to maintain the vehicle.
3. Counsel the Client on the associated cost of vehicle purchase, preventative maintenance and repairs.
4. The purchase of a vehicle must be based on vocational need and functional limitation.
5. The Counselor and Manager will need to validate the amount the suggested vehicle for purchase is worth by using a third party evaluation. For example, use the Kelley Blue Book, which may be accessed on the internet
6. Vehicle will have a mechanics written inspection prior to approving purchase;
7. Vehicle will be purchased from an authorized car dealership;
8. A vehicle so equipped as to accommodate a specific disability may be purchased from a private party after having a mechanic inspect the vehicle
9. The request for full or partial payment of a vehicle will be submitted in writing with a draft copy of the IPE by Area Manager before it is sent to the Administrator for final approval.
10. If a Client has purchased a non modified vehicle in a previous case, DVR will not consider the cost of a second vehicle purchase within a ten year time frame.
11. **DVR will consider a guideline purchase price of \$5,000 for a vehicle.**
 - a. **DVR may use this amount as a down payment for a vehicle if client is capable of making a monthly car payment.**
 - b. **DVR will not be responsible for loans that default.**

DVR will not pay for insurance, licenses, taxes or any cost above the purchase price of the vehicle.

11.5.3 VEHICLE PAYMENTS

Vehicle payments are the responsibility of the Client and are considered a form of maintenance. DVR does not make vehicle payments. Extenuating circumstances require DVR Administrator prior written approval.

11.6 Services to Family Members

Vocational rehabilitation services to family members are services to an individual (either a relative, guardian, or someone living in the same household as an applicant or client), who has a substantial interest in the well-being of that individual; and, whose receipt of vocational rehabilitation services is necessary for the individual with a disability to continue to participate in the services listed on the IPE. (See Appendix B- Family Member)

11.7 Personal Assistance Services

Personal assistance services are a range of services provided by one or more persons designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability. The services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job. The services shall be necessary for the achievement of an employment outcome and may be provided only while the individual is receiving other vocational rehabilitation services. The services may include training in how a client can arrange his or her own personal assistance services.

Prior to DVR considering any personal assistance services, all comparable benefits for these services must be explored and documented in the case file. Sources of personal assistance services can include independent living referrals, insurance companies, Wyoming waiver programs, and Aging programs. If DVR should provide these services, it will be on a short term basis only, (less than three months for the life of an IPE).

DVR Counselor will work with the Client to insure that there is a long term support in place for personal assistance at case closure.

11.8 COMMUNITY-BASED WORK SITES

Community based work sites will be developed to provide situational assessments and job skill training in realistic work settings. Situational assessments may be used as a vocational evaluation tool to provide trial work experiences when initial or on-going eligibility is in question.

11.8.1 Paid Work Experience

Paid work experience training is a service provided in a competitive and integrated employment setting in which the client performs real work while receiving wages for all the time spent on the job. Clients participating in paid work experiences shall be compensated at least at the Federal minimum wage. The allowable reasons for paid work experience shall include at least one of the following outcomes for the trainee:

1. Job skills training which results in the acquisition of occupational skills and employability skills;
2. An opportunity to demonstrate competitive employment skills;
3. An opportunity to try-out employment accommodations;
4. Completion of internships/externships which culminate in the receipt of an occupational or academic degree, certificate, or endorsement;
5. The opportunity to gain work experience in an employment field or occupational area; or
6. To establish a current work history.
7. The length of time for a work experience shall be determined by the DVR counselor and client dependent on the hours to be worked, skills to be learned, and employer requirements.

11.8.2 On-The-Job Training (OJT)

On-the job training is an opportunity for clients to experience employment opportunities with the clear expectation that the employment in the same or a similar job for the employer shall continue if successful. Clients shall be paid at the employer's usual and customary wages for the required skill level and type of position into which the individual is placed.

11.9 POST-EMPLOYMENT SERVICES

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

Post-employment 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 case should be considered. Post-employment services are to be provided under an amended IPE; thus, a redetermination of eligibility is not required. If the request for post-employment services is three (3) years after closure, the client record may have been purged and it shall be necessary for the individual to reapply for services. The provision of post-employment services is subject to the same requirements as the provision of any other vocational rehabilitation service.

The examples below are illustrative only and not intended to cover all possible circumstances appropriate for the provision of post-employment services.

Post-employment services are available to assist an individual to:

- 1. Maintain employment e.g., the individual's employment is jeopardized because of conflicts with supervisors or co-workers, and the individual needs mental health services and counseling to maintain the employment;*
- 2. Regain employment, e.g., the individual's job is eliminated through reorganization and new placement services are needed; and*
- 3. Advance in employment, e.g., the employment is no longer consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.*

11.9.1 IPE for Post Employment Services (Status 32) 34 CFR Part 361.46 (c)

The IPE for each individual must contain, as determined to be necessary, statements concerning:

- Expected need for post employment services prior to closing the record of services of an individual who has achieved an employment outcome;
- A description of the terms and conditions for the provision of any post employment services, and;
- 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.

11.10 Services to Employers

To ensure a diverse workforce and competitive integrated employment opportunities for individuals with disabilities, DVR may provide education and other services to employers who have hired or are interested in hiring individuals with disabilities. These services include—

1. Training and technical assistance regarding the employment of individuals with disabilities, including disabilities awareness and the requirements of the Americans with Disabilities Act of 1990, as amended, and other employment-related laws;
2. Developing opportunities for work-based learning experiences, including internships, short-term employment, apprenticeships, and fellowships;
3. Developing opportunities for pre-employment transition services;
4. Recruiting qualified job applicants who are individuals with disabilities;
5. Training employees who are individuals with disabilities;
6. Promoting awareness of disability-related obstacles to continued employment;
7. Providing consultation, technical assistance, and support to employers on workplace accommodations, assistive technology, and facilities and workplace access, to enable the employers to recruit, job match, hire, and retain qualified individuals with disabilities who are recipients of vocational rehabilitation services; and
8. Assisting employers with utilizing available financial support for hiring or accommodating individuals with disabilities.

11.11 Communications

Telecommunications Relay Service (TRS) Program

History In 1991, the Wyoming State Legislature created the Wyoming Telecommunications Relay Service known as Wyoming Relay. The service is paid for with money collected by a special fee charged on every telephone line in the state. Each state has a Federal mandate to maintain a Relay Communication program in accordance with the ADA of 1990.

Legislation

- Federal mandates:
The Americans with Disabilities Act of 1990 as Amended:
<http://www.ada.gov/pubs/ada.htm>
<http://www.ada.gov/pubs/adastatute08.htm#225>
- Federal Communications Commission's (FCC) rules for Telecommunications Relay Service: <http://www.fcc.gov/encyclopedia/telecommunications-relay-services-rules>
- Wyoming State Statutes §16-9-201 through 16-9-210:
<http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title16/Title16.htm>

Summary

Wyoming Relay is a free service that allows people who are deaf, hard-of-hearing, deaf-blind and/or have a speech disability to place and receive telephone calls. Wyoming Relay users can communicate freely with businesses, friends, and family who use a standard telephone.

Specially trained Relay Operators facilitate the calls. Calls can be made to anywhere in the world, 24 hours a day, 365 days a year, with no restrictions on the number, length, or type of calls.

All calls are strictly confidential and no records of any conversations are maintained. Anyone wishing to use Wyoming Relay simply dials the relay number to connect with a relay operator. The Relay Operator will dial the requested number and relay the conversation between the two callers.

Benefits of Relay Service

Wyoming Relay Service uses state-of-the-art technology to bring relay services in English and/or Spanish to customers. With Wyoming Relay, an individual can:

- Store and refer back to information such as frequently-dialed numbers, preferred call type, and preferred long distance carrier;
- Utilize a wide array of technologies, such as teletypewriters (TTYs), Voice Carry-Over (VCO), Captioned Telephones, Hearing Carry-Over (HCO), and Video-Assisted Speech-to-Speech (VA STS);
- Retrieve voicemail and answering machine messages;
- Redial the last number called;
- Work with sensitive and well-trained Relay Operators who handle each call with complete confidentiality; and
- Expect to utilize a relay service which routinely monitors performance to ensure continuously high-quality services.

Charges

There is no fee for using any one of the toll-free access numbers for Wyoming Relay. However, callers are responsible for their long-distance charges. Long distance calls made through Wyoming Relay can be billed to the carrier of choice upon request. Credit cards, calling cards, third party billing, and collect calls are accepted.

Chapter Twelve - Vendor Information and Services to Vendors

12.1 Vendor Documentation

The DVR field office staff members and the DVR fiscal staff members will work together to get:

1. New vendors added to or updated on DVR's case management system and the State of Wyoming's accounting system, and
2. Vendors connected to service codes on DVR's case management system.

When a DVR field office staff member needs to create pre-plan authorizations or add vendors and services to a client's Individualized Plan for Employment (IPE), the DVR field office staff member should first check DVR's case management system under vendors to determine if the vendor is already an active vendor on DVR's case management system and if the vendor is connected to the required service code(s).

Note: If the vendor is not active on both the DVR case management system and the State's accounting system, the vendor cannot be used in a pre-plan authorization or in a client's IPE until the vendor has been activated in both systems.

For any vendor and/or service code communications between the DVR field office staff members and the DVR fiscal staff members, the DVR field office staff members should send e-mail messages to the address shown below. All of the DVR fiscal staff members are connected to this email address and one of the DVR fiscal staff members will respond as quickly as possible.

DWS-VRVendor@wyo.gov

12.2 Service Code Connections

If a DVR field office staff member finds that the vendor is an active vendor on DVR's case management system but the vendor is not connected to the required service code(s), the DVR field office staff member needs to send an email to DWS-VRVendor@wyo.gov and request that the vendor be connected to the specified service code(s).

Note: If a vendor needs to be connected to any of the service codes for Pre-Employment Transition Services (Pre-ETS), such as codes that begin with C, I, J, R or W, the DVR field office staff member must **first** consult with the DVR Transition Consultant assigned to their office. The DVR Transition Consultants will help the DVR field offices ensure that all activities provided by the vendor stay within the guidelines of Pre-ETS and that any Pre-ETS service that is being provided is not being duplicated or should be provided by the local schools.

12.3 New Vendors

If a DVR field office staff member finds that the vendor is not on DVR's case management

system, the DVR field office staff member should obtain the vendor's exact name, address, phone number, contact person's name, vendor's nine digit tax identification number (Social Security Number-SSN or Employer Identification Number-EIN) and the required service codes.

The DVR field office staff member should then send two separate email messages to DWS-VRVendor@wyo.gov requesting that the DVR fiscal staff members check to see if the vendor is registered on the State's accounting system. The first email message should contain the vendor's name, address, phone number, contact person's name and required service codes. Due to security restrictions, this first email message should **NOT** include the vendor's tax identification number. The second email message should contain **ONLY** the vendor's tax identification number and nothing else. By keeping the vendor's name, address etc. separate from their tax identification number in two different emails, DVR hopes to reduce the chances of identity theft if the State's email system is hacked.

Given the vendor information in the two separate emails received from the DVR field office staff member, the DVR fiscal staff members will research the vendor's name and tax identification number on the State's accounting system.

If the vendor is an active vendor on the State's accounting system, the DVR fiscal staff member will:

- Assign a new vendor number that is specific to DVR's case management system,
- Enter the vendor's information into the DVR case management system,
- Activate and approve the vendor on the DVR case management system, and
- Connect the vendor to the service codes (please see note above on Pre-ETS service codes)
- Send an email response to the DVR field office staff member to let them know the vendor's number in the DVR case management system.

If the vendor is not an active vendor on the State's accounting system, the DVR fiscal staff member will:

- Send an email response to the DVR field office staff member asking them to send a State of Wyoming Vendor Management Form packet to the vendor which can be obtained on the State Auditor's website <http://sao.wyo.gov/>. This State of Wyoming Vendor Management Form packet includes a vendor information sheet and an Internal Revenue Service (IRS) W-9 form, both of which must be filled out and signed by the vendor. DVR field staff is not allowed to assist vendors with filling out or making corrections to the forms.

Once the vendor completes and signs the forms in the State of Wyoming Vendor Management Form packet, the DVR field office staff member should mail the forms to the DVR fiscal staff members.

When the DVR fiscal staff members receive the State of Wyoming Vendor Management Form materials, they will enter the data into the State's accounting system and forward the documents to the State Auditor's Office for final approval.

The DVR fiscal staff members will frequently check the status of the vendor's documents on the State's accounting system. As soon as the State Auditor's Office has approved or denied the vendor's documents, the DVR fiscal staff members will notify the DVR field office staff member of the next steps. If the State Auditor's Office has approved the vendor's documents, the DVR fiscal staff members will activate and approve the vendor on the DVR case management system. If the State Auditor's Office has denied the vendor's documents, the DVR fiscal staff members will request that the DVR field office staff member contact the vendor to correct the paperwork and re-submit the forms/documents.

12.4 Inactive Vendors or Vendors who Need Updated Information

If the vendor is not an active vendor on the State's accounting system or if any of the vendor information needs to be updated (name, address, tax identification number, etc.), the DVR fiscal staff member will:

- Send an email response to the DVR field office staff member asking them to send a State of Wyoming Vendor Management Form packet to the vendor which can be found on the State Auditor's website <http://sao.wyo.gov/>. This State of Wyoming Vendor Management Form packet includes a vendor information sheet and an Internal Revenue Service (IRS) W-9 form, both of which must be signed by the vendor. DVR field staff is not allowed to assist vendors with filling out or making corrections to the forms.

Once the vendor completes and signs the forms in the State of Wyoming Vendor Management Form packet, the DVR field office staff member should mail the forms to the DVR fiscal staff members.

When the DVR fiscal staff members receive the State of Wyoming Vendor Management Form materials, they will enter the data into the State's accounting system and forward the documents to the State Auditor's Office for final approval.

The DVR fiscal staff members will frequently check the status of the vendor's documents on the State's accounting system. As soon as the State Auditor's Office has approved or denied the vendor's documents, the DVR fiscal staff members will notify the DVR field office staff member of the next steps. If the State Auditor's Office has approved the vendor's documents, the DVR fiscal staff members will activate the vendor on the DVR case management system. If the State Auditor's Office has denied the vendor's documents, the DVR fiscal staff members will request that the DVR field office staff member contact the vendor to correct the paperwork and re-submit the forms/documents.

Chapter Thirteen - Services for Individuals who are Blind and/or Visually Impaired

✓ The Act

Section 101 State plans C) Responsibility for services for the blind If the State has designated only 1 State agency pursuant to subparagraph (A), the State may assign responsibility for the part of the plan under which vocational rehabilitation services are provided for individuals who are blind to an organizational unit of the designated State agency and assign responsibility for the rest of the plan to another organizational unit of the designated State agency, with the provisions of subparagraph (B) applying separately to each of the designated State units.

13.1 VOCATIONAL REHABILITATION TEACHING/ORIENTATION AND MOBILITY SERVICES- (VRT/O&MS)

Rehabilitation teaching/orientation and mobility evaluations and training services are available through private DVR vendors. Personal Adjustment Training (PAT) evaluations and training can occur in an individual's home and/or worksite.

13.2 EVALUATION & POSSIBLE SERVICE PROVISION

Comprehensive evaluations shall recommend potential training services. PAT evaluations may include one or more of the following components:

1. Orientation and Mobility

- a. Travel skills in familiar areas, including familiar indoor environments, residential and business environments, and use of public transportation
- b. Travel skills in unfamiliar areas including unfamiliar indoor environments, residential and business environments and use of public transportation

2. Adaptive Communication

- a. Including knowledge and use of audio services, Braille, filing/labeling, handwriting, self-note-taking, keyboarding, and use of telephone

3. Assistive Technology

- a. Including accessibility, knowledge of computer basics, knowledge and use of assistive technology, and basic ability to use operating systems and standard software
- b. Also including, if applicable, other electronic devices and their usage (i.e. Braille note-takers, smart phones, etc.)

4. Daily Living Skills

- a. Home management skills including financial management, home maintenance and safety, housecleaning, meal preparation, care of family members, and time management
- b. Personal management skills including medical management, grooming, hygiene and

care of clothing, eating skills, and coping with vision loss

5. Low Vision

a. The ability to effectively use residual vision and/or magnification devices

13.3 Itinerant Evaluations

DVR utilizes community resource partners such as Wyoming Department of Education (WDE) Vision Outreach Services. Itinerant evaluations can occur in an individual's home and/or worksite; typically training is not done in assisted living facilities. Client self-care criteria (with or without the use of personal assistant services) is: ability to feed oneself, administer medication, and use the restroom. Within two weeks of completion of the evaluation, the DVR Counselor shall receive reports from the itinerant VRT/O&MS that shall include all evaluated PAT areas with timelines to complete the recommended training.

Chapter Fourteen - Supported Employment

✓The Act

Section 602 Purpose It is the purpose of this title to authorize allotments, in addition to grants for vocational rehabilitation under title I, to assist States in developing collaborative programs with appropriate entities to provide supported employment services for individuals with the most significant disabilities, including youth with the most significant disabilities, to enable such individuals to achieve the employment outcome of supported employment in competitive integrated employment.

✓The Regulations

34 CFR §363.3 Who is eligible for services?

A State may provide services under this program to any individual, including a youth with a disability if— (a) The individual has been determined to be— 1. Eligible for vocational rehabilitation services in accordance with; 34 CFR 361.42 and 2. An individual with a most significant disability; (b) For purposes of activities carried out under 363.4(a)(2), the individual is a youth with a disability . . . , and(c) Supported employment has been identified as the appropriate employment outcome for the individual on the basis of a comprehensive assessment of rehabilitation needs . . . , including an evaluation of rehabilitation, career, and job needs.

Supported Employment Title VI services

14.1 Eligibility

An individual shall be eligible to receive supported employment services using Title VI Part B funds if:

1. The individual is eligible for vocational rehabilitation services; and
2. The individual is determined to be an individual with the most significant disabilities; and
3. There is a comprehensive assessment of rehabilitation needs of the individual including an assessment of rehabilitation career and job needs, which identifies supported employment as the appropriate rehabilitation objective for the individual.

14.2 Determining the Need for Supported Employment

Individuals appropriate for supported employment are those:

1. Youth and adults for whom competitive integrated employment has not traditionally occurred or for whom competitive integrated employment has been interrupted or intermittent as a result of a most significant disability;
2. And who, because of the nature and significance of their disabilities, need intensive supported employment services from DVR.
3. And who need extended services provided by another entity after achieving an employment outcome to maintain employment.

14.3 Assessment

- The individual must have an impairment or impairments which, single or in combination, are most significant;
- The individual must need at least two (2) core vocational rehabilitation services* to address the functional losses imposed by the significant impairment(s) in order to attain an employment outcome; and
- Whose vocational rehabilitation can be expected to require at least 24 months to complete.

*Core vocational rehabilitation services includes:

- all vocational rehabilitation services other than supportive services (maintenance, transportation, services to family members, and personal assistance services);
- services secondary to core vocational rehabilitation services, such as training materials and supplies when training is being provided as a core vocational rehabilitation service; or,
- generalized counseling, guidance, and placement which are provided during the vocational rehabilitation process in connection with the provision of vocational rehabilitation services but are not identified as a needed vocational rehabilitation services on the IPE.

14.4 Supported Employment Requirements for IPE 34 CFR Part 361.46(b)

An IPE for an individual with a most significant disability for whom an employment outcome in a supported employment setting has been determined appropriate must:

- ☐ Specify the supported employment services to be provided;
- ☐ Specify the extended services needed which may include natural supports;
- ☐ Identify the source of extended services at the time the IPE is developed
- ☐ Provide for periodic monitoring to ensure that the individual is making satisfactory progress and;
- ☐ Provide for the coordination of services provided under an IPE with services provided under other individualized plans.
- ☐ Supported employment services shall not extend beyond 24 months in employment unless under special circumstances the eligible individual and the rehabilitation counselor jointly agree to extend the time in order to achieve the objectives on the IPE.

Chapter Fifteen - Transition

✓ The Act

Section 101(a)(11) D) Coordination with education officials. The State plan shall contain plans, policies, and procedures for coordination between the designated State agency and education officials responsible for the public education of students with disabilities, that are designed to facilitate the transition of the students with disabilities from the receipt of educational services in school to the receipt of vocational rehabilitation services, including pre-employment transition services, under this subchapter, including information on a formal interagency agreement with the State educational agency that, at a minimum, provides for— (i) consultation and technical assistance, which may be provided using alternative means for meeting participation (such as video conferences and conference calls), to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including vocational rehabilitation services; (ii) transition planning by personnel of the designated State agency and educational agency personnel for students with disabilities that facilitates the development and completion of their individualized education programs under section 614(d) of the Individuals with Disabilities Education Act...; (iii) the roles and responsibilities, including financial responsibilities, of each agency, including provisions for determining State lead agencies and qualified personnel responsible for transition services; and (iv) procedures for outreach to and identification of students with disabilities who need the transition services.

Section 102 (a)(4) Use of existing information. (A) In general. To the maximum extent appropriate and consistent with the requirements of this part, for purposes of determining the eligibility of an individual for vocational rehabilitation services under this subchapter and developing the individualized plan for employment described in subsection (b) for the individual, the designated State unit shall use information that is existing and current (as of the date of the determination of eligibility or of the development of the individualized plan for employment), including information available from other programs and providers, particularly information used by education officials and the Social Security Administration, information provided by the individual and the family of the individual, and information obtained under the assessment for determining eligibility and vocational rehabilitation needs. (B) Determinations by officials of other agencies - Determinations made by officials of other agencies, particularly education officials described in section 101(a)(11)(D) of this title, regarding whether an individual satisfies one or more factors relating to whether an individual is an individual with a disability under section 7(20)(A) of this title or an individual with a significant disability under section 7(21)(A) of this title shall be used, to the extent appropriate and consistent with the requirements of this part, in assisting the designated State unit in making such determinations.

✓ The Regulations:

34 CFR §361.22 Coordination with education officials. (a) Plans, policies, and procedures. (1) The vocational rehabilitation services portion of the Unified or Combined State Plan must contain plans, policies, and procedures for coordination between the designated State agency and education officials responsible for the public education of students with disabilities that are designed to facilitate the transition of students with disabilities from the receipt of educational services, including pre-employment transition services, in school to the receipt of vocational rehabilitation services under the responsibility of the designated State agency. (2) These plans, policies, and procedures in paragraph (a)(1) of this section must provide for the development and approval of an individualized plan for employment in accordance with 34 CFR 361.45 as early as possible during the transition planning process and not later than the time a student with a disability determined to be eligible for vocational rehabilitation services leaves the school setting or, if the designated State unit is operating under an order of selection, before each eligible student with a disability able to be served under the order leaves the school setting. (b) Formal interagency agreement. The vocational rehabilitation services portion of the Unified or Combined State Plan must include information on a formal interagency agreement with the State educational agency that, at a minimum, provides for— (1) Consultation and technical assistance, which may be provided using alternative means for meeting participation (such as video conferences and conference calls), to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including pre-employment transition services and other vocational rehabilitation services; (2) Transition planning by personnel of the designated State agency and educational agency personnel for students with disabilities that facilitates the development and implementation of their individualized education programs (IEPs) under section 614(d) of the Individuals with Disabilities Education Act; (3) The roles and responsibilities, including financial responsibilities, of each agency, including provisions for determining State lead agencies and qualified personnel responsible for transition services and pre-employment transition services; (4) Procedures for outreach to and identification of students with disabilities who are in need of transition services and pre-employment 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 program, eligibility requirements, application procedures, and scope of services that may be provided to eligible individuals.

15.1 TRANSITION SERVICES

15.1.1 Purpose

The purpose of this policy is to enhance the working relationship between the Division of Vocational Rehabilitation (DVR), the Wyoming Department of Education (WDE), local education agencies (LEA), students with disabilities transitioning from school to work, and their parents/guardians, to provide more effective services to students with disabilities in their transition efforts. This collaboration is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 through 1485 and the Rehabilitation Act of 1973, 29 U.S.C. §794 as amended, and the Workforce Innovation and Opportunity Act (WIOA) of 2014. DVR will partner with eligible or potentially eligible students with disabilities and their parents/guardians in the process of evaluating, serving and planning for a seamless transition from school. This policy also outlines a means for transfer of items of assistive technology from LEAs to DVR for eligible individuals as they make the transition from the classroom to the workplace.

Title IV of the Workforce Innovation and Opportunity Act of 2014 amends the Rehabilitation Act of 1973, particularly with regard to State Vocational Rehabilitation partnership with the workforce development system. WIOA amendments fosters increased partnerships across the federal, state, and local agencies, private organizations, and employers with regard to employment and training opportunities. WIOA amendments empower State VR agencies to work toward employment, economic self-sufficiency, independence, inclusion and integration in their communities for students with disabilities.

15.1.2 Pre Employment Transition Services (Pre-ETS) as defined by WIOA is:

Pre-employment transition services are provided to students with disabilities in order to further develop an awareness of career and education opportunities, the general skills needed for employment success in any field, and the skills needed to appropriately advocate for themselves as they prepare to exit secondary education and enter the workforce or other post-school activities.

Pre- ETS are specific services provided to a targeted population. These services can be provided individually or in groups, to students who are eligible or potentially eligible for DVR services. The services can be provided to students starting at age 14 through their 21st year. Students in this age range need to be connected to a recognized education setting (high school, home school, charter school, faith based school, department of corrections facility, GED/HiSET (Graduation Equivalency Diploma/ High School Equivalency Test), etc). Individualized services are carefully planned in coordination with a student's interests, abilities, and employment goals. Group services can be provided to teach broader topics to a group of students. The new legislation provides expanded services in five specific focus areas to students regardless of DVR status.

The required Pre-Employment Transition Services (Pre-ETS) are: (with examples listed)

- I. Job Exploration Counseling -
 - A. Career exploration
 - B. Interest inventories
 - C. Resume building
 - D. Cover letters
 - E. Job applications
- II. Work-based learning experiences -
 - A. In school or after school opportunities
 - B. Work experiences outside the traditional school setting, including internships, that are provided in an integrated environment (unpaid and paid at competitive wage)
 - C. Includes tours with companies, information interviews with employers, and job shadowing
- III. Counseling on Post Secondary educational opportunities -
 - A. Academic program research
 - B. College exploration
 - C. College applications
 - D. Counseling on financial aid options
 - E. Partnering counseling with school staff
- III. Workplace readiness training -
 - A. Any setting to develop social skills and independent living
 1. Group counseling
 2. 1:1 training
 3. Volunteer or student work to develop skills
 4. Community awareness training
 5. Financial Literacy Training
 6. Orientation and mobility training and travel training
- IV. Instruction in Self Advocacy
 - A. Peer mentoring (4-H, FFA, Girl/Boy Scouts)
 - B. Counseling with VR counselor or other staff
 - C. Training with school personnel
 - D. Group training with other agency (ies)

For a complete list of services available, please see the attached service code list.

15.2 Coordination with Education Agencies

34 CFR Part 361.22(b)

The Division of Vocational Rehabilitation (DVR) shall coordinate with officials of the Wyoming Department of Education (WDE) and local school districts around development and application of policies and practices with regard to the planning and provision of pre-employment transition and transition services to students with disabilities. DVR and WDE shall maintain a state-level

formal WDE/DVR Memorandum of Understanding related to the planning and provision of these services. This MOU shall include: the roles and responsibilities of each agency, including financial responsibilities; the provisions for determining State lead agencies and qualified personnel responsible for transition services and the procedures for outreach to and identification of students and youth with disabilities.

15.3 Consultation/Referral

The VR counselor will assist local educational agencies (LEA) in planning for the transition of students with disabilities from school to post school activities. Until it is determined a DVR case be opened, the VR counselor will act in a consultant role for the student, parents and school district during IEP/transition meetings. Referral from the LEA does not mean DVR must open a case immediately if DVR services are not required by the student. During this consultation period, the student will be placed in status 00 so his/her progress can be monitored on DVR's case management system. DVR Counselors and all DVR staff can assist education staff and parents/families with an understanding of the purposes of DVR, eligibility criteria, documentation that will be needed if the student applies for services, and the kinds of services DVR may provide. This consultation is provided to cultivate relationships and provide education and information to partners in the youth transition process. The DVR Transition Consultants will act as supports to field staff and to LEAs and WDE as needed to maintain a smooth transition process for each student.

Based on the WIOA amendments to the Rehabilitation Act, VR Counselors may provide the five (5) required services to potentially eligible students. While in status 00, counselor may provide; job exploration counseling, work based learning experience, counseling on postsecondary educational opportunities, workplace readiness training, and self advocacy training in conjunction with the school districts. If necessary, VR Counselors can authorize with vendors to provide these services. VR counselors will collect the Pre-ETS demographic worksheet for data collection. Captioned headings will be used when these services are provided.

The use of Status ten (10) in transition cases will be limited to three months (90 days) after which client will be moved into an IPE.

15.4 Transition Outreach Services

DVR shall initiate outreach to students and youth with disabilities to identify those who are in need of transition services. Outreach efforts will include secondary schools, charter schools, home school, Department of Corrections, GED/HiSET, and other recognized educational settings. School districts will be given the field staff contact for their areas.

Information will be provided regarding:

1. A description of the purpose of the VR program;

2. Information regarding VR eligibility requirements;
3. Information regarding VR application procedures; and
4. Information about the scope of services that may be available to students and youth with disabilities.

DVR staff and DVR Transition Consultants should be familiar with aspects of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act that pertains to transition activities.

IDEA mandates that local education agencies invite adult agency representatives, such as DVR counselors, to IEP and Transition planning meetings. These meetings are held for special education students at least annually. When the DVR staff is invited by a school district to attend a student meeting such as an IEP meeting, the staff should consider how his or her involvement could be beneficial with regard to consultation, technical assistance, referral to DVR or the planning and coordination of service provision.

There may be times when a DVR staff is not able to attend scheduled student-related meetings. Options for involvement beyond the physical presence of the DVR staff at the meeting could include the sharing of informational sheets and brochures, telephone conferencing, video conferencing or other creative mechanisms developed at the local level.

In addition to student-related meetings, other opportunities to interact with educators, students, and families exist for DVR participation. These may include parent nights, education staff meetings, school based agency events, career fairs, and others. Attendance at these events fosters and advances collaboration with education and provides outreach to students with disabilities who are not receiving services under IDEA or Section 504.

15.5 Referral Process

Local DVR and education providers shall identify a consistent system for referrals to DVR. There is no specified point at which referral and application to DVR must occur for a student or youth with a disability. Referrals should be a collaborative decision between education and DVR, and should not be limited to just those students in special education. Exact timing of the referral will vary based on each individual's need.

Students with disabilities may access pre-employment transition services prior to submitting an application to DVR and a referral may occur before the student chooses to apply for services. A referral of this nature can occur at any time after the student turns 14 years old. The student may choose to apply to DVR at any time in order to determine if he or she is eligible for a more comprehensive scope of vocational rehabilitation services. A student seeking pre-employment transition services prior to applying for and being determined

eligible for DVR must provide DVR with identification of his or her disability prior to receiving these services.

Some questions to consider when discussing referral and application for VR services with education staff and others.

- Does the student require pre-employment transition services to begin exploring post-school employment and educational options;
- Has the student or youth's focus begun to shift from education to employment, including work-based learning opportunities or formal planning for continued employment preparation upon exit from high school;
- Is the student or youth ready and available to participate in the DVR program including, if applicable, assessment to determine eligibility and vocational rehabilitation?

If a youth has withdrawn from school, DVR staff shall encourage the individual to return to school. DVR shall work with the school to plan and support collaborative services that will lead to completion of an appropriate course of study and a successful employment outcome.

Open communication between education, DVR staff, the youth, and his or her family members will help to ensure a comprehensive and collaborative approach to transition services that fully address each youth's needs, which may also require coordination with services available from other community organizations.

15.6 Adding an individual to DVR case management system for Pre-Employment Transition Services

1. Have the Pre-Employment Transition Services worksheet completed and signed by all parties
2. Add the client to DVR case management system like you would any other person
 - a. Complete demographic form
 - i. If the client does not know his or her Social Security Number, create a temporary one for them on DVR case management system (use a number that starts with 000 or 999). If and when he or she applies for full VR services we will update DVR case management system with his or her correct SSN.
 - b. Complete referral specifics form
 - c. **DO NOT COMPLETE THE APPLICATION FOR SERVICES FORM ON DVR case management system!**
3. Add the Pre-ETS – Case Information form
 - a. Enter the date he or she started receiving Pre-ETS services
 - b. Verify his or her education level and the type of student with a disability that he or she is
 - c. No other information needs to be added or update on the form until the client

exists Pre-Employment Transition Services

4. Add case notes as needed for the client
5. Pre-plan Authorization and Authorization to clients are available in Status 00 to be used for Pre-Employment Transition Services only

15.7 Pre Employment Transition Services Codes (DVR case management system)

PETS Service Codes

Job Exploration Counseling

- J1010 VR Staff- Job Exploration Counseling
- J1510 Vocational Interest Inventory Test
- J2010 Career Pathways Counseling
- J3510 Interpreter Services
- J4010 Reader Services
- J4510 Notetaker Services
- J6510 Auxiliary Aids

Work Based Learning Experience

- W1010 VR Staff-Work Based Learning Experience
- W1510 Work Based Learning Experience
- W2510 Wages for Work Experience
- W3010 Uniforms/Clothes/Shoes
- W3510 Basic Tools/ Equipment/ Licenses
- W4010 Training Materials
- W4510 Employer's Training Fees
- W5010 Interpreter Services
- W5510 Reader Services
- W6010 Notetaker Services
- W8010 Auxiliary Aids

Counseling On Enrollment Opportunities in Comprehensive Transition or postsecondary education programs at institutions of higher education

- C1010 VR Staff Counseling On Enrollment Opportunities
- C1510 Counseling On Enrollment Opportunities
- C2010 Interpreter Services
- C2510 Reader Services
- C3010 Notetaker Services
- C5010 Auxiliary Aids

Workplace Readiness Training

- R1010 VR Staff Workplace Readiness Training
- R1510 Workplace Readiness Training
- R2010 Financial Literacy Training
- R2510 Living Skills Training
- R3010 Orientation and Mobility Skills Training
- R3510 Community Based Living Training

- R4010 Interpreter Services
- R4510 Reader Services
- R5010 Notetaker Services
- R7010 Auxiliary Aids

Self Advocacy Including Peer Mentoring

- I1010 VR Staff Instruction on Self Advocacy
- I1510 Instruction on Self Advocacy
- I2010 Interpreter Services
- I2510 Reader Services
- I3010 Notetaker Services
- I5010 Auxiliary Aids

15.8 Assistive Technology

Situations will arise in which an assistive technology good or device used by a student for educational purposes will have application in the employment realm. When required as part of the student's IPE, DVR will negotiate the purchase of items of assistive technology from the LEA that were purchased by the LEA for eligible students. This policy is supported by the Memorandum of Understanding (MOU) between DVR and WDE. Purchase of such items, especially when customized for particular students, is intended to ease the transitions of students to employment and reduce the cost of the devices to DVR. The VR counselor will ensure that the AT in question is directly related to their vocational goal.

15.8.1 Payment to the LEA for Assistive Technology

LEA ownership of items of assistive technology which are appropriate for the student's vocational goals may be transferred from the school district to DVR to maximize the use of assistive technology devices, prevent the duplication of service and facilitate a successful transition for the student. The expectation is the assistive technology will be used by the eligible student to pursue, obtain, advance in, and maintain employment in their vocational goal.

Cost for assistive technology devices may be negotiated by the school district and DVR as indicated in the MOU. WDE has created "The Assistive Technology Transfer Guidance" document to assist LEAs in this process.

15.9 Vocational Services

Whenever possible, DVR will coordinate with the school district for the provision of vocational services (i.e., vocational assessments, career exploration, job shadowing, vocational guidance and rehabilitation counseling, and work experience) for students potentially eligible or determined eligible for DVR services. Coordination of the provision of vocational services will prevent duplication of services, enhance working relationships and facilitate successful transitions for students with disabilities.

Costs for related services may be negotiated by the school district and DVR, as indicated in the MOU.

15.9.1 Shared Responsibilities of WDE, LEA and DVR

It is the responsibility of WDE, LEA and DVR to make decisions that are in the best interest of the student with disabilities to obtain and maintain employment.

15.9.2 Transition IPE 34 CFR 361.22 (a)(2)

If the student is seeking post secondary transition services, it is recommended that a transition IPE be in place before the eligible transition student exits school setting. An IPE should be developed as early as possible during the transition planning process, but at the latest, within 90 days after their eligibility determination and prior to the student's exit from the school setting.

15.10 SCHOOL RECORDS

Education professionals have a wealth of information about a student's impairment and functional limitations, written from an academic perspective, which can hold relevance when considering vocational functional limitations for DVR eligibility and comprehensive assessment.

DVR staff, with a signed release of information provided by the student, youth, and/or their legal representative, shall obtain all appropriate school records including medical, psychological, vocational, educational, recreational and other informational records relating to the student or youth's disability, impediments to employment and rehabilitation needs. These records are provided by the local school agency at no cost to DVR.

Whenever possible, and prior to the purchase of additional assessment, educational records shall be utilized by the DVR Counselor to determine eligibility and complete the comprehensive assessment.

DVR Counselors are responsible for maintaining familiarity with the tools utilized by local education partners and these shall be used to gather the most comprehensive body of evidence available to support eligibility for DVR, the comprehensive assessment, the development of the IPE, and the entire vocational rehabilitation process.

Students receiving services under IDEA must have an IEP. The IEP and other documents contained within the special education file (most notably the most recent triennial report) will provide valuable information to the DVR Counselor in preparation for eligibility determination, severity of disability designation, and the comprehensive assessment and vocational goal development process. DVR staff shall obtain and use these documents in the eligibility determination and vocational planning process.

Education records are not always contained within the official special education file. Documents beneficial to the DVR process may also be located in files maintained by non-classroom education staff. DVR staff shall consult with educators on a case-by-case basis

regarding the existence of relevant documents and how these documents can be obtained.

Signatures on education records are unlikely. In place of actual signatures, the DVR Counselor shall accept documents which contain the names and credentials of the Special Education Team members who participated in IEP meetings or who administered educational assessments. These records from educators responsible for the public education of students with disabilities shall be considered to be records from qualified personnel.

For DVR eligibility and IPE development, types of information requested from a local education partner may include:

- *Special Education Files*

- * *Individualized Education Program (IEP)*
 - * *Supporting assessment summaries and scores*
 - * *Supplemental plans including: * Communication Plan * Behavior Support Plan * Literacy Modality Plan * Health Plan * Assistive Technology Plan*

- *Teacher's Working File*

- * *Student work samples*
 - * *Transition-focused assessment*
 - * *Work experience information*
 - * *Sample resume*
 - * *Interest inventories*

- *Related Services Provider Files*

- * *Psychologist*
 - * *Therapists including but not limited to: Occupational, Physical, Speech and Health (Nurse)*

- *Student Portfolio/Career Center Files/College-in-Wyoming Profiles/Naviance Profiles*

- * *Demographic Information*
 - * *Transition focused assessments*
 - * *Work experience information*
 - * *Sample resume*

- *Summary of Performance (SOP)*

- * *The SOP is a current compilation of information regarding the student, including: life goals, preferences and interests, functional and academic strengths and needs, needed accommodations, strategies for success, etc. written by education received by special education students upon exiting.*

- *Individual Career and Academic Plan (ICAP)*

- * *The ICAP is created for all students and includes their efforts in exploring careers, academic progress, experiences in contextual and service learning, records of post high school linkages made, other data reflecting student's progress toward postsecondary and workforce readiness for all students grades 9 – 12.*

15.11 Education Designations

Referrals to DVR from school systems are usually students who receive services under IDEA and therefore have a categorical special education disability designation. These designations align with corresponding federal terms and requirements and/or terminology used in the field. An eligibility criterion for each designation is determined by members of a multidisciplinary

education team of qualified personnel with appropriate professional credentials. Education officials responsible for the public education of students with disabilities are considered by DVR to be qualified personnel for the purpose of the first DVR eligibility criterion (determination of a physical or mental impairment).

The twelve (12) educational disability designations determined and used by the public secondary education system are:

- hearing impairment, including deafness
- intellectual disability
- speech or language impairment
- visual impairment, including blindness
- multiple disabilities
- deaf-blindness
- autism spectrum disorder (ASD)
- orthopedic impairment
- other health impaired
- traumatic brain injury (TBI)
- serious emotional disability (ED)
- specific learning disability (SLD)

Students and youth not receiving services under IDEA may also be appropriate for referral to DVR. Students and youth with disabilities who are not recipients of special education services could be referred from related education providers including school administrators, counselors, therapists, nurses, general education teachers, and others. These students and youth may or may not have a documented disability, they may or may not have a Section 504 Plan (Section 504 of the Rehabilitation Act of 1973, as amended by WIOA) in place, and their disability may not present a barrier in the academic environment, but may present impediments to employment.

15.12 IEP/IPE PLANNING AND COORDINATION

DVR staff, at the request of and in cooperation with education staff, shall participate in the planning process that is designed to facilitate the development and completion of the Individualized Education Program (IEP). The DVR Counselor shall review and consider a student's IEP during the development of the individual's IPE. Services reflected on the IEP may or may not need to be included on the IPE, depending upon the employment goal and individual situation of each student but can serve as a vital starting point when providing pre-employment transition services. If a student is still enrolled in the school system and an IPE is developed and approved, there will be two active plans for the client, each reflecting coordinated goals and a range of services for a period of time.

Collaborating with education to align the IPE and IEP can contribute in a positive manner for the student to gain basic workplace skills, knowledge of specific occupational skills, and an understanding of different industries in order to make informed career choices.

Chapter Sixteen -Workers' Compensation

16.1 Workers Compensation- Wyoming State Statute 27-14-408 Chapter 6

The goal of the Division of Workers Compensation (DWC) and DVR is to return injured workers to work at a comparable wage they were earning at the time of their injury. Both Divisions will take into consideration the most expeditious and least costly program available with regard to the injured worker's current work restrictions and occupation at the time of injury. Both Divisions will share resources when appropriate to reduce agency costs.

Please refer to the attached Memorandum of Understanding (MOU) between the Division of Vocational Rehabilitation and Workers' Safety and Compensation for general information.

16.2 Basic Worker's Compensation Process

1. *Temporary Total Disability (TTD)* occurs when a worker is injured on the job and is physically unable to work for three consecutive days. Workers are paid monthly a percentage of their wages. Workers remain on Temporary Total Disability while receiving medical care for a period of time not to exceed 24 months for the life of a claim unless there are medically documented extraordinary circumstances.
2. *Maximum Medical Improvement (MMI)* occurs when the worker recovers to a point where they are medically stable and no significant improvement is expected.
3. *Permanent Partial Impairment Award (PPI)* is a monetary benefit that compensates a worker for a loss of physical function due to a work injury. It occurs after a physician's rating of the worker's disability and is based on several factors.
4. *Permanent Partial Disability (PPD) or the Vocational Rehabilitation Option-* A Worker must decide which is more feasible for their individual circumstance, selecting a monetary award or the Vocational Rehabilitation Option. A worker can select the Vocational Rehabilitation Option and change his/her decision and select the PPD as **long as no money has been spent**. A person may be eligible for the Vocational Rehabilitation Option but not eligible for the PPD.
5. An injured worker may choose and receive the PPD award and can still apply and possibly be determined eligible for VR services. The PPD award amount will NOT be considered in the VR Financial Needs Assessment.

16.3 Permanent Partial Disability

1. Permanent Partial Disability benefits are also referred to as "loss of earnings" benefits. PPD benefits are available to an injured worker as an alternative to the Vocational Rehabilitation Option.

2. The PPD is an application/qualification process. A worker who meets the statutory

requirements for the VR option does not necessarily qualify for the PPD.

16.4 Vocational Rehabilitation Option

1. The law reads: Section 4 (a) services shall not exceed 5 years or a total cost up to \$30,000.00 unless there are extenuating circumstances. \$30,000.00 is the most VR is able to pay but clients are not entitled to that amount if services can be provided at a lower cost.

2. (a) With the exception of the stipend, the VR option funding is 21.3% from the Workers' Compensation employer's fund, which is matched with 78.7% from the DVR General Rehabilitation-Basic Support Federal grant. The VR option that is funded with 21.3% from the Workers' Compensation employer's fund and 78.7% from the DVR Federal grant is known as the VR/WC Matching Funds.

(b) All Workers' Compensation stipend payments are paid in full (100%) from the Workers' Compensation Employer fund.

3. A DVR Counselor must develop a comprehensive IPE with the client BEFORE a monthly stipend for living expenses can be discussed.

4. EXAMPLE:

a. A Workers' Compensation client wants to be retrained to become a probation officer with the State of Wyoming. This typically requires a Bachelor's Degree.

b. Client and DVR counselor develop an IPE to send him/her to school for four years.

c. Each semester of school costs \$ 2,500.00 for books and tuition and there are no comparable benefits identified.

d. 8 semesters of college times \$2,500.00 equals \$20,000.00.

e. \$30,000.00 minus the \$20,000.00 leaves \$10,000.00 for possible remedial courses, administration fees, supplies and other expenses. If these are included at the \$2,000.00 level, that leaves \$8,000.00 for the stipend.

f. The stipend amount may be used to have a small monthly amount, \$222.22 for 36 months or configured in a similar arrangement.

g. The stipend can only be allowed when the client is in training full time, although it may include two extra months of the stipend after the training is complete if the client has not secured employment. If the client is not in an approved summer session, a monthly stipend for living expenses will not be

authorized for those months.

h. A client may be eligible for the stipend up to a three month period when starting a business with the DVR BEP. The DVR BEP representative must approve a business plan before these monies can be disbursed.

i. The monthly stipend amount may not be exceed the monthly amount of Temporary Total Disability payment.

j. The total DVR amount in the IPE cannot exceed \$30,000.00.

k. If the \$30,000.00 amount has been expended and additional funding is necessary due to extenuating circumstances, a DVR counselor must get approval from the DVR Area Manager and DVR Administrator before the client signs the amended IPE.

5. Vocational Rehabilitation Counseling must be provided so the client makes an informed choice. This may be one of a number of options such as exploring occupations which require a shorter training period, finding additional funding sources, or choosing the Permanent Partial Disability Benefit.

6. The DVR Counselor will notify the DWC Claims Analyst via e-mail and follow up phone call within one week of discovering that the injured worker is not in compliance with the IPE, thereby resulting in the termination of any remaining stipends.

7. Based on information provided by DVR, the stipend amounts may be terminated by the DWC Claims Analyst for non-compliance with the IPE. However, if the injured worker restarts the training program and/or is recertified for the DVR IPE, the DWC Claims Analyst will review the stipend for payments on the date training begins as specified on the IPE.

8. Plans are expected to be completed within 5 years from the date of the IPE. A DVR Counselor must get approval from the DVR Area Manager and DVR Administrator before the client signs the amended IPE which exceeds that time period.

16.5 Referral

1. Referral can occur at any point of the process; however if the client has received monies from the Permanent Partial Disability (PPD) option, the VR option is no longer available and the stipend and VR/WC Matching Funds will not be considered

2. Referral may be most appropriate when there is a strong possibility that the client is

unable to return to his previous employment.

16.6 Informed Choice

Significant vocational rehabilitation counseling is required at the beginning of the file in order for the client to make an informed decision. These are the four options:

1. Client applies for the Permanent Partial Disability (PPD) award; it is an application/qualification process.
2. Client selects the VR option, another application/qualification process.
3. Client can select the PPD award and may be able to be served as a regular VR client. The PPD would be listed under disability related income.
4. If the client is not federally eligible by criteria for VR services paid for with the VR/WC Matching Funds, but the client does have a disability, that client may be served utilizing the VR/WC State Only Funds (which do not contain any funds from the DVR Federal grant).

Chapter 17- Self Employment

✓ The Regulations

34 CFR 361.48 Scope of vocational rehabilitation services for individuals with disabilities. (b) Services for individuals who have applied for or been determined eligible for vocational rehabilitation services. As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's informed choice, the designated State unit must ensure that the following vocational rehabilitation services are available to assist the individual with a disability in preparing for, securing, retaining, advancing in, or regaining an employment outcome that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice: (19) Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent those resources are authorized to be provided through the statewide workforce investment system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome.

Introduction

The DVR Business Enterprise Program (BEP) exists to provide support, education, and training for eligible DVR clients who are interested in self-employment. The DVR Small Business Consultant is a resource for the DVR staff and the DVR client. As such the DVR Small Business Consultant can provide pre-start-up services, such as preliminary research and recommendations prior the development of a client's business plan. The DVR Small Business Consultant will be consulted in every small business/ self employment start up sponsored by DVR, regardless of funding source (SBDF or Case Service funds).

17.1 SELF-EMPLOYMENT PROGRAM CONSIDERATIONS

Self-employment includes all employment in which the individual or the entity owned by the individual is earning income through conducting profitable operations from a trade or business that he or she is operating directly. The individual is responsible for paying for the employer and employee portion of his or her own social security and medicare taxes, insurance, licenses, and other employee benefits and may be a sole proprietorship, or form another legal Wyoming business entity.

Self-employment is considered viable when clients possess related skills and experience pertinent to the business. However, training within a self-employment plan is determined on a case-by-case basis considering industry standards for the proposed business concept. The following illustrate how a training service may be provided to a client of the self-employment program:

- Brief targeted training and/or educational services specific to business operations, certifications, licensures, etc.

- Education leading to occupational goals for which the industry standard is self-employment.

17.1.1 Parameters

Business ventures shall be for-profit and comply with all relevant state, federal, and local laws and regulations. The BEP excludes businesses that are, in nature: passive activity in which the business owner does not materially or physically participate (as determined by the Internal Revenue Service), highly speculative, illicit, or sexually explicit. BEP shall not support pyramid selling enterprises. A pyramid scheme is a non-sustainable business model that involves promising participants payment or services, primarily for enrolling other people into the scheme, rather than supplying any real investment or sale of products or services to the public.

The Division reserves the right to deny approval and funding of a business determined by the DVR Small Business Consultant to be inconsistent with the values and sensibilities of the State.

Only business proposals that show feasibility will be considered for approval. Feasibility may be determined by market research, industry and trend analysis, financial projections, and skills and capabilities of the client. Other considerations may be taken into account as well.

For the purposes of owning and operating a business, DVR does not erect or modify the structure of buildings, including homes, and does not purchase land or buildings. DVR shall not support self-employment within the marijuana industry. DVR does not purchase firearms or ammunition without prior written approval by the DVR Administrator. DVR's Small Business Development Funds (SBDF) may not be used for the purchase, repair, or modification of a vehicle; this cost is to be covered through the DVR General Rehabilitation- Basic Support grant and only with prior approval of the DVR Administrator. (See page 70 for vehicle purchase.)

Clients involved in bankruptcy or other legal proceedings that directly impact business planning shall have resolution prior to engaging in self-employment. DVR shall not reimburse or pay wages for permanent, full-time or part-time employees for purposes of self-employment.

DVR does not support the establishment of nonprofit businesses as a self-employment goal. Nonprofit businesses by definition do not generate a profit, a board of directors typically oversees these types of organizations, and the organizations are not owned and controlled by the client.

An eligible DVR client can only work on one business proposal. Multiple business ideas, such as having a painting and a lawn care business will not be considered. The client will have to choose which business proposal to pursue. Technical assistance is available to assist the client in making a choice in these instances. A lawn care and snow removal business, would be an exception to this, as both of these are seasonally based, and merge well into one business venture, potentially supporting the client year-round.

17.1.2 Supported Self-Employment

DVR supports persons with disabilities in the area of self-employment that require supported employment and extended supports to perform the functions and operation of their businesses.

When working with a client who is in need of supported employment services and also is interested in pursuing self-employment, the following are questions to ask and considerations to keep in mind:

- Who makes up the client's support network (i.e.: family members, mental health programs, host home providers, private employment consultants, etc.)? And how long will this support be in place for the client?*
- Keep in mind that the client's support network will most likely be involved from the very beginning, and may need to take an active role in several areas of business operations.*
- Refer client to the local SSA benefits planner for additional information on PASS (Plan for Achieving Self Sufficiency), IRWE (Impairment Related Work Expenses), and impact of wages on benefits.*

17.2 BUSINESS PLANS

The DVR business plan outline is a skeleton version of a typical business plan. It is not designed to be a document that will provide sufficient information for a potential financial lender or investor. This outline provides the minimum amount of information needed, in order to determine a feasible business proposal. The DVR Small Business Consultant may require additional information from a client depending on the circumstances, scope and complexity of a proposed business. The business plan outline is designed to assist a client in the completion of the minimum requirements for completing an acceptable business plan, that will show that a) the the proposed business is generally and financially feasible; b) the client is able to operate and maintain a business; and c) that the client has sufficient skills and a supportive network to continue operating the business. A business plan is considered a living document and is subject to change and should be updated as needed. The DVR Small Business Consultant will determine the need for additional information during the client's business consultations.

Business Plan Outline

17.3 SBDF Funding Eligibility

All DVR clients are eligible to receive technical assistance and consultation from the DVR Small Business Consultant. However, only clients that have been determined significantly disabled (SD) or most significantly disabled (MSD) are eligible for SBDF funding.

17.3.1 FUNDING FOR SELF-EMPLOYMENT (SBDF - Funding Source)

DVR shall provide resources in the form of small business start-up assistance to the extent those resources are authorized. SBDF funding is only available for a six-month time frame, starting from the first date of the first financial authorization that was created by the DVR Counselor. This six-month funding time frame cannot be extended without prior approval from the DVR Small Business Consultant. Financial assistance for start-up funding, to the extent such assistance is not available from the individual, his or her family, or other sources, may include:

- Occupational licenses, sales tax licenses, business permits as required by any unit of state or local government of the new enterprise. This cost is not to exceed \$1,000.00 without managerial approval.
- SBDF can assist with legal fees, such as assisting with setting up complex LLC, or corporations or provide assistance for patent research, and initial patent filing. (A patent requires a life-time financial maintenance, and the maintenance and excessive fees for patent attorneys and patent filings will not be covered by SBDF, and an owner-investment, or an additional loan may be required.)
- Tools and equipment which are essential to the initial operation of the new business enterprise, not to exceed \$2,500.00 without managerial approval.
- The repair of equipment and tools a client can bring into the new enterprise.
- Inventory essential to the initial operation of the new business enterprise not to exceed \$2,500.00 without managerial approval.
- Initial advertising as needed, to promote the business not to exceed \$500.00 without managerial approval.
- Training related to enhancing and increasing technical knowledge
- Vehicles, and vehicle repairs are not being funded through SBDF, but may become part of a client's business plan. In those cases the DVR regulation about vehicles on page 70 of this policy applies.
- Rent for business properties may be covered only up to three months. The client's financial projections will have to show that the business' operations will be able to maintain rent payments. Only rent payments that have been pre-approved in the client's start-up cost sheet will be considered for payment. The client is to submit a rental agreement draft as an appendix to the business plan prior the approval of any rent payments. ***Additional rent maintenance will not be considered or covered by SBDF. It is important to ensure that the client will NOT sign any types of agreements, leases, or other binding documents until after the approval of a business plan.***
- Insurance and bonding is usually the responsibility of the client. If the client is unable to contribute to insurance and/or bonding costs, the client will need to inform the DVR Small Business Consultant and his or her DVR Counselor, and will be required to provide a written explanation of the circumstances that prohibit the client to contribute to this expense. Insurance or bonding payment, if approved, will be a one-time payment. The client will be responsible to cover the regular payments of this expense, and the financial projections will need to show that the proposed business will be able to cover this expense in the future.

Only Expenses that have been listed on the Start-Up Expense Sheet of the Financial Projections will be approved.

Requests for funding are considered on a case by case basis, and some requests may require additional funding sources, to include but not limited to, owner investments, PASS Plans, microloans, personal and/or business loans.

SBDF Funding Restrictions

SBDF is not available for acquiring land or buildings, or construction for the new business enterprise; or construction, renovation, or remodeling of space to be used by the new business enterprise unless the renovation or remodeling is required to make that space accessible to the eligible individual. No funding is available for operating capital (cash to infuse the business to help pay for recurring expenses, such as payroll, or business investments.)

SBDF cannot be used for vehicle down payment, or vehicle purchase, vehicle modification, or vehicle repairs.

SBDF cannot be used for home modifications.

SBDF Service Codes

Appropriate DVR case management system service codes for these expenditures in "010 OTH Small Business" are:

O1010 SB - Tools

O1020 SB - Equipment

O1030 SB - Licenses

O1040 SB - Supplies

O1050 SB - Inventory, Misc. Goods

O1055 SB - Training

O1060 SB - Misc. Services

O1070 SB - Small Business Rent

17.3.2 Worker's Compensation Funding for Self Employment

An eligible client having received the Workers' Compensation VR-Option is eligible to work with the DVR BEP program and can receive the same technical assistance as other eligible DVR clients. The business planning process, and funding authorization remains the same as for other DVR clients, only the funding source will change. A client with a WC/VR option will be funded primarily through the VR/WC Matching Funds. A WC stipend for living expenses, may be considered after consultation with the client's DVR Counselor, DWC Claims Analyst, and the DVR client. Workers Compensation stipend payments will be made available only up to three months, and details of this stipend will be captioned in an additional part to the financial sections of the DVR Small Business Plan, as part of the financial summary. The DVR Counselor will notify the DWC Claims Analyst of the details of this stipend agreement. WC stipends will be paid through the DWC Claims Analyst. The client's financial projections will have to show that the client will be able to maintain all payments after the stipend period, prior to approval of these payments.

17.4 CLIENT CONTRIBUTIONS

Client contributions are typically liquid, cash resources available to the client; as well as tools, equipment, and other available resources (i.e. being able to work from home, having a workshop, etc.) These contributions are considered an owner investment towards the business by the client.

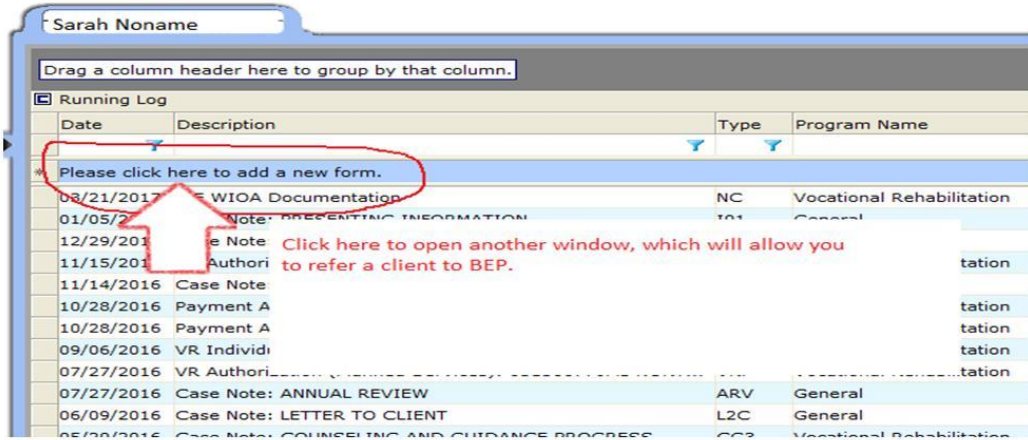
17.5 THE BUSINESS PLAN DEVELOPMENT PROCESS

After an eligible DVR client has expressed his or her desire to be self-employed, and the DVR counselor has determined that the client may be able to function well as a self-employed individual, considering the disability, legal/criminal background, ability to manage finances, the DVR counselor then refers the client to the DVR Small Business Consultant.

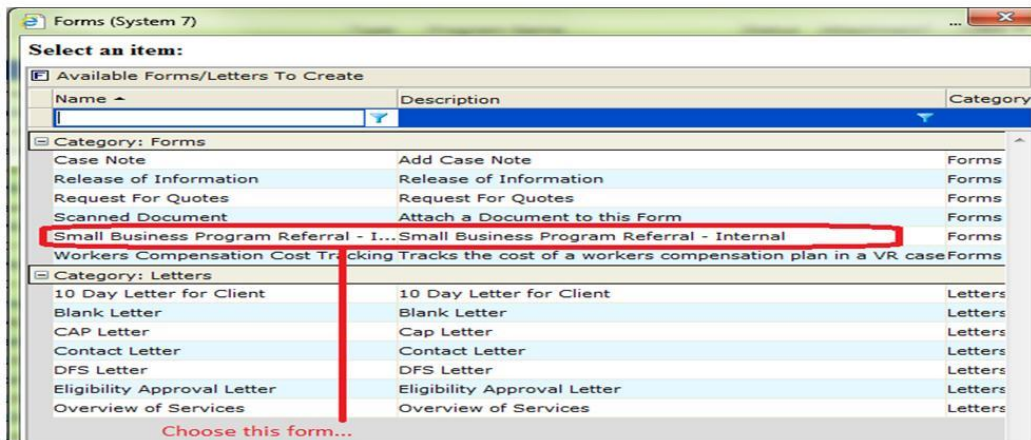
This referral should be a two-step process. Initially, the DVR Counselor will contact the DVR Small Business Consultant via phone or email. The purpose here is to inform the Small Business Consultant of the client's intention, provide a brief background including any concerns or issues that may hinder or slow-down the business planning process. The client then needs to be referred to the DVR case management system upon the DVR Small Business Consultant's instruction. A referral in DVR case management system will populate an active BEP client list.

The following explains how to refer a client in the DVR case management system, currently WINRS:

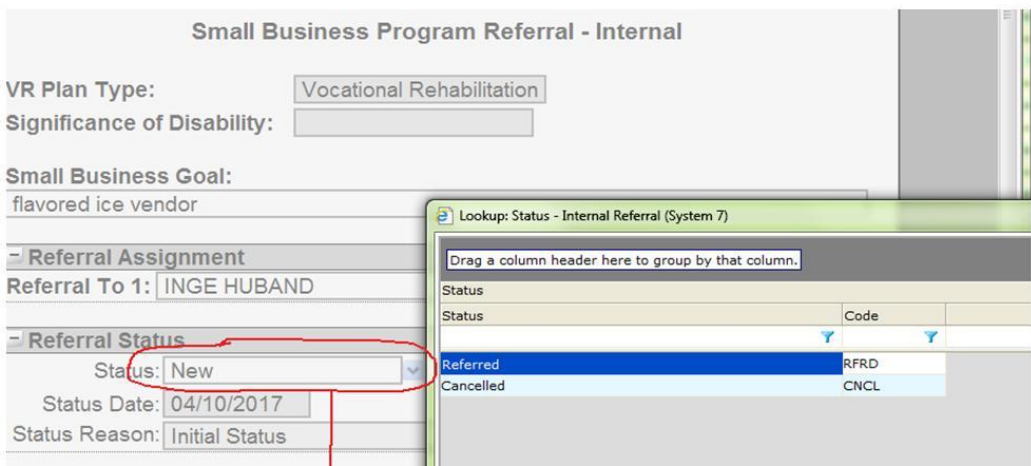
1. Open the Forms Window



2. Choose the Form



3. Generate Email to DVR Business Consultant



After completing the referral, the status will have to be changed to "Referred". Only then will WINRS generate an email to the DVR Small Business Consultant. Without this change, and no other notification, the referral simply sits in the database as a new referral, and the DVR Small Business Consultant will not be aware of the client's referral.

After a client has been referred to BEP, the DVR Small Business Consultant will contact the client and begin working on understanding the business needs, the client's needs as the business venture is concerned, and begin developing a business plan with the client. A business plan can reasonably be developed over the course of three months. The speed of this process is determined by the client, and the client's need for assistance and training. This training and planning process will be tailored to the client's needs and ability to process and produce information. The DVR client should be encouraged to initiate and maintain regular contact with the DVR Small Business Consultant throughout the business planning process.

Consultations with DVRs Small Business Consultant is required. Consultation need not be face to face if other methods of communication will suffice.

Depending on the need of the client, business consultation can include but are not limited to

- Business planning
- Market research
- Financial planning
- Self-employment taxes
- Licensing requirements
- Insurance and bonding requirements
- Marketing and Advertising

Referrals to the Small Business Development Center, Small Business Administration (SBA), the Wyoming Women's Business Center, and other organizations will be made by the DVR Small Business Consultant.

The DVR Small Business Consultant and the client will schedule regular meetings (the DVR Counselor is always welcome to participate), and the DVR Small Business Consultant will provide written case notes about the meetings and the client's progress to DVR case management system.

17.5.4 Business Plan Approval

Once the Business Plan has been completed, it shall be reviewed by the DVR Small Business Consultant to determine if all the Business Plan components have been addressed and also to evaluate the continued feasibility of the business. Minimum criteria to be considered include:

- The business's potential profitability as reflected in the business plan's financial forecast
- Startup costs
- Availability of financial resources
- The client's ability to effectively manage the business as it is designed

The approved business plan documentation will be attached to the case note in DVR case management system by the DVR Small Business Consultant, and the DVR Counselor will be notified of the approved business plan.

17.5.5 Business Plan Denial

Sometimes, a business plan will have to be officially denied by the DVR Small Business Consultant. In these instances, a detailed case note will be made in DVR case management system and the DVR Small Business Consultant will notify the DVR Counselor.

As the DVR Small Business Consultant works regularly with the client and the client's DVR Counselor, and concerns or objections against approving a business proposal will be discussed during this process. In those cases a recommendation to the DVR Counselor by the DVR Small Business Consultant is sufficient to shift the client's interest away from self-employment. This recommendation mostly occurs verbally, and is followed by a case note entry to DVR case management system by the DVR Small Business Consultant.

17.5.6 Client Decides Against Operating a Small Business

If, at anytime during the business planning process, the client decides against wanting to operate a small business, the DVR Counselor shall notify the DVR Small Business Consultant of this decision via phone and/or email.

17.6 INDIVIDUALIZED PLAN FOR EMPLOYMENT

Following approval of a business plan, an Individualized Plan for Employment (IPE) shall be amended or prepared. Each IPE shall include:

1. A self-employment outcome identified in the business plan.
2. Identification of objectives necessary for the attainment of the planned self-employment outcome, consistent with the assessment of vocational rehabilitation needs and the individual's informed choice.
3. Identification of the specific, necessary vocational rehabilitation goods and services to be provided in order to achieve the planned self-employment outcome. These may include:
 - i. Training needed to equip the client with business management and operation skills
 - ii. Identification of assistive technology or other accommodations needed for management and operation of the business
 - iii. Supportive services to start the business
4. Timelines including the projected dates for the initiation and the anticipated duration of each vocational rehabilitation service and a projected time frame for the achievement of the self-employment outcome.
5. Objective criteria, procedures and schedules to be used for periodic evaluation and monitoring of progress toward self-employment outcome.
6. Identification of provider(s) as described in the business start-up costs and those needed to address disability needs consistent with the individual's informed choice.
7. A plan to monitor and evaluate the success of the business through monthly reviews and financial reports with attention paid to marketing activities and cash flow (such as Business check book register, Profit and Loss Statements, Monthly Balance statements, Quickbooks statements, etc.)

Meet with the client, the DVR Counselor, and the DVR Small Business Consultant on a monthly basis for the first three months after approving the client's business plan. After this time, the DVR Counselor, the DVR Small Business Consultant and the client determine the need for future meetings.

8. Identification of closure criteria to include an agreed upon income level (net profit/breakeven) consistent with financial projections submitted with the business plan.
9. An Equipment Agreement form will have to be completed and signed by the DVR Counselor and the client. Please see Appendix A Forms for copy.

17.7 INDIVIDUALIZED PLAN FOR SELF-EMPLOYMENT EVALUATION CRITERIA

Evaluation criteria for IPE for self-employment shall measure progress toward and completion of required steps in the business development process and assure adequate business growth. Criteria shall assure the appropriate results are achieved based on the client's needs:

- That the individual possesses adequate skills to manage his or her own business.
- That the individual has sufficient technical skills to run the business.
- That the individual has developed an effective network of professional advisors and business mentors.
- That the individual has developed and is implementing a sound financial plan to operate the business and sustain long-term viability.
- That all necessary accommodations are in place to address special disability-related needs.
- That the business is generating adequate revenue and planned for income growth to cover all business operating costs and ongoing accommodation costs.

17.8 BUSINESS PLAN MONITORING

The evaluation criteria to measure the financial progress of the business shall be through the completion of the monthly report **Insert Name, link to file**. The information shall be completed from the client's Profit and Loss statement, and monthly balance statement or monthly accounting statement, such as a business ledger, Excel spreadsheet, or accounting software, such as Quickbooks. The report is a means by which both the client and the Counselor shall be able to determine adequate business growth. This information will need to be shared with the DVR Small Business Consultant.

The DVR Small Business Consultant will be informed of specific business related problems, which may endanger the successful development of the business and/or the successful closure of the case.

17.9 MOVEMENT INTO EMPLOYED STATUS AND SUCCESSFUL REHABILITATION CASE CLOSURE

Once a business is meeting its operating expenses (break even), the DVR Small Business

Consultant shall continue to provide technical assistance and monitoring as the client continues to build monthly revenue necessary to reach the agreed upon income goal. During the monitoring period and until successful case closure, the only services that shall continue are necessary and planned disability-related services.

17.9.1 Self-Employment Considerations for Case Closure

Self-employment requires that the income goal identified in the IPE has been met.

1. Self-employment outcome requires that the business development results identified and agreed upon in the IPE for Self-Employment shall be achieved prior to closure of the client record. Documentation in the client record shall provide evidence that the following closure criteria have been met:
 - a. The business is operational and meeting all federal, state and local laws governing the operation of the business including maintaining adequate insurance coverage for business requirements.
 - b. The business is generating sufficient income to cover all required business expenses, associated impairment-related expenses, if applicable, and meet the agreed upon income goal.
 - c. The individual and the DVR Counselor agree that the individual's technical and managerial skills are adequate for on-going business management without further vocational rehabilitation services.

Chapter Eighteen - Closure

✓ The Regulations

34 CFR 361.43 Procedures for ineligibility determination. If the State unit determines that an applicant is ineligible for vocational rehabilitation services or determines that an individual receiving services under an individualized plan for employment is no longer eligible for services, the State unit must— (a) Make the determination only after providing an opportunity for full consultation with the individual or, as appropriate, with the individual’s representative; (b) Inform the individual in writing, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of the ineligibility determination, including the reasons for that determination, the requirements under this section, and the means by which the individual may express and seek remedy for any dissatisfaction . . . (c) Provide the individual with a description of services available from a client assistance program. . . (d) Refer the individual— (1) To other programs that . . . can address the individual’s training or employment-related needs; or (2) To Federal, State, or local programs or service providers, including, as appropriate, independent living programs and extended employment providers, best suited to meet their needs, if the ineligibility determination is based on a finding that the individual has chosen not to pursue, or is incapable of achieving, an employment outcome as defined in 34 CFR § 361.5(c)(15). (e) Review within 12 months and annually thereafter . . . any ineligibility determination that is based on a finding that the individual is incapable of achieving an employment outcome. This review need not be conducted in situations in which the individual has refused it, the individual is no longer present in the State, the individual’s whereabouts are unknown, or the individual’s medical condition is rapidly progressive or terminal.

34 CFR 361.44 Closure without eligibility determination. The designated State unit may not close an applicant’s record of services prior to making an eligibility determination unless the applicant declines to participate in, or is unavailable to complete, an assessment for determining eligibility and priority for services, and the State unit has made a reasonable number of attempts to contact the applicant or, if appropriate, the applicant’s representative to encourage the applicant’s participation.

34 CFR 361.47 Record of Services (a)The designated State unit must maintain for each applicant and eligible individual, documentation a record of services that includes . . . (2) If an applicant or eligible individual receiving services under an individualized plan for employment has been determined to be ineligible, documentation supporting that determination in accordance with the requirements under 34 CFR 361.43. (3)Documentation that describes the justification that describes closing an applicant’s or eligible individual’s record of services if that closure is based on reasons other than ineligibility, including, as appropriate, documentation indicating that the State unit has satisfied the requirements in 34 CFR 361.44.

34 CFR 361.56 Requirements for closing the record of services of an individual who has

achieved an employment outcome.

The record of services of an individual who has achieved an employment outcome may be closed only if all of the following requirements are met:

(a) Employment outcome achieved. The individual has achieved the employment outcome that is described in the individual's individualized plan for employment in accordance with 34 CFR 361.46(a)(1) and is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice. **(b) Employment outcome maintained.** The individual has maintained the employment outcome for an appropriate period of time, but not less than 90 days, necessary to ensure the stability of the employment outcome, and the individual no longer needs vocational rehabilitation services. **(c) Satisfactory outcome.** At the end of the appropriate period under paragraph (b) of this section, the individual and the qualified rehabilitation counselor employed by the designated State unit consider the employment outcome to be satisfactory and agree that the individual is performing well in the employment. **(d) Post-employment services.** The individual is informed through appropriate modes of communication of the availability of post-employment services.

18.1 CONDITIONS FOR CLOSURE

Closure shall occur at any time in the vocational rehabilitation process when it has been determined that one of the following has occurred:

1. The individual has achieved a competitive integrated employment outcome consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice after the provision of necessary and appropriate planned services under an IPE.
2. The individual is not eligible or is no longer eligible.
3. Sufficient progress toward achieving an employment goal, as outlined within the IPE, is not occurring.
4. Continued services are not appropriate or the individual is not available for other reasons. The determination of whether continued services are appropriate is made by the DVR Counselor, in consultation with the client to the extent feasible, based on the individual circumstances of the applicant or client. The reason and corresponding rationale for any closure shall be documented in the individual's client record. Closure documentation shall include the individual's employment status, when known.
5. If, after a trial work experience, it is evident that the individual is too significantly disabled to benefit from continued VR services to achieve an employment outcome, the case will be closed with appropriate documentation.
6. If a client successfully obtains legal employment in the marijuana industry, DVR may consider successful closure; however, payments for any necessary services may not be paid directly to an employer in the marijuana industry.

18.2 CRITERIA FOR A SUCCESSFUL VOCATIONAL REHABILITATION CLOSURE

The record of services of an individual who has achieved an employment outcome may be closed only if all of the following requirements are met:

- A. The individual has achieved the employment outcome that is described in the IPE or IPE amendments.
- B. The employment outcome is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
- C. The Individual has maintained his or her employment for a minimum of ninety days.
 - 1. In the case of supported employment, the individual has maintained the employment outcome and achieved stability in the work setting for at least 90 days and is no longer receiving extended services funded by DVR.
- D. The case file will contain documentation that demonstrates the vocational rehabilitation services provided under the individual's IPE contributed to the achievement and/or maintenance of the employment outcome.
- E. Counselor will confer with the Client, and if appropriate, Client's Representative/Guardian, and if possible, employer to insure that the Client is performing satisfactorily in employment.
- F. Counselor will document Client's satisfaction with His or Her employment.
- G. Counselor will determine and document that Client no longer requires DVR Services.
- H. There shall be verification in the client record that the individual is compensated at or above the minimum wage and that the individual's wage and level of benefits are not less than that customarily paid by the employer for the same or similar work performed by non-disabled individuals. Verification may include the participant's written confirmation, a written statement by a job placement specialist or other provider, employer verification or other type of verification. Self-employment requires that the income goal identified in the IPE has been met.
- I. The Client must be informed of post employment services, either in person, in writing, or both.
- J. Self-Employment Considerations
 - 2. Self-employment outcome requires that the business development results identified and agreed upon in the IPE for Self-Employment shall be achieved prior to closure of the client record. Documentation in the client record shall provide evidence that the following closure criteria have been met:

- a. The business is operational and meeting all federal, state and local laws governing the operation of the business including maintaining adequate insurance coverage for business requirements.
- b. The business is generating sufficient income to cover all required business expenses, associated impairment-related expenses, if applicable, and meet the agreed upon income goal.
- c. The individual and the DVR Counselor agree that the individual's technical and managerial skills are adequate for on-going business management without further vocational rehabilitation services.

K. In the event that the DVR Counselor is unable to reach the participant directly, the client record shall document that the DVR Counselor made multiple attempts of contact using a variety of times and methods. Once current employment has been verified and documented, the DVR Counselor can proceed with sending out a closure letter that provides information about the availability of Post-Employment Services and the client's appeal rights.

L. Determining whether temporary or seasonal employment is a successful employment outcome may include consideration of the following:

- 1. requirements for successful vocational rehabilitation closure have been met
- 2. job is reasonably expected to continue
- 3. employment stability measured by whether there is a need for further DVR services
- 4. client and DVR Counselor agree outcome is satisfactory based on informed choice
- 5. consistency of the outcome within the standards of the industry documented in case client record
- 6. consultation with DVR Area Manager

18.3 INELIGIBILITY CLOSURE

When the DVR Counselor determines that an applicant is ineligible or that a previously determined eligible individual is no longer eligible for vocational rehabilitation services, the client record shall include documentation specifying the reasons for this determination. An ineligibility determination is preferred to be made after full consultation with the individual or, when appropriate, his or her authorized representative. This consultation, or the opportunity for it, shall be documented in the client record.

The DVR Counselor shall provide the individual with written notification, signed and dated, and through appropriate modes of communication, of the ineligibility closure action which includes:

- A. The reason for closure;
- B. Information about the individual's appeal rights;
- C. A description of the resources available from the Client Assistance Program and how it can be contacted; and
- D. Referral to community resources

18.3.1 Ineligibility Due To the Severity of the Individual's Impairment(s)

An ineligibility decision due to the severity of an individual's impairment(s) can only be made when the client record contains clear and convincing evidence that the applicant or client is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome. Clear and convincing means that there is a high degree of certainty before it can be concluded that an individual is incapable of benefiting from services in terms of an employment outcome. The term clear means unequivocal. For example, the use of an intelligence test result alone would not constitute clear and convincing evidence. Clear and convincing evidence might include a description of assessments, including situational assessments and supported employment assessments, from service providers who have concluded that they would be unable to meet the individual's needs due to the severity of the individual's disability. The demonstration of clear and convincing evidence shall include, if appropriate, a functional assessment of skill development activities, with any necessary supports (including assistive technology), in real life settings.

18.4 OTHER REASONS FOR CLOSURE

In addition to closure due to a successful employment outcome or ineligibility, the DVR Counselor may close a client record for an applicant or client for any of the following reasons:

1. **Extended Employment:** Used when an individual who received services was placed in a non-integrated employment setting, regardless of wage. Do not use this reason for a client who is working in an integrated setting or earning subminimum wage (Use closure code, "Closed in Extended Employment").
2. **Extended Services Not Available:** Used when an individual would have benefitted from the provision of supported employment services, but no source of extended services is available. In the case of a youth with a most significant disability, DVR may provide the youth extended services for up to 4 years or until the youth reaches the age of 25 years. (Use closure code, "Extended Services Not Available.")
3. **Individual is incarcerated in a prison or jail:** Used when an individual will be unavailable to participate in a DVR program for longer than 60 days because he or she is incarcerated in a prison, jail, or other criminal correction facility. (Use closure code, "Individual is incarcerated in jail or prison.")
4. **Individual in institution other than a prison or jail:** Used when an individual has entered an institution, other than a prison or jail, and will be unavailable to participate in a DVR program for an indefinite or considerable period of time. This category of institution includes hospitals, nursing homes, treatment centers, etc. (Use closure code, "Individual is in institution other than jail or prison.")

5. No longer interested in receiving services or further services: Used when the individual chooses not to participate or continue in his or her DVR program at this time. Also use this code when an individual's actions (or non-actions) make it impossible to begin or continue a DVR program, such as repeated failures to keep appointments or the individual declines to participate in appropriate and necessary assessments to determine eligibility and priority for services. (Use closure code, "All other reasons")
6. Lack of sufficient progress toward employment: Used when an individual is not making progress toward achieving employment or is failing to reasonably meet the objectives and requirements of his/her Individualized Plan for Employment. The Counselor shall work with the individual to explore and resolve all barriers to progress and shall close the case upon determination that forward progress toward employment is not possible or likely to resume. This is also used when a client refuses to participate in services to support his or her own rehabilitation, for example, non compliance with medication or therapeutic services in the IPE. (Use closure code, "All other reasons")
7. Safety or policy non-compliance: Used when an individual threatens or harms DVR staff or has repeatedly or severely violated a DVR safety or service delivery policy. Also used when substantiated fraud on the part of a client has occurred. Closures for this reason are only to occur after consultation with a Supervisor. (Use closure code, "All other reasons")
8. Transferred/Referred to Another Agency: Used when an individual needs services that are more appropriately obtained elsewhere, including an individual seeking subminimum wage employment. Transfer to the other agency indicates that appropriate referral information is forwarded to the other agency so the agency may provide services more effectively. Include individuals transferred to other States DVR agencies. (Use closure code "Transferred to another Agency.")
9. Transportation Not Available or Feasible: Used to indicate that an individual cannot participate in DVR services or was unable to accept or maintain employment because suitable transportation was either not feasible or not available. (Use closure code, "Transportation is not feasible or available.")
10. Unable to locate or contact: Used when DVR staff have made maximum efforts to contact and re-engage the client without success. It is expected that staff shall make a minimum of three (3) attempts to contact the client within a period of ninety (90) days or a minimum of two (2) in sixty (60) days for an individual in application status utilizing all available methods, which may include last known phone number, last known e-mail and last known physical address, prior to closing the case. It is preferred that the last contact prior to closure be a 10 Day Notification. Additional attempts to contact the client may be extended beyond the ninety (90)

day time period when deemed appropriate by the DVR Counselor given the individual circumstances of the applicant or client. (Use closure code, "All other reasons")

11. Death (Use closure code "Death.")

12. All other reasons: Used when the reason for closure is not covered by any of the available options.

13. Referrals will be closed Status 08 from Status 00 if not moved into an active status.

18.5 RETENTION OF CLIENT RECORDS

Client records in hard copy shall be maintained for three (3) years after closure. These client records shall be stored in secure locations to ensure protection of participant information. Client records shall be destroyed in a secure manner according to the above timeline. Client record documentation maintained in the digital case management system shall be managed at the state level. For the full State policy-

<http://wyoarchives.state.wy.us/pdf/ArchivesGuidelinesForAgencyRecordsOfficers2015-booklet.pdf>

Chapter Nineteen - Limitations on the Use of Subminimum Wage

✓ The Act

Section 511(a)(2) No entity . . . may compensate an individual with a disability who is age 24 or younger at a wage . . . that is less than the Federal minimum wage unless . . . The individual, before beginning work that is compensated at a subminimum wage, has completed, and produces documentation indicating completion of, each of the following actions:

(A) The individual has received pre-employment transition services

(B) The individual has applied for vocational rehabilitation services under title I, with the result that—

(i) (I) The individual has been found ineligible for such services;

(II)(aa) the individual has been determined to be eligible for vocational rehabilitation

Services; (bb) the individual has an individualized plan for employment; (cc) the individual has been working toward an employment outcome specified in such individualized plan for employment, with appropriate supports and services, including supported employment services, for a reasonable period of time without success; and (dd) the individual's vocational rehabilitation case is closed; and

(ii) (I) the individual has been provided career counseling, and information and referral to Federal and State programs and other resources . . . that offer employment-related services and supports designed to enable the individual to explore, discover, experience, and attain competitive integrated employment: and (II) such counseling and information and referrals are not for employment compensated at a subminimum wage . . . provided by an entity described in this subsection, and such employment-related services are not compensated at subminimum wage and do not directly result in employment compensated at subminimum wage provided by an entity described in this subsection. (c)(1) The entity . . . may not continue to employ an individual, regardless of age at a subminimum wage unless, after the individual begins work at that wage . . . the individual . . . –

(A) is provided by the designated State unit career counseling, and information and referrals . . . (B) is informed by the employer of self-advocacy, self-determination, and peer mentoring training opportunities available . . .

✓ The Regulations

34 CFR 397.1 Purpose (a) The purpose of this part is to set forth requirements the designated State units and State and local educational agencies must satisfy to ensure that individuals with disabilities, especially youth with disabilities, have meaningful

opportunity to prepare for, obtain, maintain, advance in, or regain competitive integrated employment, including supported or customized employment.

34 CFR 361.22 Coordination with education officials. (b) Formal interagency agreement. (5) Coordination necessary to satisfy documentation requirements set forth in 34 CFR 397 with regard to students and youth seeking subminimum wage employment; and (6) Assurance that, in accordance with 34 CFR 397.31, neither the State educational agency nor the local educational agency will enter into a contract or other arrangement with an entity . . . for the purpose of operating a program under which a youth with a disability is engaged in work compensated at a subminimum wage.

19.1 YOUTH SEEKING SUBMINIMUM WAGE EMPLOYMENT

Prior to obtaining employment compensated at subminimum wage, youth 24 years old or younger must participate in certain vocational rehabilitation services and provide verification of having completed these services to their prospective employer. Upon learning a youth is seeking subminimum wage employment, DVR will ensure the youth is able to complete and provide documentation of required services. DVR may learn of a youth seeking subminimum wage employment from any number of sources, including the prospective employer and through the coordination of transition services with the Local Education Authority or other entity providing services to youth.

For each youth pursuing subminimum wage employment, DVR will accept the youth's application and ensure the youth has completed transition services, including Pre-Employment Transition Services (Pre-ETS) in the case of a student with a disability. The DVR Counselor will engage in the vocational rehabilitation process with each applicant. Prior to seeking subminimum wage employment, a youth will either be determined ineligible for VR services due to the severity of his or her disability, or be determined eligible and be unsuccessful in obtaining a competitive integrated employment outcome, including supported employment or customized employment, after the provision of services under an IPE for a reasonable period of time. The determination of a reasonable period of time will vary for each youth based on the individual's disability and vocational needs, including supported employment, and the anticipated length of time to achieve the employment outcome identified on the IPE.

At the time of closure for either of these reasons, DVR will provide career counseling, along with information and referral services to other programs that offer employment-related services and supports designed to enable the youth to explore, discover, experience, and attain competitive integrated employment, and facilitate informed choice and decision-making by the youth, or his or her authorized representative as appropriate. If this has not yet occurred at the time of closure, it will be provided within 30 days of the youth's VR case being closed. These services shall not be provided by an entity holding a special wage certificate to employ individuals at subminimum wage.

If a youth refuses to participate in any of the required activities, DVR will ensure the youth or their authorized representative understands he or she will not be able to pursue subminimum

wage employment.

19.1.1 Semi-annual and Annual Review Requirements

For youth served under the provisions of 19.1 and newly hired into subminimum wage employment, DVR must review and provide career counseling and information and referral services, once every six months for the first year of the individual's subminimum wage employment and annually thereafter for the duration of the employment in which the individual is earning a subminimum wage.

19.1.2 Documentation Requirements

All case management activities and services provided to youth seeking subminimum wage employment will be documented and maintained in the youth's service record with DVR. In addition, DVR will provide the youth with documentation of all required activities, including itemized list of services and documents provided to the youth, within 45 days of the DVR case closure, and/or at completion of each required review. If additional time is needed due to extenuating circumstances beyond DVR's control, the documentation shall be provided within 90 days.

If a youth refuses to participate in any of the required activities, DVR will document this in the case management system and provide a copy to the youth within 10 days of the youth's refusal.

Documentation will be completed and provided to the youth by DVR not only for the initial provision of required services, but for each subsequent review. DVR will maintain copies of all required documentation provided to each youth.

19.2 INDIVIDUALS EMPLOYED AT SUBMINIMUM WAGE REGARDLESS OF AGE

Regardless of age, all individuals working in employment for which they are earning a subminimum wage must receive career counseling and information and referral services provided by DVR within 30 days of DVR becoming aware of the individual's employment status. An individual may become known to DVR through any number of sources, including through the VR process, self-referral, or referral by the Client Assistance Program, another agency, or the entity employing the individual. DVR is under no obligation to actively recruit or solicit individuals employed at subminimum wage, however DVR staff will be mindful of situations in which they learn an individual is employed at subminimum wage and ensure appropriate follow-up occurs.

DVR will provide career counseling and information and referral services to each individual in subminimum wage employment. These services must be provided in a manner that is understandable to the individual with a disability and which facilitates informed choice and independent decision-making regarding opportunities for competitive integrated employment and career advancement, particularly with respect to supported employment, including customized employment. These services may include benefits counseling. These services shall not be provided by an entity holding a special wage certificate to employ individuals at

subminimum wage. An individual working in subminimum wage will be informed of the vocational rehabilitation process and services available, but is not required to apply for services and may receive the required career counseling and information and referral services without having an open case.

If an individual refuses to participate in any of the required activities, DVR will ensure the individual understands he or she will not be able to maintain employment compensated at a subminimum wage.

19.2.1 Semi-annual and Annual Review Requirements

For individuals known to DVR who are hired into subminimum wage employment on or after July 22, 2016, DVR must review and provide career counseling, along with information and referral services, once every six months for the first year of the individual's subminimum wage employment and annually thereafter for the duration of the subminimum wage employment.

For individuals employed in subminimum wage employment prior to July 22, 2016, DVR must review and provide career counseling, along with information and referral services once every year from the date the individual becomes known to DVR for the duration of the employment in which the individual is earning a subminimum wage.

19.2.2 Entities with fewer than 15 employees

Entities compensating employees at subminimum wages must ensure these employees receive information about local self-advocacy, self-determination, and peer mentoring training opportunities every six months during the first year of employment and annually thereafter. Entities with fewer than 15 employees may satisfy this requirement by referring the individuals earning subminimum wages to DVR for the provision of these services. DVR shall provide this information to individuals referred for this purpose within 30 days of the referral from the entity employing the individual. This information shall not be provided by an entity holding a special wage certificate to employ individuals at subminimum wage.

19.2.3 Documentation Requirements

If the individual has participated in the VR process, all case management activities and services provided to the applicant or client will be documented and maintained in the individual's service record with DVR. Regardless of whether the individual has applied for VR services, DVR will provide the individual with documentation of all required activities within 45 days of completion of the required review activities. If additional time is needed due to extenuating circumstances beyond DVR's control, the documentation shall be provided within 90 days.

If an individual refuses to participate in any of the required activities, DVR will document this in the case service record and provide to the individual within 10 days of his or her refusal.

DVR will maintain copies of all required documentation provided to each individual.

**Chapter 20 Independent Living Centers & Rehabilitation-
Rehab Act Title VII (701-753)**

WYOMING INDEPENDENT LIVING SERVICE

The Wyoming Department of Workforce Services – Division of Vocational Rehabilitation, is the designated State unit (DSU) authorized under State law to oversee the functions of the State in providing Independent Living services. Independent Living services are not administered in-house within DVR, rather the provision of services are contracted to the two Centers of Independent Living (CILs). Wyoming Services for Independent Living (WSIL) serves the West side of the State and Wyoming Independent Living (WIL) serves the East side of the State. It is important that DVR staff refer individuals to the two Centers of Independent Living whenever possible.

INDEPENDENT LIVING CORE SERVICES

- (A) Information and referral services;
- (B) Independent Living Skills Training;
- (C) Peer Counseling (including cross-disability peer counseling);
- (D) Individual and Systems Advocacy; and
- (E) Services that –
 - (i) Facilitate the transition of individuals with significant disabilities, from nursing homes and other institutions to home and community-based residences, with the requisite supports and services.
 - (ii) Provide assistance to individuals with significant disabilities who are at risk of Entering institutions so that the individuals may remain in the community; and
 - (iii) Facilitate the transition of youth who are individuals with significant disabilities, who were eligible for individualized education programs under section 614 (d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414 (d), and who have completed secondary education or otherwise left school, to post secondary life.

CONTACT INFORMATION FOR THE CENTERS FOR INDEPENDENT LIVING

WSIL – Serves Uinta, Sweetwater, Teton, Lincoln, Sublette, Fremont, Washakie, Hot Springs, Park and Big Horn Counties, plus the Wind River Indian Reservation. They have three offices.

Rock Spring, WY
307-362-4159

Lander, WY
307-332-4889

Cody, WY
307-586-4141

WIL – Serves Carbon, Albany, Laramie, Platte, Goshen, Niobrara, Converse, Natrona, Johnson, Sheridan, Weston, Crook, and Campbell Counties. WIL has three main offices in

Cheyenne, Laramie, and Casper. WIL also has Specialists in Wheatland, Sheridan and Gillette.

Cheyenne, WY
307-637-5127

Laramie, WY
307-721-4071

Casper, WY
307-366-6956

Specialist- Wheatland
307-322-9210

Specialist – Sheridan
307-655-3344

Specialist - Gillette
307-686-8251

Appendix A Forms and Sample Letters

10 day notice letter
Application Form
BEP Business Plan Outline
Case Closure Letter
Certificate of Eligibility Form
Client Rights for Initial Interview
Client Worksheet
College Checklist
College Expectation List
Direct Client Payment Form
Equipment Agreement Form
Express Employment Packet
Financial Needs Assessment
Functional Capacities Form
Job Coaching Letter
Pre ETS Demographic Form
Priority Categorization Determination
Receipt of Warrant Form
Release of Information Form
Sample Extension Letter
Sample letter for notification of priority classification change
Student Agreement Form
Student Reminder Letter
Vendor Management Packet
Vendor Payment form
WINRS Reference List
Worker's Compensation Stipend Form

Appendix B Division of Vocational Rehabilitation (DVR) Definitions

Academic Training Services

Training provided to develop academic and reasoning abilities, as well as skills for a specific occupation, typically leading to certificates or degrees at the associate's level or higher.

Applicant

An individual who submits an application for vocational rehabilitation services in accordance with section 5.2 of the DVR Policy Manual.

Appropriate Modes of Communication

Presenting information in the manner necessary to enable an individual with a disability to comprehend and respond. Appropriate modes of communication include, but are not limited to, use of interpreters, open and closed caption videos, specialized telecommunications services and audio recordings, Braille and large print materials, materials in electronic formats, augmentative communication devices, graphic presentations and simple language materials.

Appropriate Vocational Rehabilitation Services and Goods

Each vocational rehabilitation service and good must be suitable and of sufficient quality to meet the individual's particular needs and circumstances. To be considered appropriate, the access or use of a service or good shall not require sacrifices or adjustments that would not be reasonably expected of an individual who does not have a disability.

Assistive Technology Device (Adaptive Aid)

Any item, piece of equipment, or product system whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of an individual with a disability.

Assistive Technology Evaluation

An evaluation of the assistive technology needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in his or her customary environment.,

Assistive Technology Service

Any service which directly assists individuals with disabilities in the selection, acquisition, or use of an assistive technology device, including assistive technology evaluations; purchasing, leasing or otherwise providing for the acquisition of assistive technology devices by an individual with a disability; selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, replacing, or donating assistive technology devices; coordinating and using other necessary therapies, interventions, or services with assistive technology devices, such as those associated with education and rehabilitation plans and programs; training or technical assistance to the individual, family members, guardians, advocates or authorized representatives; and, training or technical assistance for professionals, employers and others

who are substantially involved in the major life functions of the individual to the extent necessary to support the achievement of an employment outcome by an individual with a disability.

Attendant Factors

Circumstances that directly interact with the impairment to negatively affect employability.

Authorized Representative

Any representative chosen by the applicant or eligible individual, as appropriate, including a parent, guardian, family member, advocate or other person authorized by the applicant or recipient of services, or other person appointed by a court to represent the individual. Although an individual may choose to involve more than one person to assist with representation of his or her interests in pursuing vocational rehabilitation services, individuals appointed by a court must be considered the primary authorized representative.

Auxiliary Aids

A wide range of services and devices that enable individuals with impaired sensory, cognitive, manual, or speaking skills to have an equal opportunity to participate. Examples may include, for individuals with hearing impairments: qualified interpreters, transcription services, closed caption decoders and videotext displays; for individuals with visual impairments: qualified readers, taped texts, materials in Braille and audio recordings; for individuals with speech impairments: TDDs, speech synthesizers and communication boards.

Pre ETS funding examples: Auxiliary aids will include the app for the smart phone, but not the phone itself. It can include a software upgrade, but not the computer.

Clear and Convincing Evidence

A high degree of certainty that an individual is incapable of benefiting from services in terms of an employment outcome. The “clear and convincing” standard constitutes the highest standard used in our civil system of law and is to be individually applied on a case-by-case basis. The term clear means unequivocal. For example, the use of an intelligence test result alone would not constitute clear and convincing evidence. Clear and convincing evidence might include a description of assessments, including situational assessments and supported employment assessments, from service providers who have concluded that they would be unable to meet the individual’s needs due to the severity of the individual’s disability. The demonstration of “clear and convincing evidence” must include, if appropriate, a functional assessment of skill development activities, with any necessary supports (including assistive technology), in real life settings.

Client

An applicant for vocational rehabilitation services who meets the eligibility requirements of section 6.1 of the DVR Policy Manual.

Client Assistance Program (CAP)

The Client Assistance Program is a federally mandated program independent of the State of

Wyoming. CAP will advise and advocate for individuals with disabilities who are experiencing difficulties with their rehabilitation programs. CAP attempts to resolve problems at the lowest possible level, but maintains the ability to appeal decisions through administrative and legal procedures.

Client Record

A record maintained by the Division of Vocational Rehabilitation for each applicant and client which documents all of the interactions with the applicant or client, or authorized representative if applicable, and contains all required documentation of the provision of vocational rehabilitation services authorized under the Rehabilitation Act of 1973, as amended. DVR client records include both printed material and information contained in (DVR's electronic case management system).

Community-Based Services

Services provided in realistic life settings as applicable for the specific service, such as realistic work settings, an applicant's or client's home or community environment, etc.

Community Rehabilitation Program

A program that provides directly or facilitates the provision of one or more of the following vocational services to individuals with disabilities to enable those individuals to maximize their opportunities for employment, including career advancement: medical, psychiatric, psychological, social, and vocational services that are provided under one management; testing, fitting, or training in the use of prosthetic and orthotic devices; recreational therapy; physical and occupational therapy; speech, language, and hearing therapy; psychiatric, psychological, and social services, including positive behavior management; assessment for determining eligibility and vocational rehabilitation needs; rehabilitation technology; job development, placement, and retention services; evaluation or control of specific disabilities; orientation and mobility services for individuals who are blind; extended employment; psychosocial rehabilitation services; supported employment services and extended services; customized employment; services to family members if necessary to enable the applicant or client to achieve an employment outcome; personal assistance services; or other similar services.

Comparable Services and Benefits

Services and benefits, including accommodations and auxiliary aids and services, that are provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits; available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment; commensurate to the services that the individual would otherwise receive from DVR. Awards and scholarships based on merit are not considered comparable services and benefits.

Competitive Integrated Employment, 34 CFR, §361.5(c)(9)

means work that—

- (i) Is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that—
 - (A) Is not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate required under the applicable State or local minimum wage law for the place of employment;
 - (B) Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and
 - (C) In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and
 - (D) Is eligible for the level of benefits provided to other employees; and
- (ii) Is at a location--
 - (A) Typically found in the community; and
 - (B) Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and
- (iii) Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

Core Vocational Rehabilitation Services

Goods and services provided to individuals that are designed to address specifically identified vocational rehabilitation service needs.

Customized Employment

Competitive integrated employment for an individual with a significant disability that is based on an individualized determination of the unique strengths, needs, and interests of the individual with a significant disability; is designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer; and is carried out through flexible strategies, such as customizing a job description based on current employer needs or on previously unidentified and unmet employer needs; developing a set of job duties, a work schedule and job arrangement, and specifics of supervision, and determining a job location;

using a professional representative chosen by the individual, or if elected, self-representation, to work with an employer to facilitate placement; and providing services and supports at the job location.

Emergency Condition

A situation which creates a threat to the health or safety of an applicant or client.

Employment Outcome

A goal of entering, advancing in, or retaining full or part-time competitive integrated employment (including customized employment, self-employment, telecommuting, business ownership, or supported employment) that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

Note: An uncompensated employment goal of Homemaker or Unpaid Family Worker identified on an IPE approved prior to September 18, 2016 and achieved prior to June 30, 2017 is considered an employment outcome.

Extended Employment

Work in a non-integrated or sheltered setting for a public or private non-profit agency which provides compensation in accordance with the Fair Labor Standards Act (FLSA).

Extended Services

Ongoing support services and other appropriate services that are needed to support and maintain an individual with a most significant disability, including a youth with a most significant disability, in supported employment and that are made available to assist a client in maintaining supported employment based on his or her needs, as specified in the IPE; provided by a State agency, a private non-profit organization, employer or any other appropriate resource after transition from support provided by DVR; or for a youth with a most significant disability, provided by DVR for a period not to exceed four years or such a time that the youth reaches age 25.

Extreme Medical Risk

Probability of substantially increasing functional impairment or death if medical services, including mental health services, are not provided expeditiously.

Family Member (for purposes of services to family members)

A relative, guardian, or other person who lives in the same household as the applicant or eligible individual, and who has a substantial interest in the well being of that individual and whose receipt of vocational rehabilitation services is necessary to enable the applicant or the client to achieve an employment outcome.

Family Unit (applies to financial needs analysis) The family unit consists of the applicant or client, the spouse of the individual and any other persons whom the individual claims as a dependent for income tax purposes.

1. When the individual is dependent upon his/her parents, the parents and persons for whom

the parents are financially responsible shall be considered part of the family unit.

2. An individual who is living with his/her parents is considered a dependent unless the parents have not claimed the individual as a dependent for income tax purposes for the tax year previous to the financial need determination and do not intend to claim the individual as a dependent in current and future years.

3. When there is a clear indication that the individual is not receiving financial support they may be considered their own family unit, regardless of dependent status for income tax purposes.

Functional Capacity Area Set of life activities or skills in which the ability to function is significant to successful independence and/or employment. Eight such areas have been identified for purposes of severity of disability: mobility, motor skills, interpersonal skills, communication, work tolerance, work skills, self-care and self-direction.

Goods

Commodities obtained from vendors, or via comparable benefits, that have been determined necessary and appropriate for participation with the Division of Vocational Rehabilitation or for the attainment of an employment outcome.

Individual with a Disability

An individual who has a physical or mental impairment whose impairment constitutes or results in a substantial impediment to employment; and who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

For purposes of Severity of Disability, an individual whose impairment constitutes or results in a substantial impediment to employment and who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

Individual with a Most Significant Disability

An individual with a most significant disability has a severe physical or mental impairment that seriously limits three or more functional capacity areas (mobility, motor skills, interpersonal skills, communication, work tolerance, work skills, self-care and self-direction) in terms of an employment outcome; and, whose successful vocational rehabilitation can be expected to require the provision of two or more core vocational rehabilitation services for at least five months.

Individual with a Significant Disability

An individual with a significant disability has a severe physical or mental impairment(s) that seriously limits one or two functional capacity areas and who otherwise meets the same criteria as for a most significant disability. An individual who is determined to be eligible for SSI/SSDI on the basis of his or her own disability is presumed to have a significant disability.

Informed Choice

A choice that is based on a clear appreciation and understanding of the facts, options, implications, and future consequences, both positive and negative, of a decision or action.

Integrated Settings

Integrated Service Setting A setting typically found in the community in which the individual with a disability interacts with persons, other than service provider(s), who do not have disabilities.

Integrated Work Setting An employment setting typically found in the community in which the individual with a disability interacts with other employees within the particular work unit and the entire work site and, as appropriate to the work performed, other persons (e.g. customers and vendors) who do not have disabilities (not including supervisory personnel or service provider(s)), for the purposes of performing his or her job duties, to the same extent as persons who do not have disabilities in comparable positions; and presents opportunities for advancements that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

Interests

Work preferences, activities that the individual is attracted to, and the results of interest inventories or other measures to identify preferences that result in identification of a suitable employment goal.

Interpreter Services

Translation of expressive and receptive language through oral, manual or written communication techniques.

Job Coaching

Training provided by an individual, other than the employer (unless under a program of natural supports in a supported employment placement), to a client after he/she has been placed in a paid employment situation. Job coaching services include job skill training at the work site, worksite orientation, monitoring of the individual at the job site to assess employment stability and coordination or provision of specific services at or away from the work site to maintain employment stability.

Job Development

Assisting client to identify job opportunities in the workplace where your skills match the employer's need. Job Development may include support with the application and interview process, and visits with potential employers.

Job Seeking Skills Training (also known as Job Search Assistance Training)

Training to teach clients how to conduct job searches, prepare resumes, complete applications, and to interview effectively. The provision of job seeking skills training is intended to enable the individual to conduct an independent job search.

Job Shadowing

A community-based situational assessment provided in a real work setting where the individual observes and possibly assists in the performance of a specific job so that the individual has a

sufficient understanding of job requirements to assist with making an informed choice among potential employment outcomes.

Job Site Evaluation

A limited situational assessment (up to three hours) which consists of observing an individual with a disability on a specific job to determine if the job and/or work setting is appropriate for the individual and/or to determine accommodations that may be needed.

Job Site Modification

Modification or adaptation to a workstation and/or job site to enable the individual with a disability to access necessary tools, equipment, and materials for the performance of job tasks and/or to improve his/her ability to perform required job tasks.

Job Stability

When an employed individual is reasonably expected to continue to perform all job duties acceptably, without the provision of further vocational rehabilitation services.

Maintenance

Monetary support provided to an individual for expenses, such as food, shelter and clothing, that are in excess of the normal expenses of the individual and that are necessitated by the individual's participation in an assessment for determining eligibility and vocational rehabilitation needs or the individual's receipt of vocational rehabilitation services under an Individualized Plan for Employment.

Mediation

The act or process of using an independent third party (a qualified and impartial mediator) to act as a mediator, intermediary or conciliator to assist persons or parties in settling differences or disputes prior to pursuing formal administrative or other legal remedies.

Mental Impairment Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Merit Based Scholarships

These are awarded based on individual achievements, such as academic, athletic, or artistic accomplishments.

Necessary Vocational Rehabilitation Goods and Services

Goods and services which are essential to assess an individual's eligibility and severity of disability, to establish his or her vocational rehabilitation needs and to assist the individual in preparing for, securing, retaining or regaining an employment outcome.

Note-taking Services

Services which accurately record the content of verbal material presented by an instructor, evaluator or employer for an individual who is unable to hear or comprehend verbal communication.

Ongoing Support Services

Supported employment services that are needed to support and maintain an individual with a most significant disability, including a youth with a most significant disability in supported employment; are identified based on the individual's need as specified in the IPE; are furnished by DVR unit from the time of job placement until transition to extended services, unless post-employment services are provided following transition; 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.

On-the-Job Training (OJT)

Job skill training provided at the work site by the employer after placement in a paid employment situation has been secured with the clear expectation that employment in the same or a similar job for the employer will continue for the individual with a disability if training is successful. Training in specific job skills by a prospective employer. Generally, the trainee is paid during this training and will remain in same or similar job upon successful completion.

Orientation and Mobility Evaluation

Personal adjustment evaluation for persons who are visually impaired to determine his/her independent travel skills and needs.

Orientation and Mobility Training

Personal adjustment training provided to persons who are blind and visually impaired to teach independent travel skills.

Plan to Achieve Self-Support (PASS)

A PASS allows you to set aside other income benefits your Supplemental Security Income (SSI) and/or resources for a specified period of time so that you may pursue a work goal that will reduce or eliminate the SSI or Social Security Disability Insurance (SSDI) benefits you currently receive. For example, if you receive SSDI wages or other income you could set aside some of that money to pay expenses for education, vocational training, assistive technology used for employment-related purposes or starting a business as long as the expenses are related to achieving your work goal.

Personal Adjustment Evaluation

An individualized and systematic process to evaluate an individual's skills, behaviors, and needs in the areas of personal functioning, homemaking, orientation and mobility, adaptive communication, assistive technology, daily living skills, and, if applicable, low vision.

Personal Adjustment Training

Training provided to help individuals develop compensatory skills and/or to adjust behavior in the areas of independent living, personal functioning, homemaking, orientation and mobility, adaptive communication, assistive technology, daily living skills, and, if applicable, low vision.

Personal Assistance Services

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

Physical Impairment

Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine

Physical and Mental Restoration Services 34 CFS 361.5(c)(39)

Corrective surgery or therapeutic treatment that is likely, within a reasonable period of time, to correct or modify substantially a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment, including diagnosis and treatment for mental or emotional disorders; and other medical or medically related rehabilitation services.

Post-Employment Services

One or more vocational rehabilitation services that are provided subsequent to the achievement of an employment outcome and that are necessary for an individual to maintain, regain or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice. 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.

Pre-Employment Transition Services

A subset of transition services provided to students with disabilities, which must fit into one of the following categories: job exploration counseling; work-based learning experiences; counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education; and instruction in self-advocacy.

Priorities and Concerns

For purposes of determining a suitable employment goal, this phrase includes work and personal factors of primary importance to the individual, types of aid and support needed for engaging in work, earnings requirements, matters creating stress for the individual, financial concerns and other factors that are critical to successful participation in an Individualized Employment Plan.

Provider

The individual and/or organization which will render a necessary good or service.

Reader Services

Verbal communication of printed text for an individual unable to read or comprehend typical written or printed materials.

Realistic Work Setting

For purposes of providing trial work experiences to establish eligibility, a realistic work setting is one that is compatible with the individual's specific limitations and vocational rehabilitation needs and that provides a suitable environment that enables the individual to demonstrate and/or develop his/her abilities, capabilities and capacities to perform work in an integrated setting.

Recipient of Services

Any applicant or eligible individual receiving vocational rehabilitation services, or any potentially eligible student with a disability receiving pre-employment transition services.

Rehabilitation Engineering

Original design, development, adaptation, testing, evaluation, application, and distribution of technological solutions to problems confronted by individuals with disabilities in functional areas, such as mobility, communications, hearing, vision, and cognition, and in activities associated with employment, independent living, education, and integration into the community.

Rehabilitation Teaching

Personal Adjustment Training provided to persons who are blind or visually impaired to identify and/or overcome or circumvent the barriers to communication, home and personal management, and may include independent mobility. Rehabilitation Teaching may include counseling and guidance to enhance an individual's adjustment to his or her blindness, self-reliance and independent decision-making.

Rehabilitation Evaluation

Evaluation Personal Adjustment Evaluation for a person who is blind or visually impaired to identify his/her skills and needs in the areas of communication, home and personal management, adjustment to blindness, independent decision-making, and independent mobility.

Rehabilitation Technology Evaluation

An assessment to identify the assistive technology devices, assistive services, and/or rehabilitation engineering services, which are necessary for the individual to participate in his/her vocational rehabilitation evaluation and Individualized Employment Plan.

Rehabilitation Technology Services

The systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living and

recreation. The term includes rehabilitation engineering, assistive technology devices and assistive technology services.

Relocation Expenses

Financial support to cover those expenses of an individual with a disability and/or his or her family when it is necessary to relocate the individual to enable him or her to participate in a vocational rehabilitation program and attain an employment outcome.

Residential Modification

Structural modifications or adaptations to an individual's residence to enable access to and independent function in the residence to the degree necessary for the individual to attain his or her employment outcome.

Self-Employment

An employment outcome where the individual or the entity owned by the individual is responsible for paying for the employer and employee portion of his/her own social security taxes, income taxes, insurance, licenses and other employee benefits. Self-Employment may be a sole proprietorship or other legal Wyoming business entities. .

Self-Employment Program Definitions

Break Even: When a business' net sales are sufficient to pay all business expenses on a monthly basis and no additional money is required.

Business Concept: The overall description of what a business is going to be, how it is going to operate and how much it is expected to earn. For example, "Fun and Games" will be a family entertainment center offering games and entertainment the whole family can participate in, such as ping pong, skeeball, bumper pool, skill games, etc. We will operate from 5:00 p.m. to 10:00 p.m., 7 nights a week, and charge a \$5.00 cover per person to generate revenue. We anticipate an average of 100 people Sunday through Thursday and 300 people on Friday and Saturday for a gross income of \$5,000 per week. Our overhead including labor will be \$3200 per week, leaving a gross profit of \$1800 per week or \$93,600 per year..."

Business Plan: A complete plan written for business enterprises selling products and services to the general public. This plan will include at a minimum an Executive Summary, and a Mission Statement, a business section covering, explaining and exploring the business concept, a marketing plan, and pro-forma 1-year financial plan (financial projections). A

Fair Market Value: A term normally applied to existing assets, such as equipment and inventory, indicating what the worth would be if these assets were liquidated or sold in today's market (e.g. Blue Book value on a vehicle).

Financial Projections (Pro Forma): A projection or prediction of future sales, costs and profits of a particular business used to project potential success and to establish goals and guidelines for future planning.

Net Profit: Profit that is produced after all expenses and overhead are paid.

Profit/Loss: Profit and loss are terms applied to the accounting spreadsheet that calculates all revenues (sales) and expenses. Subtracting expenses from revenues determines if the business has a net profit or loss. If expenses exceed revenues, the business has a loss. If revenues exceed expenses, the business earns a profit.

Self-Employment: Occurs when an individual is involved in business activities, selling goods and/or services to the public. The individual is responsible for all business operations and is receiving payment from business activities in form of owner draw or salary taken from the business' revenue. The individual is responsible for paying all self-employment taxes and other state and federally required withholdings and benefits.

Start-Up Costs: All costs involved in opening a business, including equipment, inventory, rent and utilities (if applicable), advertising, insurance, legal fees, supplies not related directly to resale, such as cleaning materials and office supplies, etc. These are costs projected to be incurred until the business can reach a breakeven level.

Feasibility: When a business venture can generate sufficient profit to meet the agreed upon income goal of the DVR client. The initial determination of feasibility is made based on the financial projections and the customer's ability to operate the business without support in a profitable manner.

Serious Limitation

A reduction in functioning, due to a severe impairment, to the degree that the individual requires goods and services or special working conditions over an extended period of time, such as job re-engineering, assistive technology, substantial on-the-job support or intensive supervision, not typically provided for other individuals in order to prepare for, enter, engage in or retain employment in previous jobs, usual line of work and/or occupations usually available to people of equivalent age, education and capacities who do not have disabilities. External factors, such as geographic location, availability of public transportation, lack of financial resources or training, are not considered when determining whether or not a limitation meets the criteria for "serious."

Service

The furnishing of labor, time or effort on behalf of an applicant or client to assess eligibility and vocational rehabilitation needs, to accommodate barriers to employment and to enable the individual to achieve his or her planned employment outcome.

Severe Impairment

A physical or mental impairment is determined to be severe if one or more physical or mental impairments exist resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, intellectual disability, specific learning disability, end-stage renal disease or another disability or combination of

disabilities determined on the basis of an assessment.

Situational Assessment

A type of vocational evaluation conducted to assess work behaviors, interpersonal skills and job-related skill levels for purposes of establishing eligibility or developing the Individualized Employment Plan. Situational assessments may take place in community-based settings, including real life work and transitional employment settings, or in facility-based settings, such as community rehabilitation program facilities.

Strengths, Abilities, Capabilities and Resources

For purposes of determining a suitable employment goal, this phrase includes areas of competence, positive attributes and natural advantages, personal assets, natural or acquired skills and talents, aptitudes, knowledge, tasks or activities the individual can perform adequately, capacities for skill development, learning abilities and support systems that can be drawn upon when needed.

Student with a Disability

An individual with a disability in a secondary, postsecondary, or other recognized education program who is between the ages of 14 and 21, is eligible for, and receiving, special education or related services under an Individualized Education Program (IEP) or is a student with a disability for purposes of Section 504.

Substantial Impediment to Employment

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

Supported Self Employment

Competitive integrated employment, including customized employment and self-employment, that is individualized and customized, consistent with the unique strengths, abilities, interests, and informed choice of the individual, including ongoing support services for individuals with the most significant disabilities.

Supported Employment Services

Ongoing support services, including customized employment, and other appropriate services needed to support and maintain an individual with a most significant disability, including a youth with a most significant disability, in supported employment that are –

1. Organized and made available to assist a client achieve competitive integrated employment;
2. Based on a determination of the needs of a client, as specified in an IPE;
3. Provided by DVR for a period of time not to exceed 24 months, unless under special circumstances the client and the rehabilitation counselor jointly agree to extend the time to achieve the employment outcome identified in the IPE;
4. Provided 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.

Supportive Services

May include maintenance, transportation, services to family members and personal assistance services provided only to enable the individual to participate in and benefit from other necessary services and goods.

Ticket to Work (TTW)

The TTW Program is an innovative program for persons with disabilities who want to work and participate in planning their employment. The TTW Program increases your available choices when obtaining employment services, vocational rehabilitation (VR) services, and other support services you may need to get or keep a job. It is a free and voluntary service. You can use the Ticket if you choose, but there is no penalty for not using it. You might not be subject to a continuing disability review while you are using your Ticket.

Title II Social Security Disability Insurance (SSDI)

SSDI provides benefits to disabled or blind persons who are “insured” by workers’ contributions to the Social Security trust fund. These contributions are based on your earnings (or those of your spouse or parents) as required by the Federal Insurance Contribution Act (FICA), Title II of the Social Security Act authorizes SSDI benefits. Your dependents may be eligible for benefits from your earnings record.

Title XVI Supplemental Security Income (SSI)

The SSI program makes cash assistance payments to aged, blind, and disabled persons (including children) who have limited income and resources. The Federal Government funds SSI from general tax revenues. Title XVI of the Social Security Act authorizes SSI benefits.

Transition Services

A coordinated set of activities for a youth designed within an outcome oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, competitive 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 youth’s needs, taking into account the youth’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 youth’s Individualized Plan for Employment. Transition services include outreach to and engagement of the parents, or, as appropriate, the representative of such a student or youth with a disability.

Transportation

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

Trial Work Experiences

An individualized program of vocational rehabilitation services provided to an applicant or client in realistic work settings to enable the individual to demonstrate and/or develop his/her abilities, capabilities and capacity to perform in work situations. Such services are provided to individuals' whose eligibility or continuing eligibility is questioned due to the severity of his/her disability.

Urgent Vocational Rehabilitation Need

A vocational rehabilitation need that requires immediate provision of a good or service to:

- a. Avoid impending extreme medical risk to the individual,
- b. Save an existing job placement when employment is no longer stable, or
- c. Enable the individual to participate in other goods and/or services that have already been initiated or that are planned to be initiated within two (2) weeks from the date the urgent need is identified.

Vehicle Modification

Structural modifications or adaptations to a motorized vehicle to enable an individual with a disability access to and operation of the vehicle when necessary for the individual to obtain his/her employment goal.

Vendor

A provider to whom DVR can pay for a particular good or service.

Vocational Evaluation

An individualized and systematic process in which an applicant or client, in partnership with the evaluator, learns to identify his or her strengths, resources, abilities, capabilities, interests and viable employment options in order to develop employment goals and objectives. A variety of testing and assessment strategies may be used, including a standardized vocational assessment, situational assessments, community-based job tryouts, job shadowing, work experiences, etc.

Vocational Training

Training typically provided through community colleges, vocational schools and technical institutes and other certification programs to enable clients to develop the skills necessary to perform the tasks of a specific job.

Weekly Work Goal

An estimate of the number of hours per week which the client with a most significant disability can work to achieve the identified employment outcome within twenty-four (24) months. The weekly work goal must be consistent with the client's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

Work Adjustment Training

Training provided to help individuals with disabilities adjust behavior and/or develop compensatory skills in vocational areas, such as peer work relationships, supervisory work relationships, general work behaviors and expectations and work habits. Work adjustment training includes training to improve a client's interpersonal skills to the degree necessary to engage in employment, and shall take place in integrated settings to the maximum extent possible.

Work Experience

A community-based situational assessment provided in a real life work setting for the limited purposes of exposing an individual with a disability to the world of work and what is required to maintain successful employment. Work experience is not typically intended to result in permanent employment in the job setting.

Youth with a Disability

An individual with a disability who is not younger than 14 years old and is not older than 24 years old (more specifically, the client has not reached their 25th birthday).

Appendix C Acronyms-

AAC	Augmentative and Alternative Communication
ABE	Adult Basic Education
ABI	Acquired Brain Injury
ADA	Americans with Disabilities Act
AFDC	Aid to Families with Dependent Children
APSE	Association of Persons in Supported Employment
ARCA	American Rehabilitation Counseling Association
AT	Assistive Technology
BEP	Business Enterprise Program
BIAW	Brain Injury Association of Wyoming
BLN	Business Leadership Network
BOCES	Board of Cooperative Educational Services
CANAR	Council of Administrators of Native American Rehabilitation
CAP	Client Assistance Program
CARF	Commission on Accreditation of Rehabilitation Facilities
CARN	Comprehensive Assessment of Rehabilitation Needs
CASSP	Child and Adolescent Services System Program
CC	Case Contact
CFR	Code of Federal Regulations
CIL	Center for Independent Living
CO	Central Office
COE	Certificate of Eligibility
CORE	Council on Rehabilitation Education
CRC	Certified Rehabilitation Counselor
CRCC	Commission on Rehabilitation Counselor Certification
CRIS	Client Rehabilitation Information System
CSAVR	Council of State Administrators of Vocational Rehabilitation
CSPD	Comprehensive System of Personnel Development
CTAT	Center for Technical Assistance & Training
DAW	Deaf Association of Wyoming

DD	Developmental Disabilities
DDS	Disability Determination Services
DFS	Department of Family Services
DOT	Dictionary of Occupational Titles
DSA	Designated State Agency (DWS)
DSM 5	Diagnostic and Statistical Manual of Mental Disorders
DSS	Disabled Student Services (University of Wyoming)
DSU	Designated State Unit (DVR)
DVR	Division of Vocational Rehabilitation
DWS	Department of Workforce Services
E&T	Employment and Training Division
ERC	Employment Resources Center
ERD	Employment Resources Division
ESSA	Every Student Succeeds Act
ESPI	Evaluation Standards and Performance Indicators
FCE	Functional Capacity Evaluation
FFY	Federal Fiscal Year
FS	Field Services
FY	Fiscal Year
GCDD	Governor's Council on Developmental Disabilities
GED	Graduation Equivalency Diploma
HiSET	High School Equivalency Test
HR	Human Resources
I&E	Innovation and Expansion
I&R	Information and Referral
ICFMR	Intermediate Care Facility for Mental Retardation
IDEA	Individuals' with Disabilities Education Act
IEP	Individual Education Plan
IHO	Impartial Hearing Officer
IL	Independent Living
ILS	Independent Living Specialist
IPE	Individualized Plan for Employment

IRS	Internal Revenue Service
IRWE	Impairment Related Work Expense
IT	Information Technology
JTPA	Job Training Partnership Act
JWOD	Javits-Wagner-O'Day Act
LIEAP	Low Income Energy Assistance Program
MH	Mental Health
MIS	Management Information System
MOU	Memorandum of Understanding
MSD	Most Significantly Disabled
MTF	Montgomery Trust Fund
NCHS	National Center for Health Statistics
NIDRR	National Institute on Disability and Rehabilitation Research
NORC	National Opinion Research Center
NOWCAP	Northwest Community Action Program
NRA	National Rehabilitation Association
OAH	Office of Administrative Hearings
ONET	Occupational Information Network
OSERS	Office of Special Education and Rehabilitation Services
P&A	Protection and Advocacy
PAS	Personal Assistance Services
PASS	Program to Achieve Self-Support
PBL	Principle Based Leadership
PDR	Physician's Desk Reference
POWER	Personal Opportunity with Employment Responsibilities
PSA	Public Service Announcement
QA	Quality Assurance
R&P	Research and Planning Section
RDS	Resource Development Services
RFEVR	Red Feathered Eagle Vocational Rehabilitation
RFP	Request for Proposal
RMRBIC	Rocky Mountain Regional Brain Injury Center

RMRS	Rocky Mountain Re-entry Services
RSA	Rehabilitation Services Administration (Federal)
RSA-IM	RSA Information Memorandum
SBA	Small Business Administration
SBDF	Small Business Development Fund
SD	Significantly Disabled
SE	Supported Employment
SEO	Student Educational Opportunity (University of Wyoming)
SETNET	Supported Employment Telecourse Network
SFY	State Fiscal Year
SILC	State Independent Living Council
SMI	Severely Mentally Ill
SPIL	State Plan for Independent Living
SPMI	Severe and Persistent Mental Illness
SRC	State Rehabilitation Council
SSA	Social Security Administration
SSDI	Social Security Disability Insurance
SSI	Supplemental Security Income
TAC	Technical Assistance Center
TANF	Temporary Assistance for Needy Families
TBI	Traumatic Brain Injury
TDD	Telecommunications Device for the Deaf
TE	Therapeutic Equipment
TRS	Telecommunication Relay Service
TTY	Teletypewriter
UI	Unemployment Insurance
VA	Veterans' Administration
VAMC	Veterans' Administration Medical Center
VIP	Visually Impaired Program (WIL)
VR	Vocational Rehabilitation
VR&E	Vocational Rehabilitation and Employment (Veterans)
VRI	Video Remote Interpreting

W/C	Worker's Compensation
WAG	Workforce Advisory Group
WANT	Wyoming APSE Network for Training
WATR	Wyoming Assistive Technology Resources
WBIA	Wyoming Brain Injury Alliance
WDE	Wyoming Department of Education
WIL	Wyoming Independent Living
WIND	Wyoming Institute for Disabilities
WINRS	Wyoming Information Network Rehabilitation System
WIOA	Workforce Innovation and Opportunity Act
WSCD	Workers Safety and Compensation Division
WSIL	Wyoming Services for Independent Living
WWDE	Wyoming Workforce Development Council
WYAMI	Wyoming Alliance for the Mentally Ill
WYAPSE	Wyoming Association for Persons in Supported Employment
WYARN	Wyoming Assessment of Rehabilitation Needs
WYNOT	Wyoming's New Options in Technology
WYPEP	Wyoming Parents Encouraging Parents
WYRID	Wyoming Registry of Interpreters for the Deaf

Appendix D - SSDI and SSI General Information

Social Security Title II/SSDI

Title II of the Social Security Act pertains to Federal Old-Age, Survivors, Family, and Disability Insurance benefits. To be eligible for Social Security Disability benefits, an individual must be disabled (unable to engage in substantial gainful activity), earned a minimum number of credits from work covered under Social Security and apply for benefits. Social Security Disability Insurance (SSDI) is financed with Social Security taxes paid by workers, employers and self-employed persons. To be eligible for a Social Security benefit, the worker must earn sufficient credits based on taxable work to be "insured" for Social Security purposes. Additionally, eligible SSDI beneficiaries must have a medically determinable physical or mental impairment, which results in the inability to engage in any substantial gainful activity and can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than twelve months.

The amount of the monthly disability benefit is based on the Social Security earnings record of the insured worker. Most beneficiaries of SSDI receive health insurance coverage from Medicare as long as they are SSDI beneficiaries.

Under the SSDI program, there are three basic categories of individuals who can qualify for benefits on the basis of disability (and who would be presumptively eligible for DVR services):

1. An insured worker with a disability under full retirement age.
2. An individual with a disability since childhood (before age 22) who is a dependent of a parent entitled to Title II disability or retirement benefits or was a dependent of a deceased insured parent.
3. A widow or widower with a disability, age 50-60, if the deceased spouse was insured under Social Security.

Other Social Security benefits for individuals without a disability (and who would not be presumptively eligible for DVR services) include:

1. Retirement
2. Survivors Benefits
3. Family Benefits

Social Security Title XVI/SSI

Title XVI of the Social Security Act pertains to individuals with limited income and resources who are disabled, blind, or age 65 and older. In order to be eligible for Supplemental Security Income (SSI) recipients must have a medically determinable physical or mental impairment, which results in the inability to engage in any substantial gainful activity and can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than twelve months. The SSI monthly payment varies up to the maximum federal benefit rate, which may be supplemented by the State or decreased by countable income and resources. Most recipients of SSI receive Medicaid.

Under the SSI program, there are three basic categories under which a financially needy person can get payments:

1. An adult (age 18) and over who has a disability.

2. A child (under age 18) who has a disability.

3. A person (aged 65) without a disability who meets the financial limits. A person aged 65 and older with a disability who was eligible for SSI prior to the age of 65 would be presumptively eligible for DVR services.

Appendix E Suggested Funding Guidelines

These amounts may be changed on an individual basis with DVR Area Manager approval.

Books- up to \$500.00 per semester. Use on line purchase or rent when possible (Amazon etc)

Supplies- There is no guideline for supplies but purchases at discount stores are expected.

Non- resident students- The agency will provide educational expenses calculated at in-state rates. Client will be able responsible for all costs above in-state rates.

Out of state goods and services- These services are provided at same cost of a similar service available in state. If services are not available in state, said services could be scheduled out of state at the provider's normal rate.

Dental Work- up to \$3000.00. **For the life of the case.**

Gas purchases- a maximum of up to three (3) purchases **for the life of the case.** Rationale for service provision will be completed and an exit strategy will be documented in the IPE. This service will be provided as a single purchase or mileage at the current State rate. This may be negotiated on an individual case basis with DVR Area Manager approval.

Medication- a maximum of up to three (3) months **for the life of the case.** Rationale for service provision will be completed and an exit strategy will be documented in the IPE.

Computers- up to \$1000.00 for computer and software. VR will consult with DWS IT to help determine what computer specifications are needed to meet client need.

Hearing aids- up to \$2,200.00 per hearing aid. Clients are strongly encouraged to save money for the eventual replacement of the hearing aid(s).

Surgery- Cost estimates for surgery will be obtained in writing prior to writing the IPE and authorizations. Efforts to get Medicaid rates, discounts and other comparable benefits must be considered.

Vehicle Purchase- pg 49 new draft

Appendix F- Required Case Headings

Counseling and guidance

IPE Development

Rationale for Employment Outcome/ Informed Choice

Initial Interview

Closure summary- Successful/ Unsuccessful

Eligibility Extension

Annual Review

Appendix G Memorandum of Understandings and Agreements

AGREEMENT WITH THE DIVISION OF WORKERS COMPENSATION (DWC) AND DIVISION OF VOCATIONAL REHABILITATION (DVR)

The goal of DWC and DVR is to return injured workers to work. Both Divisions will take into consideration the most expeditious and least costly program available with regard to the injured worker's current work restrictions and occupation at the time of injury. Both Divisions will share resources when appropriate to reduce agency costs.

1. Purpose. The purpose of this agreement is to clarify procedures and responsibilities for:
 - a) when an injured worker applies for the vocational rehabilitation option (VR); b) when an injured worker is on a light duty-return to work agreement and needs accommodations - including assistive technology, and, c) when an injured worker is about to exhaust permanent total disability benefits and will be applying for extended benefits.
2. Funding.
 - A)The stipend (Living Expenses) provided directly through DWC is 100% chargeable to the employer.
 - B)Additional services provided as part of DVR's Individualized Plan for Employment (IPE) is 21.3% Workers' Compensation funds that are matched with DVR's 78.7% Federal funds. DVR's program expenditures (all IPE services except the stipend) and DVR staff providing services under this agreement are under the administrative supervision of the DVR. DVR's program expenditures include client services and administrative costs.
 - C)The VR option stipend will end during the breaks in the IPE, i.e. summer semester with no classes, medical care or treatment which would interfere with attendance in training program, non-compliance, etc. DVR will notify DWC of these breaks via e-mail and follow up phone call within one week of notification.
 - D)There will be an allowance of up to two (2) months continued VR stipend for job search upon completion of the training specified in the IPE.
 - E)The VR Stipend amount will not exceed the monthly Temporary Total Disability (TTD) base rate amount on the injured worker's case. The TTD amount will be provided to DVR upon request.
 - F) Based on information provided by DVR, the VR stipend amounts may be terminated by the DWC Claims Analyst for non-compliance with the IPE. However, if the injured worker restarts the training program and/or is recertified for the DVR IPE, the DWC Claims Analyst will review the VR stipend for payments on the date training begins as specified on the IPE.

G) The VR stipend will be provided to the injured worker only when he/she has a completed rehabilitation plan agreed to by both injured worker and DVR Counselor.

H) It is expected that before shared rehabilitation services are rendered DWC and DVR staff will review costs of services to verify which agency can obtain the service at the least cost. Rehabilitation services may include but are not limited to: psychological evaluation, neuropsychological evaluation, physical therapy, occupational therapy, work conditioning/work hardening, functional capacity evaluation, vocational evaluation, ergonomic evaluation, substance abuse rehabilitation and adjustment counseling.

3. Responsibilities of Division of Workers' Compensation.

- A) During the application review for vocational rehabilitation option, the DWC Claims Analyst will contact the employer at the time of the injury to determine if that employer is willing to rehire the injured worker with or without accommodations.
- B) If appropriate, the DWC Claims Analyst will obtain a functional capacity evaluation (FCE) before referring the injured worker to DVR. This is to determine and document the injured worker's work restrictions.
- C) The DWC Claims Analyst will refer the injured worker to DVR using the common referral form and letters, to determine if retraining is appropriate or if the injured worker is interested in DVR.
- D) If the injured worker is interested in the VR option, he/she will indicate their selection on the VR application. If the injured worker qualifies, the DWC Claims Analyst will issue a Final Determination of acceptance and eligibility, and will copy DVR with the Final Determination letter and application.
- E) If the injured worker declines VR services, he or she is determined inappropriate for DVR services, before the IPE has been developed and signed, and no monies have been spent by DWC, the injured worker may be referred back to DWC to apply for a permanent partial disability award.
- F) If the injured worker is eligible for a monthly stipend, the DWC Claims Analyst is responsible for processing the payments and maintaining monthly contact with the claimant.
- G) If the employer calls the DWC Claims Analyst about the IPE, the analyst can refer the call to DVR.
- H) Light duty-return to work agreement - When an employer, injured worker and physician agree to a light duty-return to work agreement, the DWC Claims Analyst must consider and inquire if job accommodations will be needed. If accommodations will be necessary, the DWC Claims Analyst will refer the injured worker to DVR for evaluation.
- I) When the DWC Claims Analyst receives notice a Permanent Total Disability (PTD) benefit will be ending, the Analyst must contact the injured worker by phone to inquire if they are interested in applying for Extended Benefits and employment. Depending on the circumstances of the case, the Analyst must also explain the requirements of eligibility for Extended Benefits that include seeking job training, job placement and registering with Employment & Training. If appropriate, the Analyst is expected to offer a

referral to DVR for evaluation of re-entry into the workforce.

4. Responsibilities of Division of Vocational Rehabilitation.

- A) When DVR receives a referral from DWC, DVR will review the referral information and determine eligibility of the injured worker. If DVR determines the injured worker is not eligible for the Federal program code (613), he/she will be accepted into the State program code (615). The injured worker may be referred back to DWC if he/she is not interested in retraining or other services offered by DVR.
- B) If the injured worker is eligible for DVR services, DVR will develop an IPE with the injured worker. This plan will be based on returning an injured worker to gainful employment. Once the injured worker selects the VR option, and an IPE has been developed and signed, and monies have been spent by either DWC or DVR, he/she cannot reverse that decision and apply for the permanent partial disability award.
- C) The DVR Counselor and the injured worker will mutually develop a comprehensive IPE based on the injured worker's rehabilitation needs, THEN the stipend will be determined based on cost of living expenses, not to exceed the monthly Temporary Total Disability (TTD) base rate payment. The DVR Counselor shall forward the letter authorizing stipend to the DWC Claims Analyst as soon as possible following the completion of the IPE. The DVR Counselor will also discuss least cost and expedited return to work options with the injured worker.
- D) DVR will first attempt to return the injured worker to his pre-injury employment factoring assistive technology into the plan. DVR will also consider any transferable skills or re-training necessary for removing barriers to employment. He/she may obtain an on-site position analysis.
- E) The IPE including stipend will not exceed five years or at total cost of up to thirty thousand dollars \$30,000.00 unless extended or increased for extenuating circumstances agreed upon by the injured worker, DVR and DWC, which will be reviewed on a case-by-case basis. Wyoming Statute 27-14-408.
- F) DVR is required to consider all comparable benefits if such services are available to the injured worker at the time the services are needed.
- G) The DVR Counselor will notify the Claims Analyst via e-mail and follow up phone call within one week of discovering that the injured worker is not in compliance with the IPE, thereby resulting in the termination of any remaining stipends.

5. Procedures.

- A) The health care provider documents the injured worker cannot return to previous employment due to physical limitations from the work-related injury.
- B) During the review, if the employer offers the injured worker the same wage in a job commensurate with the injured worker's functional limitations, and if the injured worker declines the offer, the application will be denied by DWC.
- C) The injured worker may wish to explore or investigate the various options prior to making his/her decision. In order to determine possible benefits, the DWC Claims Analyst will provide the following information to the injured worker or DVR upon request:

1. medical reports including a permanent partial impairment report (PPI) which include restrictions to employment;
2. the monthly TTD base payment the injured worker was receiving;
3. the results of the FCE, if applicable;
4. the results of the employer contact regarding re-hiring options.

D) Once the injured worker accepts the VR option, an IPE is developed and signed, and monies have been spent by either DWC or DVR, he/she may not reverse that decision and apply for a permanent partial disability award.

6. Expectations.

- A) It is expected DWC and DVR staff will exhibit professional communication and trust with each other in focusing on our common goal of assisting injured workers return to work.
- B) Early referrals from DWC will be reviewed by DVR staff if medical records clearly show the injured worker can not return to the job at the time of injury, DVR will open a case.
- C) Early referrals mean an injured worker is still receiving TTD benefits, may not be at maximum medical improvement but is expected to have a permanent partial improvement (PPI) at a later date.
- D) Psychological evaluations, without a secondary release clause, can only be shared by DVR to DWC with a signed release of information from the injured worker.
- E) It is expected that the DWC Claims Analyst will contact the DVR Counselor when referring an injured worker for VR services. The common referral form and letter will be used to formally document any referral to DVR.

7. Signatures.

The effective date of this agreement is the date of the signature last affixed to this page.

Deputy Administrator	Date
Division of Workers' Compensation	
DWS/DVR, Administrator	Date

**Memorandum of Understanding
Between The Wyoming Department of Education and
the Division of Vocational Rehabilitation**

1. **Parties.** This Memorandum of Understanding [MOU] is made and entered into by and between the Wyoming Department of Education, whose address is Hathaway Building, 2ND Floor, Cheyenne, Wyoming 82002-0050 [Agency], and the Department of Workforce Services, Division of Vocational Rehabilitation [DVR], whose address is Herschler Building, 1st Floor East, Cheyenne, Wyoming 82002.
2. **Purpose.** The purpose of this MOU is to enhance the working relationship between the parties in order to provide more effective services to individuals with disabilities in compliance with the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C.S. " 1400 through U.S.C.S. " 1409 and the Rehabilitation Act of 1973, 29 U.S.C. " 794, and amendments. This includes working more closely in evaluating, serving, and planning for individuals eligible for vocational rehabilitation [Eligible Individuals] and developing a means for transfer of items of assistive technology to DVR for Eligible Individuals as they make the transition from the classroom to the workplace.
3. **Term of MOU.** This MOU shall commence upon the day and date last signed and executed by the duly authorized representatives of the parties to this MOU, and shall remain in full force and effect until terminated. The parties shall review the MOU together annually by July 1 of each year. This MOU may be terminated, without cause, by either party upon thirty (30) days written notice, which notice shall be delivered by hand or by certified mail.
4. **Payment.** No payment shall be made to either party by the other party as a result of this MOU.
5. **Responsibilities of the Agency.** The Agency's responsibilities under this MOU are stated in Attachment A. Attachment A is attached to this MOU and incorporated herein by this reference.
6. **Responsibilities of DVR.** DVR's responsibilities under this MOU are stated in Attachment B. Attachment B is attached to this MOU and incorporated herein by this reference.
7. **Joint Responsibilities of the Agency and DVR.**
 - A. Both the Agency and DVR agree that the effectiveness of their respective programs shall be greatly enhanced by training the personnel implementing them.
 - (i) **Joint Training.** The Agency and DVR shall jointly sponsor training for their respective and personnel. The training shall focus on the requirements of the federal and state law concerning: education of people with disabilities, transition from school to employment, vocational rehabilitation services, and assistive technology.
 - (ii) **Notice of Training.** The Agency and DVR shall provide timely notice of joint training to each other and to the School Districts, as appropriate.
 - (iii) **Contact Persons.** The Agency and DVR shall each designate a contact person who shall:

- (a) Be responsible for coordinating joint training programs with the other party.
- (b) Act as the lead person for their agency in offering assistance in understanding and utilizing their respective programs.

8. General Provisions.

A. Amendments. Either party may request changes in this MOU. Any changes, modifications, revisions or amendments to this MOU which are mutually agreed upon by and between the parties to this MOU shall be incorporated by written instrument, executed and signed by all parties to this MOU.

B. Applicable Law/Venue. The construction, interpretation and enforcement of this MOU shall be governed by the laws of the State of Wyoming. The courts of the State of Wyoming shall have jurisdiction over any action arising out of this MOU and over the parties, and the venue shall be the First Judicial District, Laramie County, Wyoming.

C. Entirety of Agreement. This MOU, consisting of four (4) pages; Attachment A, consisting of two (2) pages; and Attachment B, consisting of one (1) page, represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations, and agreements, whether written or oral.

D. Prior Approval. This MOU shall not be binding upon either party unless this MOU has been reduced to writing before performance begins as described under the terms of this MOU, and unless this MOU has been approved as to form by the Attorney General or his representative.

E. Severability. Should any portion of this MOU be judicially determined to be illegal or unenforceable, the remainder of the MOU shall continue in full force and effect.

F. Sovereign Immunity. The State of Wyoming, the Wyoming Department of Education, and the Wyoming Division of Vocational Rehabilitation do not waive their sovereign immunity by entering into this MOU, and specifically retain immunity and all defenses available to them as sovereigns pursuant to Wyo. Stat. '1-39-104(a) and all other state law.

G. Third Party Beneficiary Rights. The parties do not intend to create in any other individual or entity the status of third party beneficiary, and this MOU shall not be construed so as to create such status. The rights, duties and obligations contained in this MOU shall operate only between the parties to this MOU, and shall inure solely to the benefit of the parties to this MOU. The provisions of this MOU are intended only to assist the parties in determining and performing their obligations under this MOU.

H. Dispute Resolution. The Wyoming Department of Education and the Division of Vocational Rehabilitation will designate liaisons from each agency to facilitate the implementation of this MOU and to mediate the resolution of interagency disputes that may emerge as a result of this MOU.

THE REMAINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK.

9. **Signatures.** In witness whereof, the parties to this MOU through their duly authorized representatives have executed this MOU on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOU as set forth herein.

The effective date of this MOU is the date of the signature last affixed to this page.

WYOMING DEPARTMENT OF EDUCATION

Tammy Cox, Deputy Superintendent
Educational Programs Division

Date

Sylvia Lee Hackl, Legal Counsel

Date

Nance Shelsta, Unit Director
Special Education Unit

Date

DIVISION OF VOCATIONAL REHABILITATION

Jim McIntosh, Director

Date

ATTORNEY GENERAL'S OFFICE APPROVAL AS TO FORM

Donald M. Gerstein
Senior Assistant Attorney General
Representing the Wyoming Department of Education

Date

Robert L. Lanter, Senior Assistant Attorney General
Representing the Division of Vocational Rehabilitation

Date

Attachment A

Responsibilities of the Department of Education (Agency)

The Agency agrees to undertake the following responsibilities:

A. Referrals. The Agency shall ensure that all Wyoming school districts refer all students with disabilities enrolled in the school districts to the Division of Vocational Rehabilitation (DVR) early enough for DVR to attend the Individual Education Plan (IEP) meeting for the IEP that will be in effect when the student turns 16 years old. For students closer to graduation or who are twenty-one years of age, Wyoming School Districts shall be urged to make referrals as soon as possible to DVR.

(i) Necessary Lead Time - Eligibility Determinations. School Districts, referring students to DVR, shall be urged to allow DVR at least sixty (60) days prior to the IEP meeting to acquire the necessary diagnostic data and to make eligibility determinations. Student referrals shall include notice to DVR and an invitation to the DVR counselor to participate in the transition planning and the IEP development process.

(ii) Necessary Lead Time - IEPs. IEP meeting invitations should be sent to DVR counselors at least one month prior to the meeting and should include all documentation needed by the DVR counselor. All employment outcomes and objectives shall be developed in collaboration with the students, parents, and appropriate professionals.

B. Technical Assistance. The Agency shall provide technical assistance to School Districts concerning the provision of free, appropriate, public education. The Agency shall provide assistive technology to School Districts to assist with the education of students approaching the transition to independent living and employment.

C. Monitoring. Agency monitoring shall be designed to ensure that each student's IEP, which will be effective when the student turns sixteen years old, shall address the provision of assistive technology and the student's approaching transitions to independent living and employment.

D. Data for DVR. The Agency shall provide DVR with the data the Agency collects from the School Districts (in July and December of each year) regarding the number of special education students and the number of special education students receiving assistive technology devices and services.

E. Assistive Technology. Upon completion of many impaired students' public education, school districts are often left with items of assistive technology which were required by the students' IEPs. These remaining items of assistive technology have been customized for particular students and are otherwise unlikely to be used by other impaired students. Often these items of assistive technology are stored by School Districts until they become obsolete.

(i) Sale of Items of Assistive Technology to DVR. To: 1) avoid the above practice; 2) maximize the use of items of assistive technology; 3) prevent the duplication of services; and 4) facilitate a successful transition of the student from school to further training and the workplace, the Agency shall urge School Districts to sell items of assistive technology, which are appropriate for the student's employment outcomes, to DVR. Ownership of the items of assistive technology shall be transferred at the time the DVR eligible student makes the transition from school to further training and the workplace. School Districts have the authority to transfer ownership of items of assistive technology pursuant to Wyo. Stat. § 21-3-111(a)(ii) and (xv).

(ii) Payment. The purchase price of a student's items of assistive technology shall be determined through negotiations between the appropriate School District and DVR.

F. Related Services (Vocational). The Agency shall urge School Districts to coordinate vocationally related services with DVR for students determined eligible for DVR services. Coordination should commence in the early stages of transition to afford the maximum vocational benefit to the student. Vocationally related services include, but are not limited to, situational assessments, career exploration, job shadowing, vocational guidance and counseling, and work experience. Vocationally related service coordination and corresponding agency responsibilities should be identified in the student's Individual Education Plan and DVR's Individualized Plan for Employment.

Attachment B

Responsibilities of Division of Vocational Rehabilitation (DVR)

DVR agrees to undertake the following responsibilities:

A. Consultation. DVR counselors shall provide DVR services to eligible students referred to DVR by the Department of Education (Agency). Such services shall include, but not be limited to, development of Individualized Plan for Employment (IPEs) which develop vocational skills likely to result in employment. Whenever requested by a School District, DVR shall ensure that DVR counselors participate in the evaluation process of students who have applied for DVR services and in the development of the Individual Education Plans (IEPs) of eligible students.

B. Former Students. DVR shall encourage former students, who are still eligible for free, appropriate public education and DVR services, to reenroll in school for further study and training to enhance their opportunities for employment. Should former students decide not to reenroll in school, DVR shall provide to the eligible former students services customarily provided by DVR to adults over the age of twenty-one.

C. Assistive Technology. Whenever possible, DVR shall purchase items of assistive technology from a School District that were purchased by the School District for an eligible student pursuant to that student's IEP. Purchase of such items, especially when customized for a particular student, is intended to: 1) ease the transition of the student to employment; 2) reduce the cost of the devices to DVR and the School District; and 3) avoid the practice of storing many such items until they become obsolete. The purchase price of a student's items of assistive technology shall be determined through negotiations between the School District and DVR.

D. Related Services (Vocational). Whenever possible, DVR will coordinate with the School District for the provision of vocational services (i.e., vocational assessments, career exploration, job shadowing, vocational guidance and counseling, and work experience) for students determined eligible for DVR services. Coordination of the provision of vocational services will prevent duplication of services, enhance working relationships between the students, DVR and the Agency, and facilitate successful transitions of students with disabilities.