



VR New Hampshire

Policy Manual

Last amended.

1/3/2024

NHVR MANUAL INTRODUCTION – SERVICE DELIVERY

The purpose of this manual is to provide program policy for vocational rehabilitation services provided by VR New Hampshire (VRNH). The intent of the policy is to outline what is expected based on federal law or other applicable federal and state regulations.

The latest update to this manual is reflected in the policy below. Any printed versions may not contain the latest policy changes.

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		Policy Number	301
		Revision #	1
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Agency Strategic Direction

I. **DESCRIPTION:** This policy states the Mission, Philosophy, Principles, Values, and Vision of the Agency and provides overall strategic guidance to the staff of the bureau. It is intended to plainly state the bureau's values and motivate staff to reach further. Vision and mission are key components of leadership. VRNH strives to create an environment where everyone can know and understand the vision, mission, and values and use these to direct their work toward achieving the organization's mission.

II. **DEFINITIONS:**

Mission: The mission statement conveys the primary purpose of the agency, i.e., the reason for its existence. The mission guides organizational decisions, policies, and activities (internal and external) on a daily basis. The mission statement outlines what the agency is now. It focuses on today; it identifies the customer(s); it identifies the critical process(es); and it states the level of performance.

Philosophy: The Agency's philosophy statement articulates the accepted beliefs (or system of beliefs) that guide the work of the Agency. The philosophy states what VRNH believes to be true.

Principles: Principles are the fundamental beliefs or values that we seek to accept and use to direct and govern our behavior as an organization. Principles identify a beginning, or a foundation upon which the activities of the Agency are based.

Service Promise: A set of tangible guidelines that help to define a) what a customer can expect from interactions with your business, and b) how that experience should be delivered by the frontline. It focuses squarely on customers by outlining the type of experience they will have and how the company will deliver it every time.

Values: Values are the assumptions, convictions, or beliefs about the manner in which people should behave and the principles that should govern behavior. Values represent the deeply held beliefs within the organization and are demonstrated through the day-to-day behaviors of all employees. An organization's values make an open proclamation about how it expects everyone to behave. Values should endure over the long term and provide a constant source of strength for the organization.

Vision: A vision statement outlines what a company wants to be. It focuses on tomorrow; it is inspirational; it provides clear decision-making criteria; and it is timeless. It has been said that a vision is something to be pursued, while a mission is something to be accomplished.

III. POLICY: The Bureau of Vocational Rehabilitation maintains policy on mission and vision to provide personnel with a common sense of purpose.

1. Mission

Our mission is to partner and collaborate with individuals and businesses to maximize the employment and career opportunities, self-sufficiency, and workforce potential of people with disabilities.

2. Service Promise

Our service promise to you: Your goal is our priority.

3. Philosophy

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

4. Principles

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

5. Values

We value respect, integrity, equity, responsiveness, and resourcefulness.

6. Vision

Our vision is to become ever more adaptive to emerging customer needs by designing and delivering contemporary, innovative, and responsive tools that support employment and career opportunities.

Procedure: There is no related procedure to this policy.

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General Provisions

- I. **DESCRIPTION:** This policy provides direction regarding the agency purpose and the authority under which the agency performs its work. In carrying out the day-to-day operations of the agency, staff at all levels need to continually assure that decisions made and actions taken are consistent with the purpose of the vocational rehabilitation program.

II. **DEFINITIONS:**

Authority: The right as expressly stated in the law, which includes statutes, rules, and regulations. Federal law, U.S. Code, Regulation, State Law, Administrative Rules and Policy, directs the agency.

Employment: Competitive integrated employment, including customized employment, self-employment, telecommuting, business ownership or supported employment that is consistent with an individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Law: Legislation that has become part of the legal code through passage by Congress and approval by the President (or via Congressional override).

Purpose: Identifies the overall goal or function of an entity. This statement provides information to participants, staff, and other interested parties of the agency's role.

Regulation (Code of Federal Regulation (CFR)): Regulation is a rule or order issued by a federal or state executive-branch department or administrative agency, generally under authority granted by statute, that enforces or amplifies laws enacted by the legislature and has the force of law.

State Law: State law or statute is a formal, written law of a state, written and enacted by its legislative authority, perhaps then to be ratified by the highest executive in the government and finally published. Typically, statutes command, prohibit, or declare something. Statutes are sometimes referred to as legislation. For the State of NH these are: New Hampshire Revised Statutes Annotated (RSA)

State Rules: An administrative rule is regulation or standard adopted by an agency to implement or make specific a law enforced or administered by the agency, or to interpret a procedure or practice requirement binding on persons outside the agency. Rules shall be valid and binding on persons they affect, and shall have the force of law unless amended or revised.

U.S. Code (U.S.C.): The United States Code (U.S.C.) is a compilation and codification of the general and permanent federal Law of the United States.

- III. POLICY:** The New Hampshire Vocational Rehabilitation agency assists eligible individuals with physical and mental impairments to achieve or maintain employment. The VR process is based upon an Individualized Plan for Employment. This plan is goal oriented to the achievement of a competitive integrated employment outcome. A suitable employment outcome is one which will enable an individual with a disability to secure employment that is consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. Services provided to individuals with disabilities must be necessary to overcome the vocational impediment and must be provided in a cost-effective manner, utilizing comparable benefits whenever practicable. Reasonable accommodation will be made for all applicants to maximize each person's access to services that will enable the individual to achieve an employment outcome.

A. Purpose

The purpose of the New Hampshire Vocational Rehabilitation services program is to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that they can prepare for and engage in competitive integrated employment and achieve economic self-sufficiency.

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

B. Authority

The Vocational Rehabilitation (VR) program is operated in compliance with the federal Rehabilitation Act of 1973, as amended. Federal law, U.S. Code, Regulation, State Law, Administrative Rules and Policy, directs the Agency. The legal authorities for the policies contained in the New Hampshire Vocational Rehabilitation Services Policy Manual are:

Title 29 U.S.C. SS 5720 et seq

Title 29 U.S.C. 701 et seq

Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA)) (P.L. 113-128) signed into law on July 22, 2014.

34 CFR Parts 361, 363, and 397 - State Vocational Rehabilitation Services Program; State Supported Employment Services Program; Limitations on Use of Subminimum Wage; Final Rule issued on August 19, 2016.

NH Revised statutes annotated RSA 200-C and RSA 186-B serve as the state authority for the vocational rehabilitation program.

Rulemaking authority for the State Board of Education is contained in RSA 186.5.

Administrative Rules Chapter Ed 1000 New Hampshire vocational rehabilitation services program

Procedure:

There is no related procedure to this policy

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Program Access

I. DESCRIPTION: This policy shares the Agency’s commitment to providing fair and equitable services to all participants.

II. DEFINITIONS:

Appropriate modes of communication: Specialized aids and supports that enable an individual with a disability to comprehend and respond to information that is being communicated. Appropriate modes of communication include, but are not limited to, use of interpreters, open- and closed-captioned videos, specialized telecommunication services and audio recordings, Braille and large print materials, materials in electronic formats, augmentative communication devices, graphic presentations, and simple language materials.

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

A. Compliance: The Agency complies with the Civil Rights Act and the Americans with Disabilities Act. No individual will, on the grounds of gender, race, creed, color, age, national origin, marital status, sexual orientation, physical or mental disability, or political affiliation be excluded from participation in or be denied the benefits of rehabilitation services.

B. Residency: No residency requirement, durational or other, will be imposed which excludes from services any individual who is present in the state and available to engage in vocational rehabilitation services.

C. Citizenship, Legal Residence and Employment Status: Individuals who are not U.S. citizens shall be requested to present evidence of their Lawful Permanent Residence (“green card”) or other applicable identification and employment authorization issued by the United States Citizenship and Immigration Services (USCIS) (formerly the Immigration and Naturalization Service). Non-US citizens requesting vocational rehabilitation services must provide documentation that they can work legally in the United States.

D. Equal Access: NHVR will provide equal access to VR services for individuals with disabilities from minority backgrounds.

1. NHVR will maintain outreach efforts to individuals with disabilities from minority backgrounds.
 2. NHVR will identify a plan of action, outlining steps/procedures to identify and serve individuals with the most significant disabilities who are from minority backgrounds.
- E. Appropriate Modes of Communication: NHVR will provide information and materials to applicants, eligible individuals, representatives of applicants or individuals, service providers, other cooperating agencies and organizations, and interested parties through appropriate modes of communication, i.e., in the language or method of communication understandable to the individual or, as appropriate, the individual's representative.

303.P Program Access Procedure	
	Revision date: 7/1/2021

See corresponding policy: Program Access

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. INTRODUCTION

NHVR's policy on program access is intended to assure that all individuals have equitable access to the NH Vocational Rehabilitation Program.

II. PROCEDURE

- A. NHVR staff will make every effort to ensure program access policy is observed as services are provided to individuals with disabilities who are referred to, apply for, and are participants of NHVR services.
- B. During the initial interview: The VR Counselor notifies the individual orally and in writing that the Agency complies with the Civil Rights Act and the Americans with Disabilities Act, therefore no individual will, on the grounds of gender, race, creed, color, age, national origin, marital status, sexual orientation, physical or mental disability, or political affiliation be excluded from participation in or be denied the benefits of rehabilitation services. This information is outlined on the notice of non-discrimination, commonly found on the back of VR forms. This information will also be made available for student-aged potentially eligible individuals who have not applied to the Agency and are participating in pre-employment transition services.
- C. Request Non-US citizens provide documentation that they can work legally in the United States. Attach documentation in the participant's case file.
- D. For all meetings and communications, schedule or secure any needed accommodations - e.g., specialized aids, services and supports that enable an individual with a disability to comprehend and respond to information that is being communicated.
 1. Appropriate modes of communication will be provided as necessary to ensure participation in the rehabilitation program and rehabilitation services, including but not limited to the use of interpreters, open- and closed-captioned videos, specialized telecommunication services and audio recordings, Braille and large print materials, materials in electronic formats, augmentative communication devices, graphic presentations, and simple language materials.
 2. Every effort will be made to ensure that the need for a translator, interpreter, or other appropriate mode of communication does not affect provision of timely services. Interpreting services for deaf/hard of hearing and translation/interpreter services for non-English speaking participants shall be obtained.

- E. For further guidance regarding I-9 documentation requirements, refer to the United States Citizens and Immigration Services (USCIS) website:
<https://www.uscis.gov/sites/default/files/document/>

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Confidentiality

I. DESCRIPTION: NHVR staff collect and have access to personal information about referrals, applicants, and participants, including students who are potentially eligible. This carries with it the obligation to fully inform recipients about what information is gathered, how it will be used, and how it will be safeguarded against unnecessary or inappropriate dissemination. Personal information is all material which is identifiable to an individual, including reports, evaluations, case histories, notes, photographs, and directory information. The agency's obligation to preserve confidentiality pertains to its own use of information directly, and the release of personal information to third parties, other individuals, and agencies. Release of personal information may also involve the individual's access to his or her own personal information and records.

II. DEFINITIONS:

Personally Identifiable Information (PII): information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.

Third party: a person, group, or agency other than the applicant, participant, or their legal guardian.

Third party records: Records that were obtained from another individual, practice, or agency.

Post-employment closure: Cases closed prior to 9./1/2022 from post-employment status. As of 8/15/2022 the post-exit status of Post-employment has been retired.

III. POLICY: Personal information about an individual shall be kept confidential and may not be disclosed except in accordance with agency policy and procedure contained in this section. The obligation to preserve confidentiality pertains to agency use of information directly, and the release of personal information to third parties, other individuals, and agencies.

A. The agency will collect and use only that personal information which is timely, necessary and relevant to the determination of eligibility, rehabilitation needs of the individual, and/or administration of the rehabilitation program.

- B.** The agency will safeguard against unnecessary or inappropriate dissemination of personal information and data, including personally identifiable information.
- C.** At the time of the initial interview, and as appropriate through the rehabilitation process, all applicants and eligible individuals or their representatives shall be informed, through modes of communication appropriate to the individual, of:
1. the agency's need to collect personal information,
 2. the policies governing its use,
 3. the principal purposes for the information,
 4. the authority under which the information is being requested (the Rehabilitation Act),
 5. whether requested information is mandatory or voluntary, and
 6. the consequences of not providing requested information.
- D.** All information, written or stored, that is acquired by NHVR from applicants or eligible individuals (participants), such as pictures or lists of names, shall remain the property of the agency and shall be used and released only for purposes directly connected with the administration of the Vocational Rehabilitation program. Use and release of personal information acquired by NHVR shall conform to applicable state and federal regulations.
- E. Release of information:** Upon receipt of informed written consent and request for information, all requested information, except for information specified as prohibited by a third party from re-release, shall be made available in a timely manner.
1. Informed written consent to release information shall:
 - a. be in language and format that the individual or their representative understands,
 - b. be dated,
 - c. indicate circumstances or date of expiration,
 - d. be specific in designating NHVR as the agency authorized to disclose and/or obtain information,
 - e. designate the parties to whom the information may be released and/or obtained from,
 - f. be specific as to the nature of the information which may be released and/or obtained,
 - g. specify the purpose(s) for which the information may be used, and
 - h. specify the consequences of not providing the requested information.
 2. A written request for information completed by the entity requesting information must specify:
 - a. applicant's or eligible individual's name,
 - b. information being requested,

- c. reasons why the material is being requested,
- d. name of the individual, agency, or organization assuming responsibility for the information, and
- e. that the information will not be released to any other individual, agency, or organization.

3. Restrictions and Exceptions:

- a. Medical, psychological, or other information that NHVR believes may be harmful to the individual may not be released directly to the individual, but must be provided to the individual through a third party chosen by the individual, which may include, among others, an advocate, a family member, or a qualified medical or mental health professional, or a representative who has been appointed by a court.
- b. Personal information obtained from another agency or organization may be released only by or under conditions established by the other agency or organization.
- c. Court records relating to the placement at the Youth Development Center will not be released to any third party once the individual reaches 21, unless by court order (not subpoena) or a release by the individual.

F. Release of information without the individual's consent, as required by law will occur in the following circumstances:

- 1. in response to subpoenas and court orders signed by a judge,
- 2. in response to investigations in connection with law enforcement, fraud, or abuse, (except where expressly prohibited by federal or state laws or regulations), or
- 3. if the individual poses a threat to his or her own safety, or another person's safety.

G. Release of information for Audit, Evaluation or Research: At the discretion of the NHVR director, personal information may be released to an organization, agency, or individual engaged in audit, evaluation, or research only for purposes directly connected with the administration of the Vocational Rehabilitation program, or for purposes which would significantly improve the quality of life for individuals with disabilities, and only if the organization, agency, or individual assures that:

- 1. the information will be used only for the purposes for which it is being provided,
- 2. the information will be released only to individuals officially connected with the audit, evaluation or research,
- 3. the information will be managed in a manner to safeguard confidentiality, and
- 4. the final product will not reveal any personally identifying information without further informed written consent.

H. Subpoena for Release of Records or Testimony: An employee shall not testify in court, nor

release records to the court, without the consent of the individual, unless served with an appropriate subpoena and ordered to do so by a judge.

- I. Notice of disclosure: Information shall be released with notice to the recipient of the confidential nature, prohibitions for further release, and request for destruction if received in error. The Agency will utilize the highest standard available for confidential and secure transmission, to include encrypted email. Participants shall be informed about the inherent risks of using technology to transmit confidential information.
- J. Request to amend record: An applicant or eligible individual who believes that information in the individual's record of services is inaccurate or misleading may request that the agency amend the information. If the information is not amended, the request for an amendment must be documented in the record of services.
- K. Security of Records: Agency staff will ensure that case files are secure and stored in a manner that ensures confidentiality.
- L. Retention of Records: Records of services shall be maintained for a minimum of six (6) years from the end of the federal fiscal year in which the record was closed or if applicable the latest post-employment closure, or the referral closure date if the referral record did not lead to a VR case. If a case has received a Cost Reimbursement, Milestone, or Outcome payment or their Ticket to Work is currently placed In Use by VR, the case will need to be retained for an additional six (6) years from the end of the federal fiscal year from the latest payment or ticket un-assignment date. Records of services will then be destroyed.
- M. Consent to record: Use of recording devices, including audio, audio/video, and photography, during individual and group meetings, or other activities related to provision of rehabilitation services requires the consent of all individuals present, consistent with New Hampshire law. Prior to beginning recording of a meeting, Agency staff shall assure that all present agree and maintain a copy of a signed agreement in the case file.

References:

2CFR 200.79 Personally Identifiable Information (PII) definition

Federal Regulation: 34CFR 361.38

State Rules: Part Ed 1003

304.P Confidentiality Procedure	
	Revision date: 7/1/2021

See corresponding policy: Confidentiality

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. INTRODUCTION

NHVR's policy on confidentiality is intended to assure that information collected by the Agency is maintained in a way that assures protection of personally identifiable information. It also provides information about the conditions where that information may be shared.

II. PROCEDURE:

- A. All applicants need to be informed of the purpose for NHVR's requesting information, whether compliance with such a request is mandatory, and the possible consequences of failing to provide information, as well as the situations in which NHVR does not need written consent to release information.
- B. All persons seeking services and, as appropriate, service providers and other interested persons shall be informed of the confidentiality of personal information, the procedures for its release, and the inherent risk of electronically transmitting confidential information.
- C. The VR-1 Application form covers information exchange between the bureau and service providers, staff should only share relevant information to provide the services appropriately.
- D. Persons who are unable to communicate in English or who rely on special modes of communication need to be informed of this policy on confidentiality in a manner which assures adequate understanding. Documentation that this information was provided, including method to ensure understanding, needs to be documented in the case record.
- E. If the VRC has concerns regarding releasing information due to a potential harm to the individual, the VRC will discuss with supervisor the information request and their professional concerns related to the release. The concern and the discussion with the supervisor, including the determination, are documented in case notes.
- F. If a participant requests to review and/or copy their file, a staff member must follow the procedure outlined below:
 1. Prior to rendering the case file, review and remove all third party documents – this consists of any notes, evaluations, documentation, etc. that NHVR did not pay to have completed.

2. Review and assist the participant in completing a VR2-2. Be sure to highlight the risks of releasing information from our files, prior to rendering the case file. The VR2-2 should demonstrate that the participant is authorizing NHVR to release information to the participant. Within the body of the release, please specify what documents are going to be reviewed and/or copied.
3. Present the participant with a copy of this confidentiality policy and render the case file. Let the participant know that what they are reviewing is the complete case file excluding all third party documentation, as appropriate.
4. If the participant requests to review or copy the third party documentation, a staff member will have to contact the provider(s) and verify their re-release policy. If it is acceptable to re-release the documentation provided, NHVR staff may take appropriate actions based on the third party response ensuring to document the transaction.
5. At no time should a participant be left alone with their original file. A staff member needs to be in the room at all times during a case file review to ensure that the participant does not delete or alter any documents. To facilitate this process a staff member would gather information from the following from the electronic case file:
 - a. All Activities Report
 - (1) From the participant's electronic case file, click on Actions at the top of the screen and select Print Reports for All Activities
 - (2) Select PDF as the output format and click print
 - (3) Allow the participant to view the activities within the case
 - b. Authorization Register
 - (1) From the participant's electronic case file, click on Reports at the top of the screen
 - (2) Select Authorization Register under Section 5, Financial Reports
 - (3) Select PDF as the output format and click print
 - (4) Allow the participant to view the authorizations if desired
 - c. Case Note Report
 - (1) From the participant's electronic case file, click on Reports at the top of the screen
 - (2) Select Case Note - All under Section 6, Case Management Reports
 - (3) Select PDF as the output format and click print
 - (4) Allow the participant to view the case notes if desired
6. Once the electronic file has been reviewed and the document(s) requested for copying have been identified, the staff member will print (or provide in electronic format) the documents, and give them to the participant. If the participant would like the information electronically, NHVR may provide a secure USB that contains the requested documents and provide it to the participant or it can be sent via encrypted email to the participant.
7. The staff member will create a case note to document what was requested/provided and any

background information around why the review was taking place (what the request was for, what steps were taken in response to the request, what information was given, and any other pertinent information). In addition, the staff member should ensure the VR2-2 has been attached to the electronic case file.

Security of Records of Services

Office Procedures.

- G.** Personal information about applicants and eligible individuals shall not be left on desktops, on computer screens, or in any other location where it can be seen by people other than rehabilitation services staff.
- H.** Computer lists and other electronic data and reports containing confidential information will be handled with the same security measures as required for records of services and confidential reports.
- I.** Under no circumstances shall computer program passwords be made available to unauthorized personnel or persons. Instructions for using the computer will not be left where others might access them.
- J.** Names of referrals, applicants and participants should not be included in the subject line of emails.
- K.** Confidential information will be stored so that it is not accessible to anyone other than office staff.
- L.** If any outgoing emails include PII said emails will be encrypted
- M.** Office doors will be locked whenever office personnel are not on the premises.
- N.** Release of personal information needs to comply with the provisions of this policy and any federal or state laws governing the source or type of information requested/released.
- O.** In other situations where staff believe information must be released without the participant's signed consent to protect the safety of the participant or others, the case should be discussed with the NHVR Director or the Administrator for Field services, and the decision to release made at that level.
- P.** Staff should consult with appropriate Central Office staff concerning release of information when a subpoena is received.

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Ethics

I. **DESCRIPTION:** This policy provides guidelines to ensure NHVR provides services in accordance with the strictest ethical guidelines. Policy is set to ensure NHVR employees conduct themselves in a manner that fosters public confidence in the integrity of NHVR, its processes, and its accomplishments. Ethics policy is provided in accordance with appropriate federal regulations, state law, administrative rules, governor directives and executive orders, other governing policy or guidance, and/or Director expectations.

II. DEFINITIONS:

Family member: Includes a spouse, domestic partner, natural child, adopted child, foster child, step-child, natural parent, step-parent, adoptive parent, grandparent, grandchild, brother, sister, aunt, uncle, niece, nephew, sister-in-law, brother-in-law, son-in-law, daughter-in-law, mother-in-law, or father-in-law of NHVR staff.

III. POLICY:

- A. All NH Vocational Rehabilitation staff will demonstrate adherence to ethical standards and will assure that these standards are vigorously enforced consistent with their education, experience, and expertise, guided by the ideals of competence, integrity, and objectivity.
1. All NHVR employees must adhere to the NH Ethics RSA 21-G:21-27; RSA Chapter 15-A; RSA Chapter 15-B.
 2. NHVR subscribes to, and requires all VR Rehabilitation Counselors and Field Service staff to follow, the Code of Professional Ethics for Rehabilitation Counselors as accepted by the Commission of Rehabilitation Counselor Certification (CRCC).
 3. Copies of the above RSAs and Code of Professional Ethics for Rehabilitation Counselors will be provided to all employees and to new employees. All new employees will sign an acknowledgement of receipt of these ethical guidelines and practices indicating their obligation to abide by the stated guidelines.
 4. Employee misconduct and reporting will be in accordance with NH Department of Administrative Services, Personnel Rules.

B. Conflict of interest shall be avoided in the delivery of services to persons with disabilities.

1. No employee of NHVR shall determine eligibility or authorize any service to a family member or partner.
2. No employee of NHVR shall refer an applicant or eligible individual to a provider who is a relative, family member, or partner of the employee for service of any type without supervisory approval.
3. As an agent of NHVR, no employee shall advance an applicant or eligible individual any personal funds. Reimbursement of personal funds shall not be allowed.
4. No employee shall hire an applicant or eligible individual whose services may be directly influenced by the employee.
5. Each employee shall maintain a professional relationship with applicants and eligible individuals.
6. No employee shall exploit an applicant or eligible individual or their property for the employee's own profit or advantage.
7. Employees and their relatives, family members, or partners who become applicants for NHVR services shall be served in a different office than the one in which the employee works.
8. VR staff should be aware that a conflict of interest may exist in situations where only the appearance of impropriety exists.

305.P Ethics Procedure	
	Revision date: 7/1/2021

See corresponding policy: Ethics

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. INTRODUCTION

The purpose of the ethics procedure is to ensure fair and equitable service provision to all applicants and eligible individuals of the Agency. Knowing and understanding the required ethics policies of the State of NH and NHVR is the responsibility of each member of NHVR staff.

II. PROCEDURE

- A. Every NHVR staff member will read and become familiar with the State Ethics policy.
- B. NHVR staff should conduct themselves, at all times, in a manner that avoids favoritism, bias, and the appearance of impropriety.

		Policy Type	Service Delivery
		Policy Number	306
		Revision #	Original
		Implementation Date	7/1/2021
Page #	1 of 3	Last Reviewed/Update Date	None

Informed Choice

I. DESCRIPTION: NHVR recognizes that individuals with disabilities, their families, and representatives are partners with their vocational rehabilitation counselors in developing their vocational rehabilitation plans. The active involvement of individuals in their plans for employment contributes to the success of, and satisfaction with, the employment goal and degree of independence achieved. This policy provides direction for the NHVR program when working with applicants and eligible individuals to ensure their full participation, based on informed choice, throughout the rehabilitation process.

II. DEFINITIONS:

Informed Choice: A decision-making process in which the participant analyzes relevant information and selects from a range of available options, with assistance from the counselor as appropriate: the employment goal, progress measures, vocational rehabilitation services (including assessment services), and service providers.

III. POLICY: The Agency must provide applicants and individuals eligible for VR services with opportunities to exercise informed choice throughout the VR process, including making decisions about the employment goal, VR services, service providers, settings for employment and service provision, and methods for procuring services. To enable an individual to make such decisions, NHVR must provide information, support, and assistance needed by the individual.

- A.** NHVR will provide, or assist applicants and eligible individuals (or, as appropriate, their representatives) in acquiring information that enables these individuals to make meaningful and informed choices throughout the rehabilitation process. The Agency shall implement informed choice by:
1. providing information about NHVR policies that impact the individual (the counselor provides this information and guidance through modes of communication appropriate to the individual, including support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice).
 2. informing each applicant and eligible individual about the availability of and opportunities to exercise informed choice, including the availability of support services,

3. assisting applicants and eligible individuals in exercising informed choice in decisions related to the provision of assessment services, and
 4. assisting eligible individuals or, as appropriate, the individuals' representatives, in acquiring information that enables them to exercise informed choice in the development of their individualized plan for employment with respect to the selection of the:
 - a. employment outcome,
 - b. specific vocational rehabilitation services needed to achieve the employment outcome,
 - c. entities that will provide the services,
 - d. employment setting and the sites in which the services will be provided, and
 - e. methods available for procuring the services.
- B.** While individuals are encouraged to actively participate, make meaningful choices, and develop all or parts of the IPE, participant choice does not mean that they have complete control over their programs. Vocational rehabilitation counselors must review, consider, and approve all IPEs. They will apply their professional judgment, applicable laws, regulations, policies, and sound planning; and be responsible in the use of public funds.
- C.** Services must lead directly to employment goals that are feasible, timely and attainable within the fiscal constraints of the program. This means that NHVR will only support the most cost-effective option that leads to the individual's employment goal and is required to meet the individual's needs. Cost effectiveness is determined by comparing cost, level of integration, duration, quality, timeliness, proximity, and appropriateness of service options required to meet the individual's needs.
- D.** In some cases, there may be disagreement between the individual's choice and the counselor's professional judgment that cannot be reconciled through discussion and counseling. When this occurs, the internal administrative review process should be utilized (refer to Appeals Policy). Additionally, information should be provided about the mediation process, and impartial hearing process, as well as the availability of the Client Assistance Program. Attempts to resolve the situation informally should continue.
- E.** NHVR will assist the individual to be as independent as possible when deciding on how much assistance they need in developing the IPE and choosing among options. The case record of services will reflect how the individual was informed about, and involved in, choosing among alternative goals, objectives, service providers and methods to obtain services. The IPE will allow for optional comments by the participant. Other areas of participant involvement are documented in case notes.

Reference:

Federal Regulation: 34CFR 361.52

State Rules: Part Ed 1012:

306.P Informed Choice Procedure	
	Revision date: 7/1/2021

See corresponding policy: Informed Choice

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. INTRODUCTION

NHVR's policy on participant involvement is intended to support participants in making informed and meaningful choices about their goals and options for achieving them, in a manner consistent with sound public policy and the use of public funds.

II. PROCEDURE

A. Providing Informed Choice throughout the VR Process

1. Referral Sources: Educate referral sources about participant involvement and informed choice in the VR process

- a. Agencies that refer people to NHVR should be informed of NHVR's policy on participant involvement as part of the ongoing process of our education of referralsources.
- b. Referral sources need to know that while we appreciate any information they can provide about the person's interests and preferences; the determination of what services the agency will support can only be made as part of a rehabilitation counselor developing the IPE with the participant.
- c. Referral sources should be made aware that NHVR considers comparable benefits, financial need, and cost-effectiveness when determining NHVR support for services.

2. Throughout the VR process:

- a. Inform the participant, and their representative, as applicable, about opportunities to make meaningful choices throughout the vocational rehabilitation process, including
 - (1) during assessments for determining eligibility and vocational rehabilitation needs,
 - (2) in the selection of employment outcomes,
 - (3) in the selection of services needed to achieve the employment outcome,
 - (4) in selecting service providers,
 - (5) in selecting an employment setting and the setting in which the services will be provided, and
 - (6) in selecting the methods used to procure services.
- b. Discover most effective modes of communication for the individual so they participate actively in exercising informed choice.

- c. Understand that for individuals who have not had experience in making decisions for themselves, or individuals with significant impairments in communication skills, they may require support and assistance to exercise informed choice.
- 3. Orientation and Intake:** During initial meetings with participants, NHVR staff should emphasize:
- a. The importance of participant involvement in the entire VR process, especially in the development and selection of vocational goals and services or sources that lead to those goals,
 - b. That NHVR's role is to help people go to work and that the services we support must relate to that outcome.
- 4. IPE Development:** The counselor should work to ensure participant involvement in the development of the IPE, including providing opportunities for informed choice.
- a. In developing the IPE, provide the participant, or assist them in acquiring, information necessary to make an informed choice about the specific vocational rehabilitation services needed to achieve the employment outcome and the providers of those services. This information includes:
 - (1) Cost, accessibility, and duration of potential services;
 - (2) Consumer satisfaction with those services, to the extent that this information is available;
 - (3) Qualifications of potential service providers;
 - (4) Types of services offered by the potential providers; and
 - (5) Outcomes achieved by individuals working with service providers, to the extent that this information is available.
 - b. Sources of information concerning services and service providers that may be used include, but are not limited to:
 - (1) Lists of services and service providers;
 - (2) Periodic customer satisfaction surveys and reports;
 - (3) Referrals to other participants, consumer groups, or disability advisory councils qualified to discuss the services or service providers;
 - (4) Relevant accreditation, certification or other information related to the qualifications of service providers; and
 - (5) Opportunities for the individual to visit or experience various work and service provider settings.
 - c. Advise participant early in the process that NHVR is not necessarily the sole source of support in achieving those goals, and that agreement to a goal does not imply NHVR financing of all related services. Financial need, comparable benefits, and cost-effectiveness may limit NHVR's financial contribution in some instances. By involving the individual in the discussion of options and available resources

throughout the counseling process, NHVR can help participants select cost-effective options that will meet their goals.

The participant may prefer a program that is more costly (due to basic program costs or the additional supports it may entail), but NHVR's financial support will be limited to the most cost-effective option, that is, the least costly alternative that provides the supports and services essential for the person to achieve the agreed upon vocational goal. The most cost-effective program may not always be the least expensive; it could be a more expensive program with significantly better placement outcomes.

Examples of cost-effective programs are as follows:

- (1) The individual has a vocational goal that can be achieved through either a business and trade school or a community college. The community college program is less expensive and has a comparable or better placement record. If the individual opts to attend the business school, NHVR will limit its tuition support to the amount that would have been paid to attend the community college.
- (2) The individual's training can be met equally well by two programs, one that includes needed support services and one that would require support services to be arranged separately at extra cost. If all other factors are approximately equal, and if the individual elects to attend the more costly program, NHVR's financial support would be limited to the cost of the program that includes support services. In some cases, it may be less costly to provide room and transportation to an out-of-state program that provides support services, such as interpreters, rather than have someone attend a local program that has no support services.

5. Document participant participation and informed choice in the vocational rehabilitation process.

- a. The options discussed by the participant and counselor, including a comparison of the factors that were considered in determining cost-effectiveness and the reasons for selecting a particular option, should be documented in case notes. This includes but is not limited to:
 - (1) Information about discussions of options and available resources throughout the counseling process,
 - (2) How the individual was informed about and involved in choosing among alternative goals, objectives, service providers, and methods to obtain service, and
 - (3) How the individual was informed of their options for developing their IPE.
- b. If the counselor and participant cannot achieve consensus, the record should indicate the reasons for their respective opinions and that the participant was advised of the appeals process.

		Policy Type	Service Delivery
		Policy Number	307
		Revision #	Original
		Implementation Date	7/1/2021
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Case Records

- I. **DESCRIPTION:** The Agency is required to maintain a record of services for each applicant, and each eligible and potentially eligible individual. This policy directs the information that must be gathered and maintained.
- II. **DEFINITIONS:** There are no specific definitions associated with this policy.
- III. **POLICY:** NHVR will establish and maintain a case record for each person who is potentially eligible or applies for Vocational Rehabilitation services, which includes, but is not limited to, the following documentation:
 - A. Documentation of disability verification for potentially eligible individuals,
 - B. Documentation of application and authorizations to release information, which may include documentation of guardianship or other legal relationship to the individual,
 - C. Documentation of an assessment to determine eligibility and priority for services, which includes:
 1. Statement of eligibility (Eligibility Determination),
 2. Assignment of disability priority (Disability Priority), and
 3. Supporting evidence, including verification of eligibility of SSI or SSDI,
 - D. Documentation that supports a decision of ineligibility when an applicant or service recipient is not eligible or no longer eligible for services,
 - E. Documentation that describes the justification for closing a case for reasons other than ineligibility,
 - F. Documentation supporting the need for, and the plan relating to, the exploration of the abilities, capabilities, and capacity to perform in realistic work situations through the use of trial work experience and the periodic assessments during the trial work experience, if appropriate,
 - G. The Individualized Plan for Employment (IPE) and any amendments to the IPE,
 - H. Documentation describing the extent to which the participant exercised informed choice regarding the:

1. provision of assessment services,
 2. development of the IPE, including the selection of a vocational goal,
 3. specific vocational rehabilitation services, including financial needs if applicable,
 4. selection of service providers,
 5. setting in which the services will be provided, and
 6. methods to procure the services,
- I.** Verification that an individual is compensated at or above the minimum wage and that the individual's wage and level of benefits are not less than that customarily paid by the employer for the same or similar work performed by individuals who do not have a disability,
- J.** Employment Verification, if the participant is employed,
- K.** Documentation of any request by a participant for a fair hearing or mediation,
- L.** Documentation of any request by a participant that the case record be amended,
- N.** Documentation that demonstrates that services provided under an IPE contributed to the achievement of a successful employment outcome,
- O.** Documentation of educational attainment and measurable skills gain, as appropriate, and
- P.** Documentation that the requirements regarding closure have been met (refer to policy re: ineligibility; closure without an eligibility determination, and closure after an eligibility determination).

307.P Case Records Procedure	
	Revision date: 7/1/2021

See corresponding policy: Case Records

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. INTRODUCTION

The purpose of the case records policy is to ensure maintenance of records retained on participants of the agency.

II. PROCEDURE

- A. A case record will be created for a potentially eligible individual who receives pre-employment transition services and an individual who applies for vocational rehabilitation services. The case record will include required documentation.
- B. Required Documentation for a Potentially Eligible Individual
 - 1. Registration form for pre-employment transition services with the identification of a student's disability, signed by the student or their parent/guardian if the student is not their own guardian; and
 - a. Certified by school staff; or
 - b. Accompanied by a Copy of an individualized education program (IEP) document, SSA beneficiary award letter, school psychological assessment, documentation of a diagnosis or disability determination or documentation relating to 504 accommodation(s).
- C. Required Documentation for a Vocational Rehabilitation Applicant:
 - 1. Application for VR Services
 - 2. Personal Information form
 - 3. Medical, psychiatric, and/or psychological information used to determine eligibility
 - 4. Documentation of eligibility letter to participant, including ineligibility
 - 5. Individualized Plan for Employment (IPE)
 - 6. Amendments to the IPE
 - 7. Employment documentation including earnings and start date
 - 8. Annual Reviews or Progress Appraisals
 - 9. Closure form

References: Federal Regulation: 34CFR 361.47; State Rules: 1010.14:

	Policy Type	Service Delivery	
	Policy Number	308	
	Revision #	1	
	Implementation Date	7/1/2021	
Page #	1 of 4	Last Reviewed/Update Date	4/1/2022

Fees and Expenditures

I. DESCRIPTION: Provides policy for the use of fees and expenditures in the provision of services.

II. DEFINITIONS:

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.

Pre-employment transition services: The required activities and authorized activities specified in 34 CFR 361.48(a)(2) and (3).

- III. POLICY:** Goods and services shall be purchased based on the individual services necessary to complete an assessment for the determination of eligibility, or as specified in an Individualized Plan for Employment (IPE) in accordance with the Bureau's Medical Fee Schedule, Community Rehabilitation Provider Fee Schedule, and Operational Manual. Pre-Employment Transition Services (Pre-ETS), or Auxiliary Aids and services necessary for the provision of Pre-ETS, may be purchased for potentially eligible individuals prior to application as well. Payments made must be reasonable and necessary for the individual's success.
- A.** Case service expenditures require written authorization documented in the case management system prior to the initiation of the service or the purchase of any good. Oral authorizations are permitted in emergency situations, but must be promptly confirmed in writing and forwarded to the provider.
 - B.** Counselors will refer individuals to other agencies and organizations to secure necessary services if such services are not available under the Rehabilitation Act as Amended or in those instances where a comparable benefit is available from other agencies or organizations.
 - C.** Prior to purchasing services not specifically exempt in the 'Financial Participation in Cost' policy, the individual's and/or their immediate family's ability to contribute financially to the provision of services shall be demonstrated through a financial needs assessment in accordance with NH Department of Education rules. The financial needs assessment shall be used for determining the extent of the individual's participation in the costs of vocational

rehabilitation services, and a strategy for this participation will be agreed upon prior to the expenditure of funds.

- D.** If an individual has been found financially eligible within the past year by a means test from another public benefit program by any state or federal agency, it shall be assumed that financial need exists under the VR program. Written evidence of this eligibility is required from those authorities. Examples would include, but are not be limited to, a verification of receipt of SSI or a written notice of financial eligibility from the NH Department of Health and Human Services.
- E.** Purchase/Reimbursement Restrictions: NHVR is restricted from purchasing, or reimbursing others for the purchase of, the following goods and services under any circumstances:
 - 1. vehicles licensed to operate on public thoroughfares,
 - 2. the purchase of land or buildings, or
 - 3. goods and services contradictory to State or Federal Law, such as
 - a. marijuana in any form, or related equipment, or
 - b. payments directly made to an employer in the marijuana industry
- F.** In the event that NHVR is restricted from purchasing, and/or reimbursing for, a good/service, the Counselor may assist the participant in finding other avenues to obtain the good/service when it is considered necessary and appropriate to reach the employment objective.
- G.** Payment for services: Reports from the vendor must be received identifying the nature of the service, dates of services, costs and, when appropriate, the impact of service before payment will be rendered.
- H.** Direct payments to a program participant: NHVR may make direct payments to a program participant for Transportation, Reimbursement, Advance Payment, or a payment to a Financial Advocate. NHVR will only reimburse or advance pay participants for subscriptions, technological applications (apps), maintenance (rent, utilities, etc.), exams, and license fees when payment is required at application for the license, or at the discretion of the VR Supervisor for other unique circumstances. Direct payments are not intended to circumvent the Bureau's purchasing requirements, or to allow a vendor to be a service provider in the State while not in good standing. Participants should not make purchases with the intent of being reimbursed prior to agreement with the counselor.
 - 1. Customer Transportation – NHVR may provide funds to a participant for projected travel in association with a training program, employment, or job search. This is authorized on a monthly basis. Backup documentation includes either a travel calculator or a quote from a taxi or bus company the participant will use.
 - 2. Customer Reimbursement – NHVR may reimburse a participant for an expenditure they personally made if agreed upon by the participant and counselor, and the service or

product is reflected in the plan for employment. Backup documentation includes either a cash receipt, bank statement or transaction log, or a credit card statement in the participant's name showing the purchase. Statements and transactions must be able to be verified to the participant by means of account holder name or account number through additional documentation if necessary. The bureau will not reimburse for any purchase made using a gift card, store credit, or other similar method for which ownership is not verifiable.

3. **Advance Payment** – NHVR may pay a customer for an anticipated expense if agreed upon by the participant and counselor, and the service or product is reflected in the plan for employment. This option should only be used as a last resort, and all other options must have been explored. Backup documentation includes a quote for the item or service that will be purchased. Quotes are required for items or services over \$100.00 unless sole source justification is provided. In addition, a case note must accompany the authorization explaining the exploration of other payment options.
 4. **Financial Advocate** – NHVR may reimburse a participant's financial advocate for an expenditure they made on behalf of the participant if agreed upon by the participant and counselor, and the service or product is reflected in the plan for employment. Backup documentation includes a written statement from the financial advocate explaining who they are and why they made the purchase on behalf of the participant, in addition to one of the following: cash receipt, bank statement or transaction log, or a credit card statement in the financial advocate's name showing the purchase. Statements and transactions must be able to be verified to the financial advocate by means of account holder name or account number through additional documentation if necessary. The bureau will not reimburse for any purchase made using a gift card, store credit, or other similar method for which ownership is not verifiable.
- H.** Providers of services, including interpreters and providers of physical and mental restoration services, shall be qualified in accordance with any applicable national or state approved or recognized certification, licensing, or registration requirements that apply to the discipline or industry of the services provided.
- I.** Choosing a Provider:
1. The participant in need of a service may choose the provider unless:
 - a. the provider's fee substantially exceeds that of others in the field or the provider refuses the fees established in a NHVR FeeSchedule,
 - b. the provider refused to accept payment from NHVR or from a comparable benefit source, or
 - c. travel and related costs to the agency to get to/from the provider of choice substantially exceed the costs to get to a closer provider (unless another source bears the costs).
 2. If a participant chooses a provider whose fee substantially exceeds fees of others, NHVR may provide the lesser amount if the participant or another source provides the

difference.

3. If they are based in New Hampshire, the service provider must be in good standing with the State of New Hampshire, and all service providers must not be excluded from doing business with the United States Government.
4. Prior to selecting a new vendor, the vendor must be approved by at least the VR Supervisor and potentially the Director or Field Service Administrator per NHVR procedure.

308.P Fees and Expenditures Procedure	
	Revision date: 4/1/2022

See corresponding policy: Fees and Expenditures

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. INTRODUCTION

NHVR's policy on fees and expenditures provides a framework for expenditures and the use of public funds.

II. PROCEDURE:

Link to operational manual online at: (note: need to be connected to state network to use this link: http://hzndoevrpts1p/intranet/vrIntranet/docs/Operational_Manual.pdf)

- A. All services must be pre-authorized. The only exception is if it is an emergency; i.e., a serious, unexpected, and potentially dangerous situation requiring immediate action. Examples might include situations where, without that service the individual will be seriously injured or will lose their employment and an authorization cannot be generated immediately.
 - 1. Oral authorization should be documented in case notes and include what service was authorized, how many units, the time frame of authorization, and what the emergency situation was.
 - 2. When creating the written authorization, a comment should be added to the authorization documenting that the service was previously authorized orally.

- B. Payment for Services: All invoices are reviewed and approved by counselors or VR Supervisors prior to payment. Such approval can either be electronic through the case management system or by initialing the physical invoice. In addition, the counselor or VR Supervisor should ensure proper documentation (e.g. report) has been received from the vendor to ensure satisfactory services have been provided.

- C. Payment for goods: Prior to processing a payment for a good, a staff member must receive written confirmation of receipt from the participant, signed by the participant, email from the participant acknowledging receipt, or a Receiving and Inspection Report (R&I) signed by the participant. Should payment need to be processed prior to a participant receiving the item (i.e., payment using an Agency Procurement Card), or if the office is unable to acquire the required participant documentation, a case note related to the payment from the Rehabilitation Counselor III or VR Supervisor is needed. The case note documents the reason

why the participant has not received the item at the time of payment or why the office was unable to acquire documentation verifying receipt. If documentation was not received, the case note must contain the reason why, attempts made to obtain the documentation, the date in which the items were received, and who the staff member communicated with confirming receipt or why the office was unable to acquire documentation verifying receipt. If documentation was not received, the case note must contain the reason why, attempts made to obtain the documentation, the date in which the items were received, and who the staff member communicated with confirming receipt.

- D.** Direct payments to a program participant: VR will only reimburse or advance pay participants for subscriptions, technological applications (apps), maintenance (rent, utilities, etc.), license and license fees when payment is required at application for the license, or other unique circumstances with the approval of the VR Supervisor. VR Supervisors should ensure all other options to acquire the good or service have been explored prior to authorization for the good or service not listed above.

References: Federal Regulation: 34CFR 361.50(c); State Rules: Part Ed 1010.16

		Policy Type	Service Delivery
		Policy Number	309
		Revision #	Original
		Implementation Date	7/1/2021
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Policy Title: Appeals Process

- I. **DESCRIPTION:** An applicant or eligible individual for NHVR services who is dissatisfied with any determination made by NHVR concerning the provision of services may seek to resolve that dissatisfaction through Mediation and/or Impartial Hearing. The objective of mediation is to reach a mutually agreeable solution, as quickly as possible, preferably before a formal Impartial Hearing.

NHVR will assist individuals to be active participants in their program and advise them of their rights, the steps of the Administrative Review, Mediation and Impartial Hearing processes and the availability of assistance from the Client Assistance Program (CAP) when:

- A. an application is made,
- B. an ineligibility decision is made,
- C. an individualized plan for employment (IPE) is developed,
- D. a potential impasse is reached or services are reduced, suspended or terminated,
- E. a case is closed, or
- F. the assignment of an individual to a priority category, if order of selection is in effect.

II. **DEFINITIONS:**

Fair Hearing: A formal procedure whereby an individual who is dissatisfied with any determinations concerning the provision or denial of Vocational Rehabilitation services may seek a re-determination of the action before an impartial hearing officer.

Good Cause: Adequate or substantial grounds or reason to take a certain action.

Impartial hearing officer/mediator: An individual, trained with respect to due process and the performance of official duties as a hearing officer or, for mediators, trained in effective mediation techniques, who

- A. is not an employee of a public Agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education),
- B. is not a member of the State Rehabilitation Committee (SRC),
- C. has not been involved previously in the vocational rehabilitation of the applicant or eligible individual,
- D. has knowledge of the delivery of VR services, the State plan, and the Federal and State regulations governing the provision of services, and

- E. has no personal, professional, or financial interest that would be in conflict with the objectivity of the individual.

Mediation: A formal process of using an independent third party to act as an intermediary, mediator, or conciliator to assist in settling disputes prior to pursuing formal administrative or other legal remedies.

III. POLICY:

A. General Provisions

1. An applicant or eligible individual, or their representative, shall be informed throughout the vocational rehabilitation process of the following: (notification must be made when the individual applies for services, a determination regarding eligibility is made, at the time of Plan development and whenever a change is made to the IPE).
 - a. their right to mediation and/or Fair Hearing,
 - b. the procedure for requesting a review and re-determination of Agency action concerning the furnishing or denial of services, including the names and addresses of individuals with whom appeals may be filed and an explanation of their intended purpose, and
 - c. the Client Assistance Program and how to contact them.
2. NHVR shall make reasonable accommodation to the individual's disability in the conduct of the appeals process.
3. Continuation of Services: Pending a final determination of a Fair Hearing, or Admin Review procedures, NHVR may not suspend, reduce, or terminate services being provided under an IPE or assessment services, unless the services were obtained through misrepresentation, fraud or collusion, or criminal conduct of the individual, or if the individual or their authorized representative, requests suspension, reduction, or termination of services.
Exception: When discontinuation of the service is the result of a third party provider's decision over which the Agency has no control. When the service is discontinued as a result of a third-party decision, the Agency shall make every effort to assess the circumstances with the affected individual and make an appropriate and expedited amendment to the IPE.

B. Administrative Review

1. An applicant for, or recipient of, vocational rehabilitation services who is dissatisfied with any determination made by the Agency concerning the furnishing or denial of services may request a timely review of the determination.

2. NHVR will attempt to resolve conflicts informally at the lowest possible level between the participant and Agency staff. When requested, administrative reviews will follow the following process, unless a resolution is achieved:
 - a. review by the assigned Vocational Rehabilitation Counselor (VRC),
 - b. review by the supervising Regional Leader, and
 - c. finally review by the Director or their designee.

C. Fair Hearing

1. The individual must request a Fair Hearing within thirty (30) days after notification of the final decision of the Director or designee.
2. The request for a Fair Hearing shall be in writing and shall describe the complaint. In those instances where a written request is a burden to the individual, oral requests or requests through a third party will be entertained.
3. The Fair Hearing shall be conducted within sixty (60) days of receipt of the request, unless otherwise agreed upon by all parties.
4. A Fair Hearing will be conducted by an impartial hearing officer selected at random from a pool of qualified persons identified jointly by the Director of the Agency and the State Rehabilitation Council.
5. NHVR may not deny or dismiss a request for Fair Hearing unless the individual or his/her representative
 - a. withdraws the request in writing; or
 - b. is adjudged by the Fair Hearing officer to be in default for failure to appear at the hearing without good cause.
6. The Fair Hearing shall be conducted and a recommended decision shall be issued in accordance with the New Hampshire Administrative Procedures Act. (RSA 541-A).
7. The decision, or part of the decision, of the impartial hearing officer, that supports the applicant or eligible individual can only be overturned or modified by the reviewing official, based on clear and convincing evidence that the decision of the impartial hearing officer is clearly erroneous, since it is contrary to the approved State Plan, the Act, Federal Regulations, or any state regulation or policy that is consistent with federal requirements.
8. The Fair Hearing decision shall be considered final by the Agency pending the outcome of further civil action. Either party may file a civil action challenging the impartial hearing officer's decision. The civil action may be filed in state court or in federal district court. Should a civil action be filed, records relating to the hearing will be provided to the court, which can hear additional evidence at the request of either party, and render a decision, based on the preponderance of evidence, and grant appropriate relief.

D. Mediation

1. The individual may request mediation within thirty (30) days after notification of the final decision of the Director or designee.
2. The request for a mediation shall be in writing and shall describe the complaint. In those instances where a written request is a burden to the individual, oral requests or requests through a third party will be entertained.
3. The mediation shall be conducted within thirty (30) days of receipt of the request, unless otherwise agreed upon by all parties.
4. Mediation will be conducted by an impartial mediator selected at random from a pool of qualified persons identified jointly by the Director of the Agency and the State Rehabilitation Council.
5. Mediation services will be arranged at a time that is convenient to the applicant for, or recipient of, vocational rehabilitation services and a designated Vocational Rehabilitation staff person.
6. At the initial meeting with a mediator, the applicant for, or recipient of, vocational rehabilitation services and the VR staff person will agree on the issue to be decided, the process, and the time period during which mediation will occur.
7. Applicants for, or recipients of, vocational rehabilitation services who choose mediation remain eligible for a fair hearing before an impartial hearing officer within 60 days from the point of filing a request for the hearing.

309.P Appeals Procedure	
	Revision date: Original 7/1/2021

See corresponding policy: Appeals

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. INTRODUCTION

The purpose of the appeals procedure is to assure that all applicants and participants of NHVR receive information regarding their rights to appeal, and upon appeal receive consistent application of review processes.

The policy and procedure is designed to assist individuals who are dissatisfied with any determination made by NHVR staff concerning the provision of services. It provides them opportunity to seek and receive a timely review of the decision and resolution of any disagreement. Throughout the due process, staff should continue to attempt to reach resolution with the individual in the most collaborative and least confrontational manner possible.

II. PROCEDURE:

- A. The Agency encourages participants and staff to attempt to resolve issues on an informal basis.
- B. Staff and participants should consult with the appropriate supervisor, or central office representative when there is an unresolved disagreement about the provision of services or other program issue.
- C. Even though the Agency should try to resolve disputes as informally as possible, mediation and administrative hearings are a legal right available to participants. It is therefore imperative that participants be informed of the availability of these redress procedures and the timeframes that they must follow to exercise their rights.
- D. Ensure awareness of Appeals opportunities
 - 1. The Client Assistance Program (CAP) brochure will be displayed in each office's reception areas.
 - 2. Individuals will be informed about the availability of due process at application during the initial interview process.

- E. When requests for review are received, staff must try to resolve participant dissatisfaction in the most expeditious and simple manner possible, while adhering to federal and state law and NHVR policy. By endeavoring to resolve dissatisfaction in the simplest manner possible, including discussion with the counselor's supervisor, staff help assure that issues do not evolve into more confrontational situations.

		Policy Type	Service Delivery
		Policy Number	310
		Revision #	1
		Implementation Date	7/1/2021
Page #	1 of 12	Last Reviewed/Update Date	9/1/2022

Order of Selection

- I. DESCRIPTION:** The Rehabilitation Act requires that if NHVR cannot serve all eligible individuals who apply for services, a process (Order of Selection) must be developed to establish the order in which individuals with disabilities will be provided services. The Order of Selection Policy is in effect but not put into operation unless Order of Selection is declared. This policy outlines the equitable means NHVR has established to determine how eligible individuals will be selected to receive services if there is an Order of Selection in place. As mandated by law, individuals with the most significant disability must be served first.

NHVR will base the determination of who may receive services only on the significance of an individual's disability and by the date of application for NHVR services.

Order of Selection in no way affects the eligibility process. Eligibility determination follows all existing policy and procedure.

In May 2018 the New Hampshire Bureau of Vocational Rehabilitation (NHVR) entered an Order of Selection.

II. DEFINITIONS:

Individual with a significant disability: An individual with a disability—

- a. Who has a severe physical or mental impairment that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;
- b. Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and
- c. Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental 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 for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

Individual with a most significant disability: An individual with a significant disability:

1. Who has a significant mental or physical impairment that seriously limits 3 or more functional capacities such as mobility, motor skills, communication, self-care, self-direction, interpersonal skills, and work tolerance or work skills in terms of employment goals; and
2. Whose vocational rehabilitation is expected to require 3 or more vocational rehabilitation services over a period of 6 months or longer;

Individual with a less significant disability: An individual with a disability who does not meet the definition of an individual with a most significant or significant disability.

Post-Employment services: One or more of the services identified in 34 CFR 361.48(b) 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 unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Pre-employment transition services: The required activities and authorized activities specified in 34 CFR 361.48(a)(2) and (3).

III. POLICY: NHVR will enter an Order of Selection (OOS) when one of two criteria are met: 1) the agency does not have adequate staff to provide all customers service, or 2) the agency does not have the financial resources to provide services to all current customers and new customers. Should NHVR enter an OOS, the order assures that individuals with the most significant disabilities will be served first. (reference Disability Priority policy)

A. Ability to serve all eligible individuals and OOS for services.

NHVR will make every effort to utilize resources to provide a full range of services to all eligible individuals in the State who apply for VR services. In the event that vocational rehabilitation services cannot be provided to all eligible individuals in New Hampshire who apply for the services, the Agency will adopt an OOS. The order to be followed in selecting eligible individuals to be provided vocational rehabilitation services is defined in policy and in the vocational rehabilitation services portion of the State's Combined State Plan.

B. Prohibited Factors. The following factors cannot be used in determining OOS of eligible individuals:

1. Any duration of residency requirement, provided the individual is present in the State,
2. Type of disability,
3. Age, gender, race, creed, color, national origin, marital status, sexual orientation, or political affiliation,
4. Source of referral,

5. Type of expected employment outcome,
6. The need for specific services or anticipated cost of services required by an individual, or
7. The income level of an individual or an individual's family.

C. Specific Administrative Requirements. In administering an OOS in the State, the Agency will

1. implement the OOS on a Statewide basis,
2. assure that all applicants are to receive whatever diagnostic services are necessary for the determination of eligibility and significance of disability without regard to the OOS,
3. in determining the Priority Category, ensure persons are placed in the highest category for which they meet the OOS priority category criteria,
4. assure all eligible persons shall, after determination of eligibility, be classified by Priority Category I, II, or III. (The OOS will have no effect upon the eligibility determination for the individual, only upon the order in which such person may receive vocational rehabilitation services.),
5. notify all eligible individuals of the priority categories in a State's OOS, their assignment to a particular category, and their right to appeal their category assignment,
6. continue to provide services to any participant who has begun to receive services irrespective of the severity of the individual's disability as follows—
 - a. the Agency will continue to provide pre-employment transition services to students with disabilities who were receiving such services prior to being determined eligible for vocational rehabilitation services, and
 - b. the Agency must continue to provide to an eligible individual all needed services listed on the individualized plan for employment if the individual had begun receiving such services prior to the effective date of the State's OOS,
7. continue to provide services to participants at immediate risk of losing their current job regardless if in an open or closed priority group, and
8. update an individual's priority category, as appropriate.
 - a. If an individual submits additional documentation that supports movement from a less significant to a more significant priority category, the information will be reviewed and NHVR will determine if the individual should be reclassified and moved to a more significant priority category (e.g., an individual was presumed to be eligible and have a significant disability based on an SSA award letter; however, additional medical documentation was later submitted to substantiate that the individual was an individual with a most significant disability).
 - b. Although a person's circumstances may change so that they are no longer eligible for a particular Priority Category, the person will remain in that category unless the change favors them. This will not apply to

misclassification; a misclassified person, if moved to a less favorable Priority Category, will be advised of the change in writing and provided with appeal rights and information on the Client Assistance Program.

D. State Rehabilitation Council

1. The Agency will consult with the State Rehabilitation Council regarding the—
 - a. need to establish an OOS, including any reevaluation of the need,
 - b. priority categories of the particular OOS,
 - c. criteria for determining individuals with the most significant disabilities, and
 - d. administration of the OOS.
2. A full review of the OOS, with input from the State Rehabilitation Council, shall take place at least annually.

E. Priority Categories. The Rehabilitation Act places emphasis on VR services for persons with the most significant disabilities and assigns priority to meeting the needs of that group. This requirement is to assure that, in event that VR services cannot be provided to all eligible persons in the State, the needs of those with the most significant disabilities will be given priority. When the NHVR Agency determines that services cannot be provided to all eligible individuals who apply, an OOS will be implemented as follows:

1. Priority One: Most Significant Disability(MSD)
2. Priority Two: Significant Disability (SD)
3. Priority Three: Less Significant Disability(L-SD)

F. NHVR Statewide Wait List for OOS

1. NHVR may operate under a Statewide Wait List when resources (e.g. fiscal, personnel) are inadequate to meet the service needs of all individuals in the current or next fiscal year.
2. An individual is placed on the VR OOS Wait List based on assignment of their priority category under OOS and then date of application.
3. Students who have begun to receive pre-employment transition services prior to eligibility determination and placement in a closed priority category will continue to receive any and all pre-employment transition services while assigned to a wait list. However, individualized VR services only available under an individualized plan for employment (IPE) will not be available to students on a wait list, until they are removed from the wait list and have an approved IPE.
4. Individuals, who have begun to receive services under an IPE, prior to the effective date of the Statewide Wait List, shall continue to receive services regardless of the priority category assigned under OOS.
5. Individuals who are placed on the Statewide Wait List shall be provided information about and referral to other local programs.
6. If an individual's priority category under OOS is amended and they are still on

the Statewide Wait List, their placement shall be reprioritized by date of application.

G. Determination to Serve

1. NHVR reserves the right to determine how many Priority Categories shall receive vocational rehabilitation services at any given time.
2. When sufficient funds are available to serve additional or all individuals who apply for and are determined eligible for services, categories within the OOS will be opened in order (1 (MSD), 2 (SD), 3(L-SD)). Management determines the effective date to open categories.
3. Whenever it is determined that NHVR resources for services are available for eligible persons in a closed Priority Category, such eligible persons shall receive services in the order in which they applied for NHVR services. NHVR reserves the right to determine how many eligible persons within a closed Priority Category may receive services at any given time. This number will be determined by reviewing available resources and anticipated costs. As many persons will be served as resources allow.
4. NHVR shall release individuals from the Statewide Wait List in the following order:
 - a. By their priority category under OOS, and
 - b. By their application date.
5. All individuals will be served in a priority category, and the wait list will be cleared, before the next priority category will be opened, starting with the most significant priority category.

H. Statewide Wait List Termination

The Statewide Wait List shall end when the Director, or designee, determines that adequate resources (i.e., fiscal and/or human resources) are available to provide services to all individuals who meet the eligibility criteria.

I. Implementing an OOS

1. The agency must provide a full range of vocational rehabilitation services, as appropriate, to all eligible individuals who apply. In the event that these services cannot be provided to all eligible individuals in the State, the agency must implement an OOS. Vocational rehabilitation services shall be provided based upon availability of funds. New Hampshire Vocational Rehabilitation implemented an OOS with its VR program effective May 2018.
2. All applicants are to receive the diagnostic services that are necessary for the determination of eligibility and significance of disability without regard to the OOS.
3. In determining the Priority Category, persons are to be placed in the highest category for which they are eligible.

J. OOS Categories

1. After determination of eligibility, all eligible persons shall be classified by Priority Category. The OOS will have no effect upon the eligibility of the person but only upon the order in which such persons may receive vocational rehabilitation services.
2. Individuals applying for or receiving services shall be placed in priority categories. Depending upon Agency resources, the categories shall be closed for services in ascending order beginning with Category 3 (L-SD) and proceeding to Categories 2 (SD) and 1 (MSD). Services shall be provided only to those individuals in an open category. All individuals who were in an Individualized plan for employment when the order was implemented will continue to receive services without an interruption in their plan.
3. Under the OOS, the agency will continue to emphasize and provide pre-employment transition services to students with disabilities who began such services prior to eligibility determination to ensure a smooth transition from school to work.
4. NHVR staff will be advised via formal issuance when categories are closed or reopened.

K. Notification of the Individual of Priority Status

1. The counselor will notify all eligible individuals, in writing, at the time of eligibility determination of
 - a. the priority categories in the OOS
 - b. their assignment to a particular category and, if applicable, placement on a statewide wait list.
 - c. The notification shall be their appeal rights and the availability of services from a Client Assistance Program (CAP).
 - d. their right to appeal their assignment to a particular category
 - (1) Any eligible person may request mediation or fair hearing to appeal his/her classification by Priority Category. This request must be made within thirty (30) days after notification of classification by Priority Category.
 - (2) If a request for mediation fair hearing is made, priority classification shall not be changed pending completion of the appeals process.

L. Delayed Status (Wait List)

1. An individual's priority in the OOS will be determined at the time of eligibility based on the individual's current situation and not based on projected job goals, specific services needed, or limitations the individual might have in the future. A participant can subsequently be moved to a higher priority group if information becomes available indicating additional or more severe functional limitations.
2. Any eligible individual not being served due to OOS will be placed on a wait list. A statewide list will be maintained for each of the significance of disability categories. The order in which an individual is placed on the wait list is based on the date of application. The wait list is overseen from NH Vocational Rehabilitation's Administrative Office. As resources become available, individuals on the wait list will be

notified when services can be provided.

- a. All eligible individuals must be notified of the priority categories used by NHVR in an OOS, what significance of disability category they have been assigned to, and their right to appeal their category assignment.
- b. Eligible individuals who cannot presently be served under the Priority of Services/OOS will be advised that their case will be placed on a waitlist.
- c. For all individuals placed on a wait list, NHVR will provide information and referral regarding job-related services. This may include referring individuals with disabilities to other appropriate federal and state programs, including other components of the statewide workforce system. NHVR staff must give individuals a specific point of contact within the agency to which the individual is being referred, as well as information and advice regarding the most suitable services. The provider to whom a referral is made is to receive a letter of notice regarding a referral being made.

M. Service Provision in Delayed Status. While an individual is on the wait list, no vocational rehabilitation services will be provided except as provided below. Provision of these services in delayed status shall be documented in case notes.

1. Information and Referral should be provided to individuals being placed on the wait list. Consideration should be given to referral to a community college, especially if the individual can access a tuition waiver, to Centers for Independent Living, and to American Job Centers as well as other local resources, as appropriate.
2. Referral for Job Placement may be provided to no-cost (comparable benefit) providers (e.g., the local American Job Center), as indicated in the Eligible- Delayed letters.
3. Pre-employment transition services to students with disabilities who were receiving such services prior to being determined eligible for vocational rehabilitation services.
4. Exemption to the provision of services for individuals who are in immediate danger of job loss.

N. Updating the Priority Category under OOS

1. If new information is received by VR Staff at any point during an eligible individual's case, it shall be evaluated and if applicable, the Agency shall determine if the original priority category under OOS should be amended.
2. Although a person's circumstances may change so that they are no longer eligible for a particular Priority Category, the person will remain in that category unless the change favors them. This will not apply to misclassification; a misclassified person, if moved to a less favorable Priority Category, will be advised of the change in writing and provided with appeal rights and information on the Client Assistance Program.

O. Notification of Eligible Individuals

1. Notification of Reassignment in a Priority Category and Appeal Rights:
 - a. All persons eligible for NHVR services shall be classified by Priority Category at the

- time of their certification of eligibility or as soon thereafter as possible.
- b. Individuals shall be appropriately notified, in writing, at the time of assignment or reassignment to a priority category under OOS and, if applicable, placement on a statewide wait list.
 - c. Included in the notification shall be their appeal rights and the availability of services from a Client Assistance Program (CAP).
 - d. Any eligible person may request mediation or fair hearing to appeal his/her classification by Priority Category. This request must be made within thirty (30) days after notification of classification by Priority Category.
 - e. If a request for mediation or fair hearing is made, priority classification shall not be changed pending completion of the appeals process.
2. Ongoing Contact: Contact letters will be sent to individuals on the wait list (deferred status) at least every 180 days (at least every 90 days to category 1). These letters will ask the participant to contact the responsible VR counselor to express continued interest in VR services and to provide information about any changes in their disability status. Lack of response to two such contact letters may be cause to initiate normal closure procedures.

P. Initiating Services for Individuals Referred from the OOS Wait List

1. When funding is not sufficient to serve all eligible individuals, those in Priority Group One (MSD) will be served first, those in Priority Group Two (SD) second, and those in Priority Group Three (L-SD) served last. Should a participant be assigned to a closed priority group, the participant will be given the opportunity to be placed on a wait list until resources are available to remove participants from the wait list to receive services.
2. The Director, or designee will determine when it is appropriate to implement procedures to reestablish or maintain contact with individuals while they are on the OOS wait list. Factors to consider are the length of time an individual has been on the list and the anticipated time before the individual's category will open.
3. Upon receipt of a case transferred from the OOS wait list, the VR counselor takes steps to contact the individual within five working days. Telephone contact is acceptable; however, if efforts to contact the individual by telephone are not successful within 2 days, a letter must be sent by the third day, scheduling the individual for an appointment. The appointment is scheduled no later than 10 working days from the date the letter is sent.
 - a. Counselors need to consider the communication needs of the individual, including the need for information in alternate formats when initiating contact by telephone or letter.
 - b. If an individual missed a scheduled appointment or does not respond to an initial letter by the specified date, a certified letter is sent within 3 working days explaining that if the individual does not contact NHVR within 10 days to initiate services, the case service record will be closed. The letter will include information explaining the current status of the wait list and instructions on how to reapply at a later time.
 - c. Reasonable and timely efforts will also be made to verify or find updated

telephone numbers and addresses, to contact the referral source, and/or to contact person(s) identified on the application or otherwise in the case service record.

- d. If the date identified in the closure notification letter passes and there is no response from the individual and efforts to locate the individual through other sources have not resulted in contact, the case will be closed.
- e. Steps to contact each individual are documented in the case management system narrative and filed in the case service record.

Q. Individuals not ready to Proceed with IPE Development upon Referral from the OOS Wait list

1. If a VR counselor contacts an individual to initiate services and he/she is not ready to begin working with VR, the VR counselor needs to help the individual make an informed decision about how to proceed. NHVR cannot 'hold' a spot on the wait list nor can an individual be put back at the top of the list. The VR counselor needs to discuss the reasons the individual is not ready to proceed and whether a reasonable time frame can be agreed upon to resolve the issues. The VR counselor and individual will make plans to proceed with vocational planning and IPE development within a reasonable time period or to close the case. In some cases, closing the case and submitting a new application at later date may be the most appropriate option.

R. Information and Referral (I&R)

1. New Hampshire VR must provide information and referral to community resources and partners in the statewide workforce system. Referrals may also be made to Independent Living Centers, mental health counseling facilities, counseling services, Employment Networks (EN), college and university career centers, and services for students with disabilities offices. VR needs to provide information and guidance when referring to the most suitable services to assist the individual with their employment needs and a specific contact point, as appropriate.
 - a. When operating under OOS, NHVR is required to offer a formal, discreet Information and Referral (I&R) service to individuals who cannot be served and must wait for services because of the OOS.
 - b. NHVR must document and retain information about referrals to other federal and state programs that provide employment-related services. Information and referral services will be documented in case notes.

S. Information and Referral Requirements

1. Federal regulations establish minimum requirements under information and referral (I&R) as follows. NHVR must:
 - a. provide individuals with accurate vocational rehabilitation information and guidance (which may include counseling and referral for job placement) to prepare

for, get, or keep a job, and

- b. refer individuals with disabilities to other federal or state programs that are best suited to address their specific employment needs, including partners in the workforce system.

T. Counseling and Guidance

1. To provide individuals with accurate VR information and guidance, which may include counseling and referral for job placement, a VR counseling staff member will talk to the individual about their need to prepare for, get or keep a job. The VR counseling staff member will provide advice and guidance about how the individual might proceed, explains referral sources available, and offers to initiate a referral to another program, if appropriate. These interactions occur in the course of other activities, such as completing the application, intake and eligibility determination.
2. For individuals who choose not to apply for NHVR services because of the OOS, a general guideline is to limit I & R services to one appointment. The VR counselor will NOT establish an on-going counseling relationship nor perform follow-up services regarding I&R.

U. Counseling and Guidance –Referrals

1. Each office will maintain a list of federal and state programs with which NHVR has established a formal referral relationship. It is expected that the NH One-Stop Centers will be used extensively, but not exclusively, for the referral of individuals who either choose not to apply for, or are on a wait list to receive NHVR services. Because of limited resources in some areas and the unique needs of some individuals with disabilities, there will not be an appropriate program available to every person.
2. VR counseling staff may provide referral for job placement. If the individual intends to engage in independent, self- directed job search or related activities, the VR counseling staff member may provide a referral to another agency, such as NHWORKS partners, to assist the individual in this effort.

V. Documenting a Referral

1. All referrals to employment-related programs must be documented, including referrals for individuals who have applied and are waiting for services, and referrals for individuals who choose not to apply for services because of the OOS. Each VR Supervisor, or designee, will identify and maintain the list of regional referral sources that require a referral. Each time an individual is referred to one of the listed organizations, the VR counseling staff member needs to document the referral in the case notes along with copies of any written referrals. Every case will identify that appropriate referrals were made prior to transferring the case to the OOS wait list, or the case service record will document efforts to locate referral sources and the reason(s) a referral was not provided.
2. If an individual requests a referral, the VR counseling staff member will prepare and

send a written referral to the organization. In addition, the VR counseling staff member will provide the individual being referred with the following:

- a. a copy of the written referral notifying the other Federal or State program about the referral,
- b. the name of the person in that organization to be contacted by the individual being referred, and
- c. information about the most suitable services to prepare for, secure, retain, or regain employment.

W. Pre-employment Transition Services

1. Students who are considered “potentially eligible” for VR services will receive pre- employment transition services regardless of the OOS.
2. Students with disabilities who apply for VR services and who began receiving pre-employment transition services prior to applying for and being determined eligible will continue to have access to pre-employment transition services even if their priority group is closed.
 3. Any student with a disability that has applied for VR services who is not yet participating in pre-employment transition services when the eligibility determination is made, and who is placed in a closed priority group, will be served, when funding is sufficient, in the order of application date. VR will take steps to initiate pre- employment transition services during the VR application intake appointment, so that any student who qualifies may be able to receive pre-employment transition services while on the wait list.
 4. Any student with a disability who is determined eligible for VR services and placed in an open priority group can receive the full range of services offered though VR including pre- employment transition services and individualized VR services.

X. Exception to Policy on OOS

1. Job retention is a priority of WIOA, and New Hampshire VR has established an exemption to the Priority Groups. The participant must be currently working and is at immediate risk of losing his or her current job and is in the need of specific services or equipment that would enable him or her to maintain that employment.
2. The VR Counselor will determine eligibility and assign a priority group based on the individual’s functional capacities. No matter what priority group the participant is assigned to or if the priority group is open or closed, this participant will receive specific services or equipment to maintain employment.
3. Documentation of immediate risk to job is required prior to providing services, e.g. letter from employer, copy of the letter of warning
4. Services are limited to specific services or equipment necessary to maintain employment. If further services are identified, or if an array of services are needed for the individual, the individual will return to the wait list.

Y. Coming off the Wait List: Once a category is open, eligible individuals will be removed

from the wait list based on their application date, once resources are available to serve them. They will be notified by letter and given the opportunity to develop an Individualized Plan for Employment within 90 days and receive services consistent with the plan.

References: Federal Regulation: 34CFR 361.36; State Rules: Part Ed 1005 and Part Ed 1006

Service Delivery Section 400- Process

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		Policy Type	Service Delivery
		Policy Number	401
		Revision #	Original
		Implementation Date	7/1/2021
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Policy Title: Referral

- I. **DESCRIPTION:** Referral is the initial or entry point into the VR process and the beginning step in case development. It begins when an individual is referred to the agency and ends when the individual either applies for VR services or the referral is closed prior to application. Individuals may refer themselves directly, or may be referred by another source.

II. **DEFINITIONS:**

Referral: A request by an individual or by another person to formally initiate participation in NHVR services for whom the following minimum information has been furnished: contact information; disability; date of birth; gender; and source of referral.

III. **POLICY:**

- A. Referral Information: An individual is identified as a referral when they have been brought to the attention of NH Vocational Rehabilitation by email, online portal, American Job Center, letter, telephone, direct contact, or by other means for whom the following minimum information has been furnished:
1. Contact information (i.e., name, address, phone),
 2. Disability,
 3. Date of birth,
 4. Gender, and
 5. Source of referral.
- B. Source of referral: Any individual who has a disability which results in a substantial impediment to employment may be referred to NHVR and apply for services. Individuals with disabilities may:
1. seek NHVR services directly, or
 2. be referred by family members, guardians, friends, schools, independent living centers, Federal, State or local agencies, medical providers, and other sources.

- C. Referral Timeline:** NHVR will promptly handle referrals received by the Agency. Good faith efforts shall be made to inform these individuals of application requirements and to gather information necessary to initiate an assessment for determination of eligibility in a timely fashion. To accomplish this, the Agency will make every effort to:
1. Set an appointment date for an initial interview within 24 hours of receiving the required referral information. The appointment date is scheduled for as soon as possible, and an appointment within 30 calendar days from the initial contact is offered.
 - a. In the case of participants who require a coordinated meeting requiring others to be in attendance, (e.g., guardian, school personnel, interpreters) an appointment should be set within 5 working days of the initial contact. The appointment date should be no longer than 30 calendar days from the initial contact.
 2. Reach out to individuals who have been referred who do not attend their initial interview to ascertain interest in applying.
 - a. A second appointment will be scheduled for those who continue to express interest.
 - b. If the individual does not respond or cannot be located, attempts to contact may end. Individuals who do not apply will have their referral closed.
- D. Limits:**
1. The maximum time any person should remain in referral status is 90 days.
 2. It should be noted that it is not intended to include in the definition of ‘referrals’ those individuals included in long lists of potential candidates for vocational rehabilitation services where it is not known if the individual, and/or their representative, is aware of the referral and/or understands what the vocational rehabilitation program is and can provide. This includes school systems who identify a list of students who may be interested in vocational rehabilitation services.
 - a. NHVR will reach out to individuals for whom contact information has been provided to provide information about the vocational rehabilitation program and to ascertain interest in applying for services.
 - (1) For individuals who express an interest, the minimal referral information will be collected and an initial interview appointment set.
 - (2) For individuals who are not interested in applying, contact information should be provided for an opportunity to apply in the future.
 - (3) For those who do not respond or cannot be located, attempts to contact may end. There is no requirement to add the potential referral to the referral module.
- E. Residency:** There is no residency requirement for an individual to be referred and apply for services in New Hampshire if they are available in the state to participate in services, e.g., attend meetings with counselor, and participate in the steps identified in their Individual Plan for Employment (IPE).

- F.** Community Outreach and Referral Source Development: NHVR will develop and maintain relationships with organizations, agencies, and persons in the community in order to obtain appropriate, timely referral of individuals with disabilities for rehabilitation services. Agency staff shall inform referral sources of:
1. Services offered by the Agency,
 2. The policies and procedures related to the Order of Selection/priority of services,
 3. Application requirements and
 4. The need to provide current medical, social, vocational, and other pertinent information for determining eligibility and priority of services.
- G.** Referral documentation is maintained in the referral module of the electronic case management system.

References:

Federal Regulation: 34CFR 361.41(a) State Rules: 1010.01

401.P Referral Procedure	
	Revision date: 7/1/2021

See corresponding policy: Referral

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

The purpose of the referral procedure is to ensure fair and equitable processing of referrals that are made known to the Agency.

Referral procedures are designed to provide information to the individual about the application process and to obtain necessary information to enter the individual into the Referral module of the electronic case management system.

A referral is the entry phase into the VR process and the beginning step in case development.

II. Referral Process

- A. When a request to be referred or to apply for NHVR Services is received the VR staff person will
1. **Provide overview:** NHVR staff person receiving the referral will provide a brief overview of VR services to include at least the following information:
 - a. NHVR is an agency that works with individuals with disabilities to obtain, maintain, or advance in employment,
 - b. The first step in the process is to apply for services,
 - c. Individuals who apply for services are stating their intent to seek, maintain, or advance in employment, and
 - d. Identification that the Agency is in an order of selection and status of open categories, if applicable.
 2. **Obtain referral information:** The following information is requested of the referral: (Information required for a referral to be entered into the electronic case management system is designated by * below.)

NOTE: Do not ask for any additional personal information beyond these referral questions. Additional information will be gathered by the VR Counselor once an application is received and the applicant is provided information regarding their rights/obligations, confidentiality, and how the information gathered is used.

- a. ***Name**
 - b. Phone Number
 - c. ***Home Address & Mailing (if different)**
 - d. Email address (if applicable)
 - e. ***Gender**
 - f. ***Date of Birth**
 - g. Social Security Number (if willing, not required)
 - h. Does the individual have a guardian? If yes, obtain guardian's name and phone number
 - i. ***Disability**
 - j. ***Referral Source**
 - k. Information for any 3rd party the individual wants to include at the intake appointment
 - l. How the individual would like the packet sent (DocuSign or postal mail)
- *Mandatory element of referral
3. **Verify the individual is not currently open as a referral or participant:** Prior to creating a new referral, search for previous case openings in the Referral and in the Participant modules. When doing the initial search, search by using the name or part of the name. Do not rely on matching SSN as the participant may not have provided this information in previous records.
 4. **Outreach to the individual within 24 hours to schedule an appointment.**
 5. **Schedule an appointment.** Within 24 hours of an individual being referred to the Agency, an intake or initial interview needs to be offered within 30 days, unless the potential participant requests a later time. If the appointment is not scheduled within 30 days, document the reason in Referral module case notes. If outreach attempts within the first 24 hours have been unsuccessful, an appointment will be made as with any other referral.
 - a. Schedule appointment within 30 days of referral,
 - b. Enter the referral id & phone number on appropriate Calendar, and
 - c. Enter appointment in RoomCalendar (if applicable)
 6. **Document in the electronic case management system:**
 - a. Enter referral information (at least all fields with asterisk including address)
 - b. Once initial information is entered in the electronic case management system:
 - (1) Assign referral to a VRC,

- (2) Put in Outcome: “Open Appointment Set, Date, Time”, and enter appointment info on Referral data page,
 - (3) Add any additional information in Referral notes (e.g., copy of email if referral came in by that method; additional information the referral source provided), and
 - (4) Attach any documentation received to the electronic case file.
- 7. Send packet with the following paperwork (Email and DocuSign OR postal mail):**
- a. Appointment letter (can be found in the electronic case management system. Letters),
 - b. PIF,
 - c. VR-1, and
 - d. Self-Addressed return envelope with three (3) stamps (if sending through postal mail).
- 8. Call referral to confirm their upcoming appointment at least two days in advance.**
- a. Case note that you called, and what happened (left message, etc.), and
 - b. Make a note in the Outlook calendar if confirmed or Left Voice mail message (LVM).
- 9. Scheduled appointment missed/no show.** If the referral misses their scheduled appointment, the office should follow up to confirm if they wish to continue with the application process and offer a new appointment date and time.
- a. Any attempts to contact or conversations with the referral need to be documented in Referral module case notes.
 - b. If at 90 days from referral date, there has been no response to the office’s attempts to contact the individual, the referral can be closed in the electronic case management system.
 - c. Document reason for closure in case notes.

NHVR – Referral Form:

Version: July 2020

Name: _____ Phone Number: _____

Address:

Mailing Address if different

County: _____

Email address (if applicable): _____

Gender: Male Female Choose not to disclose

DOB: _____

Social Security Number (if willing, not required): _____

Do you have a guardian? No – I am my own guardian
 Yes – Include name, address and phone number below (in Notes section)

Disability: _____

Referral Source: _____

Are you working with any person or other agency that you would like to support you at intake?
Such as Area Agency or Mental Health Center _____

Notes (can include guardian information, as well as any accommodation or interpreter needs):

AGENCY USE ONLY

<p>24 hour appointment offered <input type="checkbox"/> Yes <input type="checkbox"/> No If no, reason _____</p> <p>24 hour appointment accepted <input type="checkbox"/> Yes <input type="checkbox"/> No If no, reason _____</p> <p>Appointment date: _____</p> <p>Other Information: _____</p> <p>DocuSign details: <input type="checkbox"/> Yes, send info DocuSign (email above) <input type="checkbox"/> No, send letter mail</p>

Previous file: No Yes If yes, date of closure _____

		Policy Type	Service Delivery
		Policy Number	402
		Revision #	Original
		Implementation Date	7/1/2021
Page #1	1 of 2	Last Reviewed/Update Date	None

Policy Title: Application

I. DESCRIPTION: Completing an application for NHVR signifies that the individual intends to pursue employment and is seeking vocational rehabilitation services to achieve that outcome. This policy provides guidelines for receiving applications for Vocational Rehabilitation (VR) services.

II. DEFINITIONS:

Applicant: An individual who submits a completed and signed application for vocational rehabilitation services; provides information necessary to initiate an assessment to determine eligibility and priority for services; and is available to complete the assessment process.

III. POLICY:

A. If the application is received prior to the scheduling of an initial interview, an appointment for the initial interview will be scheduled with the individual and, as appropriate, the individual's representative. The individual will be advised to bring all relevant medical, educational, and employment information to the initial interview in order to expedite eligibility determination.

B. Receipt of application: Once an individual submits an application requesting vocational rehabilitation services they are an applicant of NHVR and are moved into Application status.

1. An individual is considered to have submitted an application when they, or their representative (as appropriate):
 - a. Submits a completed and signed application form (VR-1); Submits a signed/dated document requesting services; or in those instances where completing and signing the application form is a burden to the individual, they can make an oral request or a request through a third party,
 - b. Provides information necessary to initiate an assessment to determine eligibility, and
 - c. Is available to complete the assessment process.
2. The application date recorded is the date the application is received by the office.

- a. The date the completed and signed application is received by NHVR is the official date of the application.
 - b. Completed applications received for minors (under age 18) or individuals with legal guardians must be signed by the individual's representative before the Application is considered complete.
3. The application date will be the beginning of the 60-day timeframe to determine eligibility.
- C.** Applicants shall be provided with an introduction or orientation to NHVR services which includes:
1. The employment purpose of the program,
 2. That an employment outcome shall be in an integrated setting;
 3. Eligibility criteria,
 4. Services available through NHVR, and the statewide workforce system,
 5. Individualized nature of their rehabilitation program,
 6. Requirement to use other sources before NHVR can pay for services,
 7. Expectations to contribute toward the cost of services to extent participant is able,
 8. Informed choice,
 9. Order of selection (OOS) for services policy, if the agency is in an OOS,
 10. Their rights and responsibility as a participant of NHVR, and
 11. The availability of the Client Assistance Program (CAP).
- D.** Any individual who applies for services shall undergo an assessment for determining eligibility, the results of which shall be shared with the individual.

402.P Application Procedure	
	Revision date: 7/1/2021

See corresponding policy: Application

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

The purpose of the application procedure is to ensure fair and equitable processing of applications received by the Agency.

Application procedures are designed to provide information to the individual about NHVR and to begin the process for eligibility determination. Upon application, the individual is moved to the Participant module of the electronic case management system.

II. Application Process

A. Receipt of the application

1. If application is received before an initial interview is scheduled, an appointment should be set as soon as possible in compliance with referral policy. Required information regarding the Agency and Agency services will be provided during that scheduled appointment in compliance with intake-initial interview policy.
2. If application is received during the initial interview, the counselor provides the required information regarding the Agency and Agency services in compliance with intake-initial interview policy.
 - a. The date of application is the date the individual completes the application requirements noted above in policy, and the application form is completed, signed by the applicant, and received by the Agency.
 - (1) The date the application was received must be stamped on the hard copy application and recorded as the application date in the electronic case management system.
 - (2) In the event that the application is received electronically the application date will be the date that the document was received by the office.
 - (a) If received through electronic signature service – certificate would be included in the attached documentation.
 - (b) If received by email a copy of the email with the date would be attached with the application to document date received.

- b. When an application is received, the information is promptly entered into the electronic case management system.
- B.** A VR case is created in the ParticipantModule.
 - 1. Required information is entered into the electronic case management system
 - a. Information from the VR-1 is checked against information entered at referral to ensure accurate information is retained in the electronic case management system.
 - b. Information from the Personal Information Form (PIF) is entered into the Intake data page in the electronic case management system. Any information that was transferred from the Referral module is reviewed against the PIF to ensure that accurate information is retained in the electronic case management system.
- C.** Documents are scanned and attached in the electronic case management system.
- D.** Activities to complete the determination of eligibility within the 60-day timeline should begin.
 - 1. Request any documentation that is needed and the source of that documentation, and
 - 2. Seek SSA verification, if applicable.
- E.** The application shall be entered into the electronic case management system promptly after the application is completed and received by NHVR.

		Policy Type	Service Delivery
		Policy Number	403
		Revision #	Original
		Implementation Date	7/1/2021
Page # 1	1 of 3	Last Reviewed/Update Date	None

Policy Title: Intake- Initial Interview

I. **DESCRIPTION:** Following the referral to NHVR, the Agency meets with the referred individual to provide information about vocational rehabilitation services as well as to begin to gather information about the individual for determination of eligibility.

II. **DEFINITIONS:**

Initial interview: The first formal meeting between the rehabilitation counselor and the individual who has been referred to NHVR. The purpose of this meeting includes requirements to explain the NHVR process, services, and eligibility requirements, as well as participant rights and responsibilities. Additionally, the referral shares their specific needs for vocational rehabilitation services.

III. **POLICY:**

A. Scheduling of Initial Interviews and beginning the preliminary assessment.

1. As soon as possible after referral or after receipt of an application, an initial interview will be scheduled with the individual and, as appropriate, the individual's representative.
2. The individual will be advised of the option to bring all relevant medical, educational, and employment information to the initial interview in order to expedite eligibility determination process.
3. The individual may bring a support person or persons (e.g., family member, friend, and/or advocate) to the initial interview and subsequent meetings with NHVR staff. If they bring an advocate or support person to the meeting, a release of information should be completed to assure that the individual is aware of confidentiality requirements and exceptions.

B. A referral or an applicant for vocational rehabilitation services shall be interviewed personally by a vocational rehabilitation professional.

1. This appointment is set when an individual is referred or applies for vocational rehabilitation services, whichever action occurs first.
 2. The interviewer shall:
 - a. Explain to the person the nature and operation of the vocational rehabilitation program as it relates to the individual, including disability priority categories and Order of Selection,
 - b. Specifically inform the person of the right to appeal any eligibility decision made by NHVR through mediation and fair hearing,
 - c. Inform the person of their right of confidentiality of information possessed by NHVR and conditions for its release as outlined in confidentiality policy,
 - d. Inform the applicant of the vocational rehabilitation concept of informed choice, and how it relates to the individual's rehabilitation process,
 - e. Provide to the applicant a description of Client Assistance Program (CAP) services,
 - f. Obtain information from the applicant necessary to determine their eligibility for vocational rehabilitation services, and
 - g. Ask whether individual is eligible for, or receiving SSI and/or SSDI benefits. If the individual is eligible seek verification, such as a copy of an SSA award letter or other SSA correspondence.
- C. Initial Interview Documentation:** The following information is gathered and documented in the electronic case management system under sections 1 – 6 of the Comprehensive Assessment data page.
1. General information and accommodations needed to participate in VR services, including any accommodations needed for meetings (e.g. language, interpreter needs, location) and individual's reasons for coming to VR,
 2. Information related to the participant's disabilities, including presenting issues and impact on employment as well as strengths, limitations, and any work restrictions,
 3. Family, including social considerations and economic factors,
 4. Vocational, including work history and educational experiences,
 5. Legal issues that may impact rehabilitation or job placement,
 6. Other barriers that have been identified,
 7. Counselor observations, impressions, and analysis, and
 8. Next steps.
- D.** If not completed prior to the initial interview meeting, the Application for Vocational Rehabilitation Services (VR-1) shall be reviewed with and completed by the applicant at the meeting, to the extent possible. The Personal Information Form (PIF) shall be completed by the applicant, to the extent they are able, and may be completed in partnership with the NHVR Counselor during the intake appointment. If the applicant is not their own guardian, the Application will also require the guardian's signature.
- E.** In the event that the individual has not returned the application prior to the initial interview meeting and does not complete the application as part of the meeting, the bureau shall:

1. follow up with the individual to secure the application for VR services or to identify that the individual is not interested in applying for VR services at this time.
2. close the referral should the individual not apply within 30 days of the initial interview, the referral may be closed.

403.P Intake – Initial Interview Procedure	
	Revision date: 7/1/2021

See corresponding policy: Intake – Initial Interview

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. Introduction:

The intake or initial interview provides an opportunity for the individual to learn about the vocational rehabilitation program, processes and services as well as to provide information necessary for the Agency to initiate an assessment to determine the individual's eligibility for the program.

II. Intake – Initial Interview Process

- A. Be prepared for the meeting.**
 - 1. Choose format – e.g., in person, phone, or video conference. Set up your space to be conducive to the meeting.
 - 2. Prepare Forms as needed for the meeting (VR-1, PIF, VR-2 or VR2-2 (release form), SSA release form, high school release form, other agency release forms, Action Plan, VR informational materials, etc.).
- B. Start meeting on time.**
- C. Introduce self.**
- D. Introduce the intent and expectations for the meeting.**
- E. Provide information about NHVR, including:**
 - 1. Employment
 - 2. Process
 - 3. Confidentiality
 - 4. Rights and Responsibilities including
 - a. Appeal rights
 - b. Client Assistance Program (CAP)
- F. Gather initial information from the participant (III. B. Initial Interview Documentation)**
 - 1. Identify sources for additional documentation.
 - 2. Obtain any necessary releases and explain their purpose.
 - 3. If the individual identifies that they are receiving SSA benefits obtain verification.
 - 4. Develop action plan and next steps.

III. Documentation:

- A.** Complete the initial interview section of the comprehensive assessment data page in the electronic case management system. Each section of the template should be completed in detail and tell a descriptive and informative story about the individual. "Not Applicable" alone is unacceptable for section completion. Moreover, sections must not be left blank.
- B.** Scan forms or documents that were received during the meeting and attach in the electronic case management system. These may include, but are not limited to:
 - 1. Application,
 - 2. Release(s) for documentation,
 - 3. SSA request form SSA-3328,
 - 4. Action Plan, and
 - 5. Documentation the individual brought to the meeting.
- C.** Send request(s) for any documentation that was identified during meeting.

		Policy Type	Service Delivery
		Policy Number	404
		Revision #	Original
		Implementation Date	7/1/2021
Page # 1	1 of 4	Last Reviewed/Update Date	None

Policy Title: Preliminary Assessment (or Assessment for eligibility determination)

- I. **DESCRIPTION:** The assessment process for determining eligibility begins when an individual with a disability applies for NHVR services with the intent to reach an employment outcome. Relevant assessment information may be provided by the individual, family, advocate, and/or referring agency in accordance with confidentiality requirements. The preliminary assessment ends when either the determination of eligibility is made, or the individual declines to participate in the assessment process.

II. **DEFINITIONS:**

Preliminary Assessment: The assessment of disability and related information with the specific purpose to determine eligibility; to determine the significance of disability; and to assign priority for order of selection if needed.

Ability to Benefit: Likely to achieve an employment outcome with the provision of vocational rehabilitation services.

Disability: A physical or mental impairment that results in a substantial impediment to employment and which is not temporary.

Mental Impairment: Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disorders.

Physical Impairment: Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculo-skeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

Requires Services: Services that are necessary for the individual to achieve competitive integrated employment. The individual would not be able to achieve employment consistent with the individual's abilities and capabilities without these vocational rehabilitation services.

Substantial Impediment to Employment: A physical or mental impairment (in light of attendant medical, psychological, vocational, educational, communication, and other related factors) materially hinders an individual from preparing for, entering into, engaging in, or retaining employment consistent with the individual's abilities or capabilities. A substantial impediment to employment may be established if the impairment significantly limits one or more functional capacities of the individual in terms of an employment outcome.

III. POLICY:

- A.** Following application, the counselor shall complete an assessment for determining eligibility or preliminary assessment
1. The assessment is conducted in accordance with the provisions of:
 - a. The basic eligibility requirements, i.e., Physical or mental impairment; impairment constitutes or results in a substantial impediment to employment for the applicant; and requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain employment that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice. For purposes of an assessment for determining eligibility and vocational rehabilitation needs, an individual is presumed to have a goal of an employment outcome;
 - b. Prohibited factors, including residency, disability, characteristics, service needs, employment outcome, referral source, employment history or current employment status, and educational status or current educational credential,
 - c. Review and assessment of information, including existing information and any necessary additional assessments, and
 - d. Trial work experience, as appropriate.
 2. The assessment is conducted in the most integrated setting possible, consistent with the individual's needs and informed choice.
- B.** The VR counselor will:
1. Collect, analyze, synthesize, and interpret available information,
 2. Engage the individual with a disability in the assessment process, and
 3. Develop a positive counseling and guidance relationship by understanding the individual's priorities during the assessment process.
 4. If additional information is needed, the VR counselor, along with the individual receiving services, should decide how to obtain the information and establish appropriate timeframes for completion. The decision to pursue any additional assessments will also be fully discussed and explained to the individual. The VR counselor must obtain only the information that is necessary for eligibility or service planning. The individual's active involvement should be documented in the record of services.
- C.** The VR counselor must, to the extent possible, use existing information to establish eligibility. When additional information is needed, other assessment services may be authorized.

1. Existing information is adequate for an eligibility determination if, in the VR counselor's judgment, it sufficiently documents the person's disability, the impediments to employment, and significance of disability. If existing information is not available or sufficient for the eligibility determination, then additional assessment services may be obtained.
- D.** An individual should be able to participate in the assessment process using the most appropriate mode of communication to enable the individual to comprehend and respond to information being communicated during the assessment process.
- E.** The individual is expected to:
1. Work with the VR counselor to understand how the assessment process is used to determine eligibility, plan for services, and identify an employment outcome;
 2. Be available for assessment services and complete any agreed-upon assessment activities; and
 3. Participate in a discussion of the results and what they mean in terms of achieving an employment outcome.
 4. The individual should have an opportunity to respond to assessment results and include a representative (e.g. family member or advocate) in any discussions. While the decision-making process is a collaborative one, decisions must reflect the judgment of the VR counselor in accordance with vocational rehabilitation policy.
- F.** Focus on Functional Capacities and Employment Factors
1. Assessment should focus on the overall functional capacities of the individual.
 2. Assessment should include a review of the individual's disability and its impact on one or more functional capacities: mobility, motor skills, communication, self-care, self-direction, interpersonal skills, work tolerance, and work skills. The results of the assessment process should then identify how one or more of these functional capacities impact the individual's unique employment factors: strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
 3. Assessment should also define what supports may be provided to the individual to enhance strengths and overcome or work around limitations. For some individuals, there may be a need to experiment with the potential supports, modifications and/or strategies that will enable the individual to meet the essential performance demands of the work situation.
- G.** The VR counselor begins the eligibility process with the presumption that all persons can benefit from vocational rehabilitation services in terms of an employment outcome consistent with their employment factors. The VR counselor and the individual work together to identify and understand the individual's functional capacities, as they relate to the identified employment factors - to determine if there are substantial limitations (i.e. "impediments") to achieving an employment outcome.

- H. Trial Work Experience is used to further assess an individual when eligibility cannot be determined because of the possibility that the individual cannot benefit from VR services due to the severity of the individual's disability. A written plan is developed for the services to be provided during a Trial Work Experience.

- I. Timeline: Once an individual has submitted an application for vocational rehabilitation services, including applications made through common intake procedures in one-stop centers under section 121 of the Workforce Innovation and Opportunity Act (WIOA), an eligibility determination must be made within sixty days, unless:
 - 1. Exceptional and unforeseen circumstances beyond the control of the department preclude making an eligibility determination in sixty days and the department and the individual agree to a specific extension of time; or
 - 2. An exploration of the individual's abilities, capabilities, and capacity to perform in work situations is carried out in a trial work assessment.

404.P Preliminary Assessment Procedure	
	Revision date: Original 7/1/2021

See corresponding policy: Preliminary Assessment – Determining Eligibility

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

The purpose of the preliminary assessment procedure is to ensure fair and equitable processing of determinations of eligibility made by the Agency.

Preliminary assessment procedures are designed to ensure that eligibility determinations are made in a timely manner as well as in compliance with the policy.

II. Preliminary Assessment Process

- A. After application the counselor collects documentation to verify the following experienced by the applicant, focusing on:
 1. Impairment(s),
 2. Impediment(s), and
 3. Required services.

- B. As soon as there is sufficient information to make a determination of eligibility, an eligibility determination should be made. Eligibility determination should be made within the 60-day standard.

- C. Sources of information that may be used to substantiate a physical or mental impairment and related limitations caused by the impairment include:
 1. Existing records from qualified facilities or practitioners familiar with diagnosing or treating the impairment(s) in question, especially practitioners or facilities that are currently treating the applicant. This would include records from qualified medical personnel, mental health or developmental disability programs, substance use disorder treatment clinics, and individually licensed practitioners operating within their legal scopes of practice;
 2. Special Education records, including an Individualized Education Plan (IEP) which identifies the impairment; Students with disabilities receiving services under IDEA 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 disability are considered by NHVR to be qualified personnel for the purpose of the first criterion for eligibility under the NHVR program (determination of a physical or mental impairment);

3. Veteran's Administration disability benefits records that identify the disability;
 4. Verification of current eligibility for Social Security Disability Insurance (SSDI), Supplemental Security Income (SSI). Verification should identify individual is currently eligible for and receiving benefits due to their disability. This would include a copy of award letter, benefits planning query (BPQY), Benefit verification letter, check, or Ticket to Work; and
 5. Verification of Aid to the Permanently and Totally Disabled (APTD) that identifies the disability.
 6. Other Considerations regarding impairment documentation
 - a. Medical or other evaluations may be purchased or provided if other sources of documentation are not available, the nature of the disability is not stable, clearly defined, or information needed to determine the severity of the disability is not available.
 - b. The age of diagnostic information should be appropriate to the applicant's impairment(s) and the planned use of the information. Generally, more current information will be needed if the impairment is unstable, progressive, or the diagnosis is unclear.
- D.** The existence of a substantial impediment to employment (due to a mental or physical impairment) may be substantiated by any of the information sources noted above if the record in question addresses work or training limitations. The following information may also be used to substantiate the existence of substantial barriers to employment:
1. Counselor observation of behavioral or functional limitations of an impairment.
 2. Written or verbal reports or descriptions of vocationally relevant limitations from the applicant, their representative, family members, school staff, employers, and others familiar with the individual.
 3. The existence of behavioral or functional limitations alone is not sufficient to establish a substantial impediment to employment. The counselor must determine that these limitations result in a substantial, material, and significant barrier (given the individual's training, education, and employment history) to the individual in terms of preparing for, securing, or retaining employment consistent with their abilities and capabilities.
 4. Applicants who have been determined to have a disability under SSI and/or SSDI are presumed eligible for vocational rehabilitation services unless their ability to benefit from an employment outcome is in doubt (in coordination with Trial Work Experience policy). Verification of eligibility for SSI and/or SSDI or a copy of an SSA issued "Ticket to Work" must be on file. No further eligibility assessment is necessary. However, existing assessments from SSA and additional assessments may be obtained for a determination of vocational rehabilitation needs.

5. An applicant eligible for SSI/SSDI due to their disability can be entered into eligibility status and certified eligible for vocational rehabilitation services immediately upon verification of eligibility for SSI/SSDI by noting under all portions of the Certificate of Eligibility the individual's eligibility for SSI or SSDI (Title XVI and Title II).
 6. Verification of disability for SSDI, SSI, SDA, Special Education, or Veterans Administration disability may include, for example:
 - a. Copies of award notice or letters notifying the applicant of eligibility.
 - b. Written confirmation of receipt of Social Security Disability Insurance or Supplemental Security Income (on the basis of disability) from the local Social Security office or a Ticket to Work issued by SSA.
 - c. A copy of an Individualized Educational Plan (IEP) indicating that the applicant has been determined eligible for Special Education.
- E. Required services are determined by a qualified vocational rehabilitation counselor based on the analysis of the information gathered to determine the impairment(s) and impediment(s).
- F. The assessment to determine rehabilitation needs should begin concurrently with the assessment to determine eligibility.

III. Presumption of Eligibility Procedures for SSI/SSDI Verification:

- A. If an individual reporting receipt of SSI and/or SSDI provides documentation (e.g., copy of award letter, benefits planning query (BPQY), Benefit verification letter, proof of receipt of benefit, or Ticket to Work) to the counselor at the time of application – the counselor shall determine eligibility and move the individual's case to eligible status in the electronic case management system unless a trial work experience plan has been indicated.
- B. If an individual reporting receipt of SSI and/or SSDI has not provided documentation at the time of application the counselor:
 1. Identifies that the SSA recipient is presumed eligible in the Initial Interview template, and
 2. Confirms SSI status and SSDI status within a reasonable period of time for eligibility to be determined within 60 days of application.
 - a. If the applicant does not have documentation at initial interview, ask to sign SSA release form.

		Policy Type	Service Delivery
		Policy Number	405
		Revision #	Original
		Implementation Date	7/1/2021
Page # 1	1 of 2	Last Reviewed/Update Date	None

Policy Title: Application-Extension (Application-E)

- I. **DESCRIPTION:** In the event that an eligibility determination is not able to be completed within the 60-day timeframe extension(s) may be made under specific conditions.

II. **DEFINITIONS:**

Exceptional and Unforeseen Circumstances: Unexpected events or occurrences which prevent the completion of the next step in the process from continuing as intended. For example, bereavement, unexpected personal or family problems or illness of the participant might be considered as an exceptional circumstance.

Trial Work Experiences: A process of providing assessment and related vocational rehabilitation services to an applicant with significant disabilities, for the limited purpose of collecting information necessary to make an eligibility determination, if there is concern that the individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the significance of their disability. Trial Work Experience for individuals with significant disabilities is an exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations.

- III. **POLICY:** In the event an eligibility determination cannot be made within 60 days because of exceptional and unforeseen circumstances beyond the control of NHVR and for which the individual agrees, an Eligibility Determination Extension shall be completed in the electronic case management system and the Extension of Eligibility shall be forwarded to the individual. The Extension of Eligibility shall specify the activities to be completed and the date by which the activities shall be completed before eligibility can be determined.

A. Application Extension

1. A timely eligibility determination is consistent with good customer service and is expected by prospective individuals, their families and stakeholders. However, the timeframe for determination of eligibility may be extended in two ways:
 - a. If extenuating circumstances beyond the control of NHVR prevent eligibility determination within 60 days and the counselor and individual agree to a specific extension of time.

- (1) Extenuating circumstances to support an extension of time must be supported by sufficient documentation in the case record of the Counselor's

efforts to make an eligibility determination in a timely fashion.

- (a) Extenuating circumstances must show the Counselor's good faith efforts, as well as timely follow-up to obtain required documentation.
 - (b) The counselor should not request the individual to agree to an extension of the 60 days to determine eligibility unless documentation in the case record shows efforts of at least 45 days to obtain required records.
- (2) If trial work experiences are required because there are concerns that an individual may not be able to benefit from services due to the severity of the Disability, trial work experiences are provided in compliance with policy on Trial Work.

405.P Application-E Procedure	
	Revision date: 4/1/2021

See corresponding policy: Application-E

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

The purpose of the Application-E procedure is to ensure fair and equitable processing of applications that are made known to the Agency, including informing and demonstrating agreement with a need to extend the 60-day eligibility determination requirement in certain circumstances.

Application-E procedures are designed to provide information to the individual about the eligibility process, the need to obtain necessary information to make that determination, and the need to extend the timeframe to gather needed information.

II. Application-E Process:

- A. As identified in the preliminary assessment policy, following the application, the counselor implements activities to acquire documentation to determine eligibility for the program.
- B. VR Counselor documents activities and progress in gathering information needed to make a determination of eligibility.
- C. If the activity does not result in the receipt of needed documentation by day40:
 1. VR counselor confers with the applicant about additional activities and time needed to gather the documentation.
 2. If the applicant agrees to the extension, this is case noted (if unable to gain agreement refer to steps in IV below).
 3. Qualified staff completes the eligibility determination extension data page.
 - a. If the counselor does not have signature authority to complete the extension, the VR counselor will create an Activity Due for supervisory review and approval.
 - b. Supervisor reviews and approves draft extension, as required.
 4. Once 'agreed to extend eligibility determination until' date is completed, form is printed and provided to the applicant and/or guardian for signature with Rights and Review cover letter.
 5. The case moves to Application-E status in the electronic case management system.

6. A case note is generated to document the mutual agreement and the steps taken to obtain the applicant's signature on the form.
- III.** Subsequent extensions: If, because of exceptional and unforeseen circumstances, the Eligibility Determination Extension expires without determining Eligibility, supervisory consultation and written approval is required before a second Eligibility Determination Extension may be executed. The supervisor will document approval and rationale for the subsequent extension in the way of a case note. If an additional Eligibility Determination Extension is warranted, an activity due is sent from the supervisor to a member of the data unit to document the additional extension end date in the other comments field of the eligibility determination extension page. The activity due should include the end date of the subsequent extension (not to exceed 60 days from prior extension end date). The Extension of Eligibility in the electronic case management system is forwarded to the applicant, documenting that they agreed to the extension.
- IV.** Next Steps in the event staff are unable to gain applicant agreement
- A.** The case will be closed If there is no documentation on file and the
 1. applicant is not able to be reached to discuss the extension, or
 2. applicant refuses to participate in the assessment including refusing to provide information, attend scheduled assessments, sign release forms.
 - B.** If the applicant does not agree to the extension
 1. the applicant will be informed that the eligibility determination will need to be made based on the information currently in the possession of the Agency,
 2. that this may result in the applicant being found ineligible for services and information related to the Ineligibility policy will be provided, and
 3. the counselor will make the eligibility determination based on information available.

		Policy Type	Service Delivery
		Policy Number	406
		Revision #	Original
		Implementation Date	7/1/2021
Page # 1	1 of 3	Last Reviewed/Update Date	None

Policy Title: Trial Work Experience (Application-T)

- I. **DESCRIPTION:** Trial Work Experience is used when there is a question as to whether an applicant is able to benefit in terms of obtaining employment as a result of vocational rehabilitation services. Prior to the Agency closing an individual as too significantly disabled to benefit from VR services, trial work experiences are provided.

II. **DEFINITIONS:**

Trial Work Experience (TWE): A process of providing assessment and related vocational rehabilitation services to an applicant with significant disabilities, for the limited purpose of collecting information necessary to make an eligibility determination, if there is concern that the individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the significance of their disability. Trial Work Experience for individuals with significant disabilities is an exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations.

Clear and convincing evidence: VR has a high degree of certainty to conclude 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.

III. **POLICY:**

- A. A Trial Work Experience (TWE) shall be used when there are questions about an individual's ability to benefit from VR services (i.e., achieving an employment outcome in an integrated setting, due to the severity of the disability).
1. TWE is appropriate for applicants determined to have at least a significant disability.
 2. TWE must be used prior to a determination that an applicant is ineligible due to inability to benefit from VR services in terms of an employment outcome due to the severity of the disability.

- B.** A plan for provision of Trial Work Experiences and associated services will be developed with applicants requiring TWE to determine eligibility for Vocational Rehabilitation services. Appropriate supports and training required for trial work experiences shall be included.
1. The goal of the plan is to develop evidence that supports a determination of eligibility or clear and convincing evidence that the individual cannot benefit from services in terms of an employment outcome.
 2. The plan is developed to assess the individual's abilities, capabilities, and capacity to perform in competitive and integrated work situations through the use of trial work experiences, which must be provided in competitive integrated employment settings to the maximum extent possible, consistent with the informed choice and rehabilitation needs of the individual.
 3. The plan must specify the services to be provided, the provider, estimated costs, and the timeframes during which the service(s) will be provided.
- C.** TWE encompass a variety of community-based, on-job activities in the most integrated setting possible, consistent with the informed choice and needs of the individual.
1. Trial work experiences may include shadowing a worker for a few hours, informational interviewing, performing volunteer work for a few days.
 2. Community-based trial work experiences may be offered through Community Rehabilitation Programs as part of work adjustment or other services.
 3. Trial work may also include supported employment, on-the-job training, and other experiences using realistic integrated work settings.
 4. Pre-Employment Transition Services (Pre-ETS) may be provided for students with disabilities who have trial work plans as they are "potentially eligible" for services. One or more Pre-ETS may be included with traditional VR services on a trial work experience plan, and information gleaned from these experiences may be used to assist with eligibility determination. However, a student's participation in Pre-ETS may not be the only source of information used to determine eligibility or ineligibility for NHVR services, as the primary intent when providing Pre-ETS must be to increase the student's understanding of and experience with the world of work, rather than to fulfill assessment required for VR eligibility determination.
- D.** During the Trial Work Experience the Agency must provide appropriate supports, including but not limited to assistive technology devices and services and personal assistance services, to accommodate the rehabilitation needs of the individual during the trial work experiences.
- E.** Trial work experiences must be of sufficient variety and over a sufficient period of time to determine that:
1. There is sufficient evidence to conclude that the individual can benefit from the provision of vocational rehabilitation services in terms of an employment outcome; or

2. There is clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome due to the severity of the individual's disability.
- F.** Progress in Trial Work Experiences shall be assessed as often as needed, but no less than every 90 days.
 - G.** Trial Work Experiences shall be terminated as soon as there is sufficient evidence that the individual can benefit from services and is therefore eligible or that there is clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome, and is therefore ineligible.

406.P Trial Work Experience Procedure	
	Revision date: 7/1/2021

See corresponding policy: Trial Work Experience (Application-T)

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

The purpose of the Trial Work Experience procedure is to provide the steps to assure trial work experiences are provided in cases where there is a question whether the applicant can benefit in terms of an employment outcome.

Trial Work procedures are designed to provide information to assure the participant receives adequate assessment and opportunities to determine eligibility for VR services.

II. Trial Work Experiences (TWE) Process:

Prior to determining that an individual with a disability is ineligible due to the inability to benefit from vocational rehabilitation services in terms of an employment outcome due to the severity of that individual's disability, VR must conduct Trial Work Experience(s) to explore the individual's abilities, capabilities, and capacity to perform in realistic work situations.

A. In the course of determining eligibility, if there is a question of ability to benefit, the VRC explores following questions:

1. Is the severity of the disability the reason for the uncertainty about the individual's ability to benefit in terms of an employment outcome?
 - a. If the answer is yes, then ask the following:
 - (1) With appropriate supports, can this individual benefit from services in terms of a competitive, integrated employment outcome?
 - b. If the VRC believes the answer to this question might be no, or is uncertain, then a Trial Work Plan (TWP) featuring a TWE is developed to gather information to further explore the question.

B. The counselor develops a TWP with the applicant, or the applicant's representative to assess the individual's abilities, capabilities, and capacity to perform in competitive integrated work situations.

1. Explore options for TWE with the applicant that will provide information to address the issues/ concerns identified– the applicant should be a full partner with the counselor in choosing trial work experience options and providers as well as support services needed to complete the TWE.
 - a. Identify (based on identifying issues/concerns that call into question the applicant's ability to achieve an employment outcome) the question(s) that need to be addressed/answered as a result of the TWE service, and
 - b. Consider optimal environment in which the TWE should takeplace.
 - (1) Identify any appropriate supports, including, but not limited to, assistive technology devices, transportation services, and personal assistance services, to accommodate the rehabilitation needs of the applicant during the TWE.
 - (2) Complete the TWP in the electronic case managementsystem.
- C.** Provide services as identified in the TWP.
- D.** Assess progress on the TWE and next steps (at least every 90 days).
1. If there is NO clear and convincing evidence that the individual cannot benefit, and the VRC's concerns and questions were addressed, then VRC should proceed to eligibility.
 2. If the VRC still has concerns about the individual's ability to benefit and/or the TWE was inconclusive, an additional TWE should be authorized.
 3. If there IS clear and convincing evidence that individual cannot benefit, then VRC should proceed with ineligibilitydetermination.
- E.** When there is sufficient information, determine eligibility in compliance with Eligibility policy.
- F.** When there is sufficient information to determine ineligibility:
1. The VRC reviews activity to assure that the TWEs were provided in an integrated setting and included known or likely to be needed supports to ensure a valid assessment of the individual was completed.
 2. The VRC must be able to identify the specific reason(s) that the individual's ability to benefit, due to severity of the disability, is in question (e.g., individual displays frequent, highly aggressive behaviors when frustrated, or with any small disruption in routine).
 3. The ineligibility is completed in compliance with the Ineligibility policy.

		Policy Type	Service Delivery
		Policy Number	407
		Revision #	Original
		Implementation Date	7/1/2021
Page #	1 of 4	Last Reviewed/Update Date	None

Policy Title: Significance and Priority / Criteria for categorization of significance of disability

- I. **DESCRIPTION:** New Hampshire Vocational Rehabilitation (NHVR) is committed to serving individuals with significant disabilities. Assigning and tracking levels of significance assures that we are reaching individuals with significant disabilities, and in the event that NHVR is unable to provide vocational rehabilitation services to all eligible individuals, establishing priority categories also enables NHVR to transition should an Order of Selection become necessary.

II. **DEFINITIONS:**

Individual with a significant disability: An individual with a disability—

- A. Who has a severe physical or mental impairment that seriously limits one or more functional capacities (such as mobility, motor skills, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;
- B. Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and
- C. Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental 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 for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

Individual with a Most Significant Disability: An individual who meets the definition of significant disability and;

- A. Who has a severe mental or physical impairment that seriously limits 3 or more functional capacities such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance and work skills, or work tolerance or work skills in terms of employment outcomes; and Whose vocational rehabilitation can be expected to require 3 or more vocational rehabilitation services, over an extended period of time of 6 months or longer.

Individual with a Less Significant Disability: An individual determined eligible for services but does not meet the criteria for having a significant or most significant disability.

Mobility: The ability to move from place to place inside and outside the home.

Communication: The ability to effectively exchange information through words or concepts (writing, speaking, listening, sign language, or other adaptive methods).

Self-care: The ability to manage oneself or ones living environment (including but not limited to eating, toileting, grooming, dressing, money management, and medication compliance) as they affect the individual's ability to participate in services or work-related activities.

Self-direction: The ability to plan, initiate, problem solve, organize and independently carry out goal-directed activities related to self-care, socialization, recreation, and work.

Interpersonal Skills: The ability to establish and maintain personal, family, community, and work relationships.

Motor Skills: A person's purposeful movement and control of the body and its members to achieve specific results to the degree necessary to get and keep a job.

Pre-employment transition services: The required activities and authorized activities specified in 33 CFR 361.48(a)(2) and (3).

Trial Work Experiences (TWE): A process of providing assessment and related vocational rehabilitation services to an applicant with significant disabilities, for the limited purpose of collecting information necessary to make an eligibility determination, if there is concern that the individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the significance of their disability. Trial Work Experience for individuals with significant disabilities is an exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations.

Work tolerance: The capacity to perform effectively and efficiently jobs that require various levels of physical and/or psychological demand, for at least a partial work day.

Work Skills: The ability to perform specific tasks required to carry out job functions, the capacity to benefit from training in the necessary skills, and the capacity to practice the work habits needed to stay employed.

III. POLICY

- A. Overview: The NHVR counselor must identify an individual as having a most significant, significant, or less significant disability without delaying the eligibility decision. The

determination is based on the individual's functional capacities, the services needed to reduce the impact of disability-related limitations, and the duration of the rehabilitation services required for the individual to achieve an employment outcome. Significance of disability is not based on a specific diagnosis or disability. Significance of disability is determined using existing information and may be changed at any time during the life of the case.

- B.** When operating under an Order of Selection, that order shall be determined on the basis of serving first those individuals with the most significant disabilities. NHVR allocates case service funds in a manner that ensures this priority status in the delivery of rehabilitation services.
- C.** Determination of priority category is based on the disability and its impact on employment. There must be clear evidence, demonstration, or documentation of the limitations imposed by the disability.
- D.** Individuals may have a number of other compelling factors, aside from the disability, affecting their ability to achieve employment, including poverty, limited English proficiency, and lack of family support. These related factors would need to be taken into account in rehabilitation planning if the individual were determined eligible and could be served under the Order of Selection. However, such related factors are not to be included as a basis for determination of severity of disability and priority category.
- E.** A recipient of Social Security Disability Insurance (SSDI) benefits or Supplemental Security Income (SSI) payments by reason of disability meets at least the SD criteria.
- F.** Required Timeline for Determining Severity: The determination that an individual has a most significant or significant disability shall be made:
 1. Concurrent with the determination of eligibility in order to identify whether the eligible individual meets Order of Selection/Priority criteria and can therefore be provided services, or
 2. Prior to the Trial Work Plan, during which the Disability Priority page must reflect either a determination of significant or most significant disability. (Trial Work Experiences are used only when there are questions concerning an applicant's ability to benefit from services in terms of an employment outcome due to the severity of the disability.)
- G.** Priority/Order of Selection
 1. Vocational rehabilitation services shall be provided based upon availability of funds. Because sufficient funds are not available to provide vocational rehabilitation services to all eligible individuals, the NHVR has instituted an Order of Selection which has been in effect since May 2018.
 2. The Order of Selection does not apply to potentially eligible students with disabilities when requesting only Pre-Employment Transition Services.

H. Order of Selection Categories

1. Individuals applying for or receiving services shall be placed in priority categories. Depending upon NHVR resources, the categories shall be closed for services in ascending order beginning with Category 3 and proceeding to Categories 2 and 1. Services shall be provided only to those individuals in an open category. However, NHVR shall continue to implement plans for and provide services to any individual in plan prior to the date on which the Order of Selection category to which the individual has been assigned has been closed, irrespective of the severity of the individual's disability.
2. Under the order of selection, NHVR will continue to emphasize and enhance services to students with disabilities transitioning from school to work.
3. NHVR staff will be advised via formal notice when categories are closed or reopened.
4. The Order of Selection categories are as follows:
 - a. Category 1: Individuals with the Most Significant Disabilities
 - b. Category 2: Individuals with Significant Disabilities
 - c. Category 3: Individuals with Less-Significant Disabilities

I. Notification of the Individual of Priority Status

1. The counselor will notify all eligible individuals of:
 - a. The priority categories in the Order of Selection,
 - b. Their assignment to a particular category, and
 - c. Their right to appeal their assignment to Category 2 or 3.

407.P Significance and Priority Procedure	
	Revision date: 7/1/2021

See corresponding policy: Significance and Priority

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

The purpose of the significance and priority procedure is to ensure fair and equitable processing of a priority assignment to individuals who are found eligible for vocational rehabilitation services.

II. Significance and Priority Assignment Process:

In conjunction with the determination of eligibility the VR Counselor reviews and assigns the individual to a priority category by determining the level of significance.

7. Disability Priority Page

- A. Disabling Condition section:** VR Counselor reviews documentation of the impairment(s) to identify if the disability meets one of the disabilities identified as 'severe'.
1. If yes, VR Counselor checks appropriate box(es) on disability priority page.
 2. If yes due to Social Security documentation, but do not have a specific diagnosis, VR Counselor checks the box and writes rationale in the text box. The rationale would be 'Receives SSA benefits as a result of their disability'.
 3. If no, VR Counselor leaves the boxes unchecked.
 4. If no, however, individual has another disability or combination of disabilities that causes comparable substantial functional limitation, VR Counselor checks the box and writes rationale in the text box. The rationale needs to describe specifically how that disability, or combination of disabilities does cause that comparable substantial functional limitation.
- B. Functional Limitation options:** VR Counselor identifies functional limitations that have reached a level of serious by checking the appropriate boxes.
1. VR Counselor assures that the functional limitations checked are supported by documentation in file.
 2. If a functional limitation area is serious for an individual and none of the options fit the limitations the individual is experiencing, VR Counselor chooses the 'Other' option and includes rationale in the appropriate narrative box (bottom of page).

- C. Estimated Number of VR Services Required: VR Counselor identifies the services that are required by the individual in order to achieve an employment outcome by checking the boxes that correspond to those services. Note: services checked in this section should match services identified on Eligibility Determination datapage.
- D. VR Counselor answers questions at bottom of the page.
 - 1. Is the participant's disability/combination of disabilities severe? (dropdown)
 - a. Yes option chosen if one of the boxes under 1. Disabling Condition section is checked.
 - b. No option is chosen if none of the boxes under 1. Disabling Condition are checked.
 - 2. Estimated Number of VR Services (textbox): Enter the number of services that are checked under 'Estimated Number of VR Services Required'.
 - 3. Estimated Months of VR Services (textbox): Enter the number of months estimated to complete the identified required services including 90-day follow up after provision of those services.
- E. Reason(s) for Selecting Estimated Length of Services (textbox): VR Counselor enters narrative rationale to support the number of months entered under 3. Estimated Months of VR Services above.
- F. VR Counselor scrolls to top of page and clicks 'Calculate' button.
- G. VR Counselor reviews level of significance to ascertain if it matches their expectation.
 - 1. If yes, leave page by clicking the 'Finish' tab at the top of the page.
 - 2. If no, review the page to assure that all the information is correctly entered. Once resolved, leave page by clicking the 'Finish' tab at the top of the page.

8. Eligibility Case Note

- H. If not already completed the VR Counselor completes the eligibility case note to include:
 - 1. Disability: Identification of the impairment(s) and the source of the documentation verifying the impairment(s)
 - 2. Impediment/Functional limitation: Rationale for identifying the impediments/functional limitations for eligibility and for identifying those chosen as serious on the Disability Priority page
 - 3. Required Services: Rationale for identifying services as required
 - 4. Contributing and other factors: This may include other factors that were not used in the eligibility determination or priority assignment, but may impact vocational rehab planning (e.g., things to get additional information about, transportation not related to disability, child care needs).

9. For the purposes of disability assignment

Mobility – A serious limitation in mobility exists if, due to the disability, the person requires assistance from others to get around in the community; or if the individual requires modifications, adaptive technology, or accommodations (not typically made for other workers) in order to move around the community; or if the person needs specialized training to learn to move around in the community.

The following circumstances do not constitute serious, disability-related limitations in mobility, though they may be considered in rehabilitation planning as related factors: Absence of or limitations in public transportation available in a geographic area; loss of driving privileges because of accumulation of points and/or charges such as DWI; lack of a personal vehicle.

Motor Skills - a person's purposeful movement and control of the body and its members to achieve specific results to the degree necessary to get and keep a job

Communication – A serious limitation in communication exists if the disability results in severely impaired expressive or receptive communication, either oral or written, and to be able to communicate effectively, the individual requires modifications, adaptive technology, or accommodations not typically made for other workers. Upon first contact, the individual may not be readily understood by others or may not understand others.

Communications problems stemming from a language or cultural difference that are not disability based would not constitute serious limitations in communication, though they would need to be considered in rehabilitation planning.

Self-care – Limitations may occur because of physical, cognitive, or emotional impairments and could impact all tasks or only specific tasks. A serious limitation in self-care exists if the disability results in the individual being dependent upon other individuals, services, or devices to manage themselves or their living environment.

Lack of or limited financial resources affecting self-care would not constitute serious limitations in self-care because it is not disability-related. However, such factors would need to be considered in rehabilitation planning.

Self-direction - A serious limitation in self-direction exists if due to the disability the individual is confused or disoriented, or requires assistance or intervention on an ongoing basis or during episodes in order to perform tasks, monitor own behavior, and make decisions.

General impulsivity and lack of focus, often characteristics of teenagers, would not in and of themselves constitute a serious limitation in self-direction for transitioning students, but would need to be considered in rehabilitation planning.

Interpersonal Skills – A serious limitation in interpersonal skills means that due to the disability the individual has no or limited ability to interact with others in a socially acceptable manner or is unable to relate to peers or co-workers without exhibiting inappropriate behaviors.

Immaturity, which is a common characteristic of teenagers and may be expressed as lack of developed communication skills, in and of itself does not constitute a serious limitation in interpersonal skills. Such traits, however, should be considered in rehabilitation planning.

Work tolerance –A serious limitation in work tolerance exists when the individual will require modification, adaptive technology, or accommodations (not typically made for other workers) in terms of capacity or endurance. For example, the individual may not be able to sustain an 8-hour workday, meet production standards, or perform at a consistent pace without frequent rest breaks.

Individuals who could work full time but choose to work less than full time in order to retain benefits or for other reasons are not considered to have a serious limitation in work tolerance.

Work Skills –A serious limitation in work skills exists when the disability results in an inability to obtain or maintain employment normally available to persons of equivalent age, education, training, or experience. In order to acquire work skills, the person requires modifications, adaptive technology, or accommodations not typically made for other workers.

Lack of work skills, for example, of transitioning youth because of age, does not in and of itself constitute a serious limitation in work skills, but may be considered as a related factor in rehabilitation planning. Anticipated difficulty in achieving work skills, and requirements for AT and other modifications, aside from absence of work experience, may be considered in determining limitations related to work skills.

In determining whether there are serious limitations in work skills, consider the impact of the disability on specific employment goals rather than on the universe of jobs. For example, a math impairment may have a significant impact on an individual's ability to be an engineer, but little impact on many other careers, including rehabilitation counselor or DDS examiner.

		Policy Type	Service Delivery
		Policy Number	508
		Revision #	Original
		Implementation Date	7/1/2021
Page #	1 of 4	Last Reviewed/Update Date	None

Policy Title: Eligibility

- I. **DESCRIPTION:** An eligibility determination is made following the preliminary assessment. Eligibility is based on specific criteria as outlined in this policy.

II. **DEFINITIONS:**

Applicant: An individual who submits a completed and signed application for vocational rehabilitation services; provides information necessary to initiate an assessment to determine eligibility and priority for services; and is available to complete the assessment process.

Eligible individual: An applicant for vocational rehabilitation services who meets the eligibility requirements of 34 CFR 361.42(a).

Extended employment: Work in a non-integrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act.

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.

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

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

Trial Work Experiences (TWE): A process of providing assessment and related vocational rehabilitation services to an applicant with significant disabilities, for the limited purpose of collecting information necessary to make an eligibility determination, if there is concern that the individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the significance of their disability. Trial Work Experience for individuals with significant disabilities is an exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations.

III. POLICY:

- A. Overview: In order to determine whether an individual is eligible for vocational rehabilitation services the counselor must conduct an assessment for determining eligibility. The assessment must be conducted in the most integrated setting possible, consistent with the individual's needs and informed choice, and in accordance with the following provisions: basic eligibility requirements, prohibited factors, review and assessment of data, and as necessary, the opportunity for trial work experiences prior to a determination of eligibility.
- B. Timeline: The counselor shall determine eligibility for services within a reasonable period of time, not to exceed 60 days from the date of application as documented in the electronic case management system. Exceptions to the 60-day timeline will be made in accordance with policy on Eligibility Extension.
- C. Basic eligibility requirements: An applicant's eligibility for vocational rehabilitation services shall be based only on the following requirements:
 - 1. A determination that the applicant has a physical or mental impairment.
 - 2. A determination that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant.
 - 3. A determination that the applicant requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain employment that is consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
- D. Intent to achieve an employment outcome: For the purposes of determining eligibility an individual is presumed to have a goal of an employment outcome.
 - 1. Any eligible individual, including an individual whose eligibility for vocational rehabilitation services is based on the individual being eligible for Social Security benefits under Title II or Title XVI of the Social Security Act due to their disability, must intend to achieve an employment outcome that is consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
 - 2. Counselors shall ensure that applicants understand that extended employment (non- integrated or sheltered employment) is not an allowable employment outcome for vocational rehabilitation.

3. 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.
- E.** Presumption of eligibility for Social Security recipients and beneficiaries: any applicant who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act as a result of their disability is—
1. Presumed eligible for vocational rehabilitation services, and
 2. Considered an individual with a significant disability.
- F.** NHVR will presume that an applicant who meets the eligibility requirements can benefit in terms of employment unless it demonstrates, based on clear and convincing evidence, that the applicant is incapable of benefiting in terms of an employment outcome from Vocational Rehabilitation due to the severity of the disability.
1. Use of trial work experiences to determine whether an individual may benefit from VR services in terms of an employment outcome should be required on an exceptional basis. While the Rehabilitation Act allows for the possibility that an individual may be "incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the disability," counselors are encouraged to convey and act in accordance with an optimistic belief that individuals even with the most significant disabilities can work if provided needed supports.
- G.** Prohibited Factors: The following factors shall not be considered in determining eligibility:
1. Residency: No duration of residence requirement shall be imposed that excludes from services any applicant who is present in the State.
 2. Disability: No applicant or group of applicants shall be excluded or found ineligible solely on the basis of the type of disability.
 3. Characteristics: Eligibility requirements shall be applied without regard to the age, gender, race, color, creed, national origin, financial status, or sexual orientation of the applicant.
 4. Service needs: Eligibility requirements shall be applied without regard to the particular service needs or anticipated costs of services required by the applicant or the applicant's family.
 5. Employment outcome: Eligibility requirements shall be applied without regard to type of expected employment outcome.
 6. Referral Source: Eligibility requirements shall be applied without regard to the source of referral for vocational rehabilitation services.
 7. Applicant's employment history or current employment status: Eligibility requirements shall be applied without regard to the employment history or current employment status of the applicant.
 8. Applicant's educational status or current educational credential: Eligibility requirements shall be applied without regard to the educational status or current educational credential of the applicant.

- H.** Supporting Documentation: Review and assessment of data for eligibility determination must be based on:
1. A review and assessment of existing data, including counselor observations, education records, information provided by the individual or the individual's family, particularly information used by education officials, and determinations made by officials of other agencies.
 2. To the extent existing data do not describe the current functioning of the individual or are unavailable, insufficient, or inappropriate to make an eligibility determination, an assessment of additional data resulting from the provision of vocational rehabilitation services, including trial work experiences, assistive technology devices and services, personal assistance services, and any other support services that are necessary to determine whether an individual is eligible.
 3. In the case of an applicant who is currently eligible for Social Security benefits under Title II or Title XVI of the Social Security Act due to their disability, as evidenced by recent verification documentation, the Agency presumes that the individual meets each of the basic eligibility requirements.
- I.** Certification of eligibility: upon completion of the eligibility assessment, the counselor shall make and certify one of the following decisions:
1. Eligibility - For each individual determined eligible for Vocational Rehabilitation services, the case record must include a statement of eligibility, and must be electronically dated in the case management system.
 2. Ineligibility (in accordance with policy on Ineligibility).
- J.** Notification of eligibility decision: The applicant shall be notified in writing, using appropriate modes of communication, and in the individual's native language if necessary, of the action taken on eligibility or ineligibility.
- K.** Nothing in this section is to be construed to create an entitlement to any vocational rehabilitation service.

405.P Eligibility Procedure	
	Revision date: 7/1/2021

See corresponding policy: Eligibility

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

The purpose of the Eligibility procedure is to ensure fair and equitable processing of determinations of an applicant's eligibility for vocational rehabilitation services.

Eligibility determination procedures provide guidelines regarding the completion of the eligibility determination.

II. Eligibility Determination Process:

- A. VR Counselor plans, monitors, and follows up on activities identified to gather required information. This is to assure adequate progress is made to complete the determination within 60 days of application (or by the agreed-upon eligibility determination extension date). The case service record will contain documentation used by the counselor to determine the individual's eligibility for vocational rehabilitation services.
- B. Once documentation is collected that substantiates impairment, impediment, and identified required services, the Counselor can complete the eligibility determination.
 - 1. Documentation of physical or mental disability(ies) and/or a copy of an award letter, benefits planning query (BPQY), Benefit verification letter, Ticket to Work, or recent proof of receipt of benefit confirming that the individual receives SSI or SSDI.
 - 2. Information regarding the functional capabilities of the individual.
 - 3. Other information as appropriate.
- C. VR Counselor reviews documentation to complete the:
 - 1. Eligibility case note,
 - 2. Disability Priority page (in accordance with significance of disability policy),and
 - 3. The Eligibility Determination Page

- a. Review disability(ies) included on page as primary, secondary, and other to assure they are entered accurately and are supported by documentation in the case record,
 - b. Impediments Options, and
 - c. Eligibility Rationale Options (required services).
 - d. Prior to dating, or preparing an activity due for supervisory review and approval, assure that all necessary data is entered in the system by clicking on the 'Check To Do Indicator' button. (This will list outstanding items to be completed).
- D.** Qualified staff review the case service record and complete the eligibility determination by entering the Eligibility Date in the electronic case management system.
1. If the counselor does not have signature authority to complete the Eligibility Determination, the VR Counselor will create an Activity Due for supervisory review and approval.
 2. Supervisor reviews and approves draft eligibility determination and disability priority assignment.
- E.** Generate and mail to the participant the appropriate Eligibility Determination letter from the electronic case management system.
- F.** Assure that all documentation is appropriately completed and attached in the electronic case management system.
- G.** Follow up with Participant to work on plan development activities.

		Policy Type	Service Delivery
		Policy Number	409
		Revision #	Original
		Implementation Date	7/1/2021
Page #	1 of 2	Last Reviewed/Update Date	None

Policy Title: Comprehensive Assessment

I. DESCRIPTION: Comprehensive assessment (CA) is used to identify the vocational goal and the services that are needed to reach that goal. During CA the counselor assists the participant to gather and assess information to develop an IPE.

II. DEFINITIONS:

Integrated setting:

- A.** With respect to the provision of services, a setting typically found in the community in which applicants or eligible individuals interact with non- disabled individuals other than non-disabled individuals who are providing services to those applicants or eligible individuals; and
- B.** With respect to an employment outcome, a setting—
 1. Typically found in the community; and
 2. 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.

III. POLICY:

- A.** To develop an Individualized Plan for Employment (IPE) with the participant, NHVR conducts an assessment for determining vocational rehabilitation needs, if appropriate, for each eligible individual, or if the Agency is operating under an Order of Selection, for each eligible individual to whom NHVR is able to provide services.
- B.** 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 Individualized Plan for Employment.

C. The comprehensive assessment:

1. is limited to information necessary to identify the rehabilitation needs of the eligible individual and to develop the individual's IPE,
2. uses existing information as the primary source of information,
3. relies on information provided by the individual and other sources, in accordance with confidentiality requirements,
4. may include an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the individual, and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that affect the employment and rehabilitation needs of the individual,
5. may include, to the degree needed, an appraisal of the patterns of work behavior of the individual and services needed for the individual to acquire occupational skills, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the use of work in real job situations to assess and develop the capacities of the individual to perform adequately in a work environment,
6. includes referral, where appropriate, for rehabilitation (assistive) technology services to assess and develop the capacities of the individual to perform in a work environment,
7. must substantiate that the individual meets all criteria for participation in the supported employment program if supported employment will be included in the employment outcome, and
8. must be conducted in the most integrated setting possible.

409.P Comprehensive Assessment Procedure	
	Revision date: 7/1/2021

See corresponding policy: Comprehensive Assessment

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

Comprehensive assessment procedures are designed to provide information to ensure a complete and timely comprehensive assessment. Comprehensive assessment is used to identify the vocational goal and the services that are needed to reach that goal

II. Comprehensive Assessment Process

- A. VR Counselor will begin working with a participant who is eligible and in an open priority category as soon as possible to develop the IPE in accordance with the IPE policy.
- B. If the Agency has all categories open, this activity may start after application for VR services.
- C. VR Counselor will, after review of existing information, determine what information is needed to assist the participant to identify:
 1. Vocational goal,
 2. Nature and scope of services, including service provider and cost,
 3. Financial need, if applicable,
 4. Comparable benefits, if applicable,
 5. Criteria for review,
 6. Availability of extended supports, if applicable (SEP), and
 7. Other information needs.
- D. VR Counselor will work with the participant to identify sources of additional information and/or activities to complete to gather the needed information.
- E. The VR Counselor should:

1. involve the participant in providing and securing existing assessment information to the maximum extent possible,
 2. assure the participant understands the purpose and need for any additional assessments that are to be completed, if needed,
 3. explore the use of self-assessment tools in facilitating self-awareness and development, as needed, and
 4. offer the opportunity to select from among appropriate types of assessment services and service providers should purchase of assessment services be needed.
- F.** Once assessment information has been obtained, the counselor and applicant should fully discuss findings and their relevance to an identification of the individual's strengths, concerns, abilities, capabilities, interests, and barriers to employment and how these may affect vocational planning decisions.
- G.** VR Counselor will record in case notes activities and progress throughout the comprehensive assessment.
- H.** VR staff will attach documentation received during the comprehensive assessment to the electronic case management system.
- I.** VR Counselor will record on the electronic case management system's Comprehensive Assessment data page (sections 7 – 10)
1. Vocational Goal Rationale: to include an explanation of why the IPE vocational goal is appropriate for the participant, to include, but not limited to the following information
 - a. compatibility with abilities and impediments,
 - b. participant participation in selection of goal,
 - c. availability in geographic area labor market, and
 - d. sufficiency of income to meet participant needs.
 2. Vocational Services Rationale: To include an explanation of why the services in the IPE are both necessary and sufficient to meet the rehabilitation needs that have been identified to reach the vocational goal.
- J.** If necessary, staff will contact the participant to discuss the need for an extension and obtain participant signature on the Plan Development extension as soon as the need for an extension is apparent and prior to the end of the 90-calendar day timeline (Eligible-E policy).
- K.** Begin the writing of the IPE (in conjunction with IPE policy).

		Policy Type	Service Delivery
		Policy Number	410
		Revision #	Original
		Implementation Date	7/1/2021
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a) **Policy Title: Plan Development Extension (Eligible – E)**

I. DESCRIPTION: There are instances where the participant and counselor need additional time, beyond the 90-day standard, to complete the comprehensive assessment and identify an employment goal and the services needed to reach that goal. An extension may be made under specific circumstances.

II. DEFINITIONS:

Student with a disability: an individual with a disability in a secondary, postsecondary, or other recognized education program who—

- A. Is not younger than the earliest age for the provision of transition services under section 614(d)(1)(A)(i)(VIII) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)(i)(VIII)); and
- B. Is not older than 21 years of age.

III. POLICY:

- A. Extension of 90-day timeframe: In the event that the Individualized Plan for Employment cannot be completed 90 days after the date of determination of eligibility (or release from wait list, if the Agency is in an Order of Selection), the timeframe for development may be extended if, NHVR and the eligible individual agree to the extension of that deadline to a specific date by which the Individualized Plan for Employment (IPE) must be completed.
 - 1. The extension should be completed prior to or on day90.
 - 2. An extension of the IPE development timeframe will only be considered after 60 of the 90 days for plan development have elapsed.
- B. Should the participant decline to extend the time, or is not available to participate in the extension, the case will be closed.
- C. If multiple extensions are needed, VR staff shall evaluate the individual’s progress with services and take additional steps to move participant into a plan, create additional extensions, or close the case if participant is not making timely progress.

1. For students in high school who are eligible for NHVR services, the IPE shall be developed and completed before the student leaves the school setting. An agreed upon delay in developing an IPE is not an option for eligible transition students if the delay in development extends beyond the student's exit from school. The only exception to this practice is when a student is referred to NHVR too late in the final semester to allow for a timely determination of NHVR eligibility prior to the student leaving the school setting. In this instance, the counselor shall apply timeliness standards for IPE development as noted in general 90-day requirement procedures.

410.P Plan Development Extension Procedure (Eligible – E)	
	Revision date: 7/1/2021

See corresponding policy: Plan Development Extension

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

The purpose of the time extension for IPE procedure is to ensure fair and equitable processing of an IPE development extension when exceptional circumstances require additional time to complete the plan.

II. Time extension for IPE Process

- A. VR Counselor works with participant to develop the IPE as soon as possible, no later than 90 days after determination of eligibility (or release from wait list).
- B. All contact and activities are documented in the case service record.
- C. VR Counselor contacts individual prior to the end of the 90-day deadline to explain why the IPE cannot be completed and requests their agreement to a specific extension date.
 1. Participant declines:
 - a. Provide explanation of 90-day requirement and consequences for not extending the deadline.
 - b. Work with participant the remaining time of 90 days to attempt to complete plan activities.
 - c. Close case on day 90 if plan not developed and agreement has not been reached and participant is still not willing to agree to an extension.
 - d. Inform participant of decision to close case and right to appeal, including availability of the Client Assistance Program (CAP).
 2. Participant unreachable:
 - a. VRC attempts to contact participant. If after a minimum of two (2) attempts using multiple methods of communication, if available, the VRC has been unable to connect, VR staff should inform the participant of intent to close, and close the case should there be no response.

- D.** Complete the “Plan Development Extension” page in the electronic case management system and if not completing in person, send the extension form to the individual for signature and document method sent.
1. The reason for the extension and deadline (i.e. specific date) for developing the IPE shall be clearly documented on the Plan development extension.
 2. Examples of reasons include:
 - a. Vocational counseling and guidance has not been completed: Despite efforts to guide participant, additional time is needed for guidance and counseling to assist the individual in selecting a vocational goal or services,
 - b. Participant is exploring a self-employment outcome and additional time is needed to first develop a business plan (or proposal) and research financial resources,
 - c. Additional information is needed to determine nature and scope of services to include in the plan (example: assessments to determine needs for vehicle modification),
 - d. Inadequate Information: Despite prompt attempts to request records, information necessary to adequately complete the comprehensive assessment has not been received or is not available. Additional assessment may be required, or
 - e. Individual is temporarily unavailable, through no fault of his/her own to develop his/her IPE (e.g. illness, hospitalization, relocation).
- E.** If the extension is not completed prior to the 90-day deadline, VR Counselor creates a Case Note documenting the reason and follows up with the participant to gain the extension or to close the case.
- F.** If subsequent time extensions are needed, VR Counselor will contact the individual prior to the end of the previous extension date and follow the requirements above.
1. In the event of multiple extensions, the counselor should assess the reason that necessitates the extensions. If extensions are due to a lack of participation or availability of the participant, consideration to closing the case should be given.
 2. Subsequent extensions require supervisory review and approval.

		Policy Type	Service Delivery
		Policy Number	411
		Revision #	Original
		Implementation Date	7/1/2021
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Policy Title: Individualized Plan for Employment (IPE)

I. DESCRIPTION:

The Individualized Plan for Employment (IPE) is a written plan that identifies:

- The employment outcome, also referred to as the employment goal,
- The services that will be provided to achieve the employment goal and the time frames for those services, and
- The steps that will measure progress toward the employment goal.

The IPE outlines how the individual will achieve a specific employment goal that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice. The employment goal and specific vocational rehabilitation (VR) services are determined through an assessment of the eligible individual's vocational rehabilitation needs. During the process of developing the IPE, the individual will be informed of their rights and responsibilities and the steps necessary to achieve an employment outcome. The counselor and the eligible individual agree on the criteria to evaluate progress toward the employment goal.

Individuals with disabilities must be active and responsible participants in their own rehabilitation programs, including making informed, yet practical and realistic, choices about the selection of their employment goal, the vocational rehabilitation services they receive, and the providers of those services.

II. DEFINITIONS:

Employment outcome: Full-time or, if appropriate, part-time competitive integrated employment, (including customized employment, self-employment, telecommuting, or business ownership), or supported employment that is consistent with an individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Extended service: Ongoing support services and other appropriate services that are—

- A.** Needed to support and maintain an individual with a most significant disability including a youth with a most significant disability, in supported employment;
- B.** Organized or made available, singly or in combination, in such a way as to assist an eligible individual in maintaining supported employment;

- C. Based on the needs of an eligible individual, as specified in an individualized plan for employment;
- D. Provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource, after an individual has made the transition from support from the designated State unit; and
- E. Provided to a youth with a most significant disability by the designated State unit in accordance with requirements set forth in this part and part 363 for a period not to exceed four years, or at such time that a youth reaches age 25 and no longer meets the definition of a youth with a disability, whichever occurs first. The designated State unit may not provide extended services to an individual with a most significant disability who is not a youth with a most significant disability.

Supported employment: Competitive integrated employment, including customized employment, or employment in an integrated work setting in which an individual with a most significant disability, including a youth with a most significant disability, is working on a short-term basis toward competitive integrated employment that is individualized, and customized, consistent with the unique strengths, abilities, interests, and informed choice of the individual, including with ongoing support services for individuals with the most significant disabilities—

- A. For whom competitive integrated employment has not historically occurred, or for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and
- B. Who, because of the nature and severity of their disabilities, need intensive supported employment services and extended services after the transition from support provided by the designated State unit, in order to perform this work.

III. POLICY:

- A. An Individualized Plan for Employment (IPE) is a plan that is developed and jointly agreed upon with the individual with a disability and as appropriate, their representative, and the counselor which outlines the vocational goal and the services needed to achieve that goal.
 - 1. The IPE is designed to achieve a specific employment outcome that is selected by the individual consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
 - 2. Services will be provided in accordance with the provisions of the IPE.
- B. All individuals with open cases shall have an IPE developed within 90 days after determining eligibility, or after they have been released from the statewide wait list if NHVR is operating under an Order of Selection (OOS).
 - 1. In cases where additional time is necessary to determine the employment outcome and the nature and scope of services to be included in the IPE, an extension will be developed that outlines the anticipated activities and timeline expected to develop the IPE in accordance with the *Plan Development Extension (Eligible-E)* policy.
- C. Options for Development:

1. Options for developing the IPE will be offered to eligible individuals or their representative. The options for developing all or part of the IPE include the following:
 - a. With assistance from a Vocational Rehabilitation counselor, or
 - b. With assistance from a disability advocacy organization, or
 - c. With assistance from another program or resources, or
 - d. Without assistance from NHVR or other entity.
 2. The Plan needs to be agreed upon by both the participant and the counselor, no matter what method is chosen to develop the IPE.
 3. Additional information shall be provided to assist the eligible individual or, as appropriate, the individual's representative, in developing the IPE, including:
 - a. Information describing the full range of components that shall be included in an IPE.
 - b. As appropriate to each eligible individual:
 - (1) An explanation of the criteria for determining an eligible individual's financial commitments under an IPE,
 - (2) Information on the availability of assistance in completing agency forms required as part of the IPE, and
 - (3) Additional information that the eligible individual requests or the agency determines to be necessary to the development of the IPE.
 - c. A description of the rights and remedies available to the individual.
 - d. A description of the availability of the Client Assistance Program (CAP) and information on how to contact the CAP.
 - e. For individuals entitled to benefits under title II or XVI of the SSA, NHVR will provide general information on additional supports and assistance for individuals with disabilities desiring to enter the workforce, including assistance with benefits planning.
- D. Content of the Individualized Plan for Employment:** Each individualized plan for employment shall include:
1. A description of the specific employment outcome that is chosen by the eligible individual and that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice;
 2. A description of the specific rehabilitation services that are:
 - a. Needed to achieve the employment outcome, including, as appropriate, the provision of assistive technology devices, assistive technology services, and personal assistance services, including training in the management of those services; and
 - b. Provided in the most integrated setting that is appropriate for the services involved and that is consistent with the informed choice of the eligible individual;
 3. Timelines for the achievement of the employment outcome and for the initiation of services;
 4. A description of the entity or entities chosen by the eligible individual or, as appropriate, the individual's representative, that will provide the vocational rehabilitation services and the methods used to procure those services;
 5. A description of the criteria that will be used to evaluate progress toward achievement of the employment outcome; and
 6. The terms and conditions of the IPE, including, as appropriate, information describing:

- a. The responsibilities of NHVR;
 - b. The responsibilities of the eligible individual, including:
 - (1) The responsibilities the individual will assume in relation to achieving the employment outcome;
 - (2) If applicable, the extent of the individual's participation in paying for the cost of services; and
 - (3) The responsibility of the individual with regard to applying for and securing comparable services and benefits; and
 - c. The responsibilities of other entities as the result of arrangements made pursuant to the comparable services or benefits requirements.
7. An IPE for an individual with a most significant disability for whom an employment outcome in a supported employment setting has been determined to be appropriate shall:
- a. Specify the supported employment services to be provided by NHVR;
 - b. Specify the expected extended services needed, which may include natural supports provided through the people and environments a person encounters that enhance the potential for inclusion more effectively than relying on specialized services and personnel, such as:
 - (1) Relationships with coworkers;
 - (2) The social support of family and friends;
 - (3) Social networks; and
 - (4) Established resources within one's community including religious centers, recreational activities, and support groups;
 - c. Identify the source of extended services or, to the extent that it is not possible to identify the source of extended services at the time the IPE is developed, include a description of the basis for concluding that there is a reasonable expectation that those sources will become available;
 - d. Provide for periodic monitoring to ensure that the individual is making satisfactory progress toward meeting the weekly work requirement established in the IPE by the time of transition to extended services;
 - e. Include the coordination of services provided outlined in other individualized plans through other federal or state programs;
 - f. To the extent that job skills training is provided, identify that the training will be provided on site; and
 - g. Include placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of individuals with the most significant disabilities.
8. The IPE for each individual shall contain, as determined to be necessary, statements concerning:
- a. The expected need for post-employment services prior to closing the record of

- services of an individual who has achieved an employment outcome; and
 - b. A description of the terms and conditions for the provision of any post-employment services.
9. For a student with a disability receiving special education, services will be coordinated with their individualized education plan (IEP).

E. Other Parameters:

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

- (2) The case record must support the selection of the vocational goal by the individual.
- (3) Services beyond assessment for determining eligibility and priority for services and assessment for determining vocational rehabilitation needs may be provided only in accordance with the IPE.
- (4) The IPE is not a legal contract between NHVR and the participant. It is an agreement of intent.
- (5) Amendments to the IPE will be incorporated into or affixed to the IPE, and will not take effect until agreed to and signed by the individual, parent, guardian, or representative of the individual, and the rehabilitation counselor.
- (6) Adequate and timely notification of any proposed change to the IPE must be provided to the individual with a disability. Notification of any proposed adverse change must be made in writing at least ten (10) work days prior to the effective date of change and the right to appeal, with services continuing pending the decision unless the individual with disabilities has signed the IPE, indicating agreement with the change or unless the period of notification would be contraindicated by state or federal requirements. The notification must state:
 - (a) The basis for the intended action;
 - (b) The effective date of the action;
 - (c) The right to appeal the decision with services continuing pending the decision; and
 - (d) The specific means (including time frames) to do so.

F. For a student with a disability receiving special education services the plan will be developed:

1. In consideration of the student's IEP, and
2. In accordance with the plans, policies, procedures, and terms of the interagency agreement required under the state plan.

G. For an individual with an outcome in supported employment, the IPE shall:

1. Specify the supported employment services to be provided by NHVR;
2. Specify the expected extended services needed, which may include natural supports;
3. Identify the source of extended services or, to the extent that it is not possible to identify the source of extended services at the time the IPE is developed, include a description of the basis for concluding that there is a reasonable expectation that those sources will become available;
 - a. If source of extended supports cannot be identified at the time of IPE development, the Supported Employment IPE may be implemented if there is a reasonable expectation that a provider/payor source for extended supports will become available upon completion of IPE services; and
 - b. VR staff will inform the individual that substantial efforts will be made to assist in the identification of a provider/payor of extended support services prior to completion of IPE services but in the event no source can be identified upon completion of services, the case will be closed.

4. Provide for periodic monitoring to ensure that the individual is making satisfactory progress toward meeting the weekly work requirement established in the IPE by the time of transition to extended services;
5. Provide for the coordination of services provided under an IPE with services provided under other individualized plans established under other federal or state programs;
6. To the extent that job skills training is provided, identify that the training will be provided on site; and
7. Include placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of individuals with the most significant disabilities.

411.P Individualized Plan for Employment Procedure	
	Revision date: 7/1/2021

See corresponding policy: Individualized Plan for Employment (IPE)

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

The purpose of the IPE procedure is to ensure fair, equitable, and timely development of an IPE.

The IPE provides the ‘road map’ for assisting the participant to achieve their vocational goal(s). This dynamic tool assists the participant and the VR Counselor to assure agreement on key needed information. The plan also provides a framework for assessing progress toward achieving the goal.

II. IPE Process

- A.** VR Counselor will begin working with an individual who is eligible and in an open priority category as soon as possible to develop the IPE in accordance with this policy.
 - 1. If necessary, staff will contact the individual to discuss the need for an extension and obtain individual signature on the Plan Development extension as soon as the need for an extension is apparent and prior to the end of the 90-calendar day timeline (in accordance with Eligible, and Eligible-E policy).

- B.** Individual Notification
 - 1. VR Counselor will provide information to the individual on options for developing an IPE including information on:
 - a. IPE mandatory elements, and
 - b. Appeal rights, including the availability of the Client Assistance Program (CAP).

- C.** Financial need assessment, in the development of the IPE
 - 1. VR Counselor will inform the individual of the requirement to determine financial need prior to the development of the IPE:
 - a. VR staff will collect financial documentation to determine the individual’s economic need in accordance with financial need policy.
 - b. If the individual refuses to have their need determined, or fails to provide the financial documentation required to determine need, the individual will be informed that any VR service dependent on economic need will be the responsibility of the individual.

- D. Comparable benefit search in the development of the IPE**
1. VR Counselor will inform the individual of the requirement to seek out comparable benefit, as necessary prior to the provision of services
 - a. VR staff will collect comparable benefit information to determine VR participation in services in accordance with comparable benefit policy.
 - b. If the individual refuses to search, apply for, or fails to provide the documentation required to demonstrate they have sought out comparable benefits, the individual will be informed that any VR service dependent on comparable benefit will be the responsibility of the individual.
- E. VR Counselor completes the IPE with the participant**
1. VR Counselor will enter the IPE on the Plan data page in the electronic case management system.
 2. VR staff will scan supporting documentation, e.g. labor market information, assessments, and informational interviews into the electronic case management system.
 3. VR Counselor will complete an IPE justification using the Comprehensive Assessment template in the electronic case management system (sections 7 – 9) and include the following information:
 - a. Review of the activities of the Comprehensive Assessment by identifying assessment and career exploration activities completed Labor Market information that supports the employment outcome (section 7);
 - b. Vocational Goal Rationale (section 8) to include:
 - (1) explanation as to why the IPE vocational goal is appropriate for the participant,
 - (2) goal compatibility with abilities and impediments,
 - (3) participant participation in selection of goal,
 - (4) availability in geographic area labor market, and
 - (5) sufficiency of income to meet participant needs).
 - c. Vocational Services Rationale (Section 8):
 - (1) Explanation as to why the services in the IPE are both necessary and sufficient to meet the rehabilitation needs that have been identified to reach the vocational goal.
 4. VR Counselor provides participant with information on
 - a. Individual rights and responsibilities to include information about:
 - (1) The Client Assistance Program, and
 - (2) The Appeal Process.
 - b. Provision of services including that NHVR will not pay for services which have not been pre-approved and authorized in writing by an NHVR official.
 5. VR Counselor will obtain necessary signatures on the IPE:
 - a. Individual's signature,
 - b. VR Counselor signature,
 - c. Supervisor signature, as required, and
 - d. Additional approvals, as required (e.g., above \$20,000).

6. VR staff will scan the signed document into the electronic case management system, or attach electronic copy (e.g., DocuSign).

III. Considerations in Developing the IPE: The IPE is developed based on the information identified in the comprehensive assessment (Comprehensive Assessment policy)

A. General

1. VR Counselor takes into account the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual in the development of the IPE.
2. If the individual chooses to prepare the IPE themselves or with assistance from outside NHVR, a draft IPE will be developed and discussed with the NHVR counselor prior to the counselor considering approval of the IPE. Options and instructions for completing the IPE along with Important Information about NHVR are attached to the hard copy IPE. The counselor will assure that information from an approved IPE developed by the participant on a print IPE is entered into the electronic case management system as soon as possible.
3. The IPE will be effective, and services/activities will begin following the approval and signature of the rehabilitation counselor and the approval/signature of the supervisor (approval/signature of the supervisor is not required if the counselor has delegated authority).
 - a. Approval (dating the IPE in the electronic case management system) constitutes supervisory signatory.
4. Signature and date – All parties required to sign the IPE or IPE amendment, including the participant, counselor and, as appropriate, supervisor, must also include the date signed.
5. In the event VR staff do not agree to support the individual's chosen employment outcome, services, or service providers, VR staff will provide the individual with:
 - a. Decision letter; and
 - b. Information on Appeal Rights

B. IPE Development for Students with Disabilities

1. The IPE for students with disabilities in high school who have been determined eligible for NHVR services and who meet OOS criteria will be developed within 90 days of eligibility, or prior to high school exit, whichever is first.
2. VR Rehabilitation counselor reviews IPE and when applicable, assures that the IPE is coordinated with the individualized education program (IEP) for the individual in terms of the goals, objectives, and services identified in the IEP.
3. When drafting the IPE for a high school student planning to achieve a high school diploma or for a youth or adult pursuing a HiSET or External Diploma, select the corresponding Participant Responsibility checkbox, stating, "I am and will continue working to obtain my high school diploma or its equivalent". Do not select this checkbox for a student planning to exit high school with a special education Certificate of Completion.

4. IPE includes pre-employment transition services.
- C. IPE Development for Self-Employment – NHVR supports employment goals of self-employment for individuals for whom it is appropriate. IPE development for such individuals shall be in accordance with self-employment policy and requires approval of the Regional Leader (Tier 1) or Director, or designee (Tier 2) – (reference self-employment policy).
 - D. Supported Employment – in Developing an IPE that includes extended support services
 1. Ensure participant is coded as MSD.
 - a. Work with an individual to decide:
 - (1) Services to be provided by VR, including supported employment services,
 - (2) Expected extended support needs, and
 - (3) Provider/Payor source for extended support services.
 - b. If source of extended supports cannot be identified at the time of IPE development, the Supported Employment IPE may be implemented if there is a reasonable expectation that a provider/payor source for extended supports will become available upon completion of IPE services.
 - (1) VR Counselor will inform the individual that substantial efforts will be made to assist in the identification of a provider/payor of extended support services prior to completion of IPE services but in the event no source can be identified upon completion of services, the case will be closed.
 - (2) VR Counselor and the individual will jointly develop a Supported Employment IPE.
 - E. The Supported Employment IPE will identify services to be provided by VR, including any expected extended support services and the source of extended support services.
 - F. IPE Justification will be completed on the comprehensive assessment data page.
 - G. Managing the Supported Employment IPE
 1. If at any point during provision of IPE services it is determined that the individual is no longer in need of extended support services, VR counselor and the individual will amend the IPE plan type and associated supported employment services.
 2. Once the individual obtains employment, VR Counselor will:
 - a. Arrange for the provision of the agreed upon supported employment services which include, at a minimum, twice-monthly on-worksites monitoring or off-site meetings between the individual and VR staff or vendor to provide job training, coaching, observation, and/or follow-up services to reinforce and stabilize the employment; and
 - b. Maintain monthly contact with the individual and/or supported employment service providers to discuss employment stability, progress, concerns, and the need for additional services or extension of Supported Employment services

beyond 24 months.

- c. VR Staff will document all contact and progress updates in the electronic case management system.
 - d. If it is determined that the individual may need more than 24 months of supported employment services, Staff, individual, service providers, and employer (as necessary) will review the individual's progress with the supported employment services that have been provided and determine if additional supported employment services can be expected to lead to stability in the employment outcome.
 - (1) If VR Counselor, individual, service provider, and employer (as necessary) agree that additional services can be expected to lead to job stability, Staff and individual will agree upon the specific supported employment services that are needed beyond the 24-month timeframe, as well as the planned completion date of the services, not to exceed 3 months.
 - (a) Details of extension will be documented in the case notes and the IPE will be amended as necessary.
 - (b) If additional services are not expected to lead to job stability,
 - (c) VR Counselor, individual, service provider, and employer (if available), will discuss next steps, including planned closure from VR.
 - (d) When the individual has achieved stable employment, supported employment services provided by VR are considered complete and VR Counselor, the individual, and extended support services source will agree on the date of transition to extended support services.
- H. VR Counselor will document the agreed upon transition to extended support services date in the electronic case management system and the extended support services source will take over the provision and payment of extended support services as of that date.
- 1. VR staff will contact the individual or extended support services source at least once per month for the next 3 months to confirm that the individual continues to receive extended support services from the identified extended support services source and that the individual's employment remains stable and appropriate for 90 days after transition to extended support services.
 - 2. VR staff will close the individual's case in accordance with closure policy of this manual.

		Policy Type	Service Delivery
		Policy Number	412
		Revision #	Original
		Implementation Date	7/1/2021
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Policy Title: IPE – Amendments

I. DESCRIPTION: The Individualized Plan for Employment (IPE) is a ‘living document’ and changes to the IPE may occur at any time when agreed to by the individual and the NHVR counselor. These changes or amendments to the IPE provide for planned changes to be identified and recorded to assist the participant to reach an employment outcome.

II. DEFINITIONS:

Employment outcome: Full-time or, if appropriate, part-time competitive integrated employment, (including customized employment, self-employment, telecommuting, or business ownership), or supported employment that is consistent with an individual’s unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

III. POLICY:

- A.** An Individualized Plan for Employment (IPE) amendment shall be developed when, as a result of the annual review or at any other time, the IPE needs to be revised.
- B.** All participants in an approved IPE are required to make consistent progress toward achieving their objectives and employment outcome. Consistent progress means the participant is:
 - 1. Actively participating in their VR services;
 - 2. Demonstrating consistent progress towards achieving the agreed upon objectives and employment goal; and
 - 3. Maintaining contact with their VR Counselor.
- C.** Objectives, services, and employment outcome will be amended, revised, or terminated if:
 - 1. Acceptable progress toward achieving the objectives or employment outcome is not being made;
 - 2. The employment outcome, services, or service providers needed to achieve the agreed upon employment outcome change; or
 - 3. The objectives for the employment outcome change.
- D.** An IPE Amendment shall not take effect until agreed to and signed by the NHVR counselor, supervisor, if required, and the individual or, as appropriate, the individual’s

representative.

- E.** A copy of the amendment shall be provided to the individual and, as appropriate, to the individual's representative.
- F.** Internal corrections are technical edits to a plan and do not require participant signature. Internal corrections are:
 - 1. Minor changes to the elements of the IPE that do not directly impact the participant and do not have a noticeable impact on the employment outcome or the service provisions;
 - 2. Consistent with the participant's informed choice as documented on the signed plan and any subsequent amendments;
 - 3. For the purpose of expediting service delivery when a change needs to be made to authorize or pay for services is due to Agency parameters. Examples include:
 - a. Renaming a service name that does not change the services to be provided; or
 - b. To correct planned service start and end dates; and
 - 4. Identified with explanation on the Amendment page.

412.P Amendment Procedure	
	Revision date: 7/1/2021

See corresponding policy: Amendment

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

IPE Amendment procedures are designed to assure the IPE is updated to meet the ongoing planning needs of the IPE.

II. IPE Amendment Process

Parameters

- A. NHVR has two methods to implement an amendment to the IPE, the “New Plan” function and the “Amendment” function which is on the planform.
 1. The Amendment page is generated within the most recent Plan Start in the system. The amendment function allows for changes to the planned services.
 2. The New Plan data page allows for changes in any of the plan elements, including services.

- B. An amendment is required in any of the following circumstances:
 1. Change in an IPE employment goal or outcome:
 - a. The job the participant got has a job title that is not within the same job group as the IPE employment goal(s) described in the IPE; or
 - b. When the Employment Goal(s) in the existing IPE and the Job title in the Employment record are within the same job group in the electronic case management system, they are considered to match and an IPE amendment is not required. A job group is defined as an OES Job Title Category or as a “minor occupational group” in the Standard Occupational Classification (SOC) System; or
 2. The addition or deleting of a planned service;
 3. A change in service provider. exception, interpreter services which are dependent on availability of an individual interpreter;
 4. A substantial lengthening of time required to achieve an employment outcome. A substantial lengthening of time is defined as a lengthening of the IPE completion date by more than six months; or
 5. A substantial change in the evaluation of progress. A substantial evaluation of progress change is defined as a change that increases the expectations placed on the participant to be seen as making satisfactory progress.

6. VR Counselor maintains regular contact with participant to monitor progress on the IPE.
7. If a change to the plan is identified VR Counselor and participant discuss the amendment and the changes that will be needed to the IPE including the reason for the amendment and how the amendment will impact services or the employment outcome.
8. VR Counselor documents discussion in case notes.
9. If all parties agree with the amendment, VR Counselor will:
 - a. Complete the IPE Amendment Justification template in the electronic case management system;
 - b. Amend the IPE; and
 - c. Obtain necessary signatures.
 - a. Individual's signature,
 - b. VR Counselor signature,
 - c. Supervisor signature, as required, and
 - d. Additional approvals, as required (e.g., above \$20,000).

		Policy Type	Service Delivery
		Policy Number	413
		Revision #	Original
		Implementation Date	7/1/2021
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b) **Policy Title: IPE –Annual reviews**

- I. DESCRIPTION:** Annual reviews provide an opportunity to review a participant’s progress on the objectives. While progress on an IPE should be regularly reviewed for progress, a formal review is required to be completed annually.
- II. DEFINITIONS:** There are no specific definitions to this policy.
- III. POLICY:**
- A.** The IPE shall be reviewed by the counselor and the participant, and the participant’s representative as appropriate, as often as necessary and at least annually from the date of the most recent substantial plan amendment [new plan function] or latest annual review. This will include a review of:
1. Progress toward meeting the identified employment outcome on the IPE;
 2. The individual’s financial status; and
 3. The status and continued use of goods which may have been provided.
- B.** If the review indicates that changes are needed in the IPE, the counselor and participant will jointly redevelop and agree to its terms.
- C.** Rights and responsibilities, including the availability of the Client Assistance Program (CAP) are reviewed with the participant at this time.

413.P Annual Review Procedure	
	Revision date: 7/1/2021

See corresponding policy: Amendment

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

IPE Review procedures are designed to assure participant's plans are reviewed regularly, at least annually, to monitor progress toward achievement of the plan goal.

II. IPE Annual Review Process:

- A.** The electronic case management system will notify the VRC of the need for an annual review through an Activity Due.
- B.** VRC staff contact the participant to schedule opportunity to complete the annual review.
- C.** During the review the VR Counselor will discuss with the individual:
 1. Their progress over the course of the year;
 2. Services currently on the plan and need for any additional services;
 3. Need to amend the plan, if appropriate;
 4. Review financial need; and
 5. Rights and responsibilities, including availability of the Client Assistance program.
- D.** VR Counselor completes the Plan Review for signatures.
- E.** VR Counselor completes an amendment to the IPE for signatures, if identified need during review.
- F.** VR Counselor completes a case note documenting the discussion and completion of the annual review.
- G.** VR staff attach signed copies of VR forms in the electronic case management system.

		Policy Type	Service Delivery
		Policy Number	414
		Revision #	Original
		Implementation Date	7/1/2021
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c) **Policy Title: Service Status (includes Service, Service-J, Service-E, and Service-I)**

I. **DESCRIPTION:** Case service statuses are used to track a participant’s progress through the VR process. Statuses included in this policy include Service, Service–Job Ready, Service–Employed, and Service–Interrupted.

II. **DEFINITIONS:** There are no specific definitions to this policy.

III. **POLICY:**

A. **Service:** A case enters Service status upon initiation of the IPE:

1. During this status rehabilitation services are provided as identified in the IPE, and subsequent amendments.
2. Prior to the initiation of any service the case record will indicate:
 - a. The service is substantial and necessary for the participant, i.e., the service will assist the participant in reaching their employment goal;
 - b. The service is planned with the participant; and
 - c. There has been a consideration of financial needs and comparable benefits, as appropriate.
3. VR staff shall monitor the provision of services.

B. **Service–Job Ready (Service –J)** is used when the participant is ready for employment.

1. The participant is placed in this status when the participant has:
 - a. Completed services to prepare them to achieve their employment goal and are ready to begin job search activities; or
 - b. Has been referred to a community rehabilitation program provider (CRP) for job development activities.
2. During this status rehabilitation services are provided to assist the participant to obtain employment
3. Prior to the initiation of any service the case record will indicate:
 - a. The service is substantial and necessary for the participant, i.e., the service will assist the participant in reaching their employment goal;
 - b. The service is planned with the participant; and
 - c. There has been a consideration of financial needs and comparable benefits, as appropriate.

4. VR staff shall monitor the provision of services and progress toward employment.
- C. Service-Employed (Service-E)** is used to identify that the participant is employed, but is still receiving services, and not yet identified as stable in their employment.
1. NHVR tracks the progress of participant through the VR process.
 2. A participant moves to Service-E status when they become employed while still receiving services to assure a successful employment outcome.
 3. Participant shall provide verification of employment documentation.
- D. Service-Interrupted (Service-I)** A case is considered to be interrupted when the Individualized Plan for Employment (IPE) can no longer be continued and a new plan is unable to be developed. A case stays in interrupted status until a new plan has been written, the current plan is reactivated, or the file is ready to be closed.
1. The purpose of interrupted status is to recognize that a variety of situations may arise in the course of a rehabilitation program in which a temporary suspension of the program is warranted. In each case, NHVR must determine that the participant will be able to return to a rehabilitation program or a program of employment services following the resolution of the situation causing the interruption.
 2. The major activity that takes place in this status is an attempt to develop a new plan or reactivate a previous plan in order to move the individual towards employment. This can include new or additional evaluations.
 3. VR counselors will take an active role in trying to move cases back into an active status as rapidly as is feasible.
 4. A plan will be developed listing the activities that will take place to return the file to an active status and entered as a case note.
 5. If after 90 days the case is still considered to be interrupted, a new service interrupted plan will need to be created.

414.P Service Status Procedure	
	Revision date: 7/1/2021

See corresponding policy: Service Status

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

The purpose of the Service Status procedure is to ensure fair and equitable processing of a referrals that are made known to the Agency.

Service status procedures are designed to provide information to the individual about the various service statuses and to obtain necessary information to enter the individual into the Referral module of AWARE.

II. Service Status Processes: The service statuses assist the VR Counselor and Agency to identify progress toward achievement of an employment outcome.

III. Service –J Process

- A.** VR Counselor maintains contact with the participant and tracks the progress of participant through the VR process.
- B.** When the VR Counselor identifies the participant is ready for employment:
 - 1. VR Counselor identifies that participant has:
 - a. Completed preparation for employment (counseling and guidance; restoration; training) and is ready to accept a job but has not yet been placed or has been placed, but not yet begun employment; or
 - b. Been referred for job placement services with a CRP (if necessary).
- C.** VR Counselor discusses parameters of the participant’s job search including:
 - 1. Participant’s job goal and acceptable employment factors;
 - a. Lowest Acceptable Hourly Wage;
 - b. Location(s) Willing to accept work (by county);
 - c. Willingness to relocate;
 - d. Employment Type (full-time; part-time); and
 - e. Shift type (Day, Evening, Night, Any, Rotating)

2. Miscellaneous considerations, as appropriate to individual and job goal:
 - a. Transportation available;
 - b. driver's license;
 - c. convicted of felony;
 - d. can pass drug test;
 - e. family support;
 - f. I-9 documentation;
 - g. Involvement with other NHWorks partners / accessing resources at the NHWorks Center; and/or
 - h. Registered with employment service (job match system(JMS)).
3. Planned activities for job search including, as appropriate to the individual and job goal:
 - a. Accommodations / assistive technology;
 - b. Working with a CRP;
 - c. Resume;
 - d. Application assistance;
 - e. Interviews, including opportunities for interview practice and mockinterviews;
 - f. Job Leads; and/or
 - g. Resources available to assist with the job search.

- D. VR Counselor completes the Job Ready data page in the electronic case management system.
- E. VR Counselor completes an amendment to the IPE if any changes to the plan were identified as part of this review.
- F. VR Counselor completes a case note documenting discussion and next steps.
- G. VR Counselor assists in the job search process:
 1. Directly with the participant; or
 2. By follow up with participant and CRP on job search progress.
- H. VR Counselor records ongoing activities and progress in case notes.
- I. VR staff attach related documentation in the electronic case management system.

IV. Service-E Process:

- A. VR Counselor maintains contact with the participant and tracks the progress of participant through the VR process.

- B. When the VR Counselor identifies the participant has obtained employment the VR Counselor should check the employment with the IPE employment goal.
- C. VR Counselor contacts participant to discuss employment opportunity.
 - 1. Inquire about participant's feelings about the opportunity.
 - a. Does it match the participant's expectations for employment
 - (1) Job goal;
 - (2) Hours and wages; and
 - (3) Location and transportation.
 - b. Does the participant have any concerns about the job opportunity?
 - c. Are there any services or supports the individual needs as they begin employment?
 - 2. If the job goal does not match the employment goal, VR Counselor discussion includes:
 - a. Is this an acceptable employment opportunity for the individual?
 - b. Are there any concerns identified to the change in employment goal?
 - 3. Remind participant about employment verification requirement.
- D. If job is different from IPE goal, and VR Counselor and participant agree to change in vocational goal, an amendment to the IPE is developed.
- E. VR Counselor completes a case note documenting discussion and next steps.
- F. VR Counselor maintains contact with participant to assure successful placement, and progress on remaining services in the plan.
- G. VR Counselor records ongoing activities and progress in case notes.
- H. VR staff attach related documentation the electronic case management system.

V. Service-I Process:

- A. VR Counselor completes the Services interrupted data page if the participant has experienced a significant change in circumstances such that they are no longer able to participate in the VR program.
- B. VR Counselor maintains contact with participant to identify activities to either:
 - 1. Develop a new plan;
 - 2. Activate the previous plan; or
 - 3. Identify that the participant is not able to participate in VR services at this time (move toward closing case).

- C.** The major activity that takes place in this status is an attempt to develop a new plan or reactivate a previous plan in order to move the individual towards employment. This can include new or additional evaluations.
- D.** VR counselor will take an active role in trying to move case back into an active status as rapidly as is feasible.
- E.** Action plans will be used to identify activities that will take place to return the file to an active status.
- F.** VR Counselor will maintain case notes of contact and progress.
- G.** VR Counselor moves participant out of this status when the participant is ready to engage in services, or a decision to close case has been determined.
- H.** Plan amendments must be approved by a qualified VR staff when substantial changes to the IPE occur.

		Policy Type	Service Delivery
		Policy Number	415
		Revision #	Original
		Implementation Date	7/1/2021
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Policy Title: Employed

- I. DESCRIPTION:** NHVR uses case service statuses to track a participant’s progress though the VR process. Employed status identifies that the participant is employed and no longer receiving vocational rehabilitation services.

II. DEFINITIONS:

Competitive integrated employment: work that—

- A.** Is performed on a full-time or part- time basis (including self-employment) and for which an individual is compensated at a rate that—
1. 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;
 2. 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
 3. 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
 4. Is eligible for the level of benefits provided to other employees; and
- B.** Is at a location—
1. Typically found in the community; and
 2. 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
 3. 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.

III. POLICY:

- A.** A participant is placed in Employed status when they have been prepared for, placed in, and begun employment, and no longer need VR services other than VR Counselor follow-up services to ensure stability of the employment.
- B.** The participant must be in this employment status for a minimum of 90 days prior to being closed rehabilitated to insure the adequacy and stability of the employment in accordance with the needs and limitations of the individual.
- C.** If it is identified additional services are needed, the case shall be moved back to an active service status.

415.P Employed Procedure	
	Revision date: 7/1/2021

See corresponding policy: Employed

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

The purpose of the Employed status procedure is to provide adequate follow up support to ensure the participant is stable in their employment and no longer in need of VR services.

II. Employed Process:

- A. Upon identifying that the participant is employed and no longer needs services other than VR Counselor follow up to ensure stability of employment, the VR Counselor reviews the job against the IPE goal.
- B. VR Counselor checks in with participant about the job and discusses how job meets the vocational goal and the needs of the participant for employment.
 - 1. If job is different from IPE goal, and VR Counselor and participant agree to change in vocational goal, an amendment to the IPE is developed by means of the new plan feature in the case management system.
- C. VR Counselor reminds participant about employment verification requirements and solicits employment verification data (Paystub or Employment Verification Form).
- D. VR staff maintain case notes of attempts to gather employment verification documentation.
- E. VR Counselor completes the Employed data page.
- F. VR staff attach verification to electronic case management system.
- G. VR Counselor maintains contact with participant to assure successful placement over the next 90 days. Additional days may be included if necessary to assure stability.

1. Case notes are used to document the need for additional follow up to assure stability of employment.
 2. If not obtained yet, VR Counselor continues follow up to obtain employment verification throughout the follow up period.
- H.** If through ongoing contact it has been determined the participant is in need of additional services, staff should move the participant back to Service-E status. This is done through the removal of the stable date. VRC will send an activity due to the data unit to remove the stable date.
- I.** If through ongoing contact it has been discovered that the participant lost their job, staff should enter an end date to the employment record in the electronic case management system. This will revert the participant back to Service status. Staff should not request removal of the stable date in this situation.
- J.** VR staff attach related documentation in the electronic case management system.

		Policy Type	Service Delivery
		Policy Number	416
		Revision #	1
		Implementation Date	7/1/2021
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Policy Title: Program Exit – Closure of the Case Service Record

- I. **DESCRIPTION:** Program exit or case closure occurs when the participant’s work with NHVR has ended. Reasons for closure include the individual has achieved an employment outcome; declines services or refuses to participate; is not available for services; has been determined ineligible; does not wish to remain on the wait list for services; received services but has not achieved an employment outcome..

II. **DEFINITIONS:**

Clear and convincing evidence: There shall be a high degree of certainty before it can conclude 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.

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.

Competitive integrated employment: work that—

- A. Is performed on a full-time or part- time basis (including self-employment) and for which an individual is compensated at a rate that—
1. 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;
 2. 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
 3. 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

4. Is eligible for the level of benefits provided to other employees; and

B. Is at a location—

1. Typically found in the community; and

2. 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

3. 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.

Employment outcome: Full-time or, if appropriate, part-time competitive integrated employment, (including customized employment, self-employment, telecommuting, or business ownership), or supported employment that is consistent with an individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Extended employment: Work in a non-integrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act.

10. Integrated setting:

A. With respect to the provision of services, a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals other than non-disabled individuals who are providing services to those applicants or eligible individuals; and

B. With respect to an employment outcome, a setting—

1. Typically found in the community; and

2. 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.

III. POLICY: Case records shall be closed, as appropriate, when the individual has achieved an employment outcome; declines services or refuses to participate; is not available for services, to include instances in which the consumer has died; has been determined ineligible; does not

wish to remain on the waiting list for services; or has received services but has not achieved an employment outcome. In the Referral Module of the Case Management system, a referral record may be manually closed when an individual declines services or does not respond to multiple invitations to apply for services. In the Case Management System Participant Module, VR records are closed either "rehabilitated" or "other than rehabilitated."

A. Closure without an Eligibility Determination

1. A case shall not be closed prior to a determination of eligibility unless:
 - a. The applicant declines to participate in, or
 - b. Is unavailable to complete an assessment for determining eligibility.
2. Prior to this closure NHVR will make a minimum of two attempts to contact the applicant using multiple methods of communication, if available, or, if appropriate, the applicant's representative to apprise them of the closure and encourage the applicant's participation.
 - a. These attempts are not required in instances where the individual:
 - (1) has died,
 - (2) is Incarcerated,
 - (3) is institutionalized, or
 - (4) has requested that their case be closed.

B. Ineligibility

1. An individual shall be found ineligible for services if:
 - a. They were found to have no disabling condition or impediment to employment, or
 - b. They did not require VR services to prepare for, secure, retain, advance in, or regain competitive integrated employment, or
 - c. There is clear and convincing evidence based on the results of Trial Work Experience(s) that the individual cannot benefit in terms of an employment outcome from the provision of VR services due to the severity of their disability, or
 - d. The individual makes an informed choice to not pursue a competitive and integrated employment outcome, or
 - e. The individual's disability prevents the individual's ability to seek competitive integrated employment after a determination of eligibility, or
 - f. The individual applied for VR services pursuant to section 511 of the Rehabilitation Act and was determined ineligible because they did not wish to pursue competitive integrated employment.
2. Prior to making the ineligibility determination the Agency shall:
 - a. Provide 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:

- (1) The ineligibility determination, including the reasons for that determination;
 - (2) The requirements under this section; and
 - (3) The means by which the individual may express and seek remedy for any dissatisfaction, including the procedures for review of agency determinations.
- c. Provide the individual with a description of services available from a Client Assistance Program (CAP) and information on how to contact that program;
 - d. Refer the individual:
 - (1) To other programs that are part of the workforce development service delivery system under the Workforce Innovation and Opportunity Act that can address the individual's training, employment-related, and/or subsistence 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 rehabilitation needs, if the ineligibility determination is based on a finding that the individual has chosen not to pursue, or is incapable of achieving, a competitive and integrated employment outcome.
- 3. Review within 12 months and annually thereafter if requested by the individual or, if appropriate, by the individual's representative, any ineligibility determination that is based on a finding that the individual is unable to achieve an employment outcome.
 - a. 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.

C. Closed Rehabilitated – successful employment outcome

- 1. Qualified staff will close a case as meeting an employment outcome only when the following criteria are met, and the electronic case management system contains supporting documentation:
 - a. The employment outcome is consistent with the IPE goal;
 - b. The employment outcome is in a competitive and integrated setting;
 - c. The employment outcome has been maintained for a reasonable period of time, but not less than 90 calendar days, to demonstrate stability in the outcome;
 - d. IPE services are complete, and the participant no longer requires VR services to maintain employment;
 - e. The counselor, participant, and authorized representative if applicable, are satisfied with the employment outcome;
 - f. The participant has been informed of their right to appeal and availability of CAP; and
 - g. The participant has been informed of the availability of assistance after closure if needed to maintain, regain or advance in employment through an expedited eligibility and plan process.
- 2. The individual is provided an opportunity for participant involvement in the closure decision and shall be notified of the decision to exit services and appeal procedures.

3. For cases closed with a supported employment outcome:
 - a. The service record of an individual with a most significant disability who has achieved a competitive and integrated employment outcome that requires long-term supports (with or without customization of job tasks) will be closed concurrently with the achievement of the employment outcome when the individual:
 - (1) Satisfies requirements for case closure, as set forth in program exit policy – successful employment; and
 - (2) The agency is not (or is no longer) providing extended services or any other vocational rehabilitation service to the individual.
 - b. The service record of a youth with a most significant disability who is receiving extended services provided by NHVR will be closed when:
 - (1) The youth with a most significant disability achieves a competitive and integrated employment outcome with supports (with or without customization of job tasks); and
 - (2) Is no longer eligible to receive extended services provided by the agency because the individual:
 - (a) No longer meets age requirements established in the definition of a youth with a disability;
 - (b) Has received extended services for a period of forty-eight months; or
 - (c) Has transitioned to extended services provided with funds by an entity other than NHVR prior to meeting the age or time restrictions.
 - c. The individual satisfies requirements for case closure, in accordance with program exit policy – successful employment; and
 - d. The individual is no longer receiving any other vocational rehabilitation service from NHVR.
4. For cases closed with a self-employment outcome:
 - a. Qualified staff will close a case as meeting an employment outcome for a self-employment IPE plan type only when the following criteria are met and the electronic case management system contains supporting documentation:
 - (1) Employment is consistent with the IPE goal;
 - (2) IPE services are complete, and the participant no longer requires VR services to maintain employment;
 - (3) The participant appears to be managing the business appropriately (with or without supports) for a reasonable period of time, but not less than 180 calendar days, to demonstrate stability of the outcome;
 - (4) The goals regarding profit levels have been reached or profit levels are determined to be satisfactory to the counselor, participant, and authorized representative if applicable;
 - (5) The counselor, participant, and authorized representative if applicable, are satisfied with the employment outcome; and

- (6) The participant has been informed of the availability of assistance after closure if needed to maintain, regain, or advance in employment through an expedited eligibility and plan process.

D. Closed Other – for reasons other than rehabilitated

1. Vocational rehabilitation services shall be terminated prior to completion for the following reasons:
 - a. Health/Medical: Individual is hospitalized or receiving medical treatment that is expected to last longer than 90 days and precludes entry into competitive integrated employment or continued participation in the program,
 - b. The death of the individual,
 - c. Reserve Called to Active Duty: Individual is a member of the National Guard or other reserve military unit of the armed forces and is called to active duty for at least 90 days,
 - d. Institutionalized (prison or jail): Individual entered a correctional institution (e.g., prison, jail, reformatory, work farm, detention center) or other institution designed for confinement or rehabilitation of criminal offenders (section 225 of WIOA),
 - e. Transferred to Another Agency: Individual needs services that are more appropriately obtained elsewhere. Transfer to another agency indicates that appropriate referral information is forwarded to the other agency so that agency may provide services more effectively. Include individuals transferred to other VR agencies,
 - f. Unable to Locate or Contact: Individual has relocated or left the State without a forwarding address, or when individual has not responded to repeated attempts to contact the individual by mail, telephone, text, or email,
 - g. Extended Employment: Individuals who received services and were placed in a non-integrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act (34 CFR 361.5(c)(18)),
 - h. Long-Term Extended Services Not Available: Individual has received VR services but requires long-term extended services for which no long-term source of funding is available. This code is used only for individuals who have received VR services,
 - i. Has moved to another jurisdiction and NHVR is unable to continue provision of services,
 - j. Refused Services or No Further Services: Individual actively chose not to participate or continue in the VR program. Also use this code to indicate when an individual's actions make it impossible to begin or continue a VR program. Examples would include repeated failures to keep appointments for assessment, counseling, or other services, or
 - k. Short Term Basis Period: The individual achieved supported employment in integrated employment, but did not earn a competitive wage after exhausting the short-term basis period.

E. Program Exit –Notification

1. NHVR shall provide written notification to every individual who has applied for services, in the individual's primary language if necessary, and using appropriate modes of communication, when a determination is made to exit the individual from the VR program and end further activity.
2. The written notice shall specify in detail the reasons for the decision to end services and shall clearly inform the individual of the right to mediation and fair hearing as well as provide a description of participant assistance program services.

416.P Program Exit – Closure of the Case Service Record Procedure	
	Revision date: 7/1/2021

See corresponding policy: **Program Exit – Closure of the Case Service Record**

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

The purpose of the Program Exit – Closure of the Case Service Record procedure is to ensure that individuals are involved and understand the closure of their case record.

II. Process Program Exit – Closure of the Case Service Record Process:

A. Closure without an Eligibility Determination Process

1. VR Counselor will document ongoing attempts to engage individual in the assessment process, as necessary to complete a determination of eligibility, including Trial Work Experiences.
 - a. The case should show a minimum of two attempts to contact.
 - b. Attempts should use different methods of contact, where available.
2. If the individual is unavailable or declines to participate in an assessment for determining eligibility:
 - a. VR Counselor will complete a closure case note,
 - (1) Document need for additional assessment activities and decision to close rationale, e.g., declined to participate or unavailable to participate,
 - b. VR Counselor will ensure that any supporting documentation is attached in the electronic case file,
 - c. VR Counselor will complete the Closure data page, and
 - d. VR Counselor will mail letter to individual informing them of the closure.

B. Ineligibility

1. The VR Counselor completes a preliminary assessment to determine whether the applicant meets the eligibility criteria. An ineligibility determination is made when information and documentation shows that the applicant:
 - a. Does not have a disability; or
 - b. Does not have a substantial impediment to employment; or
 - c. Is unable to benefit - the applicant is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome because of the severity of the disability, justified by clear and convincing evidence demonstrated by a Trial Work Experiences; or

- d. Does not require services.
- 2. Once Ineligibility has been identified, VR Counselor provides opportunity for full consultation to the applicant:
 - a. Provide information about need to close case ineligible, and
 - b. Determine if there is additional information that may impact or change the decision
- 3. Record details of consultation in case notes;
- 4. Assure all documentation is attached in electronic case file;
- 5. Complete Ineligibility case note;
- 6. Complete closure data page in the electronic case management system;
- 7. Send an Activity Due to supervisor to review and approve Ineligibility Determination;
- 8. Supervisor reviews and approves Ineligibility decision; and
- 9. Mail Ineligibility Determination letter to individual by certified mail.

C. Closed Rehabilitated – successful employment outcome

- 1. Qualified staff will close a participant as successfully meeting an employment outcome only when the following criteria are met and the electronic case management system contains supporting documentation:
 - a. Found the individual eligible;
 - b. Provided an assessment for eligibility and determining vocational rehabilitation needs;
 - c. Provided counseling and guidance;
 - d. Provided appropriate and substantial vocational rehabilitation services in accordance with the IPE, and the services contributed to the achievement of the employment outcome;
 - e. Determined that the participant has maintained suitable employment for at least ninety (90) calendar days;
 - f. Provided an opportunity for participant involvement in the closure decision;
 - g. Reassessed the need for and informed the participant of the purpose and availability of post-employment services, when necessary;
 - h. Provided written notification of closure to the participant;
 - i. Demonstrated that the individual achieved a successful vocational outcome, to the extent possible in competitive integrated employment in the most integrated setting possible, consistent with the individual's informed choice.
 - j. Demonstrated that the employment outcome is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice; and
 - k. Demonstrated that at the end of the ninety (90) days of employment the individual and the rehabilitation counselor consider the employment outcome to be satisfactory and agree that the individual is performing well on the job.

2. Staff will ensure the electronic case management system contains supporting documentation for the closure.
3. In every case, the reason for closure must be evident and the case file must reflect the circumstances leading to closure and the process followed at closure. Outlined below, are the steps.
4. Communicate with the participant regarding the upcoming case closure.
 - a. Discuss with participant case closure
 - b. Staff will send the following information to the participant prior to closing a case:
 - (1) Closure letter
 - (2) Closure form
 - (3) Rights and availability of CAP
 - (4) Information regarding post-employment services
5. Supervisor will review and approve all closure decisions of counselors who are not qualified staff

D. Closed Supported Employment – additional requirements

1. The following procedures are required in addition to the requirements for Closed Rehabilitated:
 - a. VR Counselor assures the service record demonstrates the individual is identified as most significant disability, and
 - b. VR Counselor assures that long-term supports (with or without customization of job tasks) are in place and will continue past the case closure.
2. The service record of a youth with a most significant disability who is receiving extended services provided by NHVR will be closed when:
 - a. The youth with a most significant disability achieves a competitive and integrated employment outcome with supports (with or without customization of job tasks); and
 - b. Is no longer eligible to receive extended services provided by NHVR because the individual:
 - (1) No longer meets age requirements established in the definition of a youth with a disability;
 - (2) Has received extended services for a period of forty-eight months; or
 - (3) Has transitioned to extended services provided with funds by an entity other than NHVR prior to meeting the age or time restrictions established in policy.
 - c. The individual satisfies requirements for case closure, in accordance with program exit policy – successful employment; and
 - d. The individual is no longer receiving any other vocational rehabilitation service from NHVR.

E. Self-Employment- additional requirements

1. Staff will complete the Closure Justification template in the electronic case file for all closures and include a reason for closure and description of how all criteria required for closure have been met.
2. Staff will ensure the case file contains supporting documentation for each closure. For self-employment that includes profit and loss documentation.
3. Supervisor will review and approve all closure decisions of counselors who are not qualified staff.

F. Closed Other

1. Qualified staff will close a participant as not meeting an employment outcome only when the following criteria are met and the electronic case management system contains supporting documentation:
 - a. Multiple attempts to contact the participant and encourage participation made over a reasonable period of time have been unsuccessful;
 - b. The participant fails to actively participate in VR services on a consistent basis;
 - c. The participant fails to make consistent progress toward achievement of the agreed upon intermediate objectives or specific employment outcome; or
 - d. The participant requests closure prior to meeting an employment outcome.
2. In every case, the reason for closure must be evident and the case file must reflect the circumstances leading to closure and the process followed at closure. Outlined below, are the steps.
3. Communicate with the participant regarding the upcoming case closure.
4. Complete case note in the case management system to include:
 - a. Method of final contact,
 - b. Reason for case closure (rehabilitated or other), and
 - c. How the individual was informed of options to appeal decision and availability of the Client Assistance Program (CAP).
5. Review OPEN authorizations.
 - a. All authorizations must be closed/paid in order to close a case. You can do this in Authorizations Open Page or it should show up when you go into the Closure Page.
 - b. If you have any open authorizations, review them to determine if services are still being provided, a bill needs to be processed, or that the authorization can be liquidated. Email the Rehab Tech what you want done with the open authorization and they will assist you.
6. Complete "Case Closure form" and draft language to use on VR-9C.
7. Email closure form and draft 9C language to Support Staff. Title the email Closure and put the date you want it to close.
8. Support Staff:
 - a. Reviews file to ensure all information is accurate and necessary documentation is in

the case management system.

- b. Attaches wage information in case (if not previously done by counselor).
- c. Closes case based on Case Closure Form.

		Policy Type	Service Delivery
		Policy Number	418
		Revision #	Original
		Implementation Date	7/1/2021
Page #	1 of 2	Last Reviewed/Update Date	None

Policy Title: Post Closure Reviews

I. DESCRIPTION: Follow up is provided to assess whether conditions have changed for an individual who has been closed too significantly disabled or in extended employment to determine if they may now be able to benefit from the provision of vocational rehabilitation services.

II. DEFINITIONS:

Extended employment: Work in a non-integrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act.

Special wage certification: A certificate issued to an employer under 14(c) of the Fair labor standards Act that authorizes payment of subminimum wages, wages less than the statutory minimum wage.

III. POLICY: NHVR shall conduct required reviews on individuals who were closed due to an ineligibility determination based on significance of disability; in an extended employment setting; or under special certificate provisions of the Fair Labor Standards Act.

A. Annual Review of Case Closure due to Severity of Disability

1. Individuals whose cases were closed ineligible due to the severity of their disability and based on a finding that the individual was incapable of benefiting from NHVR services in terms of an employment outcome shall be provided an opportunity for a review of that determination one year after case closure to assess whether their condition may have changed and they may now be capable of benefiting from services.
2. A review shall not be conducted when the individual has refused it, is no longer present in the state, their whereabouts are unknown, or when the individual's medical condition is rapidly progressive or terminal.

B. Post Closure - Annual Semi-annual and annual review of individuals

1. A review shall be conducted semi-annually for the first two years and each year

thereafter, if requested by the individual or their representative, after a case has been closed on the basis of extended employment (sheltered employment) in a community rehabilitation program or under special certificate provisions of the Fair Labor Standards Act. This includes:

- a. Cases closed in a position in which the participant is compensated less than minimum wage in accordance with section 14(c) of the Fair Labor Standards Act.
 - b. Cases in Closed-Other status because the individual is in extended employment and unable to achieve an employment outcome or because the individual made an informed choice to remain in extended employment.
2. The purpose of this review is to determine the continued suitability of the current employment and the individual's readiness for, and interest in, competitive integrated employment.
 3. This review shall include input from the individual (or in an appropriate case, the individual's representative) to determine the individual's interests, priorities, and needs for competitive employment, or training for competitive employment.
 4. The review shall include maximum efforts to identify vocational rehabilitation services, reasonable accommodations, and other necessary support services, to assist the individual in engaging in competitive integrated employment.
 5. The counselor shall record the results of the review. The review results include individuals not available for the review (refuses the review, does not want further involvement, no longer resides in NH, died, retires from sheltered workshop, cannot be located, etc.).
 6. If the review shows that the individual has died or has moved out of state, no future reviews are required.

418.P Post Closure Reviews Procedure	
	Revision date: 7/1/2021

See corresponding policy: **Post Closure Reviews**

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

The purpose of this procedure is to ensure fair and equitable follow-up reviews on cases where an individual has been determined either 1) ineligible due to severity of disability, 2) closed in extended employment, or 3) closed under special certificate provision.

II. Annual Review of Case Closure due to Severity of Disability Process

- A. Central office will monitor cases closed too significantly disabled and notify the Regional office of former applicants and participants whose cases were closed ineligible one year previously because their disability was too severe.
- B. VR Counselor conducts a review against the closed case file to identify those individuals who do not require an annual review. For example, an annual review may not be required if:
 1. The review process was explained to the participant at case closure, the participant did not desire the review, and this fact was summarized in the closure letter;
 2. The individual is no longer in the state or cannot be located; or
 3. The individual's medical condition is rapidly progressive or terminal.
- C. VR Counselor notifies the individuals identified of the opportunity for an annual review of their case closure.
 1. If an individual responds and indicates an interest in having a review of present circumstances, it shall be determined whether the individual's condition has changed so that NHVR services would now be beneficial. If it appears the individual can now benefit from NHVR services and is interested in reapplying, a new application shall be processed.

2. If the review indicates that the individual is not able to benefit further from NHVR services, the individual shall be notified in writing of the decision and the rationale for it. The letter advises the individual that subsequent reviews are available, but will need to be self-initiated.
- D.** Qualified staff record the outcome of the annual review in the electronic case management system:
1. VR Counselor completes Follow-up data page,
 2. VR Counselor documents contacts and activity in case notes,
 3. If the counselor does not have signature authority to finalize the review activity, the VR Counselor will create an Activity Due for supervisory review and approval, and
 4. Supervisor reviews and approves the review outcome, as required.
- III. Annual Semi-annual and annual review of individuals closed in either extended employment or under special certificate provisions process**
- A.** This review or re-evaluation includes information from the individual or, in an appropriate case, the individual's representative, to determine the interests, priorities, and needs of the individual for employment in, or training for, competitive integrated employment.
- B.** Central Office notifies Regional Offices of individuals whose cases were closed in Extended Employment six months previously.
- C.** VR Counselor reviews the closed case file to identify those individuals who do not require a semi-annual review. For example, a semi-annual review may not be required if:
1. The review process was explained to the individual at case closure, the individual did not desire the review, and this fact was summarized in the closure letter,
 2. The individual is no longer in the state or cannot be located, or
 3. The individual's medical condition is rapidly progressive or terminal.
- D.** VR Counselor notifies individuals who require the review of the opportunity for a semi-annual review of their case closure. If an individual responds and indicates an interest in having a review of present circumstances, the VR Counselor determines whether the individual's condition has changed so that NHVR services would now be beneficial. If it appears the individual can now benefit from NHVR services and is interested in reapplying, a new application should be processed.
- E.** If the review indicates that the individual is not able to benefit further from NHVR services, the VR Counselor notifies the individual in writing of the decision and the rationale for it. After four semi-annual reviews have been completed, the letter also advises the individual that subsequent reviews are available on an annual basis, if requested.

- F.** Qualified staff record the outcome of the semi-annual review in the electronic case management system.
1. VR Counselor completes Follow up data page, and
 2. VR Counselor documents contacts and activity in casenotes.
 3. If the counselor does not have signature authority to finalize the review activity, the VR Counselor will create an Activity Due for supervisory review and approval.
 4. Supervisor reviews and approves the review outcome, as required.

Section 500 – Services

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		Policy Type	Service Delivery
		Policy Number	501
		Revision #	Original
		Implementation Date	4/1/2021
Page #	1 of 4	Last Reviewed/ Update Date	None

Policy Title: General Provisions for All Vocational Rehabilitation Services

I. **DESCRIPTION:** provides overall provisions for nature and scope of vocational rehabilitation services the bureau provides.

II. **DEFINITIONS:**

Employment outcome: Entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market (including satisfying the vocational outcome of supported employment) or satisfying any other appropriate vocational outcome.

Reasonable Accommodation: a modification or adjustment to a job, the work environment, or the way things are usually done during the hiring process. These modifications enable an individual with a disability to have an equal opportunity not only to get a job, but successfully perform their job tasks to the same extent as people without disabilities. The ADA requires reasonable accommodations as they relate to three aspects of employment: 1) ensuring equal opportunity in the application process; 2) enabling a qualified individual with a disability to perform the essential functions of a job; and 3) making it possible for an employee with a disability to enjoy equal benefits and privileges of employment.

Undue hardship: An action requiring significant difficulty or expense when considered in light of a number of factors. These factors include the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the employer's operation.

Individual with a disability in this policy includes representative as appropriate

III. **POLICY:**

- A. Vocational Rehabilitation (VR) services are provided to assist eligible individuals with a disability prepare for, secure, retain, regain or advance in an employment outcome.
- B. Services are individualized and provided as appropriate to the needs of the individual and the projected employment outcome goal.
- C. All services shall be developed and carried out in a manner consistent with respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on inclusion, integration, and informed choice, with the full participation of the individual with a disability.

- D. The bureau provides VR services:
1. To assist potentially eligible students with disabilities with career exploration and job readiness services that assist in preparation for future employment;
 2. To determine whether an applicant is eligible for VR services;
 3. To determine the nature and scope of VR services needed by the participant to achieve an employment outcome,
 4. In accordance with a Trial Work Experiences Plan (TWP), or
 5. In accordance with an approved Individualized Plan for Employment (IPE).
- E. VR services must be equally accessible across the state.
1. When this is not the case, a statewide waiver is required to be indicated in state plan.
 2. Equal accessibility of resources does not imply that all resources must look alike or have the same title or that all services are equally available everywhere in the State.
- F. Participants must put forward good faith effort to engage in VR process, maintaining contact with VR, actively participating in their approved VR services, and making consistent progress towards achieving an employment outcome in order to continue to receive services.
- G. Involvement in the VR program does not entitle an applicant or participant to any specific services. Policies regulate the specific type or amount of goods and services that are available, and under which circumstances they are available to an individual participating in VR services.
- H. Scope of Services: Vocational rehabilitation services are that are necessary to assist an individual with a disability in preparing for, securing, retaining or regaining an employment outcome consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice of the individual, including:
1. Pre-employment transition services to students with disabilities, including students who are potentially eligible for vr services
 2. Services for individuals who have applied for or been determined eligible for vocational rehabilitation services
 - a. Assessment, including
 - i. An assessment for determining eligibility and priority for services by qualified personnel including, if appropriate, an assessment by personnel skilled in rehabilitation technology.
 - ii. An assessment for determining vocational rehabilitation needs.
 - b. Vocational counseling and guidance, including information and support services to assist an individual in exercising informed choice.
 - c. Referral and other services necessary to help applicants and eligible individuals secure needed services from other agencies and to advise those individuals about the Client Assistance Program.
 - d. Diagnosis and treatment of physical and mental impairments
 - e. Vocational and other training services, including personal and vocational adjustment services, books, tools, and other training materials.
 - f. Interpreter services including sign language, Communication Access Real Time Translation (CART) and oral interpreting for individuals who are deaf or hard of hearing and tactile interpreting services for individuals who are deaf blind provided by qualified personnel.

- g. Reader services, rehabilitation teaching services, and orientation and mobility services for individuals who are blind.
 - h. Job-related services, including job search and placement assistance, job retention services, follow-up services and follow-along services.
 - i. Self-employment services, including technical assistance and consultation services related to self-employment, telecommuting and small business ownership.
 - j. Supported Employment services.
 - k. Occupational licenses, tools, equipment, initial stocks and supplies.
 - l. Rehabilitation technology services, including architectural and vehicle modifications, telecommunications, sensory and other technological aids and devices.
 - m. Transition services for students with disabilities, including pre-employment transition services
 - n. Customized employment
 - o. Other goods and services determined necessary for the individual with a disability to achieve an employment outcome.
 - p. Support services – The following services may only be provided while an individual is receiving other vocational rehabilitation services as specified in an Individualized Plan for Employment:
 - i. Maintenance for additional costs, over and above normal living expenses, incurred while participating in rehabilitation.
 - ii. Transportation, including training in the use of public transportation vehicles and systems.
 - iii. Vocational rehabilitation services to family members of an applicant or eligible individual if necessary to enable the applicant or eligible individual to achieve an employment outcome.
 - iv. On-the-job or other personal assistance services.
- I. The following types of services and supports are not considered VR services, and as such are not provided to applicants or participants participating in the VR program:
1. Reimbursement to individuals for debts and expenses they have incurred. This includes goods and services that the individuals have ordered which have not been agreed to and which are not included on an authorization or in the IPE;
 2. Ongoing or long-term support of a self-employment business venture;
 3. Basic living expenses (food, shelter, clothing, hygiene products) other than those expenses that exceed than the individual's normal expenses due to participation in an assessment for determining eligibility, participation in IPE planning, or receipt of services under an IPE.
 4. General living costs resulting from a loss of income due to participation in VR services or a self-employment plan;
 5. Services which are available from other agencies or organizations as comparable benefits (when use of comparable benefits is required);
 6. Reasonable accommodations that are the responsibility of the employer pursuant to the Americans with Disabilities Act (ADA) unless the request for accommodation has been reviewed and denied with no viable alternative
 7. Services based on economic need for persons who do not meet economic need criteria;
 8. Salaries or payment for employees in a self-employment plan;
 9. Illegal, high-risk, hobby, or speculative ventures;
 10. Co-signing or underwriting of loans, refinancing of any debt;
 11. Multiple self-employment businesses;
 12. Operating capital, franchise fees, and support for non-profit businesses (self-employment);
 13. Fees, fines, tickets, or legal costs of any nature (including driver's licenses, ID cards, proof of legal ability to work);
 14. Vehicle payments, registration, or tags;

15. Businesses, goods, or services which are illegal by federal or state law or which may be sufficiently controversial as to create community disapproval including any business or service that violates or is contrary to generally accepted moral standards of the community or is of morally culpable quality, such as any business or service that conveys products that appeal to a prurient interest in sex or nudity;
 16. Specific goods and services such as purchase of
 - a. vehicles licensed to operate on public thoroughfares,
 - b. residences,
 - c. land, or
 - d. The purchase, construction, or major modifications of a building;
 17. Treatment services that are not medically and vocationally necessary to achieve the specific employment outcome as identified in the most current approved IPE; and
 18. Experimental, high risk or controversial treatment procedures.
- J. In the event that the bureau is restricted from purchasing and/or reimbursing for a good/service, the Rehabilitation Counselor may assist the participant in finding other avenues to obtain the good/service when it is considered necessary and appropriate to reach the employment objective and legal and ethical to do so.
- K. Services are provided in accordance with policy on: Participation in the Costs of Vocational Rehabilitation Services, Comparable services and benefits, and Comparable Benefit and Exception to Bureau Policy.

Procedure:

There is no related procedure to this policy

		Policy Type	Service Delivery
		Policy Number	502
		Revision #	Original
		Implementation Date	4/1/2021
Page #	1 of 4	Last Reviewed/Update Date	None

Policy Title: Participant Participation in the Costs of Vocational Rehabilitation Services

I. **DESCRIPTION:** The bureau reviews the financial need of individuals, as required by New Hampshire Administrative Rules ED 1011.01, so that its limited financial resources will be allocated to as many participants as possible with the greatest financial need. Federal Regulation requires States to establish written policies when a financial need test is used.

II. **DEFINITIONS:**

Available Resources: This is the amount that an eligible individual or participant has available to contribute toward bureau financial need-based services. This amount is identified by a calculation known as the participant contribution in the cost of services.

Comparable Benefits and Services: These are services or financial assistance from a source other than the bureau that will meet, in whole or in part, the cost of vocational rehabilitation services provided by the bureau.

Disability-related expenses: Money spent on items and services that help the individual manage or cope with their disability, impairment or long-term health condition. Or extra costs incurred to the individual as a result of a disability or disabling condition.

Dependent: A person, other than the taxpayer or spouse, who entitles the taxpayer to claim a dependency exemption for tax purposes. This includes children who are under age 19 at the end of the year; a full-time student under age 24 at the end of the year; or identified as permanently and totally disabled at any time during the year, regardless of age.

III. **POLICY:** The bureau shall assess financial need to determine participant’s available resources prior to paying for any vocational rehabilitation services, excluding only those services and circumstances listed as exemptions in this policy.

A. The bureau shall consider the financial need of eligible individuals, or individuals who are not yet eligible and receiving services through trial work experiences, for purposes of determining the extent of their participation in the costs of vocational rehabilitation services, other than those services identified in section J of this policy as exempt from the application of financial

need.

- B. In the process of considering financial participation in the cost of vocational rehabilitation services, the bureau will also consider the financial information of the spouse or any other person who claims the individual as a dependent for federal tax purposes.
- C. In the case of post-secondary training services, the bureau will also consider the financial information of anyone required to provide financial information on the eligible individual's Free Application for Federal Student Aid (FAFSA) in accordance with the Higher Education Act of 1965, as amended.
- D. Available resources of the participant must be applied before VR contribution.
- E. For each month that a purchase of a good and/or service is provided, the additional monthly available resources must be applied first.
 - 1. Recurring services (e.g., monthly tutoring, internet services): The Available Resource (participant contribution) is applied each month the service is provided.
 - 2. Single occurrence or one-time expenditures (e.g., hearing aid, vehicle modification): The Available Resource is applied to the single purchase, i.e., one time for an occurrence
 - 3. Multiple (two or more) services in one month:
 - a. The Available Resource is applied to the first service that is provided during the month.
 - b. If after application to the first item there is remaining available resource, the remaining balance would be applied to a second item.
 - c. If services are provided at same time, the available resource may be applied to the service of the participant's choice unless, one of the services is an item where participant contribution is not feasible, the available resources would be applied to another item.
 - 4. One time purchase of a year-long service (e.g., software subscription): The Available Resource would be applied to the single purchase, i.e., one time for an occurrence
 - 5. Financial Aid Transmittal Form (FATF) and Financial Needs Assessment (FNA)— Other purchase (e.g., hearing aid for an individual in college): For participants engaged in post-secondary training
 - a. The FATF is used to determine school costs and Estimated Family Contribution (EFC)
 - b. The FNA is completed to determine available resource for the additional purchase
 - c. Using the Available resource (participant contribution) from the FNA, subtract 1/12 of indicated EFC for any month service is provided, to determine participant contribution in cost
 - 6. Contribution toward item is not feasible with internal agency system (e.g., state contract vendor). Explore options for
 - a. Reimbursement or advance pay per Fees and Expenditures policy
 - b. Meeting the participant at a store, participant pays their contribution at checkout, then VR pays the remaining balance
 - c. Waiver for participant contribution
- F. When a required individual chooses not to participate in determination of financial need, submit supporting documentation to exempt the individual from financial need assessment, or contribute financially as required, services dependent upon financial need shall not be provided.

- G. This policy is applied uniformly to all individuals in similar circumstances.
- H. Deductions are based on a calculation of 250% federal poverty guidelines and are updated yearly upon publication in the federal register by the U.S. Department of Health and Human Services.
- I. Additional deductions are considered based on disability-related expenses.
- J. Exemptions: The bureau shall not apply a financial needs test, or require the financial participation from the individual as a condition for:
 1. Furnishing the following vocational rehabilitation services:
Assessment for determining eligibility and priority for services, except those non-assessment services that are provided to an individual with a significant disability during either an exploration of the individual's abilities, capabilities, and capacity to perform in work situations through the use of trial work experiences.
 2. Assessment for determining vocational rehabilitation needs.
 3. Vocational rehabilitation counseling and guidance.
 4. Referral and other services necessary to assist individuals to secure needed services from other agencies.
 5. Job-related services including job search and placement assistance, job retention services, follow-up services, and follow-along services.
 6. Personal assistance services.
 7. Pre-employment transitions services
 8. Any auxiliary aid or service (e.g., interpreter services, reader services) that an individual with a disability requires under section 504 of the Act or the Americans with Disabilities Act or regulations implementing those laws, in order for the individual to participate in the vocational rehabilitation program as authorized under this part; or
 9. Furnishing any vocational rehabilitation service if the individual in need of the service has been determined eligible for Social Security benefits under titles II or XVI of the Social Security Act on the basis of their disability.
 10. Furnishing vocational rehabilitation services if the individual is receiving public benefits, i.e., Temporary Assistance for Needy Families (TANF), Supplemental Nutritional Assistance Program (SNAP), or Aid to Permanently and Totally Disabled (APTD).
- K. An assessment of financial need must be completed for all eligible individuals and participants who are planned to receive a vocational rehabilitation service that is not exempt. The assessment must be completed at least annually for all participants receiving applicable services and may be updated if the income and/or assets change significantly during the year.
- L. Responsibility for determining financial need: Responsibility is shared between the eligible individual or their representative and the bureau.
 1. The eligible individual or participant is responsible for providing complete and accurate personal and household financial information on the financial needs assessment or documentation to support exemption from financial needs.
 2. The VR counselor must verify that the financial need review is complete and current

(within the last 12 months), maintain exemption documentation, and verify that the eligible individual's or participant's calculation of participation in cost of services has been determined prior to providing financial need-based services.

M. Required Signatures:

1. For eligible individuals or participants who are exempt from consideration of available resources the Financial Needs Assessment (FNA) does not require the eligible individual's or participant's signature.
2. For participants who are not exempt from consideration of available resources and financial need-based services are planned, a calculation of participant contribution in the cost of services shall be completed.
 - a. The calculation form requires the signatures of the eligible individual or participant and legal guardian if applicable. By signing the FNA, the eligible individual or participant, and legal guardian (if applicable), attests to the best of their knowledge that the information provided and used to calculate their available resources is true, correct and complete and they acknowledge a responsibility to promptly notify the VR counselor if there is a substantial change in their finances.

N. Required Documentation:

1. The Individualized Plan for Employment will indicate the source of funding for each service and either
2. The appropriate financial need assessment will be completed annually for individuals who are receiving non-exempt services; or
3. The appropriate documentation to support exemption from financial needs assessment will be submitted annually

502.P Assessment of Financial Need Procedure	
	Revision date: Original

See corresponding policy: Participant Participation in the Costs of Vocational Rehabilitation Services

Note: Vocational Rehabilitation procedures provide internal guidance for bureau staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

The bureau requires individuals who have available resources to contribute, as appropriate, to the costs of services included in their IPE

II. Determining Level of Participant Participation

1. During the development of the IPE, the counselor will work with the participant to complete the required financial needs assessment (FNA/FATF).
 - a. FATF is used for financial participation for post-secondary expenses
 - b. FNA is used for goods and services
 - c. Both FNA and FATF are necessary in cases when nonexempt services are provided in addition to post-secondary expenses
2. Available resources will be included in the plan as participant costs.
3. The FNA/FATF are attached in the case management system with supporting documentation. VRC's should ensure all signatures have been obtained prior to attaching.
4. Supporting documentation for exemption can include, but is not limited to:
 - a. SSI/SSD award letter,
 - b. public assistance budget,
 - c. Other proof of public assistance (notice of decision or assistance group summary). This could be a screen shot from a case management system that includes participant name and name of public benefit receiving.
5. If the VRC is made aware of substantial changes in the finances of the individual, they should offer a reassessment of financial need.
6. Annually, the financial need assessment should be completed as part of the Annual Review process or, for training, prior to the beginning of each school year and must include updated documentation.
7. If financial need applies, the VRC should document in the case note accompanying the authorization that financial need exists, and the amount the participant is contributing toward the cost of the good or service, or that the participant has met the cost participation requirement.

		Policy Type	Service Delivery
		Policy Number	503
		Revision #	Original
		Implementation Date	4/1/2021
Page #	1 of 4	Last Reviewed/Update Date	None

Policy Title: Use of Comparable Benefits

- I. **DESCRIPTION:** Comparable services and benefits are appropriate services or financial assistance from a source other than the bureau that will meet, in whole or in part, the cost of vocational rehabilitation services to be provided under an Individualized Plan for Employment (IPE).

II. **DEFINITIONS:**

Comparable services and benefits: Services and benefits, including accommodations and auxiliary aids and services, that are—

- (A) Provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits;
- (B) Available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment, and
- (C) Commensurate to the services that the individual would otherwise receive from the bureau. The service or benefit from another source must be similar in scope and quality to the service or benefit offered by the bureau to be considered "commensurate".

For the purposes of this definition, comparable services and benefits do not include awards and scholarships based on merit.

- III. **POLICY:** The bureau must make maximum efforts to determine whether comparable services and benefits are available to an individual prior to paying for all vocational rehabilitation services, excluding only those services and circumstances listed as exemptions in this policy. The bureau staff and participants must continuously and actively seek comparable services and benefits in order to maximize the vocational rehabilitation resources available to individuals with disabilities. If an individual refuses to apply for or accept available comparable benefits, the bureau funds may not be substituted.

- A. Prior to providing any vocational rehabilitation service, except those services listed in as exempt in part C below, to an eligible individual or to members of the individual's family, the Agency must determine whether comparable services and benefits exist under any other program and whether those services and benefits are available to the individual. This determination must not significantly 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. Services identified as Exempt: The following vocational rehabilitation services are exempt from the requirement for determination of the availability of comparable services and benefits
 - 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
 - 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.
- C. In providing vocational rehabilitation services
 - 1. The vocational rehabilitation counselor has an obligation to inform participants of known sources for comparable services and benefits and shall assist with application for these services when necessary.
 - 2. Participants are required to apply for and accept comparable services and benefits to which they are entitled to receive before vocational rehabilitation funds can be expended, except as identified in part C of this policy.
 - 3. 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 individualized plan for employment, the bureau must use those comparable services or benefits to meet, in whole or part, the costs of the vocational rehabilitation services.
 - 4. 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 specified in the individualized plan for employment, the bureau must provide vocational rehabilitation services until those comparable services and benefits become available.

5. The consideration of comparable services and benefits shall be documented in the participant's case record and shall include sources of assistance considered, whether the participant applied, acceptable reasons for failure to apply, outcome of application, and basis for the decision to expend vocational rehabilitation funds for services.
 6. Student loan default: If a participant is in default of a student loan, financial aid, including Pell, will not be available to the individual. the bureau is prohibited from paying for any training or related services at a post-secondary program which is eligible for federal assistance such as Pell funds (including, but not limited to, colleges and business and trade schools) for an individual who owes a refund on a grant or is in default of a student loan, unless the individual makes maximum effort to resolve the default. Maximum effort means that the participant has worked out a satisfactory repayment plan with the lending institution or grantor and has re-established eligibility for financial aid.
- D. If a public entity (other than the bureau) is obligated under Federal law (such as the Americans with Disabilities Act, section 504 of the Act, or section 188 of the Workforce Innovation and Opportunity Act) or State law, or assigned responsibility under State policy or an interagency agreement, to provide or pay for any services considered to be vocational rehabilitation services (e.g., interpreter services), and, if appropriate, accommodations or auxiliary aids and services other than those services listed in part C, 1-6 above, the public entity must fulfill that obligation or responsibility through—
1. The terms of the interagency agreement or other requirements of this section;
 2. Providing or paying for the service directly or by contract; or
 3. Other arrangement.
- E. When another comparable benefit source has primary responsibility for providing the needed service, vocational rehabilitation has responsibility to apply those funds prior to expenditure of any vr funds. If a public entity other than the bureau fails to provide or pay for vocational rehabilitation services, and, if appropriate, accommodations or auxiliary aids and services for an eligible individual as established, the bureau must provide or pay for those services to the individual.
- F. Counselor responsibility: In making maximum effort to secure comparable benefits prior to using vocational rehabilitation funds, counselors must:
1. acquire at least general knowledge about the nature of services available from other sources, their eligibility criteria, and the application and appeals process;
 2. explore with the individual all possible sources of comparable benefits and assess, through discussion with the participant, the appropriateness of pursuing specific benefits or services and the availability of such benefits;
 3. document in the case record the participant's application for benefits or the reasons the bureau funds are being used in place of benefits; and
 4. monitor the application of benefits and assist the individual, if necessary

- G. Participant Responsibility: Participants must illustrate cooperation in exploring the availability of and securing comparable benefits available to them. To do this they must:
1. Applying in a timely manner for all comparable benefits and services which are appropriate, with counselor assistance if necessary;
 2. Accepting and use comparable benefits and services when available; and
 3. Informing the bureau counselor of the availability and status of comparable benefit, status of any application and the receipt or denial of any comparable benefit.

503.P Comparable Services and Benefits Procedure	
	Revision date: Original 4/1/2022

See corresponding policy: Use of Comparable Benefits

Note: Vocational Rehabilitation procedures provide internal guidance for the bureau staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

The required pursuit of comparable benefits is limited to benefits available from federal, State and local grant sources, health insurance and employee benefit programs that are applicable to services required for the successful completion of the IPE.

II. Sources of Comparable Benefits

A. VRC pursues comparable benefits from sources such as

1. Federal, State or local public agencies. Examples would include Medicaid, Veteran's Benefits, Pell, reduced fare public transportation for individuals with disabilities, publicly funded para-transit services, etc.
2. Health insurance, from any source.
3. Employers. Specific examples of comparable benefits that may be offered by an employer include, but are not limited to: tuition assistance, transportation, training courses and health insurance benefits.

- ### B. Private scholarships or contributions from non-governmental sources are not comparable benefits under federal regulations. However, it is still appropriate to ask a participant if they are in receipt of such benefits. The VRC should educate the participant of the availability of these scholarships and awards that may be able to assist with costs, but the participant is not required to apply for them.

III. Process

- ### A. VRC advises participant of their cooperative responsibility to explore and secure comparable benefits as soon in the IPE development process as possible. This will ensure that comparable benefits are available at the time services are initiated.

1. It is the VRC responsibility to have and/or acquire at least general knowledge about the nature of services available from other sources, their eligibility criteria, and the application and appeals process
 2. This step applies to any subsequent amendment to the IPE.
- B. VRC explores with the individual all possible sources of comparable benefits and assesses, through discussion with the participant, the appropriateness of pursuing specific benefits or services and the availability of such benefits;
 - C. VRC documents in the case record the participant's application for benefits or the reasons the bureau funds are being used in place of benefits to include interruption of services, delay imminent loss of job placement or medical risk.
 - D. VRC monitors the application of benefits and assist the individual, if necessary
- IV. Case Recording: VRC records in case notes the identification of sources that were considered and progress toward obtaining the comparable benefit. The case record should also include the following:
- A. To the extent possible, details of the comparable benefit available to the individual, including the provider, the receipt or denial of benefits, and the amounts of any benefits to be received by the individual. Attach any applicable documentation if provided such as letter from an insurance company noting benefit or limits to benefits, FATF
 - B. On the IPE, document the amount of the comparable benefit, as it applies to planned service.
 1. If there is no comparable benefit available to reduce the cost of the service, then the amount to enter in the comparable benefit field in the case management system is 0 and none is selected.
 2. If there is a known comparable benefit, the amount of that known benefit must be entered in the comparable benefit field.
 3. If there is a possible comparable benefit, or a known comparable benefit but the specific dollar value of that is unknown at the time the IPE is being prepared, the comparable benefit field must include reasonable estimate
 - C. On the authorization, document the type of comparable benefit used in part for the services. If there are no comparable benefits used document none.

		Policy Type	Service Delivery
		Policy Number	504
		Revision #	Original
		Implementation Date	4/1/2021
Page #	1 of 2	Last Reviewed/Update Date	7/1/2023

Waiver: Exception to Bureau Policy

I. **DESCRIPTION:** This policy provides guidance for instances where a waiver to a policy may be appropriate to assist a participant to gain necessary services to participate in the rehabilitation process and achieve their employment goals.

II. **DEFINITIONS:** (optional element) Meaning and interpretation of terms used in the policy.

Exception: Exclusion from a policy as a result of individualized circumstances

Waiver: To refrain from applying or enforcing a specific policy; the act or instance of providing an exception to policy; or documentation recording the waiving of a specified policy

III. **POLICY:** The bureau has a process in place to evaluate the participant's individual situation and to determine whether the cost, duration limits, or specific policies established in the bureau's policy would in effect deny the participant access to necessary services or pose undue hardships on an individual. This exception, or waiver, process is established to accommodate the rehabilitation needs of an individual when necessary to achieve an employment outcome.

- A. The bureau may not establish policies or fee schedules that place any arbitrary limit on the nature and scope of services to be provided to the individual to achieve an employment outcome. The bureau has a waiver process that can be utilized when a participant requires services and/or supports that are outside the scope of written policies, procedures, and fee schedules. The Waiver Request Form is used to request a review and potential waiver in individual circumstances.
- B. Exceptions to the policies concerning the provision of services must be approved by the Director or designee. This includes requests to exceed financial contribution maximums, timeframe limits, and other service selection criteria as outlined in policy.
- C. Vocational Rehabilitation Counselors (VRC) work with the individual to complete a full exploration of comparable benefits, ability to participate financially and/or other supports. Once all alternatives have been explored, the participant and VRC may request a waiver.
- D. Participants shall be informed of the waiver process as part of explaining services, financial contribution and comparable benefits. A participant may request a waiver with or without the support of the VRC.
- E. Once a waiver request is identified the Waiver Request Form must be used to document the waiver request.

- F. If a waiver is not approved, the participant will be advised of rights and appeals options, including the availability of Client Assistance Program (CAP).
- G. The bureau does not have authority to grant waivers that are contrary to any state or federal laws, rules, or regulation.

504.P Waiver Procedure	
	Revision date: 7/1/2023

See corresponding policy: Exception to Bureau Policy

Note: Vocational Rehabilitation procedures provide internal guidance for bureau staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

The purpose of the waiver procedure is to ensure fair and equitable service provision and consistent processes for request and review of all requests to waive policy.

II. Procedure

PROCEDURE

- A. As part of explaining services, financial contribution, and comparable benefits, the VRC explains the waiver policy.
- B. When the VRC becomes aware of the individual's extenuating circumstances or their request for a waiver, the VRC will inform the individual of the procedure to request an exception, or waiver to policy.
 1. The VRC reviews the policy the participant is asking to be waived with the participant to assure they are aware of and understand the policy.
 2. If the participant chooses to pursue a waiver of policy, the waiver request form is completed either in conjunction with the counselor or the participant may complete it on their own.
 3. VRC reviews completed waiver request form and attaches it in the case management system, if not generated as a case note through waiver request form letter template.
 4. VRC assures all necessary documentation is on file and completes a case note indicating their support or non-support of the waiver request with rationale for their support or non-support.
 5. VRC requests supervisor review of the waiver request through an activity due (AD) titled Waiver Request from the waiver request case note. The activity due will stay in pending status until closed by the Director or designee.
 6. The Supervisor reviews the waiver request to determine any outstanding information items, and if incomplete returns request to VRC to ensure all necessary information is included.

7. Once waiver request is complete supervisor writes a case note indicating their determination to support or not support the request, rationale, and any other information regarding their decision.
8. Supervisor requests Director or designee review by summarizing their stance on waiver and adding them to the existing activity due.
9. The Director or designee reviews the waiver request and writes a case note indicating their determination to support or not support the request.
 - a. If the request is not supported, rationale will be provided and documented in a letter in the case management system to be sent to the participant by the regional office.
 - b. If the request is supported, the director or designee has the opportunity to provide additional information or rationale for their support.
10. Director or designee notifies the VRC through an activity due of the decision from the waiver request decision case note and ensures the initial AD is completed.
11. VRC contacts the participant, discusses the decision and next steps, and documents this discussion in case notes.
12. In instances where the waiver is not approved, the VRC will provide further follow-up by mailing the letter written by the Director or designee documenting the decision and the participant's right to appeal if the participant is not in agreement with the decision.

		Policy Type	Service Delivery
		Policy Number	505
		Revision #	Original
		Implementation Date	9/1/2022
Page #	1 of 3	Last Reviewed/Update Date	None

Policy Title: Assessment services

- I. **DESCRIPTION:** Assessment services are used to gather information to complete an eligibility determination as well as to identify the nature and scope of services necessary to achieve an employment outcome,
- II. **DEFINITIONS:**

Preliminary Assessment (or assessment for determining eligibility): The assessment of disability and related information with the specific purpose to determine eligibility; to determine the significance of disability; and to assign priority for order of selection if needed.

Comprehensive Assessment: An assessment for determining vocational needs used to determine the unique employment factors which include the strengths, resources, priorities, concerns, abilities, capabilities, interests, informed choice, and any needs for supported employment, of the eligible individual.
- III. **POLICY:** As appropriate to the individual case, assessment for determining eligibility and vocational rehabilitation needs means a review of existing data, and to the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data, to determine if an individual is eligible for vocational rehabilitation services and identify the anticipated employment outcomes and the vocational rehabilitation services to be included in the individualized plan for employment (IPE).
 - A. In addition to the requirements of policies Preliminary Assessment; Trial Work; and Comprehensive Assessment, the following shall apply to assessments for determining eligibility, determining priority for services, developing an IPE, and as needed to monitor and provide vocational rehabilitation services:
 1. The assessment process shall begin when an individual with a disability applies for services with the intent to reach an employment outcome.

Assessment is utilized

 - a. To determine eligibility;

- b. To determine the significance of disability;
 - c. To identify the scope of required services and supports to meet rehabilitation needs;
 - d. To substantiate appropriateness for supported employment;
 - e. To develop the IPE;
 - f. To determine progress during the implementation of the IPE; and
 - g. To determine if the individual has achieved an employment outcome in a competitive integrated setting consistent with the individual's employment factors.
2. An individual shall be accommodated throughout the assessment process, using the most appropriate mode of communication, to enable the individual to comprehend and respond to information being communicated during the assessment process.
 3. Individuals shall be engaged in the assessment process and provided with adequate information to make informed decisions about assessments and next steps including need to obtain additional information.
 - a. The individual shall be offered every opportunity to actively participate in the assessment and decision-making process.
 - b. The individual shall have an opportunity to respond to assessment results and include a representative in any discussions.
 - c. If additional information is needed, the VR Counselor (VRC), along with the individual receiving services, shall decide how to obtain the information and establish appropriate timeframes for completion.
 - d. The decision to pursue any additional assessments shall be fully discussed and explained to the individual.
 4. When referring for assessment services, the VRC shall provide necessary information, which focuses on the individual's unique vocational needs. The referral is made with the informed consent of the participant and shall include relevant background information about the individual's disability, previous education and work experience, available pertinent records, and existing reports, as appropriate to the request.
 5. The VRC shall obtain only the information necessary for eligibility, priority assignment or service planning.
 6. The participant's active involvement and informed choice in the assessment is documented in the case record.
 7. While the decision-making process shall be collaborative, decisions shall reflect the judgment of the VRC.
- B. In assessment for eligibility and service planning, the VRC assesses the following employment factors as necessary:
1. Strengths: The individual's positive attributes or inherent expertise related to an employment field such as intellectual aptitude, motivation, talents, work and volunteer experience, work skills, work-related hobbies, and transferable life skills;
 2. Resources: The individual's sources of available support, including financial, social, information, and technological, on which the person can rely to prepare for and meet employment objectives. These resources could be available from the individual, the family, or other community or public sources;

3. Priorities: The individual's consistency with and relationship to employment-related preferences, based on informed choice among available options;
 4. Concerns: The individual's employment-related issues that need to be considered in vocational planning such as financial, self-sufficiency, medical, residential, transportation and family considerations;
 5. Abilities: The individual's existing physical, mental, or functional capacity to successfully engage in employment through natural aptitude or acquired proficiency;
 6. Capabilities: The potential for the individual to develop the skills necessary for employment through the provision of vocational rehabilitation services;
 7. Interests: The occupational areas on which the individual has focused special attention; and
 8. Informed choice: The active involvement of the individual contributing to the success of and satisfaction with their employment goals in the selection of a long-term employment outcome, rehabilitation objectives, and vocational rehabilitation services including assessment services and service providers.
- C. Assessment Services are not subject to financial need requirements.
- D. Assessment Services are not subject to comparable benefit requirement.

505P Assessment Services Procedure	
	Revision date: September 1, 2022

See corresponding policy: Assessment services

Note: Vocational Rehabilitation procedures provide internal guidance for VR-NH staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

The purpose of this procedure is to assist with the application of assessment services in service delivery

II. Procedure

- A. Follow procedures in related policies as appropriate (specifically: Preliminary Assessment; Trial work; and Comprehensive Assessment)
- B. Determine information needed
- C. Identify if information is available from an existing source
- D. If information is not available from an existing resource, identify assessment resources to gain that information
- E. Discuss options with participant, using the most appropriate mode of communication determined in collaboration with the participant, and decide on assessments to pursue. The participant's active involvement in the assessment is documented in the case record.
- F. The VRC shall prepare the individual for the assessment in advance.
- G. If referring out for an assessment, provide the evaluator with the necessary information to complete the assessment and provide the specific direction and/or questions that are needed to get the information that is required
- H. Review results of assessments with the participant and identify next steps

		Policy Type	Service
		Policy Number	506
		Revision #	1
		Implementation Date	9/1/2022
Page # 1	1 of 2	Last Review/Update Date	7/1/2023

Policy Title: Audiology Services and Hearing Aids

I. DESCRIPTION: Barriers to communication can interfere with a participant’s ability to seek, obtain, and maintain employment. Audiological services, including hearing aids can assist with communication abilities.

II. DEFINITIONS:

Audiology services: Hearing assessment, diagnostic, and hearing aid fitting services provided by a licensed or certified provider.

Related diagnosis: means Meniere’s disease, vertigo, and tinnitus.

Hearing aid: A wearable instrument or device designed for, offered for the purpose of, or represented as aiding persons with or compensating for, impaired hearing.

Ear specialist means any licensed physician who specializes in diseases of the ear and is medically trained to identify the symptoms of deafness in the context of the total health of the patient and is qualified by special training to diagnose and treat hearing loss. Such physicians are also known as otolaryngologists, otologists, and otorhinolaryngologists.

Dispenser means any person, partnership, corporation, or association engaged in the sale, lease, or rental of hearing aids to any member of the consuming public or any employee, agent, salesperson, and/or representative of such a person, partnership, corporation, or association.

Audiologist means any person qualified by training and experience to specialize in the evaluation and rehabilitation of individuals whose communication disorders centering whole or in part in the hearing function. In some states audiologists must satisfy specific requirements for licensure.

III. POLICY:

- A.** Hearing aids are included as part of an Individualized Plan for Employment (IPE) when it is determined to be necessary for a participant’s ability to achieve an agreed upon vocational goal.
- B.** Hearing aids will be purchased only after an individual has had an audiological evaluation indicating the need for a hearing aid and, in cases of ear pathology, an

otologic evaluation.

- C.** The bureau will not cover damage to hearing aids or provide replacements within five years of purchase.
- D.** Financial Need: Hearing aid purchases and services are subject to financial need requirements.
- E.** Comparable benefits: Hearing aid purchases and services are subject to comparable service and benefit requirements.

506 P - Hearing Aid Procedure	
	Revision date: 9/1/2022

See corresponding policy: Audiological and Hearing Aids

Note: Vocational Rehabilitation procedures provide internal guidance for bureau staff only and

create no procedural or substantive rights for any individual or group.

I. Introduction

II. Procedure

- A. When it is identified that a participant needs assistance in the purchase of new hearing aids. VRC should document in the case notes (if not already included) the participant's barriers to communication related to employment. Participant's current status with communication abilities (e.g., currently wears hearing aid(s), use of AT, use of interpreter) should also be documented.
- B. VRC Reviews or obtains existing documentation of hearing loss.
- C. If audiogram has not been completed or is more than six months old, refer participant for an updated hearing evaluation.
 1. VRC should discuss with the participant the value of having an audiologist to complete this hearing evaluation. Audiologists are specifically trained to identify treat and manage hearing and balance problems. The audiologist may recommend the individual see an ENT if it is believed that hearing loss or balance issues might be treated medically or surgically.
 2. If the participant's insurance does not cover testing or there is a deductible, authorize the service of comprehensive audiometry.
- D. Obtain hearing aid recommendations from audiologist. Consideration must be given to the participant's job goal and work environment. Participant to complete the financial needs assessment to determine assistance amount by VR.
 1. The audiologist or dispenser is to provide written recommendations for hearing aids and the practice has been to include three options based upon the individual's level of hearing loss and workplace needs. The options should include differing levels of technology and features. However, an exception might be made in the case that there is only one true option. Consideration should be made of the participant's work environment (i.e., outdoors, humid), equipment worn (headphones, glasses), work site noise and physical environment, job tools

- (i.e., phone use).
2. The provider and counselor should also assess whether other assistive listening technology or other resources are needed to address barriers to employment (e.g., Bluetooth, amplified alarm clocks). It is important for the counselor to work collaboratively with the audiologist and participant focusing not just on the level of hearing loss but also to fully explore the work environment and job goal demands.
- E. In writing or amending the plan of employment, include needed services to address the impediment to employment and hearing loss.
- F. As part of the counseling process hearing loss coping skills, self-advocacy and support groups, assistive listening technology, the hearing aid fitting process and follow-up care should be covered. Particularly for the first-time hearing aid user, counselors should explore with the participant their acceptance and expectations in using assistive technology. Additionally, basic communication tips should be covered.
1. Discussion of disability should include inquiry of medical issues such as vision and tinnitus. The counselor should explore with the participant whether there are any vision issues present and if an updated eye exam is needed. The individual may require counseling around dealing with issues such as tinnitus. The counselor should assess the participant's needs as it relates to workplace environment, auditory and communication demands and relay this to the audiologist.
 2. The counselor should discuss planning and budgeting for associated costs such as batteries, additional insurance, hearing aid repairs, cleaning, and future hearing aid purchases. When writing the IPE, the counselor could include participant responsibilities such "Budget \$_ each month toward costs such as batteries and repairs." Participants should also be educated about the proper care of aids.
- G. Comparable benefits should be considered. If the customer's insurance provides coverage for hearing aids and the expected contribution amount to be provided by VR is less than purchasing through the procurement process, than this method should be utilized. If the participant's audiologist is outside the insurance network, providers within the network that are also approved bureau vendors should be utilized.
- H. Complete financial needs assessment attach copy in electronic casefile.

		Policy Type	Service Delivery
		Policy Number	506
		Revision #	Original
		Implementation Date	4/1/2021
Page #	1 of 2	Last Reviewed/Update Date	none

Policy Title: Computer Hardware and Software Purchases

- I. **DESCRIPTION:** The purchase of a computer, and related hardware/software, may be necessary to enable a participant to pursue and achieve their rehabilitation goals as outlined in their Individualized Plan for Employment. This policy provides guidelines to ensure the bureau provides services in accordance with federal and state requirements.

- II. **DEFINITIONS:**

Computer Hardware: The physical components of a desktop computer, laptop, smart phone, or tablet including the keyboard, monitor, disk drive, and internal chips and wiring. Hardware is the counterpart of software.

Software: Any program that performs a specific function including phone applications.
Examples: word processing, spreadsheet calculations, or electronic mail.

- III. **POLICY:**
 - A. Computer hardware or software purchases are made when they are necessary to achieve the employment goal on the Individualized Plan for Employment (IPE). The purchase may occur when:
 1. It is part of an approved Self-Employment or Business Enterprises Program plan;
 2. It is directly needed to begin or maintain employment, and there is rationale why the employer does not provide the equipment;
 3. It is needed due to the nature of the disability when recommended by a disability or assistive technology professional; or
 4. It is an academic-related need in post-secondary training

 - B. For disability related purchase, a technology evaluation must be completed whenever a computer is being purchased as part of an assistive technology need.

 - C. For purchases directly needed to begin or maintain employment, documentation that the participant must provide their own equipment as a condition of employment is required.

 - D. If there is no assistive technology evaluation or specific employment related requirement, the most economical State employee standard product as established by the New Hampshire Department of Information Technology will be purchased.

- E. For academic related purchases, all other sources must be investigated and documented. This includes documenting that:
 - 1. The student does not have a computer that meets the need;
 - 2. The school cannot provide a computer; and
 - 3. The use of computers available in the community (American Job Centers, the bureau One-Stops, libraries, schools, etc.) and computers available for loan from school, the bureau or other sources is not practical.
- F. Initial warranties for computers purchased may be considered.
- G. Multiple purchases: The bureau will not purchase the same type of device or software within five (5) years.
- H. Comparable Benefit: Computer hardware and software purchases are subject to comparable benefit provisions unless the software or device is being used as assistive technology.
- I. Financial Need: Computer hardware and software purchases are subject to financial participation requirement. Purchase of software due to course requirements (I.e., CAD software; university specific version of software, e.g., required Microsoft office) falls under the Individual Training Account (ITA) Rate when purchasing. Reference policy for Post-secondary training.

509.P Computer Hardware and Software Purchases Procedure	
	Revision date: Original 4/1/2022

See corresponding policy: Computer Hardware and Software Purchases

Note: Vocational Rehabilitation procedures provide internal guidance for the bureau staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

The purpose of the computer hardware and software purchase procedure is to ensure computer hardware and software purchases are necessary for the participant in the pursuit and achievement of their vocational rehabilitation goals, and that these are provided in accordance with federal and state requirements.

II. Procedure

- A. When a computer hardware or software purchase is identified as a necessary service to be included in an IPE, the counselor explains the computer hardware and software purchases policy to the participant.
- B. Assure the following is documented:
 - a. If the purchase is for self-employment, the approved business proposal or business plan includes the computer hardware and software requirements
 - b. If the purchase is to do specific tasks required by the job, employer equipment requirements
 - c. If the computer purchase is for assistive technology (AT), an AT evaluation reflects the needed equipment
 - d. If the purchase is for Post-Secondary, a review of other potential resources such as computer lab, loaner programs, community resources.
- C. If a financial need assessment has not been completed in the past year, or the Participant's financial situation has changed, then one will be completed.
- D. Quote process: The use of the State's computer hardware and software vendors is required to be researched for all purchases and documented in the authorization case note.
 - a. For software the VRC will request the rehab tech attempt to get three quotes starting with the state contracted vendors.
 - b. For hardware the counselor will request the rehab tech start the quote process by first researching the Department of Information Technology standard devices provided by the State
(<https://nhstaff.nh.gov/doit/intranet/toolbox/procurement/standardproducts.php>).

- i. Identify the most economical State employee standard product
- ii. If the device meets the Participant's needs then the counselor will move forward with the quote.
- iii. If the devices do not meet the participant's requirements then justification from a relative authority will be attached to the authorization and Rehab Tech will attempt to obtain three quotes starting with the state contracted vendors based on the specification provided

E. An authorization case note will be created explaining;

- a. Why the technology being considered is required for the Participant to successfully complete their IPE.
- b. the results of the comparable benefit search, unless otherwise exempt, e.g., software of device is assistive technology
- c. The vendor to be used. If not a state contracted vendor, justification for not purchasing the device or software from a state contracted vendor.
- d. The Participant's current skill level and the necessity for any additional training.
- e. The computer hardware or software is added to the plan as appropriate.
- f. Authorization is drafted, quotes are attached, and sole source justification or three quotes are listed in the other comments section.
- g. Authorization approvals are obtained. If the counselor does not have power of attorney or the purchase is greater than \$1,000, the Supervisor reviews the information in the authorization case note, reviews applicable case attachments if necessary, and will approve the authorization. In the case of the purchase being greater than \$1,000, the Supervisor will send the purchase on to central office for review and issuance of the P-Card Contract authorization or Purchase Order.

		Policy Type	Service Delivery
		Policy Number	507
		Revision #	Original
		Implementation Date	4/1/2021
Page #	1 of 4	Last Reviewed/Update Date	None

Policy Title: Counseling, guidance, referral, and work-related placement services

- I. **DESCRIPTION:** Vocational Rehabilitation guidance and counseling is a service that is provided to participants throughout the rehabilitation process. Vocational counseling includes referral and work-related placement services to assure the participant has needed information and support services to assist an individual in exercising informed choice and reaching their employment goals.

The goal of Vocational Rehabilitation guidance and counseling is to assist the individual in obtaining, maintaining, regaining, or advancing in employment. Guidance and counseling should promote independence; enhance self-esteem, and assist individuals in making informed choices regarding their rehabilitation program. Guidance and counseling includes information and support services to assist an individual in exercising informed choice (i.e. career counseling and employability skills).

II. **DEFINITIONS:**

Vocational rehabilitation counseling: Assisting the individual through verbal interaction to deal effectively with important issues or concerns related to vocational rehabilitation, which differentiates it from other types of counseling. Counseling techniques may vary based on the individual's needs and the counselor's approach.

Guidance: the provision of information and support. Within the VR process this means the counselor gives information and acts as a coordinator and advocate.

Referral and other services: To assist applicants and eligible individuals to secure needed services from other agencies, including other components of the statewide workforce system in New Hampshire, and to advise those individuals about the Client Assistance Program.

- III. **POLICY:** Vocational rehabilitation counseling, guidance, referral, and work-related placement services are provided throughout the vocational rehabilitation process to all participants. Establishment of a professional counseling relationship with the participant is the foundation for providing the other services necessary to achieve a successful employment outcome. Regular contacts are crucial if emerging problems are to be identified and resolved.

- A. **Guidance and Counseling:** Through the service of guidance and counseling, the VR counselor will provide discrete, substantial counseling services that are vocational in nature and are specifically designed to assist the individual in reaching an employment outcome.
1. Vocational guidance and counseling shall be included in the Individualized Plan for Employment (IPE), and address issues such as vocational exploration, career decision making, establishment of a career path including short and long term goals, self- advocacy in the work place, development of problem-solving skills and use of community resources related to employment. Such counseling will be provided within an “informed choice” model.
 2. Rehabilitation guidance and counseling services:
 - a. Are necessary for a participant to achieve an employment outcome, including personal adjustment counseling, counseling that addresses medical, family, or social issues, vocational counseling, and any other form of guidance and counseling that is necessary for a participant with a disability to achieve an employment outcome,
 - b. Do not include psychological or psychiatric treatment services (treatment and management of diagnosed psychological conditions), and
 - c. Involve the development of a collaborative relationship with each participant that promotes the participant’s full involvement and participation in the rehabilitation process.
 3. The counselor’s role in providing information about and guiding the participant in exploration of options is critical to supporting informed choice of the participant.
 4. Scope of guidance and counseling services include, but are not limited to:
 - a. Encourage the participant through establishing a relationship of mutual respect, where the VR Counselor can be both supportive and challenging in promoting the participant's development of the skills needed to achieve employment.
 - b. Facilitate informed choice throughout the entire rehabilitation process by providing information about the scope and limits of vocational rehabilitation services, and by helping the participant obtain specific information on programs, resources and services that can assist them in the selection and achievement of an employment outcome. When there are limits on the provision or availability of vocational rehabilitation services, the VR Counselor can assist the participant in exploring alternatives.
 - c. Gain a comprehensive and individualized understanding of the participant’s abilities, capabilities, interests, strengths, resources, priorities and concerns in order to identify factors that will be critical to employment. This includes assessment of the individual’s real and perceived disabilities, functional abilities and limitations, vocational strengths and limitations (including education and work history and job skills), values, barriers to employment, resources, family support, vocational rehabilitation services needed, motivation level, job placement options and an initiation of tentative job placement plans, employer expectations (i.e., attendance, sick leave, staying on task, appropriate dress, hygiene, behavior, etc.), salary expectations, job modification needs, and other factors affecting the achievement of an employment outcome.

- d. Facilitate the participant's understanding of their strengths that can be utilized to achieve employment and plan with the participant to find ways to work around any impediments, such as functional limitations related to health, personal, economic (e.g. benefits, work disincentives/incentives) and social issues.
- e. Assess the participant's readiness for change and the counseling techniques that may be employed to help the participant overcome resistance to change.
- f. Empower and assist the participant to choose a vocational goal and develop a plan of outlined services that will ensure achievement of that vocational goal.
- g. With the participant's consent, involve others, such as family members, relatives and friends in the community who can be assets to counseling, support the desired outcomes, and, at times, provide valuable resources and natural supports.
- h. Provide follow-up counseling and guidance to support and ensure the achievement of long-term employment outcomes.
- i. Enhance self-reliance by teaching the participant how to get information and tap into supportive workplace and community networks, promoting independence beyond the provision of vocational rehabilitation services.
- j. Provide information and assistance as applicable in:
 - 1) Comparable benefits available to the individual.
 - 2) Benefits counseling
 - 3) Career pathways, including sector strategies and labor market information
 - 4) Job search and job placement assistance
 - 5) Job retention issues
 - 6) Transportation, housing, and leisure time needs.
 - 7) Availability of support services and referral to other agencies and programs.
 - 8) Self-advocacy.
 - 9) Understanding and following medical advice.
 - 10) Personal adjustment counseling.
 - 11) Other issues as appropriate.

B. Referral Services: All individuals should be provided with referrals and other services designed to assist them in securing needed services from other agencies and programs funded by other state and federal programs as well as local community organizations.

1. VR staff provide information about services available from other agencies, assists individuals to contact another agency and completes appropriate follow-up.
2. Every individual who has a disability has a right to request and receive information and referral services about the availability of disability services and resources from the Vocational Rehabilitation program regardless of eligibility status.
3. Individuals who are required to wait for services due to Order of Selection or lack of long-term employment support services must be provided individualized information and referral services, by the vocational rehabilitation counselor, to help the participant to know of, and access other resources.

- C. **Work related placement services** are intended to equip the individual for employment by providing counselor support, materials and practical skills for job searching and employer engagement, this may include:
1. Job Search assistance in the form of resume development, interview skills practice, completing job applications, and creating a job search plan
 2. Job acquisition and retention preparation such as soft skills practice, planning for success on the job, and follow-up to ensure employer and participant satisfaction.
 3. Employer engagement such as job opportunity development, consultation around workplace accommodations, and providing information about incentives, resources, on-the-job training, and customized employment.
- D. Financial Need: Counseling, guidance, referral, and work-related placement services are not subject to financial need
- E. Comparable Benefits: Counseling, guidance, referral, and work-related placement services are not subject to comparable benefit

506.P Counseling Guidance and Referral Procedure	
	Revision date: Original 4/1/2022

See corresponding policy: Counseling, guidance, referral, and work-related placement services

Note: Vocational Rehabilitation procedures provide internal guidance for the bureau staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

Vocational guidance and counseling is provided as appropriate to the vocational rehabilitation needs of each participant and consistent with each individual's informed choice. Through the counseling relationship referral necessary to help participants apply for and secure needed services from other agencies is provided. Throughout the process all participants are advised about the Client Assistance Program (CAP).

II. Providing guidance and counseling services

A. VR guidance and counseling is a core service and is provided throughout the participant's entire experience with the agency.

VR guidance and counseling is provided by the VR Counselor to:

1. Establish and maintain a successful counseling relationship;
2. Engage the eligible individual in the decision-making process by providing informed choice leading to the establishment of an Individualized Plan for Employment (IPE);
3. Provide information and referral that enable the eligible individual to exercise informed choice in the selection of a vocational goal, services required to reach that goal, methods for procuring necessary services, and options relating to potential service providers;
4. Assist the client in understanding and adjusting to disability and the workplace.
5. Actively shape the client's expectations of disability, work, and the vocational rehabilitation process.
6. Continually assess the participant's progress throughout the VR process. and
7. Provide information about rights and responsibilities including the availability of CAP.

B. Guidance and counseling is documented in case notes.

		Policy Type	Service Delivery
		Policy Number	509
		Revision #	Original
		Implementation Date	9/1/2022
Page #	1 of 4	Last Reviewed/ Update Date	None

Policy Title: Interpreter Services and Note taking services

I. **DESCRIPTION:** The bureau works to provide supportive services that allow participants to access the program and planned services

II. **DEFINITIONS:**

Foreign language interpreter: An individual qualified to translate a foreign language.

Individual who is Deaf: An individual who has severe hearing loss that may require alternative methods of communication. Some examples of alternative communication include but are not limited to sign language, lip-reading, electronic communications such as texting or email, and cue speech. Some deaf people also have their own culture which means that they have their own language, ways of life, values, and arts.

Deaf-blind person: A person who has a combination of hearing loss and vision loss, such that the combination necessitates specialized interpretation of spoken and written information in a manner appropriate to that person's dual sensory loss.

Intermediary interpreter or deaf interpreter: Any person, including any deaf or deaf-blind person, who can assist in providing an accurate interpretation between spoken English and sign language or between variants of sign language by acting as an intermediary between a deaf or deaf-blind person and a qualified interpreter.

Interpreter: Individual who is hearing and should have the ability to speak both the verbal native language of the participant and sign language. Interpreters help facilitate communication between deaf and hearing speakers.

Note-taker: A person who records in writing the pertinent parts of a meeting or classroom training.

Personal service: A service such as interpreters, note-takers, readers, and tutors furnished by one person for another who is not able to perform the activity without significant difficulty. Such services are normally provided to support other vocational rehabilitation services.

Qualified interpreter: A person who is certified through the national registry of interpreters for the deaf or certified through the state.

Qualified oral interpreter: A qualified interpreter who can convey information through facial and lip movement.

Qualified sign language interpreter: A qualified interpreter who uses sign language to convey information.

Reader: A person who reads ordinary written material aloud for the benefit of one who is unable, by reason of disability, to read it.

Tutor: A person who assists another person in learning an academic subject such as algebra or chemistry.

- III. **POLICY:** After other reasonable alternatives and comparable services and benefits have been identified and used, if available, personal services may be provided as they are needed to determine a person's eligibility for vocational rehabilitation services, to develop a plan of services, or to meet the objectives of the Individualized Plan for Employment.. The duration for providing a personal service is limited to the time it takes to accomplish (or fail to accomplish) the objective(s) for which it is needed. To help ensure informed choice, persons who might need personal services shall be apprised of their availability and of the applicable spending guidelines at the time of plan development. Personal services providers must be told of and agree to the bureau's policy on confidentiality.
- A. Oral and written translation services are provided to non-English speaking individuals with limited proficiency in English and for the individual's representative if appropriate during all phases of the rehabilitation process including mediation and fair hearing.
1. Interpreter(oral) and written translation services must be provided by qualified personnel
 2. Upon request, the following written communication shall be translated into the primary language of an applicant or participant:
 - a) Application for services,
 - b) Notification of eligibility or ineligibility,
 - c) Individualized Plan for Employment,
 - d) Notification of closure,
 - e) Annual review, including notes of that review, and
 - f) Any notice requiring a response, or a signature form an individual to continue services.

- B. Interpreter Services are provided to individuals who are hard of hearing, deaf, or for people with severe speech impediments who experience limited verbal communication skills and can use interpreter services. People who are hard of hearing or deaf communicate in a variety of modes, such as American Sign Language (ASL) or a specific language system such as Signing in Exact English (SEE), Pidgin Signed English (PSE) or Signed English, Interpreter services include:
1. Interpreting, which is to convey spoken English to American Sign Language;
 2. Transliterating, which is to convey spoken English to a signed code of English;
 3. Oral Interpreting, which is conveying what is spoken without voice using natural lip movements;
 4. Voice Interpreting, which is conveying that which is signed into spoken English
 5. Tactile interpreting, conveying information through touch;
 6. Computer Assisted Real Time (CART) Services, CART services are the near verbatim transcription of the spoken word into a visual text display on a computer screen. CART services are particularly useful for individuals who are late deafened, hard of hearing, or not fluent in American Sign Language (ASL); and
 7. FM Listening Systems, FM stands for frequency modulation and is a common form of radio transmission. Students with a hearing loss may request the use of an FM Hearing System for use in classroom environment. The FM system utilizes a microphone and transmitter unit (worn by the instructor) and a receiver and headset (worn by student). The instructor's speech is transmitted to the student's receiver unit (via FM radio signal) and the student has the ability to control volume and other settings.
- C. Note taker Services are provided for students, who because of their disability cannot effectively take notes in class or other training situations.
1. Note taker Services may include Livescribe smartpens. The Livescribe smartpen is an alternative that allows individuals to capture words, diagrams, scribbles, symbols, and audio syncs everything together so that the individual can go back and hear exactly what was being said at the moment they were writing.
 2. Note taker services are provided when there are no viable alternatives such as volunteers, teacher notes, or pre-printed material.
- D. Financial Need: Interpreter and note taking services are not subject to financial need requirements.
- E. Comparable benefits: Interpreter and note taking services are subject to comparable service and benefit requirements.

Interpreter and Note taking Services Procedure	
	Revision date: 9/1/2022

See corresponding policy: Interpreter and Note taking Services

Note: Vocational Rehabilitation procedures provide internal guidance for bureau staff only and create no procedural or substantive rights for any individual or group

II. Provision of Interpreter Services

- A. From initial contact throughout the rehabilitation process the vocational rehabilitation counselor (VRC) shall engage the individual in determining their preferred mode of communication apprising them of their right to have a qualified interpreter present at meetings.
 1. The key to determining effective communication is to consider the nature, length, complexity, and context of the communication along with individual's preferred mode of communication. This should be an interactive process between the individual and the counselor.
 2. Bureau staff with sign language skills communicating with participants does not constitute provision of a qualified interpreter service. VRCs may choose to arrange for a qualified interpreter in providing counseling or vocational information. Conversely, an individual at any time during the counseling relationship and throughout the rehabilitation process may request to have a qualified interpreter provided. This request shall be honored.
- B. Should a qualified interpreter be needed, the bureau shall make a reasonable and timely effort to secure an interpreter.
 1. Sign Language Interpreter process: Request for interpreter sent to Northeast Deaf and Hard of Hearing Services (NDHHS) in accordance with the bureau's service agreement.
- C. All requests for an interpreter and subsequent efforts to provide one shall be documented.
- D. When arranging for an interpreter, the referral source shall be provided with information regarding the nature of the assignment, date, time, address, and the communication mode preferred by the individual (sign language, oral, tactile).
 1. Because of the mental and physical fatigue brought on by the continuous interpreting process, it may be necessary to provide two or more interpreters and/or recess periods for assignments extending more than 2 hours.
 2. Since the background, education, language levels, and communication methods of participants who rely on manual communication or oral interpretation vary, the interpreter shall be carefully matched to the individual's communication mode. Agencies that provide interpreter services in a region generally strive to match the interpreter with the known communication method of the participant. While some individuals who rely on manual communication or oral interpreting may be able to communicate by writing or lip reading for short periods of time and in low stress situations, interpreters shall be provided for more formal or demanding situations such as for vocational

counseling, throughout a training program, during the initial training on the job, etc., unless the individual requests that an interpreter not be provided.

- E. Consideration: A professional interpreter will ensure amore impartial, professional, and confidential interpretation. A participant may choose to have a family member, close friend, or associate present, but this person should not substitute fora qualified interpreter. The VRC has a responsibility to ensure that the bureau is provided accurate information from the participant’s perspective and that bureau information is conveyed accurately. A qualified interpreter should be utilized for this purpose. If a qualified interpreter cannot be obtained within a reasonable time frame, a waiver, must be completed by the agency and the participant and retained in the case file.

	Policy Type	Service Delivery	
	Policy Number	510	
	Revision #	Original	
	Implementation Date	9/1/2022	
Page #	1 of 3	Last Reviewed/ Update Date	None

Policy Title: Occupational licenses, tools, equipment, initial stocks and supplies necessary in order to enter an occupation.

I. **DESCRIPTION:** This policy identifies services that may be necessary to enter an occupation.

II. DEFINITIONS:

Equipment: Items normally needed in a business or occupation for an efficient operation. Equipment includes machinery and appliances usually of a stationary nature during use, such as a computer, wheel-balancer, or table saw. However, the term may include automobiles, trucks, tractors, and other self-powered vehicles if needed as part of the occupation.

Licenses: Any license, permit, or other written authority required by a state, city, or other governmental entity to pursue an occupation or conduct a small business.

Occupational license: Any license, permit, or fee for the examination of a license, or other written authorization required by the state, city, or other government unit that must be obtained to work or to run a small business.

Stock: The initial inventory of merchandise and materials needed for direct sale or for further preparation for direct sale by a person entering self-employment. Stock may include items such as livestock and seed if the self-employment venture is agricultural.

Supplies: Items or materials consumed in the day-to-day operations of a self-employment venture or other occupation. Examples are stationery and paperclips for a self-employment venture, fertilizer for an agricultural venture, utility knife blades for a carpenter, and wrapping paper for a retail store. If for self-employment, expenses for supplies shall be included in start-up costs.

Tools: Hand implements to perform a job, which are usually furnished by the worker rather than by the employer. Examples are wrenches for an auto mechanic and hammer, square, and level for a carpenter.

Tool: An instrument (such as a saw, file, knife, or wrench) used or worked by hand or machine to perform a task

- III. **POLICY:** Equipment, tools, licenses, stock, and supplies may be furnished as reasonable and necessary for a person to participate in the rehabilitation process
- A. General
1. Goods in this section may be provided only under an individualized plan for employment when necessary for the participant to achieve an employment outcome or establish a small business
 2. The participant is responsible to take reasonable care of the tools, equipment, and supplies provided and is liable for loss and damage resulting from wrongful act or neglect.
- B. Tools and equipment:**
1. Tools or equipment required for employment must be used by the participant
 - a. to participate in a training program; or
 - b. for entry into an employment situation.
 2. Tools or equipment that are purchased or provided for participants include only those tools that are normally required for workers in the same or similar trade or profession.
 3. In many instances, tools or equipment that are required for training or employment are provided by the training facility or owner of the business rather than by the employee. If tools are provided without cost to other students or employees, VR does not purchase or provide tools for a participant. If not provided by the training facility or employer, then
 - a. Occupational tools or equipment for training may be provided when there is documentation of need from the training facility
 - b. Occupational tools or equipment for employment beyond the basic kit needed for employment shall require written documentation from the employer
- C. Occupational License Fees:** Cost of licenses may be provided by the bureau as needed for a person to enter, regain, or maintain employment
1. VR pays fees only for:
 - a. licenses; and
 - b. necessary examinations or registrations.
 2. VR does not pay state or municipal tax assessments on occupations. Bureau management must not make any exceptions.
 3. VR does not pay for dues to a professional association or trade union unless membership is a requirement of the participant's employment. Case record should include documentation of this requirement. VR funds cannot be paid to organizations that financially support a lobbyist.
- D. Initial stocks** may include the initial inventory of merchandise or goods necessary for a participant to enter self-employment. It may also include the initial purchase of livestock as a base stock, and stocks of seed, fertilizer, fuel, etc., for farming or agricultural self-employment;
- E. Initial supplies** may include expendable items necessary for the participant to carry out day-to-day business operations, and which are consumed on the premises in the course of the participant's self-employment business or in a business enterprise location;

- F. **Technical assistance including consultation and other services** may be provided to conduct market analyses, to develop business plans, and to provide resources to individuals in the pursuit of self-employment, telecommuting and small-business operations.
- G. **Financial Need:** Occupational licenses, tools, equipment, initial stocks, and supplies are subject to financial need requirements.
- H. **Comparable benefits:** Occupational licenses, tools, equipment, initial stocks, and supplies are subject to comparable service and benefit requirements.

Procedure	
510.P Occupational licenses, tools, and equipment	Revision date: 9/1/2022

See corresponding policy: Occupational licenses, tools, and equipment

Note: Vocational Rehabilitation procedures provide internal guidance for bureau staff only and create no procedural or substantive rights for any individual or group

II. Provision of occupational licenses, tools, and equipment

- A. VRC works with participant to identify their service needs and to meet necessary requirements
- B. VRC reviews and identifies whether documentation, such as a letter from the employer or training facility is needed in order to purchase the tools and equipment
- C. VRC reviews file and assures an educational goal is in place when a participant is taking an exam or obtaining a license
- D. Occupational licenses, tools and equipment are purchased following state purchasing process, including state contracts

		Policy Type	Service Delivery
		Policy Number	511
		Revision #	Original
		Implementation Date	9/1/2022
Page #	1 of 1	Last Reviewed/ Updated	None

Policy Title: Other Goods and services

- I. **DESCRIPTION:** This policy provides guidance if a needed good or service is not covered by other policy in the manual.
- II. **DEFINITIONS:**

Other goods and services: Goods and services that have been determined to be necessary to determine eligibility, or in the achievement of a participant’s employment goal, that are not otherwise identified in the nature and scope of the bureau policy.
- III. **POLICY:** The bureau can provide or purchase other goods or services that are not otherwise defined and described in the bureau policy manual under the following conditions:
 - A. When these goods or services are necessary to either:
 1. determine the individual’s eligibility for services, or
 2. for a participant to achieve an employment outcome.
 - B. The bureau must ensure the cost of goods and services are reasonable and typical.
 - C. Other goods and services do not include those services explicitly or implicitly prohibited.
 - D. Financial participation requirement: Other goods and services, except those required for assessment of the individual, shall be provided only after consideration of financial need.
 - E. Comparable benefit requirement: Other goods and services, except those required for assessment of the individual, shall be provided only after consideration of comparable services and benefits

511.P Other Goods and Services Procedure	
	Revision date: 9/1/2022

See corresponding policy: Other Goods and Services

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

Procedure to assist when other goods and services are identified that are necessary to the case

II. Process

- A. The VRC, in the course of working with the individual, identifies a service or good as needed to determine eligibility, to determine IPE goals and services, or to obtain or maintain competitive employment that is not covered by current bureau policy.
- B. VRC reviews policy to assure that:
 1. The good or service is not prohibited by reviewing General Provisions (services)
 2. There is no other good or service that would provide the same benefit
- C. VRC works with individual to complete financial need assessment and comparable benefit search, if applicable.
- D. VRC develops case note with details of the good or service along with rationale for providing the good or services. Case note should include information about individual's contribution and results of the comparable benefit search.
- E. If VRC does not have signature authority, VRC sends an activity due (AD) to the supervisor to review request for other good or service case note
- F. Supervisor reviews case and AD
 1. If approved, VRC moves forward with providing the good or service per policy
 2. If not approved, VRC notifies individual of the denial and their right to appeal including the availability of the Client Assistance Program (CAP).

		Policy Type	Service Delivery
		Policy Number	512
		Revision #	Original
		Implementation Date	9/1/2022
Page #	1 of	Last Reviewed/ Updated	None

Policy Title: Physical and mental restoration services

I. **DESCRIPTION:** The purpose of this policy is to provide guidelines for the provision of mental and physical restoration services in accordance with federal and state law and administrative rule.

II. **DEFINITIONS:**

Inter-current illness: Situations when an acute medical condition arises during the rehabilitation program

Physical and mental restoration services (medical services): Services which are expected to decrease, help manage, or stabilize symptoms or physical barriers so that participants can secure, keep, advance in, or return to competitive integrated employment. These are necessary to correct or substantially modify, within a reasonable period of time, a physical or mental condition that is stable or slowly progressive that constitutes a substantial impediment to employment. Includes as definition the following except where prohibited by pursuant to Chapter 252:2 of the Laws of 1993:

- Corrective surgery or therapeutic treatment
- Diagnosis of and treatment for mental or emotional disorders by qualified personnel in accordance with State licensure laws;
- Dentistry;
- Nursing services;
- Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services;
- Drugs and supplies;
- Prosthetic and orthotic devices;
- Eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids prescribed by personnel who are qualified in accordance with State licensure laws;
- Podiatry;

- Physical therapy;
 - Occupational therapy;
 - Speech or hearing therapy;
 - Mental health services;
 - Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical and mental restoration services, or that are inherent in the condition undertreatment;
 - Special services for the treatment of individuals with end-stage renal disease, including transplantation, dialysis, artificial kidneys, and supplies; and
 - Other medical or medically related rehabilitation services.
- III. **POLICY:** Physical and mental restoration services are provided to remove or adjust barriers to an employment outcome. Staff shall ensure continuing progress toward achieving a functioning level that allows the individual to participate in vocational rehabilitation and employment activities. 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 the bureau.
- I. Costs of restoration services are to be in accordance with the established bureau fee schedule.
 - II. Medical services will be provided based on the recommendation and written prescription, as appropriate, of a licensed physician or other authorized health care professional. The record of services of the individual shall contain copies of recommendations for treatment, prescriptions, and reports of progress or outcome of treatment.
 - III. Services will be purchased only from professionals licensed or certified according to state law and approved by the bureau (eventual reference to vendor approval?) in accordance with the bureau fee schedule.
 - IV. Physical and mental restoration services may be provided to an applicant or participant during trial work experience, if it is necessary to stabilize or halt progression of a chronic illness for purposes of determining eligibility or continued eligibility.
 - V. Medical rehabilitation services to be included on an approved Trial Work Experiences Plan, Individualized Plan for Employment, or PES Plan must be consistent with the following conditions:
 1. **Dental Services** may be provided if the dental condition is a substantial impediment to employment. Examples include:
 - a. Existence of serious maxillofacial problems and/or disease of the gums that may cause or aggravate specific health problems
 - b. Results in toxic poisons which cause physical symptoms in other parts of the body or aggravates an already existing disability

- c. Causes cosmetic problems severe enough to prevent an individual from obtaining a job which involves serving the public or will cause loss of job unless the condition is corrected
 - d. Is an acute dental condition that interferes with employment and/or the provision of other services.
2. **Eyeglasses, Optical Aids, and Visual Services** (including visual training and the examination and services necessary for the prescription and provision of the eyeglasses, contact lenses, microscopic lenses, and other visual aids) will be purchased only when prescribed by an ophthalmologist or an optometrist, whichever the individual may select.
 3. **Hospitalization services** provided in a hospital will be purchased only in conjunction with surgery, treatment or, in selected cases, as an evaluation procedure. When hospitalization is recommended, the counselor will obtain from the physician an estimate of the number of days hospitalization will be required and the services to be provided. The record will contain an official hospital report (discharge summary or similar reports).
 4. **Medical Care: Inter-current illness** may be provided by the bureau only when acute illnesses or injuries occur during the course of an individual's rehabilitation and which, if not cared for, would complicate or delay the individual's program.
 - a. Conditions
 - (1) A plan for employment (IPE) has been initiated
 - (2) The acute medical condition will interfere with the completion of the IPE
 - (3) Comparable benefits are not available to correct the condition
 - b. Maximum of 30 days treatment may be provided for each incident
 - c. Supervisory approval on these amendments to the plan is required
 5. **Nursing services** will be purchased only when required in conjunction with hospitalization and recommended by the attending physician.
 6. **Physical and occupational therapy** may be purchased only on a time-limited basis to achieve specific goals associated with employment and/or independence. Such therapy will be purchased from licensed individuals or facilities and requires a prescription from a physician, a copy of which will be placed in the case record.
 7. **Prescription drugs**, excluding medical cannabis, may be purchased on a time-limited basis when recommended by a physician and when there is a demonstrated need for prescription drugs in the achievement of the rehabilitation goal. Marijuana remains illegal under federal law and bureau funds cannot be used to purchase medicinal cannabis/marijuana.

In instances when the bureau is paying for prescription drugs, the case record will contain a copy of the prescription. Generic drugs must be purchased unless the physician indicates otherwise.
 8. **Prosthetic and orthotic devices**
 - a. Orthotic devices will be purchased only when recommended and prescribed by a physician. A copy of the written prescription will be placed in the case record

- b. Prosthetic Devices will be purchased to assist an individual to function independently.
 - (1) Prior to assisting in the purchase, the individual will be examined by an orthopedist, a physiatrist or a physician specializing in internal medicine.
 - (2) A prescription with specifications and cost of the prosthesis will be obtained from the prior to the provision of the prosthesis. A copy of the prescription will be placed in the individual's case record.
 - 9. **Speech or hearing therapy:** Medically directed speech and hearing therapy will be purchased from a licensed specialist to improve or eliminate the individual's disabling condition. A copy of the specialist's report shall be placed in the case record.
 - 10. **Surgical and medical treatment** shall require a written report, including recommended procedures and CPT codes), by a licensed physician. It is the responsibility of the physician to discuss with the individual the recommended procedures, implications, risks and expected results.
 - 11. **Surgical appliances** will be purchased only when prescribed by a physician. A copy of the written prescription will be placed in the record.
 - 12. **Mental health services:** Psychotherapy and other related counseling services will be purchased for an individual by the bureau on a time-limited basis and only when the following conditions are met and documented in the record:
 - a. It is neither possible nor feasible for the individual to receive mental health services from community mental health center programs.
 - b. The service is provided by a psychiatrist; licensed psychologist; licensed clinical social worker; or licensed clinical professional counselor.
 - c. Mental health services may be purchased only on a time-limited basis to achieve specific goals associated with employment and/or independence.
 - d. The condition is stable or slowly progressive and correction or modification may reasonably be expected to eliminate or reduce the impediment to employment or independence.
- VI. When receiving physical and mental restoration services, the participant may choose the physician or other health professional and appropriate facilities. Service providers and facilities should be selected from those who will accept reimbursement in accordance with the bureau fee schedule.
- VII. Providers of physical and mental restoration services shall be qualified in accordance with any applicable national or State approved or recognized certification, licensing, or registration requirements that apply to the discipline of the services provided.
- VIII. A maximum of 20 hours of therapy (e.g., psychotherapy, physical therapy, occupational therapy, speech therapy) may be provided after exploring comparable benefits. When more than 20 are needed, approval by the Regional Leader is required, in consultation with a medical or psychiatric consultant if appropriate. Therapy is provided as a short-

term solution-based treatment focused -plan, specific objectives. A bridge to get to a longer-term solution for funding should be explored if participant needs long-term services.

- I. Financial needs –financial need requirements apply to the provision of physical and mental restoration services
- A. Comparable benefits –comparable benefit requirements apply to the provision of physical and mental restoration services

512.P Physical and Mental Restoration Services Procedure	
	Revision date: 9/1/2022

See corresponding policy: Physical and Mental Restoration Services

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

Restoration services may be needed to assist a participant with a disability to active an employment outcome.

II. Procedure:

- A. When medical services are identified as a necessary service for a plan
 1. VRC provides information to the participant about medical services, including providing services according to the fee schedule, financial need, and comparable benefit information.
 2. VRC works with participant to identify and explore potential comparable benefits including Medicaid, pharmacy assistance, and programs sponsored by pharmaceutical manufacturers to provide medication to persons unable to afford it.
 3. VRC works with participant to complete the FNA
 4. Includes the service in the IPE or amendment
 5. Sources explored and outcomes of the comparable benefit search are included in case notes

- B. When working with a provider to authorize a medical service
 1. VRC determines the Current Procedural Terminology (CPT) codes for the medical services
 2. VRC consults the Bureau of Vocational Rehabilitation Medical Fee Schedule prior to authorizing services.
 3. The VRC contacts the provider to determine their fee for the medical service
 - a. In cases where a provider's fee(s) is lower than the max fees, VR staff authorize the lesser of the two.
 - b. In cases where a provider's fee(s) are higher than the max fees, VR staff will work with the provider to determine if they will accept our fee.
 - c. If the provider does not accept the fee, VRC works with participant to determine next steps, either to choose a different provider or to pay the difference.
 4. In drafting the authorization, any comparable benefits used should be included on the authorization

		Policy Type	Service Delivery
		Policy Number	513
		Revision #	Original
		Implementation Date	9/1/2022
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Policy Title: Reader services, rehabilitation teaching services, and orientation and mobility services for individuals who are blind.

I. **DESCRIPTION:** (mandatory element) Purpose of the policy and the statement of philosophy, position, rule, regulation, or direction, as appropriate.

II. **DEFINITIONS:**

Audio descriptive services (AD): Narration of the visual elements—action, costumes, settings, and the like—of television, presentations, seminars, etc. The technique allows low-vision and blind persons the opportunity to experience events more completely—the visual is made verbal.

Reader services: Oral reading of printed material, to an individual who is blind or visually impaired, which is not readily accessible via any of the accepted nonvisual methods of reading used by individuals who are blind (e.g., braille, talking books, tape recordings, or new technology for reading printed materials as becomes available).

Rehabilitation teaching services (RT) Teaching of the techniques fundamental to developing personal independence by mastering common skills of daily living for individuals without vision or with impaired vision. They encompass specific and identifiable teaching methods to assist in areas such as the following:

- Personal hygiene and grooming
- Communication (Braille, writing with a template, etc.)
- Home management including meal preparation, household cleaning, etc.

Orientation and mobility services (O & M): Teaching of methods of independent travel to individuals without vision or with impaired vision. "Mobility" in this context is the act of moving, while "orientation" is awareness of pertinent factors in the environment which enable the individual with partial or total impairment of vision to react, move, and travel in a safe, appropriate, and purposeful manner.

Note-taking services: The manual recording of relevant information of a conversation, meeting, or training; it may include translation to braille. Note-taking services are generally provided only for individuals who are visually impaired who do not have training in, or have limited use of, an alternate method such as braille or for whom technology options are not appropriate.

III. POLICY:

A. **Reader services** include reading to a participant who is blind material that is otherwise unavailable to the customer.

1. Reader Services may include the following:
 - a. Reading and recording notes for later listening by the individual;
 - b. Recording textbooks or other printed materials;
 - c. Use of amanuensis (specialized assistant) during test or written examinations;
 - d. Use of a laboratory assistant when an individual must participate in laboratory experiments or exercises; and,
 - e. Reading work-related materials for an individual with a disability in an employment setting.
 - f. Reader services are provided with bureau funds only if there is no alternative such as volunteer readers, reading machines, magnification devices, braille, or large print resources.
2. Availability of other nonvisual media must be explored prior to purchasing reader services.
3. Readers paid for by the bureau
4. Participants must be informed about the Library Services for the Blind and Print Disabled and other organizations that may provide accessible materials.
5. The bureau will provide the current minimum wage as payment for reader service that is not technical in nature. Hourly wages can be negotiated for reading that requires expert knowledge (e.g., reading foreign language, highly technical or scientific text). Readers must be advised that earnings will be reported to the Internal Revenue Service and that they are responsible for paying income and Social Security taxes.
6. Financial Need: Reader services are not subject to financial need requirements.
7. Comparable benefits: Reader services are subject to comparable service and benefit requirements.

B. Orientation and Mobility(O&M)

1. O&M services may include, but are not limited to, instruction in the use of sighted guide, cane skills, principles of indoor and outdoor orientation to the environment, street crossings, use of public transportation vehicles and systems, and traveling in unfamiliar environments.
2. O&M services should be provided to a participant in order to achieve an employment outcome, and to increase and/or maintain independence in the community.
3. Orientation and Mobility services should be discussed and assessed with all participants and must be provided by a certified orientation and mobility instructor certifications include but are not limited to, National Blindness Professional Certification Board (NBPCB), Academy for Certification of Vision Rehabilitation & Education Professionals (ACVREP), or other nationally recognized certification program.
4. The Bureau does not provide participants with dog guides or training with dogs; however, participants may be assisted with the resources to obtain a dog guide. The bureau can provide orientation and mobility assistance to a participant who has acquired a dog guide if emergency assistance in the home environment is necessary or if the participant experiences problems with the dog guide in an unfamiliar environment.
It may be necessary to refer participants back to the guide dog school for further training if problems persist.
5. Financial Need: O&M services are not subject to financial need requirements.
6. Comparable benefits: O&M services are subject to comparable service and benefit requirements.

C. Rehabilitation Teaching Services

1. Rehabilitation teaching services should be discussed with each participant with regards to instruction in

the use of low vision aids and devices as well as daily living skills, grooming and personal management, adjustment to vision loss, coping and adjustment to vision loss, etc., that are specifically designed to increase an individual's independence at home, work and in the community.

2. Rehabilitation teaching services should be provided by a certified rehabilitation teaching instructor, certification include but are not limited to, Academy for Certification of Vision Rehabilitation & Education Professionals, Association of Educators and Rehabilitators of the Blind and Visually Impaired (AER), or other nationally recognized certification program.
3. Rehabilitation teachings services are provided it an individual requires such services in order to achieve and/or maintain an employment outcome.
4. Financial Need: Rehabilitation Teaching services are not subject to financial need requirements.
5. Comparable benefits: Rehabilitation Teaching services are subject to comparable service and benefit requirements.

		Policy Type	Service Delivery
		Policy Number	514
		Revision #	Original
		Implementation Date	9/1/2022
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Policy Title: Rehabilitation Technology

- I. **DESCRIPTION:** Rehabilitation technology is an individualized service which can assist participants overcome barriers to full participation in education, rehabilitation, employment, transportation, independent living, and recreation. The bureau will only support rehabilitation technology that is necessary to achieve the individual's vocational objectives and goals.

An individual's need for rehabilitation technology should be considered at any stage of the vocational rehabilitation process. When determining an individual's eligibility and vocational rehabilitation needs, rehabilitation technology will be provided if necessary to assess and develop an individual's capacity to perform in a work environment. Before an individual is determined ineligible because he or she cannot benefit from services, rehabilitation technology must be considered. Once an individual has entered extended evaluation or been determined eligible, rehabilitation technology must also be considered when planning the IPE and choosing a vocational goal. When appropriate, the IPE will include a statement of the specific rehabilitation technology services necessary to achieve the intermediate rehabilitation objectives and long-term rehabilitation goals.

II. **DEFINITIONS:**

Assistive Technology: Technology designed to be utilized in an assistive technology device or assistive technology service.

Assistive Technology device: 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 individuals with disabilities.

Assistive Technology Service: Any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes--

- A. the 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 the customary environment of the individual;
- B. a service consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

- C. a service consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, replacing, or donating assistive technology devices;
- D. coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs;
- E. training or technical assistance for an individual with a disability or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual;
- F. training or technical assistance for professionals (including individuals providing education and rehabilitation services and entities that manufacture or sell assistive technology devices), employers, providers of employment and training services, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities; and
- G. a service consisting of expanding the availability of access to technology, including electronic and information technology, to individuals with disabilities.

Home Modification: Reasonable and necessary additions or alterations to an entrance or room of a domicile of a person with disabilities; the intent is to maximize independences are related to achieving the individual's vocational goal.

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

Rehabilitation Technology: 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.

III. POLICY:

- A. The bureau will provide, as appropriate, rehabilitation services throughout all phases of the vocational rehabilitation process.
- B. Any assistive technology device requiring an individualized prescription or fitting must be provided by a professional who meets any licensing or certification requirements to fill the prescription or to perform the fitting. Aids and devices not requiring individual fittings must meet engineering and safety standards recognized by experts in the field.
- C. Rehabilitation technologies and relay services for individuals who are deaf or hearing-impaired shall be utilized as necessary for service delivery.

- D. Vehicle Modification: specific requirements related to vehicle modification, refer to section 521 Vehicle Modification
- E. Home Modification: specific requirements related to home modification, refer to section ____ Home Modification. Financial Need: Rehabilitation technology services are subject to financial need requirements.
- F. Comparable benefits: Rehabilitation technology services are not subject to comparable service and benefit requirements.

514.P Rehabilitation Procedure	
	Revision date: 9/1/2022

See corresponding policy: Rehabilitation Technology

Note: Vocational Rehabilitation procedures provide internal guidance for bureau staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

- A. When RT is identified as needed in order to determine eligibility or write an IPE:
 1. VRC identifies that in order to participate in the assessment services participant requires RT and documents need in case notes
 2. VRC schedules and authorizes any needed RT
 3. VRC documents RT provision
 4. VRC either:
 - a. Completes eligibility determination
 - b. Completes IPE with participant; or
 - c. Identifies additional needed RT services to complete actions

- B. When RT are identified as a service to be provided in an IPE
 1. VRC assures services are included in IPE
 2. VRC assures necessary assessments and recommendations are completed and attached in case file
 3. FNA completed as needed
 4. VR staff follow standard purchasing requirements
 5. VRC maintains contact with the participant throughout the process to assure progress is consistent with the participant's understanding and agreement.

		Policy Type	Service Delivery
		Policy Number	514.D
		Revision #	Original
		Implementation Date	9/1/2022
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Policy Title: Home Modification

I. **DESCRIPTION:** VR provides home modification services when changes to a participant’s physical environment are necessary for the participant to perform activities of daily living that improve the participant’s ability to function independently in the home and community and enable the customer to pursue a vocational goal as indicated in the IPE.

II. **DEFINITIONS:**

Home Modification: Reasonable and necessary additions or alterations to an entrance or room of a domicile of a person with disabilities; the intent is to maximize independences are related to achieving the individual’s vocational goal.

III. **POLICY:** Modifications to homes can be provided only when needed to assist a participant to achieve the employment goal identified in the Individualized Plan for Employment (IPE).

A. Home modification services may include minor structural changes; adaptive equipment and household equipment provided to meet the functional needs of a participant in the home within the context of an Individualized Plan for Employment. In providing such services, the bureau must consider the extent and type of services to be provided within the context of the vocational objective. Independence in self-care and other activities of daily living cannot be considered a vocational goal.

1. Home modifications must be in compliance with local building codes and with the Americans with Disabilities Act's (ADA) accessibility guidelines unless the situation does not permit, and the person agrees to non-compliance in writing. If the domicile is not owned by the person, written permission of the owner must be obtained prior to doing the modifications.

2. Home modification and/or adaptive equipment may be provided to a participant for the primary purpose of obtaining access to the house or apartment, or to make features of the residence more accessible i.e., those home features that are critical to participation in job preparation services or necessary for employment of the participant.
 - a) Home Modification - Minor structural changes such as widening doorways and construction of ramps.
 - b) Adaptive Equipment - Equipment which may require installation but usually does not result in permanent structural changes and can be used elsewhere such as stair glides and lifts.
 - c) Household Equipment - Equipment for household chores which is specially designed, selected or altered to enable the participant to perform homemaker duties despite the disability.
 3. Prudence will be exercised in determining the extent of home modifications needed to achieve the vocational goal. Only home modifications needed to safely meet the vocational rehabilitation needs of the person will be provided. Home Modifications involve the bureau's Contract Manager Consultant. Consultant manages the site review, draft work proposal, hiring of work contractors, supervision of the work and final inspection of work.
 4. The following limits apply to the modification of a participant's home:
 - a) VR will modify individual's home for accessibility purposes as determined by the IPE
 - b) Modifications will be limited to existing structures
 - c) Only one entrance will be modified
 - d) Least costly method will be used
 - e) Modification Parameters:
 - (1) For the first modification, the bureau may pay up to 100% of the cost modifications
 - (2) For subsequent modification, the bureau may pay up to 50% of the cost of further modifying a home based on change in a disability
 - (3) If subsequent modification is due to relocation – the bureau may pay up to 75% of the cost of modification of a new home if the move was necessitated by a change of employment of at least 50 miles.
- B. The bureau does not fund home/new building purchases, maintenance, or repair.
- C. Modifications of the home must be disability-related and relevant to the vocational goal.
- D. Repair of the home for the modification to be made is the responsibility of the homeowner.
- E. Land may not be purchased with bureau funds.
- F. Financial Need: Rehabilitation technology services, including home modification are subject to financial need requirements.
- G. Comparable benefits: Rehabilitation technology services, including home modification are not subject to comparable service and benefit requirements.

514.D.P Home Modification Procedure	
	Revision date: 9/1/2022

See corresponding policy: Home Modification

Note: Vocational Rehabilitation procedures provide internal guidance for bureau staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

II. Home Modification process

- A. When the VRC and participant identify that home modification is a potential service to be included in the IPE, the case is reviewed by the Regional Leader and the Home Modification Coordinator. (Coordinator)
 1. Review is completed to assure that the home modifications requested are necessary to support the participant in employment
- B. At the direction of the Coordinator, the Home Modification Consultant (HMC) will meet with the VRC and the participant to discuss the areas of the residence that are not fully accessible and are currently causing a barrier to employment. Best practice is to include the Regional Leader in this consultation. If appropriate they will visit the residence and inspect the areas of concern to assess the accessibility needs of the participant
- C. The HMC provides an initial recommendation report detailing the potential needs and estimated costs.
 1. If experts in adaptive equipment or disabilities need to be brought in,
 2. the Contractor may subcontract with these entities only after receiving written authorization.
 3. Note: At any point in the modification process nothing contained in the specifications or drawings shall be construed as creating any contractual relationship between any subcontractor and the State
- D. The Coordinator, RL, and VRC use the following outline (5-6) to direct the overview and supervision of the project and direct the authorization and payment of services:
 1. **Initial report** is reviewed by the Coordination, RL, and VRC.
 - a. If all parties agree that the services are reasonable and necessary, the HMC will be directed to prepare a full Scope of Work Report and prepare the job for bid.
 - b. The Scope of Work Report articulates the dimensions and measurements of the project, materials, all pertinent building permits, and outcomes necessary for a Contractor to submit a proposal to complete the proposed modification. The Scope

of Work Report is to include any applicable warranty information. A detailed deliverable-based schedule outlining important deadlines and deliverables will be included in the Scope of Work Report. Modifications are subject to industry standards for safety, liability, and durability as referenced in building codes, materials, and manuals.

2. **Invitation for Bid or Written Quotes** – Dependent of the scope of services and at the direction of the Coordinator the HMC prepares and procures written quotes for each aspect of the build. Bids and quotes should be procured using industry standards but will contain no fewer than three quotes for any goods over five hundred (\$500) dollars or labor over one thousand (\$1,000) dollars. If three quotes are unable to be obtained for the previously mentioned items, a sole source justification will first need to be approved by the Coordinator. The HMC will provide the State with a summary of the quotes received including all references checks and necessary insurance as needed. The Coordinator will review the quotes and Scope of Work from the HMC for approval.
3. **General Contracting** - If the Scope of Work as well as the Bids and Quotes obtained are approved by the Coordinator, the HMC will act as the General Contractor for the entire build subcontracting with vendors to provide the services needed to complete the project in an effective and efficient method. General Contractor services include but are not limited to:
 - a. Management and coordination of the entire project Site surveying
 - b. Provision of all necessary material, labor, equipment, and services for the entire project
 - c. Hiring and vetting all subcontractors while supervising the work they complete
 - d. Applying for building permits Securing the property Managing all personnel on site
 - e. Properly disposing or recycling of construction waste, ensuring daily clean up and debris caused by the construction operation Monitoring schedules and maintaining accurate records
 - f. Ensuring all local, state, and federal building codes are followed
4. **Materials** – While acting as the General Contractor the HMC will procure all necessary materials, labor, equipment, and services through written Purchase Order with the State. Material and product warranties shall be passed through to the owner of the residence. The HMC and any subcontractors shall not require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to their health or safety as determined by construction safety and health standards of the Occupational Safety and Health Administration, United States Department of Labor, which standards include, by reference, the established Federal Safety and Health Regulations for Construction. The Contractor shall post information to the Davis-Bacon and related Acts (DBRA) which require the HMC and subcontractors to pay locally prevailing wages to laborers and mechanics employed on certain federal and federally assisted construction projects. The Davis-Bacon Act applies to contractors and subcontractors performing work on contracts in excess of \$2,000 for construction. This must be posted in a prominent and accessible place where it may be easily seen by workers. The applicable wage determination must be similarly posted.

5. **Warranty** - The HMC shall warranty all work, including work completed by subcontractors for a period of no less than a period of one (1) year to be agreed upon with all parties in the Scope of Work. Any work or materials found by the State to be defective or not in compliance with the plans and specifications shall be replaced at no cost to the State during the warranty period. The State shall require correction of defective work or damages to any part of a building or its appurtenances, at no charge when caused by the HMC's employees, subcontractors, equipment, or supplies. Upon failure of the HMC to proceed promptly with the necessary corrections, the State may withhold payments to the Contractor of any amount necessary to correct all defective work or damage. Workmanship disputes between owner and HMC shall be brought to the attention of the Coordinator for mediation. All complaints will be addressed prior to payment.
 6. **Change Requests** - Prior to any change of scope of work a written change order will need to be submitted to the State and no work shall commence until an amended written authorization or Purchase Order. This can only occur once the homeowner and Coordinator all agree on any changes. The request must detail the nature of the change including any impact on cost and any effect on the schedule.
- E. VRC maintains contact with the participant throughout the process to assure progress is consistent with the participants understanding and agreement.

		Policy Type	Service Delivery
		Policy Number	521
		Revision #	Original
		Implementation Date	4/1/2021
Page #	1 of 4	Last Reviewed/Update Date	None

(a) **Vehicle Modification**

- I. **DESCRIPTION:** Vehicle Modification is a service provided under an Individualized Plan for Employment (IPE) for a participant who owns, or has the use of, an appropriate vehicle to remove impairment related transportation barriers, in order to meet their employment outcome.

II. **DEFINITIONS:**

Vehicle Modification: any structural or non-structural modification to a motor vehicle. It can include adaptive equipment or a product system, acquired commercially or off the shelf, modified or customized, that is used to increase, maintain, or improve an individual's functional capacity to safely drive or to ride as a passenger.

Structural vehicle modifications: alteration made to a vehicle that alter the structure or integrity of the vehicle. Structural modification services may include, but are not limited to: widening doors; reversing door hinges, lowering a floor, raising the roof or side entry; powered gas/brake systems; reduced effort steering system; horizontal steering system; restraint systems; reduced effort brake systems; and wheelchair lifts.

Nonstructural vehicle modifications: Any addition of adaptive equipment to a vehicle that does not alter the structure or integrity of the vehicle. Nonstructural vehicle modification services may include, but are not limited to: mechanical hand controls; wheelchair carriers or trunk loaders; pedal blocks, left foot brake and accelerator pedals; extensions to turn signal or shift lever; electric parking brakes; and wide-angle mirrors.

Aged vehicle: vehicle that is more than (2) years old or has more than 30,000 miles on the odometer.

Vehicle Modification Liaison (VML): The bureau's internal staff responsible for ensuring the vehicle modification process is followed and managing issues and questions related to vehicle modifications.

Vehicle Modification Consultant (VMC): external party, consulting with the bureau, to

provide technical assistance on questions or issues of vehicle modifications.

III. **POLICY:**

(2) Vehicle modifications are provided only when necessary to support an eligible individual to achieve and maintain a competitive integrated employment outcome, as agreed upon in their approved Individualized Plan for Employment (IPE).

- A. Vehicle modifications are only considered when there is no other effective means of transportation available to the participant. Vehicle modification(s) cannot be authorized if the participant can use public transportation effectively or owns or has access to another vehicle which would meet transportation needs.
- B. Vehicle modification may be considered only when the Participant is competitively employed in their employment goal (as identified on the IPE) or is expected to be within a year of employment.
- C. The bureau will not purchase vehicles.
- D. The bureau will not reimburse for costs of vehicle modifications that were completed prior to the approval of the Director or Designee.
- E. The bureau is not responsible for any uninsured losses. The bureau encourages the participant to arrange for adequate insurance coverage to include vehicle modifications.
- F. The bureau will not fund the costs for vehicle registration and insurance. These are the responsibility of the participant.
- G. The bureau will consider the progression of the disability and the effect on the individual's ability to safely operate a vehicle over the next five years.
 - 1. Progression of disability information may be provided to evaluators to ensure appropriateness of adaptive equipment recommendations
 - 2. The Agency may request documentation from the participant's Personal Care Physician regarding stability of the disability
- H. The bureau will only consider modification to an aged vehicle upon approval from the Vehicle Modification Consultant (VMC). This approval is subject to the inspection of the vehicle by a State license inspection station, as evidenced by a letter provided to the VRC specifically reporting on:
 - 1. Vehicle Specifications (Make/Model/Year)
 - 2. Current mileage of vehicle
 - 3. Vehicle is structurally sound, in good running condition
 - 4. Absence of extensive rust
 - 5. Report indicates business name, address, phone number and signature of mechanic

And the VMC reserves the right to obtain additional information from the reporting

mechanic and or assess the vehicle for pre-inspection.

- I. The bureau reserves the right to limit by year, make, or model which vehicles it will consider for modification. Prior to considering the modification of a vehicle the Driver Evaluation Report which includes equipment modification recommendations must be approved by the VMC. Individuals considering purchasing a vehicle should take this into advisement as the agency may not be able to assist with modifications to that vehicle.
- J. The bureau does not provide funding for modifications on leased vehicles.
- K. If the vehicle under consideration is not owned by the participant, a notarized statement from the owner giving permission to the individual to drive or be a passenger in the modified vehicle for at least seven (7) years must be obtained.
- L. Participants must:
 1. Have the means to maintain the vehicle and the modification(s) and
 2. Have a valid NH driver's license with proper restriction designation as required by NH Department of Safety, Division of Motor Vehicles (DMV).
- M. Individuals who require a vehicle modification to enable them to drive or ride as a passenger shall be required to undergo an evaluation by a Certified Driver Rehabilitation Specialist (CDRS) to determine:
 1. The need for motor vehicle modification,
 2. The type of vehicle which is appropriate,
 3. The type and extent of modifications required, and
 4. The ability and safety of an individual to drive, as applicable.
- N. Completion of an evaluation by a Certified Driver Rehabilitation Specialist (CDRS) does not guarantee that the agency will participate in the cost of the vehicle modification.
- O. Vehicle modifications that require interdependence with other rehabilitation technology, including wheelchairs, are subject to assessment that the device is:
 1. currently operational and expected to be in use for a minimum of the next three years,
 2. medically necessary, evidenced by prescription or doctor recommendation, and
 3. used in the driver assessment.
- P. All vehicle modification vendors must be accredited by the endorsed agency of the National Mobility Equipment Dealers Association (NMEDA) for their Quality Assurance Program (QAP) and will only be allowed to bid on modifications equivalent to the category(ies) in which they have earned QAP accreditation.
- Q. The bureau may provide repairs to vehicle modifications in order to accomplish the individual's plan for employment when:
 1. The VMC has approved that the vehicle is road worthy.
 2. A report is on file that identifies the needed repairs to modifications from a CDRS or State license inspection station.
 3. The participant can demonstrate that the vehicle has been properly maintained with

- reasonable care of the previous modifications.
4. Required repairs are not covered under warranty.
 5. Repair is not due to damage by accident, vandalism, or fire.
 6. Current modification(s) are deemed appropriate as evidenced by either no change in the participant's level of functioning has occurred or an updated driver's evaluation.
- R. The bureau shall consider repeat or subsequent vehicle modifications for a participant when:
1. The modification is necessary due to a change in disabling condition or
 2. Seven (7) years have passed since the original modification was completed; and
 3. The participant has met a minimum of two years of cumulative competitive integrated employment within the seven years.
- S. All modifications and repairs shall have a final inspection by the VMC to ensure:
1. The equipment operates correctly,
 2. The participant can use the equipment properly and safely while parked, and
 3. All modifications were performed as authorized.
- T. Vehicle modifications are subject to financial need.
- U. Vehicle modifications are exempt from comparable benefit requirement.

521.P Vehicle Modification Procedure	
	Revision date: Original 4/1/2022

See corresponding policy: Vehicle Modification

Note: Vocational Rehabilitation procedures provide internal guidance for bureau staff only and create no procedural or substantive rights for any individual or group.

Introduction

The bureau's procedure on vehicle modification is intended to ensure the proper steps are taken when a participant requires a vehicle modification and the vehicle modification process is consistent for all participants.

Vehicle Modification Process: Throughout the process the VR Counselor (VRC) maintains contact with the participant to coordinate services; works with the Regional Leader (RL) and Vehicle Modification Liaison (VML) to obtain required approvals; and generates authorizations for service.

Note: At any stage of the process, if bureau staff reviewing the case does not approve the vehicle modification, they will document the decision in the case record, and the VRC will notify the participant of the decision, including the rationale for the decision and the process to appeal, including the availability of the Client Assistance Program.

1. The VRC identifies that vehicle modification may be necessary to remove impairment related transportation barriers, in order to meet a participant's employment outcome. The VRC confirms the following:
 - a. The participant is competitively employed or is within a year of employment.
 - b. the participant does not own another vehicle which would meet transportation needs, and
 - c. The participant's disability prevents the use of any other reasonable transportation alternative (public transportation, family member, etc.)
2. The VRC notifies RL of a potential vehicle modification for planning purposes.
3. The VRC and the participant discuss vehicle modification policy and process. The VRC will document this discussion as a case note. The discussion will include
 - a. The transportation needs as either the driver or passenger,
 - b. vehicle availability, and condition
 - c. Policy requirements specific to the participant's circumstances.
 - d. The steps and the timeline
 - e. Any other factors that may influence the success or progress of the modification,

such as;

- 1) Other rehabilitation technology, including wheelchair. Assess the following:
 - (a) Condition of the technology
 - (b) Age and Projected remaining lifespan (will it need to be replaced within 3 years)
 - (c) Availability for the evaluation
- 2) Supplemental durable medical equipment or other devices needed to operate the RT, e.g., SmartDrive or other types of hardware for a wheelchair
 - a. Progression of Disability: Assess whether the disability is stable or progressive. If there is a question of stability of the disability, then request documentation from a medical doctor regarding the progression of the participant's condition and consult with VMC.
4. The VRC begins to complete the bureau Vehicle Modification Participant Checklist and uses this to guide the process.
5. Participant and VRC choose the vendor for the driver's evaluation. When providing the participant with the vendor options for a driver's evaluation, it is important to know the type of modification(s) that are needed and which vendor(s) have the proper vehicle and equipment to provide the evaluation. The following points need to be considered when making this decision:
 - a. Is the modification structural or nonstructural
 - b. Will the vendor be able to provide the necessary evaluation if a high tech evaluation is needed
 - c. Will the vendor need to rent a high tech van from an approved vendor to perform the evaluation.
 - d. Is the participant licensed to drive in New Hampshire
 - e. Is it likely that the participant will require additional training on their newly modified vehicle
 - f. Can the participant travel to the evaluation site
6. VRC completes the referral for a driver's evaluation
 - a. Refer participant for evaluation
 - b. Enter Authorization for "Driver Assessment (Mods)" , to include high tech van rental, travel time and mileage, if indicated
 - c. Complete Driver Evaluation Intake form and send to vendor
 - d. Monitor scheduling, completion of evaluation, and receipt of report
 - e. If additional hours are needed to complete evaluation, vendor will request and rationale is documented in case note. Enter authorization for "Driver Assessment Extension (Mods)".

7. The VRC receives the completed Driver Evaluation report which includes the adaptive equipment recommendations
 - a. Review report to ensure receipt of full assessment/evaluation, along with Adaptive Equipment recommendations
 - b. Prepare documentation for Regional Leader review
 - 1) VRC completes case note that justifies the need for vehicle modification
 - 2) VRC completes and attaches the following forms to the participant's case record
 - (a) The bureau Vehicle Modification Participant Checklist
 - (b) Driver Evaluation with adaptive equipment recommendations, and
 - (c) Financial Needs Assessment (FNA)
 - c. VRC sends AD request for review to the Regional Leader
8. Regional Leader Review and Approval
 - a. Regional Leader reviews case record including documents attached in the case record
 - b. Regional Leader completes case note regarding approval of vehicle modification
 - c. RL forwards AD to the VML by adding the VML to the existing AD with dated comment.
9. Vehicle Modification Liaison Review and approval
 - a. VML reviews the participant's current case record and attachments, as well as any prior case openings to determine if there is any information that may impact the vehicle modification process. This could include:
 - 1) Determining if other factors need to be addressed prior to a vehicle modification can be pursued (i.e. age of wheelchair, licensing) and participant's ability to participate in the process
 - 2) If the participant is in need of a new vehicle, are they able to purchase and maintain the vehicle
 - 3) Previous vehicle modifications provided by the bureau
 - 4) Participant engagement in the VR process

- 5) Whether the participant is currently employed, or one year out from becoming employed
 - b. The VML notifies the VRC, and RL as needed, of the status of the review and if additional information or assessment is needed. Documentation of VML review and any requests for additional information is documented in case notes.
 - c. Following completion of VML review and acceptance of documentation
 - a) The VRC is notified by the VML to authorize vehicle modification consultation with the Vehicle Modification Consultant (VMC) for 18 hours over the next six months to cover the VMC's activity throughout the vehicle modification process.
 - b) The VML sends the Driver Evaluation with the adaptive equipment recommendations to the VMC for review via encrypted email
 - c) VML copies email to VMC as a case note
10. Vehicle Modification Consultant reviews documentation
 - a. If approved by VMC the process moves on to next step, obtaining quotes.
 - b. If there are concerns, the Vehicle Modification Liaison will notify the VRC of the concerns and need for follow-up.
 - a. VML enters email of the concerns and discussion as a case note.
 - b. The VRC will then contact the participant and/or the Driver Evaluator to gather the necessary information and document conversations as a case note.
 - c. Once updated information is received, VRC will provide information to the VML and case note will be entered documenting the communication.
 - d. The VML will send updated information to the VMC for additional review and decision whether to move forward with the modification
 - e. In case of decision not to move forward, participant is notified of the decision the rationale and right to appeal.
11. Quotes are obtained by the VML, and attached in the case record
12. VML creates recommendation based on quotes received
13. VML sends AD to Director, or designee for review and approval
14. Director or designee reviews bid and supporting documentation
 - a. If approved, Director will document approval in case note and send AD to the VML
 - b. If bid is not approved, Director will document rationale and send that information to VML to follow up on any additional information or action needed
15. Following Director, or Designee approval, the VML notifies the VRC, via AD, of the vehicle modification quote approval
16. VRC contacts participant notifying them that their vehicle modification has been approved and any necessary next steps
 - a. Counselor and participant develop or amend the Individualized Plan for Employment (IPE) to include vehicle modifications and vehicle modification consultation services and if indicated any driver evaluator post inspection (service name: driver assessment extension mods) and adaptive equipment

- training.
- b. VRC develops the IPE case note documenting specific information such as the chosen vendor, planned need for the service leading to an employment outcome, justifications, and any additional details necessary to provide the service.
 - c. If participant is employed, they shall be placed in the appropriate case status.
 - d. Depending upon approval levels, the IPE may need RL and Administrative approval. If amount requires Administrative approval, the RL will do an activity due to the director or designee
17. Once an IPE is approved, enter appropriate authorization
 18. Once the authorization has been sent to the vendor, the VML and VRC, the VRC contacts participant notifying them that the vehicle modification can be scheduled. This authorization is the notification to the vendor that they have been awarded the bid.
 19. The participant coordinates with the vendor to schedule the appointment for the modification
 20. The VML monitors the progress of the modifications, addresses any technical issues that may arise and consults with the VRC as necessary.
 21. Vendor completes the authorized vehicle modification, schedules the final inspection with the VMC and notifies the VML
 22. VMC completes the Final Review that includes the vehicle modification inspection and performance assessment prior to the vehicle being released to the participant. The purpose of the inspection is to ensure safety, proper installation of the modifications and to determine if any corrections need to be made.
 - a. The Driving Evaluator may inspect the vehicle in those instances when the participant will be receiving additional training in their newly modified vehicle
 - b. If any concerns are noted by the Driving Evaluator inspection, these concerns will be brought to the VML's attention
 - c. The VRC will receive the final inspection report and invoice completed by the Driving Evaluator if they inspected the vehicle as well.
 - d. VRC attaches a copy of report in the participant's case record
 23. The VML will receive the final inspection report and invoice from the VMC. After reviewing the report, if the vehicle:
 - a. **Passes Inspection:** the report and invoice will be forwarded to the VRC and Regional Office Rehabilitation Technician for payment.
 - b. **Passes Inspection, but Needs Correction:** The VML will contact the VRC to review these items and to discuss next steps. If it is determined that the correction(s) require an equipment change, an updated quote will be requested from the vehicle modification vendor. Depending upon the equipment needed, the Driving Evaluator may be required to submit an amended evaluation to include the new equipment. This amended evaluation does not need to be reviewed by the VMC.
 - i. The VMC will indicate on the final report if re-inspection is needed following the modifications being corrected.
 - ii. If an equipment change is needed, the VML will forward the updated quote with

explanation to the Director or designee for approval.

- c. **Not Recommended at this Time for Acceptance (must be re- inspected):** In this case, the VML and VMC will discuss what the next steps will be in order to ensure that the modifications are properly completed by the vendor and that the participant receives their vehicle in a timely manner.

Reports and Forms:

Forms

- A. The bureau Vehicle Modification Participant Checklist - a review of pertinent information included in discussion with participant (completed by VRC)
- B. Driver Evaluation Referral form – used to refer the participant to the identified vendor (completed by VRC)

Reports

- A. Driver Evaluation which includes the Adaptive Equipment Recommendations– received from driver evaluation vendor after assessment
- B. Preliminary assessment of vehicle modification request received from VMC after review of the driver evaluation
- C. Final Inspection Report – received from VMC after the modifications have been completed and before the participant receives modified vehicle
- D. Driver Evaluation final inspection report – received from driver evaluation vendor after final inspection in cases where there is additional driving training after mod
- E. Vehicle inspection report – received from a State license inspection station that includes the specific items identified in the above policy.

		Policy Type	Service
		Policy Number	515
		Revision #	Original
		Implementation Date	9/1/2022
Page #	1 of 12	Last Reviewed/Update Date	None

Policy Title: Self Employment

- I. **DESCRIPTION:** This policy addresses specific requirements related to the choice of pursuing self-employment/business ownership as part of an employment goal. Self-employment, or working for oneself, is identified as a potential way a participant can achieve their employment. Self-employment involves business ownership and responsibility for all business operations, including management (even if the participant hires, contracts out, or has natural supports to perform some business functions).

II. **DEFINITIONS:**

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

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

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

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

Business ownership is defined as an individual operating and owning at least 51% of the business enterprise.

Review Business Consultant: A business consultant who reviews the plan to provide an evaluative review of the business plan or proposal.

An Evaluative Review of the business plan or business proposal is a review by an independent, impartial business consultant to assess the-

- viability of the business and likelihood of success,
- likelihood of the participant achieving the projected net income stated in the plan, and
- identification of weaknesses that need to be addressed.

Hobby is defined as a spare-time recreational pursuit. A hobby is an activity for which there is not an expectation of profit.

Passive ownership - Passive business ownership involves purchasing an ownership interest in a business and deriving a dividend income from the profit of the business as a result of the ownership of the interest, rather than actively managing the business operations and producing income from one's efforts. Passive business ownership is more of an investment and is not considered to be an employment outcome.

Self-employment costs: The cost of starting the business as addressed in the business plan. Self-employment costs do not include training, business plan development, assistive technology, or disability related modifications to the job site or vehicle.

Self Sufficiency is defined as needing no supplemental income from public sources such as SSI, SSDI and TANF. Substantial Gainful Activity (SGA), as determined by the Social Security Administration, can be an indicator of self-sufficiency. A person may continue to receive public benefits such as food stamps and MEAD and be considered self-sufficient.

Speculative Businesses are defined as ventures that involve a high degree of risk in hopes to profit from anticipated activities such as price movement. Examples include gambling and trading in commodities, bonds, equities and currencies, and other ventures where the expectation is to make quick and large gains.

Startup costs: means expenses for-

- equipment for the business, improving a worksite to suit the business and licenses needed to open a business;
- insurance deposits for such things as rent and utilities, payment of rent and utilities for a maximum of six (6) months; and
- initial stock and supplies as defined below:

Initial stocks and supplies are further described:

- “Initial Stock” – The initial inventory of merchandise or goods a business sells, or prepares for resale, either wholesale or retail. The initial stock should be limited to the amount necessary for the participant to open his/her place of business and to carry the business through the first month of operation.
- “Supplies” – Those items used on the premises and necessary to carry out the day-to-day operations of the business. Under normal conditions, initial supplies would be those needed during the first month of operation of the business. The business plan should contain documentation to show how the amount was determined.

Supplemental income is defined as income at the level that allows the continuance of public

financial support from public sources such as SSI, SSDI, and TANF. (Note: Continuance of public benefits such as food stamps and MEAD can be considered as self-sufficiency.)

Telecommuting means to work at home by use of an electronic linkup with a central office. An individual who telecommutes is still an employee, even though performing work functions at home.

Unprofitable business operation - a business which does not generate a profit can become a substantial economic liability. By definition, a business must produce a profit. If the business does not generate enough income to meet its expenses, including the cost of the owner's time and efforts, there is usually no advantage to business ownership

- III. POLICY:** The bureau can support a participant interested in starting their own business or help them maintain or expand their existing business. Self-employment is one of the occupational alternatives which may be considered in the wide array of employment options available to a person. The successful self-employment enterprise requires an array of skills and abilities, including organization, business and financial management, marketing and other talents, as well as, knowledge and expertise in the goods or services being produced. It is essential that the participant is well informed of potential risks, and efforts are made to minimize those risks.
- A. Self-employment is not a vocational goal in and of itself. The vocational goal is the occupation identified through the comprehensive assessment that identifies the occupation the participant plan to achieve as defined by a standard occupational code (SOC).
 - B. As with other employment outcomes supported by the bureau, the self-employment outcome must reflect the individual's career interest and informed choice to the extent that those factors are consistent with the individual's unique strengths, resources, priorities, concerns, interests, abilities and capabilities.
 - C. The bureau's support of an Individualized Plan for Employment (IPE) that includes a self-employment outcome is based on a variety of factors, including, but not limited to, the viability of the business plan or proposal, the financial resources available other than the bureau, the information gathered through the assessment process, and the vocational rehabilitation counselor's recommendation.
 - D. Under the bureau, self-employment:
 - 1. Means the participant manages, operates, and owns at least 51% of the business enterprise and is not considered an employee of another individual, business, or organization;
 - 2. Exists when the service or product is actively marketed to potential customers
 - 3. Includes home-based businesses and telecommuting businesses (if no taxes are withheld by an employer); and
 - 4. Includes sole-proprietorships or limited liability companies
 - E. Self-employment will only be considered when the participant can demonstrate having significant knowledge and skill required for their self-employment venture.

- F. To be successful, a bureau/participant partnership to create a self-employment venture must show:
1. a significant commitment of participant time and personal or family resources to the new venture,
 2. a well thought out, realistic first-year business plan or proposal that includes the best possible estimate of revenues and expenses,
 3. plan evaluation by an outside expert, when necessary, and
 4. acknowledgement that the guidelines utilized by bureau personnel and the participant to consider, evaluate, plan, and implement a self-employment rehabilitation are a multi-stage process that may require extended time to complete.
- G. Parameters of Business/Self-Employment Endeavors
1. A wide spectrum of business ventures may be considered for self-employment. Businesses supported by bureau must:
 - a. Comply with all relevant state, federal and local laws, codes, regulations and licensing requirements;
 - b. Involve majority ownership and management of the business by the participant served by the agency;
 - c. For supported business enterprise, involve majority ownership and participation in a core business function by the individual served with management of the business by an identified support person(s);
 - d. Be established in an integrated, community work setting;
 - e. Not involve speculative activities, i.e., engagement in risky business deals on the chance of large, quick profits; and
 - f. Be designed to be the major source of income for the individuals. In the case of Tier 1 proposal, venture may be designed as a supplemental source of income for the individual.
 2. Disallowed Businesses: bureau does not support businesses involving:
 - a. Passive ownership,
 - b. Speculative ventures,
 - c. Unprofitable business ventures,
 - d. Income opportunities based solely or primarily on recruiting salespeople to continue building the enterprise (commonly known as Ponzi or pyramid schemes),
 - e. Enterprises prohibited by law or that sell products prohibited by law, or
 - f. Hobbies.
- H. Funding:
1. Tier 1 and Tier 2: The bureau has two processes or levels of support for meeting the self-employment goals of participants. The first level (Tier 1) applies to self-employment plans that are micro-enterprise in nature and require minimal approval processes. The second level (Tier 2) applies to larger self-employment plans that involve the participant operating a business. These ventures involve a more highly critical analysis and approval by the bureau staff and an objective outside consultant. The bureau may provide up to \$4,000 for micro-enterprise ventures and up to \$12,000 for ventures intended to lead to self-sufficiency. Costs should be outlined before dollar amounts to be provided by the bureau are discussed. The bureau's allowable contribution shall not be viewed as an 'automatic grant' and is subject to financial need and comparable benefit requirements.

- a. Tier 1 Self-employment Plan:
 - (1) Tier 1 – support of Micro-enterprise development is a plan where the participant is a business owner and/or independent contractor and:
 - (a) is working for themselves, but delivering a service to other businesses and customers;
 - (b) The participant can demonstrate the relationship with customers through a contract and/or generated or anticipated income to demonstrate financial feasibility of the business;
 - (2) Tier 1 plans can also be used in situations where the participant is not expecting to be self-sufficient through the self-employment venture alone. This type of plan is for a person who is supplementing an existing lifestyle. Examples include a person living in a rural/remote area who needs a cash income to supplement their lifestyle; a person who can only work part-time and needs to supplement the family income; or a person who wishes to work with the continuation of public benefits such as SSI, SSDI and TANF.
 - (3) In either situation the overall maximum bureau support of the Tier 1 plan is not to exceed \$4,000.
 - b. Tier 2 Self-employment Plan: The purpose of a Tier 2 Self-Employment plan is to assist an individual through the development and operation of a small business. In the end, the business operations should result in the participant becoming self-sufficient and self-supporting. Unlike a Tier 1 plan, a Tier 2 plan is for a person who is committed to being financially independent and desires to operate a business and assume all the risks that it entails as their method for becoming financially independent. Therefore, the Tier 2 plan should not be used for someone who is planning to supplement a lifestyle or who is not planning to give up such financial supports as may be provided by other governmental programs. The bureau should not be the sole funding source for a Tier 2 Plan. It is expected that individuals pursuing Tier 2 plans will demonstrate the ability for income resources to continue the business after the implementation of initial bureau support.
2. Comparable Benefits: The participant must make application for all available comparable services, such as micro enterprise grants, Small Business Administration assistance, and Individual Development Accounts. For experienced help in developing a business plan and other business support, participants can use comparable benefits that are available from:
 - a. Some workforce development one-stop centers,
 - b. The Small Business Administration,
 - c. Small Business Development Centers, and
 - d. Similar organizations.
 3. Financial need: Subject to financial need requirements, the participant should contribute toward the cost of the planned services to the maximum of their abilities
 4. Customer Loan - If the participant is pursuing a loan from a lending institution or other source and the funds are critical to the business start-up, the participant must provide-
 - a. Documentation of the loan application, and
 - a. Documented assessment from the lending institution or other source of the likelihood of loan approval before the expenditure of VR funds on the business

- I. Process: If self-employment is to be the placement of choice, the decision needs to be made as early as possible in the rehabilitation process. Active participation by both the rehabilitation counselor and the participant are extremely critical in this decision. Owing to the very challenging nature of self-employment both the advantages and disadvantages should be carefully considered. Self-employment shall be consistent with the participant's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. Because of the demands, responsibility, and risk inherent in owning a small business, structured and extensive assessment and planning are required in order to provide the individual with information needed to make decisions which will lead to successful employment outcomes. To assure this, prior to the development of an Individualized Plan for Employment that includes self-employment/business ownership as part of the vocational goal, the following steps need to be completed as part of the Comprehensive Assessment:
 1. Discussion and assessment: When a participant states interest in self-employment, the counselor and the participant need to first carefully consider what is involved in operating a business and consider whether the participant has the strengths, abilities, and resources necessary to be successful in such a venture. At this time, the counselor must discuss the business idea with the participant including the advantages and disadvantages of self-employment. This step also includes evaluating the individual's entrepreneurial potential. A person who wants to begin a business should take responsibility for determining if they have the attributes necessary to operate a successful business. Participants may take part in a variety of self-assessment activities which can include standardized business assessments, interviewing business owners, or other creative means of assessing their own business potential. The Counselor will have a variety of material for the participant to use to explore their own suitability for being self-employed. The person should examine their own expertise, commitment and persistence, and other factors relevant to self-employment. Counselor judgment and data gathered will play important roles in this process since no single factor can determine whether a person will succeed at a business. Before proceeding to the next step, the counselor and participant will analyze the assessment and other related documentation to demonstrate that the individual has the personal ability to succeed in small business ownership.
 2. Exploration: Once it has been determined that the individual has the personal ability to succeed in small business ownership, the other question is whether the business under consideration is viable. Included in this exploration phase is the identification of sources for self-employment training, education, business plan development and support. This step expands on the evaluation of the individual's entrepreneurial potential and includes evaluating the feasibility of the proposed business.
 - a. Feasibility Study: The participant completes an outline of the proposed business plan utilizing the bureau self-employment Checklist. The VR counselor can assist the participant in completing the checklist or advise the participant of other resources that can assist them. The VR counselor and participant then jointly review and critically analyze the completed information. The VR counselor assists the participant in carefully analyzing the financial feasibility and viability of the proposed self-employment venture as well as the participant's skills, preparedness, aptitude, financial status, and other abilities necessary for starting and operating the enterprise.

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

- b. When the checklist is complete, the VR counselor and participant review it to determine whether self-employment still appears to be a viable option for the participant after looking at more detailed information.
3. Proposal developed: After assessment of the individual and the proposed business the individual is required to complete a business plan or proposal.
 - a. Tier 1 cases: The individual does not need to submit a complete business plan. Tier 1 submissions require a description and proposal of the self-employment venture that is clear and provides adequate information for the bureau to understand and approve the venture and the expenditures. Tier 1 proposals include:
 - (1) Description of the proposed self-employment/business,
 - (2) Reasons for wanting to establish an enterprise where there is a high risk of failure, rather than prepare for and/or find employment for a wage or salary,
 - (3) A list of past training or work experience that qualifies the individuals to manage and operate the proposed enterprise,
 - (4) Evidence of the need for the proposed service or business in the community,
 - (5) Evidence and analysis of how the price of merchandise and charge for services are competitive and make a fair profit,
 - (6) Description of plans and arrangements for merchandising, marketing, business development, advertising and for getting the cooperation and interest of the community in the enterprise,
 - (7) Description of arrangements to set up and maintain accounting records for the business,
 - (8) Estimated total amount of money needed to start the business and the proposed source for the funds, e.g., participant, bureau (up to \$4,000), and
 - (9) Financial estimate of first 12 months of operation including estimated expenses, income, profit, taxes, income after taxes, and other money income from sources other than business (i.e., Social Security, spouse's wages, retirement pensions, etc.).
 - b. Tier 2 cases: Except as noted in bureau Policy for Tier 1 plans all self-employment ventures require the development of a business plan prior to approval of bureau support for the business/self-employment. If the VR counselor and participant jointly conclude that it is appropriate to proceed with the self-employment option, a detailed business plan is then developed. The participant is expected to develop the business plan based on realistic market information collected from thorough research, as well as other pertinent information. The purpose of this plan is to assure that information regarding all relevant facets of the proposed business venture, and the VR participant's goals and abilities are considered in sufficient detail. This will ensure that the VR counselor and participant employ a recognized business planning process to determine whether the venture's potential for success

outweighs possible risks or liabilities, and whether it meets criteria to advance to the next stage of VR self-employment planning process.

The Business plan should include, at a minimum, the required elements identified in bureau policy.

In the event the participant needs additional assistance to complete their own business plan, the VR counselor can help the participant seek out and obtain assistance from qualified sources.

4. **Approval:** The decision to use bureau funds to support a business start-up will be based on a variety of factors, including but not limited to total start-up costs, viability of the business plan, potential for other financial sources and Counselor judgment.
 - a. **Tier 1 approval process:**
 - (1) Once the participant's business proposal is completed, the VR counselor reviews it. If the counselor determines that the venture warrants bureau support, the proposal is presented and recommended by the VR counselor and the participant to the Regional Leader for initial review.
 - (2) The Regional Leader reviews the proposal and the case file for completeness in accordance with bureau policy and if complete Supervisor approves proposal and documents in case record.
 - b. **Tier 2 approval process:**
 - (1) Once the participant's business plan is completed, the VR counselor reviews it. If the counselor determines that the business plan is complete and the venture warrants bureau support, the business plan shall be presented and recommended by the VR counselor and the participant to the Regional Leader for initial review.
 - (2) The Regional Leader reviews the business plan and the case file for completeness in accordance with bureau policy and forwards the business plan to the Review Business Consultant
 - (3) The Review Business Consultant reviews the business plan for and provides feedback to the Counselor and the Regional Leader regarding the viability of the business and likelihood of success; the likelihood of the participant achieving the projected net income stated in the plan; and the identification of weaknesses that need to be addressed.
 - (4) Based on the Review Business Consultant's recommendation the Regional Leaders forwards the business plan to the Director (or the Director's Designee) with recommendation. Any deficiencies must be corrected prior to the business plan being submitted to the Director (or Director's Designee).
 - (5) The Director (or Director's Designee) reviews the plan, and the business consultant recommendation and makes the decision on approval of support for self-employment services.
5. **Decision not to continue:** If it is determined that self-employment is not a reasonably attainable option for the participant at any point throughout the process, the VR counselor should provide counseling and guidance to assist the participant in understanding the reasons for this determination. They will then work together to identify a new vocational goal. If the determination not to continue is based on an

agency decision not to approve the proposed self-employment venture, the counselor will provide the participant in writing with the rationale for the decision and notice of the appeal process and of the availability of the Client Assistance Program.

J. **Required Elements of the Business Plan (Tier 2):** A business plan is an important tool in developing and managing a small business. The business plan explains the major concepts of starting and managing a small business including financial, marketing, managing, growth, and other related factors. The business plan shall consist of the following components:

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

5. **Attachments:** any supporting documents including an attachment that describes the list of items requested to be paid for by bureau and their cost and items and resources that the participant will contribute to the plan if this information is not already included within the plan.
- B. When a Business Plan is not needed: All self-employment ventures require the development of a business plan prior to approval of bureau support for the business/self-employment except when:
1. The self-employment venture is a low-cost, home-based plan where the participant is not expecting to be self-sufficient through the self-employment venture alone (Tier 1). In these cases, the individual would need to complete a business proposal
 2. The rehabilitation services needed by the individual are not associated with starting or maintaining a business
 3. The participant returns to or continues in their own business that has a history of being successful; in these instances, the participant must provide copies of income tax returns or other financial documents, which indicate the existence of a viable business.
- C. Special Considerations in IPE Development for self-employment plans: Once self-employment is agreed to by the VR counselor and participant and the necessary approvals are obtained, an IPE is developed which incorporates self-employment as a part of the vocational goal and includes the following elements as part of the plan:
1. A clear statement defining the nature and extent of bureau's support and participation (time lines, dollar amounts, specific goods and/or services to be provided, etc.);
 2. A clear statement of the role and responsibilities of the participant, including a statement that the participant agrees to report all income in accordance with State and Federal requirements;
 3. A clear statement of the participant contribution of other resources to assist in establishing and maintaining the business;
 4. Clear criteria for measuring progress and a plan to monitor and evaluate the success of the self-employment objective through periodic reviews or activities and financial reports. Essential issues for review during the first three to six months include marketing/outreach activities and cash flow. Continued VR support to the business venture should be contingent upon the periodic review and submission of financial reports, as scheduled;
 5. The agreed upon point when the business is considered stable and clear criteria for determining when the business will be considered to have a successful employment outcome, such as when the business has passed the break-even point and is producing an acceptable income to the participant. The break-even point is defined as the point at which business income equals expenses;
 6. Identification of any training services, e.g., Training in how to start a business, Bookkeeping, Tax prep and reporting, etc. Participation in training in operating a small business is highly recommended, if the participant has no previous training or experience. Optional classes, memberships, meetings, mentoring relationships that the individual will be involved in to increase their opportunities for success shall also be listed; and
 7. A listing of comparable services and benefits that will contribute to support of the self-

employment enterprise. The participant will be expected to pursue comparable benefits and other resources to support business development as a part of the IPE.

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

1. Bureau may only contribute in purchasing of initial stocks and supplies and other start-up costs identified in an approved business plan for self-employment. Bureau shall not provide funding for ongoing operating costs.
2. Bureau may purchase technical assistance or consultative services from individuals or organizations that provided assistance in developing a business plan; developing a marketing plan; conducting a market analysis; and/or developing a profit and loss projection, etc. Prior to use of bureau funds for these services, no-cost consultation from the Small Business Administration, Small Business Development Center, Chamber of Commerce, or other community resources should be sought as needed to assist the participant.
3. The following purchases and/or expenditures are prohibited:
 - a. Any merchandise not related to the owning and operating of the business,
 - b. Bankruptcy proceedings,
 - c. Experimental items,
 - d. Underwriting loans,
 - e. Real estate, land, or buildings,
 - f. Any vehicle requiring licensure for street use,
 - g. Existing debt or refinancing of debt,
 - h. Routine operating expenses beyond start-up /operating capital, and
 - i. Stocks.

E. Follow up and Monitoring

1. The VR counselor and participant should meet regularly as defined on the IPE to review the participant's self-employment progress, address any problems that may occur, and assure that start-up operations proceed as planned.
2. The participant should be requested to provide monthly financial reports, such as profit and loss statements, a computer printout from an accounting software package or an accountant's report to compare to the original financial profile of the self-employment venture during the first six months of operation. This report shall include total monthly revenues and expenses, including the dollar amount of goods or services sold, receivables, categorical listing of operating expenses, participant salary or draw, and net income or loss.
3. Before a determination of success can be made, the record must indicate some measure of success based on the evaluation criteria listed on the IPE. Examples of measures of success include profit and loss statements indicating the business is at least breaking even, the participant's statement of satisfaction with the business, and the belief the business will continue to be successful.

F. Criteria for Successful Closure

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

2. Before closing a case in Self-employment as successful, ensure that it meets all criteria required for a successful rehabilitation and that:
 - a. The business has been in operation for at least 180 days. (In operation is defined as the business is up and running providing goods and services; and that start up services and funding from VR and other resources have been provided.
 - b. The business stability has been achieved. Business stability is the point agreed upon by the counselor and the participant, as recorded on the IPE, where the business has achieved a specified level of income,
 - c. The revenue equals or exceeds operating costs as shown on a financial statement,
 - d. A copy of the most recent financial statement is obtained, and
 - e. Employment is verified
 - f. At closure the participant is notified that the bureau will be contacting them for wage verification for the 2nd and 4th quarter after exit.

- G. Financial need: Self-Employment services are subject to financial need requirements

- H. Comparable Benefits: Self-Employment services are subject to comparable benefit requirements

515.P Self-Employment Procedure	
	9/1/2022

See corresponding policy: Self Employment Policy

Note: Vocational Rehabilitation procedures provide internal guidance for bureau staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

Entrepreneurship may provide an opportunity to create jobs in New Hampshire in which there are few, if any, other sources of gainful employment. It may also allow for more flexibility and control over the terms and conditions of work for the customer. The bureau has a responsibility to balance the wise management of public funds with the appropriate provision of services to as many eligible customers as possible. To promote an efficient and viable small business, the bureau and its participants need to develop strong relationships with business, financial, educational, and community resources that focus on assisting aspiring entrepreneurs. The bureau recognizes that participants who make a personal commitment to such a goal have a greater opportunity for success.

II. Procedure

- I. The following is the step-by-step process necessary for supporting the establishment of a small business as a goal for bureau participants. The tentative goal of small business ownership is identified by the participant
 1. Potential entrepreneurs should be identified as early as possible in the vocational rehabilitation process. The VRC and participant must review the advantages and disadvantages of operating as a self-employment venture. They must also discuss the rationale for the participant operating his or her small business as opposed to working as an employee in an established business.
 2. VRC provides ongoing counseling and guidance throughout the process of the small business development.
 3. The VRC reviews the potential implications of operating a small business with the participant.
 4. If the participant is still comfortable with the tentative goal of operating a small business after reviewing the potential implications, then the VRC must use data from their comprehensive assessment to determine if this would be an appropriate vocational goal for the customer.
 5. The participant should attend any additional assessments, consultations or trainings with resources in the community as part of the comprehensive assessment process if deemed necessary by the VRC.

6. If the data from the comprehensive assessment supports the customer's vocational goal of small business ownership, then the VRC and participant must draft an IPE or IPE amendment with a tentative vocational goal to include self-employment development objectives. The IPE with the tentative vocational goal must include criteria for developing and presenting a viable and practical business plan or proposal.
 - a. At this time the plan type would be competitive integrated employment, the plan type would not include checking the self-employment box until the self-employment goal was approved.
7. The participant, with VRC or other assistance as needed, develops a business plan or proposal. They should utilize resources in the community to assist with the development of a business plan, especially if they have no prior experience with writing a business plan.
8. The participant presents the finalized business plan to the VRC. The participant must demonstrate that they are fully knowledgeable of the contents of the business plan and how the plan will be executed. The bureau may utilize third party expertise from resources in the community as part of the evaluation process if deemed necessary.
9. If the business plan or proposal is approved by the __director or designee_____, then the VRC and participant will amend the IPE to finalize the vocational goal and include any necessary services to assist with the small business startup. The IPE amendment must also include criteria for periodically reviewing the self-employment venture's progress, criteria for determining the success of the small business and criteria for closing the participant's case.
10. The self-employment is monitored for a minimum of 180 days by the VRC.
11. Once the criteria for closure and success have been met, and the participant is no longer in need of services, the VRC will close the participant's case as successfully rehabilitated.

RESOURCES:

BuzVR.org

The **VR Self-Employment Guide** is a multimedia website designed to help people with disabilities and vocational rehabilitation counselors understand the self-employment process. It provides a way for consumers and counselors to assess self-employment readiness, and guides them through the process of developing a business plan. The website is self-directed, and can be used by individuals on their own or with the guidance of a vocational rehabilitation counselor or mentor. **Source URL:** <https://vrselfemploymentguide.org>

Small Business Development center

SBA

SCORE

IRS Taxes

BEA

		Policy Type	Service Delivery
		Policy Number	516
		Revision #	Original
		Implementation Date	9/1/2022
Page #	1 of 8	Last Reviewed/Updated	None

Policy Title: Supported Employment Program Services

I. DESCRIPTION: The bureau provides supported employment services using funds authorized under Title VI of the Rehabilitation Act to those eligible individuals who, because of the significance of their disability, require intensive services to gain employment and extended services to maintain employment. Supported Employment Program Services (SEP) enables customers with the most significant disabilities to enter competitive integrated employment by providing individualized assistance in finding an appropriate job match; providing ongoing support services; and establishing extended services, also known as long-term supports, to help the customer to maintain a long-term competitive integrated employment.

II. DEFINITIONS:

Competitive integrated employment: Work that—

- A. Is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that—
 1. Is not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act or the rate required under the applicable State or local minimum wage law for the place of employment;
 2. 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
 3. 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
 4. Is eligible for the level of benefits provided to other employees; and
- B. Is at a location—
 1. Typically found in the community; and
 2. 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

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

Customized employment: Competitive integrated employment, for an individual with a significant disability, that is—

- A. Based on an individualized determination of the unique strengths, needs, and interests of the individual with a significant disability;
- B. Designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer; and
- C. Carried out through flexible strategies, such as—
 - 1. Job exploration by the individual; and
 - 2. Working with an employer to facilitate placement, including—
 - a. Customizing a job description based on current employer needs or on previously unidentified and unmet employer needs;
 - b. Developing a set of job duties, a work schedule and job arrangement, and specifics of supervision (including performance evaluation and review), and determining a job location;
 - c. Using a professional representative chosen by the individual, or if elected self-representation, to work with an employer to facilitate placement; and
 - d. Providing services and supports at the job location.

Discovery: An informal process of learning about the individual through a set of structured activities, observations and interviews with the individual and other people who are important to the job seeker such as teachers, friends, family, community leaders, etc. Discovery involves observing the individual in the community, work, or volunteer site, and in the home doing activities the individual finds enjoyable.

Employment outcome: With respect to an individual, entering, advancing in, or retaining full-time or, if appropriate, part-time competitive integrated employment, as defined in paragraph (c)(9) of this section (including customized employment, self-employment, telecommuting, or business ownership), or supported employment that is consistent with an individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Extended services: Ongoing support services and other appropriate services that are—

- A. Needed to support and maintain an individual with a most significant disability including a youth with a most significant disability, in supported employment;
- B. Organized or made available, singly or in combination, in such a way as to assist an eligible individual in maintaining supported employment;
- C. Based on the needs of an eligible individual, as specified in an individualized plan for employment;
- D. Provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource, after an individual has made the transition from support from the designated State unit; and
- E. Provided to a youth with a most significant disability by the designated State unit in

accordance with requirements set forth in this part and part 363 for a period not to exceed four years, or at such time that a youth reaches age 25 and no longer meets the definition of a youth with a disability under paragraph (c)(58) of this section, whichever occurs first. The designated State unit may not provide extended services to an individual with a most significant disability who is not a youth with a most significant disability.

Individual with a significant disability: An individual with a disability—

- A. Who has a severe physical or mental impairment that seriously limits one or more functional capacities (such as mobility, motor skills, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;
- B. Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and
- C. Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental 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 for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

Individual with a Most Significant Disability: An individual who meets the definition of significant disability and;

- A. Who has a severe mental or physical impairment that seriously limits 3 or more functional capacities such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance and work skills, or work tolerance or work skills in terms of employment outcomes; and Whose vocational rehabilitation can be expected to require 3 or more vocational rehabilitation services, over an extended period of time of 6 months or longer.

Natural supports: People who are not disability service providers but who provide assistance, feedback, contact, or companionship to enable people with disabilities to participate independently, or partially independently, in integrated employment settings or other community settings.

Ongoing support services (as used in the definition of supported employment): Services that—

- A. Are needed to support and maintain an individual with a most significant disability, including a youth with a most significant disability, in supported employment;
- B. Are identified based on a determination by the designated State unit of the individual's need as specified in an individualized plan for employment;
- C. Are furnished by the designated State unit from the time of job placement until transition to extended services, and thereafter by one or more extended services providers throughout the individual's term of employment in a particular job placement;
- D. Include an assessment of employment stability and provision of specific services or the coordination of services at or away from the worksite that are needed to maintain stability based on—
 1. At a minimum, twice-monthly monitoring at the worksite of each individual in

- supported employment; or
2. If under specific circumstances, especially at the request of the individual, the individualized plan for employment provides for off-site monitoring, twice monthly meetings with the individual;
- E. Consist of—
1. Any particularized assessment supplementary to the comprehensive assessment of rehabilitation needs described in paragraph (c)(5)(ii) of this section;
 2. The provision of skilled job trainers who accompany the individual for intensive job skill training at the work site;
 3. Job development and training;
 4. Social skills training;
 5. Regular observation or supervision of the individual;
 6. Follow-up services including regular contact with the employers, the individuals, the parents, family members, guardians, advocates or authorized representatives of the individuals, and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement;
 7. Facilitation of natural supports at the worksite;
 8. Any other service identified in the scope of vocational rehabilitation services for individuals in policy 501 General Provision for All Vocational Rehabilitation Services or
 9. Any service similar to the foregoing services.

Person-centered planning (PCP): An approach designed to assist individuals plan their lives and support needs

Supported employment: Competitive integrated employment, including customized employment, or employment in an integrated work setting in which an individual with a most significant disability, including a youth with a most significant disability, is working on a short-term basis toward competitive integrated employment that is individualized, and customized, consistent with the unique strengths, abilities, interests, and informed choice of the individual, including with ongoing support services for individuals with the most significant disabilities—

- A. For whom competitive integrated employment has not historically occurred, or for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and
- B. Who, because of the nature and severity of their disabilities, need intensive supported employment services and extended services after the transition from support provided by the designated State unit, in order to perform this work.

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—

- A. Organized and made available, singly or in combination, in such a way as to assist an eligible individual to achieve competitive integrated employment;
- B. Based on a determination of the needs of an eligible individual, as specified in an individualized plan for employment;
- C. Provided by the designated State unit for a period of time not to exceed 24 months, unless under special circumstances the eligible individual and the rehabilitation counselor jointly

agree to extend the time to achieve the employment outcome identified in the individualized plan for employment; and

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

Youth with a disability: An individual with a disability who is not—

- Younger than 14 years of age; and
- Older than 24 years of age.

III. POLICY: Supported employment program services (SEP) are ongoing support services, including customized employment, and other appropriate services needed to support and maintain a job candidate with a most significant disability (MSD). These services are made available to assist job candidates to achieve competitive integrated employment. Once a job candidate is placed on a job, supported job coaching services are allowable for a period of time not to exceed 24 months, unless the job candidate and the rehabilitation counselor jointly agree to extend the time to achieve the employment outcome identified in the Individualized Plan for Employment (IPE).

A. Eligibility for Supported Employment Services

1. In order for any individual, including a youth with a disability to receive supported employment services:
 - a. The individual must have been determined to be—
 - (1) Eligible for vocational rehabilitation services
 - (2) An individual with a most significant disability;
 - b. 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, i.e.,
 - (1) They have not had competitive integrated employment or have experienced interrupted or intermittent employment
 - (2) They are likely to be able to find and keep competitive integrated employment when necessary, supports are in place; and
 - (3) They require
 - (a) Intensive Individualized assistance in finding an appropriate job match;
 - (b) Extensive comprehensive training and support to compete in the labor market
 - (c) Ongoing supports to learn the job and establish accommodations; and
 - (d) Extended services (long-term supports) to maintain the employment

B. Individualized Plan for Supported Employment (IPE)

1. The Supported Employment IPE provides the framework for how the individual will achieve a competitive integrated employment with necessary supports
 - a. In the development of IPE that includes supported employment the VRC should consider including others in the participant's circle of support to help identify appropriate employment goal and services.

- b. Supported employment has been identified as an appropriate employment outcome, with or without customized job tasks for the individual based on a comprehensive assessment of their rehabilitation needs.
 - c. Any plan for supported employment must align with the participants employment factors.
 - 2. The IPE is developed in accordance with the policy requirements of 411 The Individualized Plan for Employment (IPE)
 - 3. The development of the IPE for supported employment requires the identification of the extended supports to be provided. There must be a reasonable expectation that extended services are or will become available to the individual prior to developing an IPE to provide SEP services.
 - 4. If the original IPE did not identify supported employment as the plan type, or include supported employment as a planned service, the IPE must be amended to include supported employment and supported employment services.
- C. Service Delivery
 - 1. The bureau provides supported employment services as identified on the IPE to assist the participant learn the job and achieve job stabilization.
 - 2. Supported employment services may not exceed 24 months from the time the participant is placed unless an extension is provided.
 - a. When a participant needs supported employment for longer than 24 months to reach job stabilization, rationale must be provided and approved by Director or designee The VRC and the participant must agree to the extension of services and must document that agreement on the participant's IPE.
- D. Transfer to Extended Services: The participant shall transition to extended services after receiving supported employment services from the vocational rehabilitation program to reach job stabilization.
 - 1. Transition to the extended service provider
 - a. Long-term funding for extended services may be provided through cooperative agreements or other arrangements with public agencies, nonprofit agencies, or organizations; employers; natural supports; and any resource other than federal vocational rehabilitation funds.
 - b. When participant reaches job stabilization, services are transferred to the long-term support provider
 - c. VRC monitors to assure maintenance of employment with long-term supports for a minimum of 90 days.
 - 2. Extended Supports for Youth with Disabilities: In some circumstances, a youth who requires extended supports after achievement of a supported employment goal in a competitive integrated environment may require bureau support to fund those services, e.g., they are on the waiting list for Medicaid waiver services.
 - a. If the job is stable and consistent with the IPE, the bureau can fund the extended supports on a time-limited basis.
 - b. These services are provided at a rate of up to two hours per month and are only provided when the natural supports plan has been implemented and supervisory approval is obtained.
 - c. In no circumstance may extended supports be funded for more than four years, or

when the job candidate is age 25 or older.

d. Case monitoring while in bureau provided extended services

- (1) VRC continues follow up monitoring to assure stable employment with supports in place
 - (2) After six months, the case must be reviewed and evaluated to determine if continued funding is necessary and supervisory approval is obtained each time it is evaluated. This process continues every six months until one of the following conditions is met:
 - (a) The service is no longer needed;
 - (b) Another funding source is identified;
 - (c) The service has been funded for four years; or
 - (d) The youth's 25th birthday.
 - (3) The case record may not be closed successfully, even if the employment stabilized, until the extended supports have transitioned to the Medicaid waiver or other public/private funding for 90 days.
 - (4) For youth aged 24 and younger, and for whom waiver funding had not yet been sought at the time the plan for supported employment was first developed, bureau staff will discuss the options of extended supports funding:
 - (a) Private pay
 - (b) State DD Waiver funding
 - (c) PASS Plan
 - (d) IRWE
 - (e) Other
 - (5) Bureau staff will provide the necessary information and referral to the youth and their representative, so they apply for waiver funding. Assisting the youth to understand that completing the application process is critical in these situations so that by the time the program of supported employment stabilizes, they will have the waiver available.
3. If resources for extended services are not identified and implemented within time frames, the bureau must close the case and exit the individual from services.

E. Closing a Supported employment case: Before successfully closing a case with a supported employment outcome, in addition to the requirements outlined in 416 Program Exit, the following conditions must be met

1. The participant has been successfully placed in a job consistent with the supported employment plan
2. The participant has worked at least 90 days without substantial services funded by the bureau and without provision of services other than monitoring the established extended support.

F. Financial Need: Supported Employment services are subject to financial need requirements unless otherwise exempt.

- G. Comparable Benefits:** Supported employment services are subject to comparable benefit requirements unless otherwise exempt.

516.P Supported Employment Procedure	
	Revision date: 9/1/2022

See corresponding policy: Supported Employment

Note: Vocational Rehabilitation procedures provide internal guidance for bureau staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

The bureau provides time-limited ongoing support services for persons with the most significant disabilities who require job site training and a variety of ongoing support services to achieve a supported employment outcome in a competitive integrated setting.

II. Procedure

- A. VRC assures that participant meets criteria for receipt of supported employment services (MSD; requires long term support))
- B. VRC provides for necessary assessment to determine employment goal and nature and scope of services
 1. Due to severity of disability VRC should include participants circle of supports in assessment and planning
 2. Discovery, person-centered planning, and community-based assessments should be considered
- C. VRC should explore benefit analysis and benefit counseling with the participant
- D. VRC develops IPE in accordance with policy: 404 Comprehensive assessment and 411 Individualized Plan for Employment.
- E. Considerations in IPE planning and development
 1. In development of the IPE the VRC must identify that extended supports must be reasonably expected to become available
 2. If an extended support resource cannot be identified
 - a. Inform the individual that supported employment services under an IPE cannot be initiated until an extended support resource is identified or there is a reasonable expectation a resource will become available; and
 - b. Seek out the needed extended support services including natural supports. If extended services cannot be identified within 90 days, case closure with the reason of “extended services not available” may be necessary. An extension (Eligible-E) may be used if there is an identified potential extended services resource that has not yet been investigated or from whom there has not been a final response.
 3. Hourly work goal should also be considered when developing the IPE and in placement. This goal is very individualized and is determined by the work tolerance of the individual as well as the job itself. The hourly work goal should be discussed and set in collaboration with the participant. Benefits counseling should be offered to assist with understanding and planning of work incentives, reporting and impact on wages and

benefits.

4. If the original IPE did not identify supported employment as the plan type or as a planned service, the IPE must be amended to include supported employment.

F. Considerations in service provision: services are provided in accordance with bureau policies including: 414 Service Statuses and Section 500 Services

1. VRC monitors participant's progress to assure they are attaining skills needed to perform job and to assess when they meet job stability
2. VRC maintains contact with long-term support provider to coordinate transfer to extended supports occurs at agreed upon time frame, or criteria

G. Transfer to Extended Services (Long-term supports)

1. In collaboration with long-term support provider, RC transfers services to extended, follow along services. Best practice is to schedule a team meeting to discuss transfer to long term support
2. In case of youth with disability where bureau is providing extended services
 - a. Employment data page indicate bureau providing long-term support (Employed-X Status)
 - b. Develop a monitoring plan

H. Closure: The VRC closes the case in accordance with policy: 416 Program Exit

1. Considerations in closure of supported employment case
 - a. Successful – VRC may close case 90 days after transition to long-term support services after verification that the participant has maintained job stability for 90 cumulative calendar days, required documentation has been obtained and a closure meeting has been completed to discuss the closure with the participant.
 - b. Unsuccessful closure
 - (1) Supported employment cases are closed unsuccessful when the individual has received 24 months of training or job placement services under an IPE and:
 - (a) Is not earning the minimum wage or is working in a non-integrated setting. The employment status at closure for these individuals is "extended employment". (Do not confuse extended employment with extended services; extended employment is used only at closure to describe an employment status.) ; or
 - (b) Extended services are not available. This type of closure should only be used when due diligence has been followed to prior to initiating the IPE and subsequent work to secure long term support services.

		Policy Type	Service Delivery
		Policy Number	520
		Revision #	Original
		Implementation Date	4/1/2021
Page #	1 of 5	Last Reviewed/Update Date	None

Policy Title: Supportive Services

I. **DESCRIPTION:** Supportive services are those that are provided in support of another rehabilitation service, to enable the participant to participate in vocational rehabilitation services.

II. **DEFINITIONS:**

Family member, for purposes of receiving vocational rehabilitation services in accordance with this policy: An individual—

A. Who either—

1. Is a relative or guardian of an applicant or eligible individual; or
2. Lives in the same household as an applicant or eligible individual;

B. Who has a substantial interest in the well-being of that individual; and

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

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.

Personal assistance services: A range of services, including, among other things, training in managing, supervising, and directing personal assistance services, provided by one or more persons, that are—

- A. 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;
- B. Designed to increase the individual's control in life and ability to perform everyday activities on or off the job;

- C. Necessary to the achievement of an employment outcome; and
- D. Provided only while the individual is receiving other vocational rehabilitation services. The services may include training in managing, supervising, and directing personal assistance services.

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

III. POLICY:

- A. The following services will be provided only in support of other rehabilitation services and with the qualifications noted. Bureau staff shall determine the need for and the amount of financial assistance for support services on an individual basis and shall include justification and documentation of the need and amount in the case record.

1. Maintenance

- a. Maintenance for living expenses may be provided only when these expenses are short-term in duration, in excess of the normal subsistence expenses of a participant, and only when necessary for the individual to participate in services under an individualized plan for employment. Maintenance includes monetary support for food, shelter, clothing and other subsistence items.
- b. Maintenance payments will be provided to eligible individuals in accordance with the following:
 - (1) Maintenance payments will be provided only when it is documented that the individual is faced with additional costs over and above normal needs for food, clothing and shelter, and another source is not available for payment of such expenses.
 - (2) Maintenance payments will not exceed the estimated additional cost of an individual's subsistence.
 - (3) Maintenance payments will not be provided to an individual who is employed when such payments are intended as an income supplement.
- c. Individuals with emergency needs for shelter, food, financial support, etc. will be referred to community sources that may provide these services.
- d. VR Staff shall not:

- (1) approve an IPE when a maintenance service(s) is/are the only service(s) listed;
 - (2) close a case successfully when maintenance is the only service provided;
 - (3) keep a case open solely for the purpose of continuing maintenance services once the requirements for case closure have been met;
 - (4) authorize maintenance services for food and clothing costs or include ordinary, usual, and customary food or clothing expenses that do not occur as a direct consequence of the provision of VR services;
 - (5) authorize maintenance services for any ongoing costs of sustaining a home (e.g., utility costs, home improvements, mortgage/rent payments);
 - (6) authorize maintenance services to alleviate an individual's poverty or to enhance an individual's standard of living;
 - (7) authorize maintenance services to compensate an individual or their family member(s) for work earnings that may be lost because of participation in VR services; and
 - (8) authorize maintenance services after the first 30 calendar days of employment
- e. Maintenance services are subject to financial need.
- f. Maintenance services are subject to comparable benefit requirement.

2. Services to Family Members

- a. Services provided to family members may include any vocational rehabilitation services available to participants
- b. The services must be directly related to the vocational rehabilitation of the participant.
- c. Family members of any age may be served.
- d. A vocational rehabilitation service provided to family members shall be terminated when it no longer substantially contributes to the vocational rehabilitation of the participant including:
 - (1) the service is no longer needed,

- (2) the provision of the service no longer contributes to achievement of the employment outcome, or
 - (3) the case is closed.
 - e. Childcare services to enable a person with a disability to participate in training and consequently be able to become employed. Reasonable cost should be negotiated with the person and the provider. Factors to be considered are:
 - (1) Age of child or children; and
 - (2) Number of children; and
 - (3) Long term ability of participant to sustain childcare costs.
 - f. Services to Family Members are subject to financial need.
 - g. Services to Family Members are subject to comparable benefit requirement.
- 3. Transportation (See Transportation policy)
- 4. Personal Assistance Services
 - a. Personal assistance services may be provided, if necessary, for the participant to achieve a competitive and integrated employment outcome, and shall be provided only while the participant is receiving other vocational rehabilitation services.
 - b. The case record must document how personal assistance services will be provided after the completion of vocational rehabilitation services or, to the extent that it is not possible to identify how personal assistance services will be provided when the individualized plan for employment is developed, there must be a description of the basis for concluding that there is a reasonable expectation that resources will become available.
 - c. The bureau can provide personal assistance services only as support services when necessary to determine eligibility, assess vocational needs or achieve an employment goal as part of an Individualized Plan for Employment (IPE).
 - d. Personal assistance services may be provided for up to 60 days after the individual with a disability becomes employed if all of the following conditions are met:
 - (1) they are necessary for the individual to maintain the job;
 - (2) no other sources of support are available; and

- (3) arrangements have been made or are being made for the personal assistance services to continue through other sources after the 60 day period ends.
- e. Personal assistance services may be the responsibility of agencies, programs and employers as reasonable accommodations under the Americans with Disabilities Act and/or under Section 503 or 504 of the Rehabilitation Act. The bureau will not provide personal assistance services that are available as reasonable accommodations to enable individuals to fully participate in their programs, services or employment.
- f. Personal assistance services are exempt from financial need.
- g. Personal assistance services are subject to comparable benefit requirement.

520.P Supportive Services Procedure	
	Revision date: Original 4/1/2022

See corresponding policy: Supportive Services

Note: Vocational Rehabilitation procedures provide internal guidance for the bureau staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

Supportive services are at times needed for the participant to actively engage in vocational rehabilitation services.

II. Supportive Services Procedures

A. Maintenance

1. When maintenance services are being investigated as needed for a participant, VRC should review with the participant and document the following:

- a. what services are being requested
 - b. why services are needed
 - c. how the services are expected to contribute to achievement of the participant's employment outcome.
 - d. Determination to include service in IPE
2. Ensure included in IPE (include in original IPE, or amend plan to include)
 3. Complete and document exploration of Comparable Benefits
 4. Complete Financial Needs Assessment

B. Services to Family Members

1. When services are provided to members of a participant family, the case record should be documented to include:

- a. what services are needed
 - b. why services are needed
 - c. which family member or members need the services
 - d. how the services are expected to contribute to achievement of the participant's employment outcome.
2. Ensure included in IPE
 3. Explore Comparable Benefits
 4. Complete Financial Needs Assessment

- C. For procedure for Transportation policy

- D. Personal Assistance Services
 - 1. When personal assistance services are being investigated as needed for a participant, VRC should review with the participant and document the following:
 - a. what services are being requested
 - b. why services are needed
 - c. how the services are expected to contribute to achievement of the participant's employment outcome.
 - d. Determination to include service in IPE
 - e. Ensure included in IPE
 - 2. Explore Comparable Benefits

		Policy Type	Service Delivery
		Policy Number	517.A.3
		Revision #	Original
		Implementation Date	9/1/2022
Page # 1	1 of	Last Reviewed/Update Date	None

Policy Title: Transportation Services

I. **DESCRIPTION:** Policy in this section defines bureau participation in assistance with transportation in relation to the provision of rehabilitation services

II. **DEFINITIONS:**

Basic vehicle: A motorized conveyance which is to be used on a public highway; the term does not include adaptations necessitated by the disability.

Transportation Services: Travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service. Transportation services may include, but are not limited to, public transportation costs, travel reimbursement, vehicle repair, and relocation. Note: Bureau funds may not be used to pay fines imposed on a participant by the legal system, nor can bureau funds be used to pay for other legally imposed sanctions or requirements.

Driver Rehabilitation Services: include driver education, driver's training and extended driver evaluation, used to teach an individual with a disability how to drive with or without vehicle modifications. Driver Education. Classroom instruction in preparation for an operator's license. Driver Training. Driver's training consists of behind-the-wheel instruction required to teach an individual with a disability to drive with or without vehicle modifications.

III. **POLICY:**

- A. Transportation, including adequate training in the use of public transportation vehicles and systems means travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service.
1. Transportation may be provided only in connection with the provision of another VR service, when needed by the individual to achieve an employment outcome; or to enable the customer to participate in the informal review or administrative hearing procedures. Transportation services may include, but are not limited to,

public transportation costs, travel reimbursement, vehicle repair, relocation, and other costs such as expenses for training in the use of public transportation vehicles and systems.

2. Participants are expected to provide their own transportation. The bureau will only participate in transportation costs when comparable services, benefits, and customer resources are not available. The least expensive method will always be chosen unless contraindicated by the disability.
 - a. Public Transportation: Only customary fares shall be paid
 - b. Travel reimbursement: Reimbursement for transportation in a privately owned vehicle shall be determined by the following formula, taking into account the individual's unique circumstance and any available comparable services and benefits. To compute the amount paid for mileage, multiply the mileage for one trip by the number of trips; divide that by average gas mileage of the vehicle. Then multiply that number by the average cost of gas per gallon. The customer is responsible for the cost of regular maintenance to the vehicle.
 - i.
$$\text{Amount Paid for Mileage} = \frac{(\text{Mileage per trip} \times \# \text{ trips}) \times \text{Avg. Gas Cost}}{\text{Average Gas Mileage}}$$
 - ii. If the individual is not a driver, the individual must provide a plan to the counselor that describes how they will utilize family members, personal care attendants or others as drivers in support of the rehabilitation plan; the counselor will document this in the case record.

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

1. The Bureau will not pay for routine maintenance. Routine maintenance includes tune-ups, oil changes, tire rotation, tire replacements, fluids, filters, spark plugs, light bulbs, and wipers.

2. Assistance with vehicle repair is intended for emergency situations where services have been initiated under the IPE and participation in the IPE cannot continue without the repair. Generally, this will mean that the vehicle cannot be driven without the repair. If the vehicle needs emergency repair, the cost of that repair shall not exceed the blue book value of the car.

- a. Prior to agreeing to pay for a car repair, the VR counselor must determine that the vehicle can legally be driven and that the driver can legally drive.
- b. Automobile repairs will not be supported until after an IPE has been developed and approved.

- d. Prior to IPE implementation counselors and customers will find other means to meet the customer's transportation need.
 - e. VR support for car repair is limited to \$2000 for the lifetime of the case and if less, no more than the total blue book value of the car per participant during the life of the case.
 - i.) Any exception to the car repair limit must be reviewed by a supervisor and approved by the Director, exceptions must be based on unique disability related needs of an individual
 - f. Towing costs and diagnostic testing related to the specific vehicle repair can be paid for by the bureau. These costs are separate and should not be factored into the overall blue book value car repair limit.
 - g. Vehicle repairs will be provided only by qualified dealers or repair shops that can provide a warranty/guarantee for their services.
 - h. Prior to repair, three quotes must be obtained. The three quotes must contain the same repair information; the bureau will choose the lowest quote unless justification is provided.
- C.** Vehicle Purchasing – The bureau will not provide financial assistance in the purchase or lease of a vehicle.
- D.** Other Related Expenses – Other transportation related expenses can be paid for by the bureau if they are required to assist the customer in achieving their employment goal. Examples include bicycles, parking permits.
- 1. The bureau will not pay for parking/traffic fines.
 - 2. The bureau will not pay for driver's license renewal.
- E.** Driver evaluation or driver training will be provided when in support of the objectives in the IPE or the employment goal.
- 1. Driver instructors or evaluators must be Certified, either
 - a. a Certified Driver Rehabilitation Specialist by ADED Association of Driver Educators for Disabled) or
 - b. When the lack of a driver's license appears to be non-disability related, VRC may opt to authorize training directly from a Certified Driver Education Instructor, training program. If after completing that training, the participant has not obtained their license, whether having failed the test or not developing skills required to take the test, it is best practice to refer for a driver evaluation with a CDRS.
 - (i) Driver Evaluation and Training is a means by which the bureau can work with an individual with a disability and their family to determine if the individual can drive a vehicle, or, if not, what the needs are to be a passenger; and what type of vehicle will meet their needs.
 - (ii) Driver evaluation and training services may be provided to eligible individuals with a transportation barrier to achieving their employment outcome.
 - (iii) Driver Evaluation - This is an assessment of an individual's abilities

and/or potential to become a safe, independent driver. The driver evaluation will provide information on the person's current driving ability, and when applicable, recommend driver training needs, and equipment needs for the individual.

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

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

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

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

- G. Public transportation or other means of transportation are either unavailable or unsuitable.** Individuals with significant physical or cognitive limitations must obtain the driver evaluation from a Bureau approved Certified Driver Rehabilitation Specialist.

1. For other individuals the option of obtaining a driver evaluation from an approved Department of Motor Vehicles (DMV) driving school is available.

(Adaptive Driver Training - The training is provided on a vehicle with appropriate equipment matched to the driver's needs. The training must develop "behind the wheel" competency in a full range of roadway environments to ready the individual for obtaining or retaining a driver's license. Only individuals requiring modifications, specialized training and/or adaptive equipment because of their disability should enroll in this training. The training should be based on the evaluation report of the Certified Driver Rehabilitation Specialist.

- H. Financial Need:** Transportation services are subject to financial need requirements.
- I. Comparable benefits:** Transportation services are subject to comparable service and benefit requirements.

517.A.3.P Transportation Procedure	
	Revision date:

See corresponding policy: Transportation

Note: Vocational Rehabilitation procedures provide internal guidance for bureau staff only and create no procedural or substantive rights for any individual or group.

II. Procedure

Transportation

1. VRC with participant determines that Transportation assistance is needed
2. In accordance with the customer payments in Fees and expenditure policy
3. VRC works with participant to identify most cost-effective means of transportation
4. Complete FNA
5. If private vehicle: use travel calculator to determine cost
6. Rehab Tech enters the information on the VR-18 form; participant complete VR-18 with signature
7. Participant provides receipts as needed.

Driver Training (not disability related)

When the lack of a driver's license appears to be non-disability related, VRC may opt to authorize training directly from a Certified Driver Education Instructor, training program. If after completing that training, the participant has not obtained their license, whether having failed the test or not developing skills required to take the test, it is best practice to refer for a driver evaluation with a CDRS. There are often hidden functional limitations related to driving best identified and addressed by a Certified Driver Rehabilitation Specialist.

- Hours or whole training program
 - For student driver training program required forage group to sit for NH state driver's license
 - For an adult recommend initial 15 hours road instruction. After 15 determine if not making expected progress and if needs CDRS evaluation

		Policy Type	Service Delivery
		Policy Number	518
		Revision #	1
		Implementation Date	9/1/2022
Page #	1 of 7	Last Reviewed/Updated	7/1/2023

Policy Title: Vocational and Other Training Services

- I. **DESCRIPTION:** Reasonable and necessary training services are available to eligible vocational rehabilitation participants when these services are necessary to prepare for, secure, retain, advance in, or regain the employment goal that is identified on the participant's individualized plan for employment (IPE).

II. **DEFINITIONS:**

Comprehensive Transition Program (CTP): A post-secondary degree, certificate, or nondegree program that is offered by a college or career school and approved by the U.S. Department of Education that provides students with intellectual disabilities with academic enrichment, socialization, independent living skills, self-advocacy skills, and integrated work experiences and career skills that lead to gainful employment. CTPs require students with intellectual disabilities to participate, for at least half of the program, in one or more of the following:

- enrollment in credit-bearing courses with nondisabled students,
- auditing or participating (with nondisabled students) in courses for which the student does not receive regular academic credit,
- enrollment in noncredit-bearing, nondegree courses with nondisabled students, or
- internships or work-based training with nondisabled individuals

Disability Related Expenses: Specific assistive technology, or other disability-related goods and services that are required to accommodate the individual with disabilities while participating in vocational rehabilitation services.

On-The-Job Training (OJT): A structured process conducted at the employee's workplace to provide the employee with the knowledge and skills to perform job tasks. OJT is a service for which VR pays an employer to train a VR participant who has been hired as an employee of the business earning the same rate of pay and benefits as other individuals without disabilities hired into the same or similar position. The employer trains the customer in the skills necessary to perform both essential and nonessential job duties.

Vocational Adjustment Training: Training designed to effectively assist individuals with a variety of abilities to learn the skills needed to become work ready.

III. POLICY:

A. Training services are available in a variety of approaches and environments including:

1. Type of Training
 - a. Personal and vocational adjustment training,
 - b. Academic training
 - c. Vocational and technical training
 - d. Credential specific training
 - e. Work Experience
 - f. Apprenticeship opportunities
2. Training Environments
 - a. Community Colleges
 - b. Colleges and Universities
 - c. Health related institutions
 - d. Trade schools
 - e. On-the-job and registered apprenticeship sites

B. Training services are provided when:

1. Identified on an IPE as necessary to achieve the participant's chosen employment goal.
2. Required for participants to gain additional knowledge or skills to enter employment consistent with their employment factors and compatible with their physical or mental impairments.
3. Provided through an appropriate facility. These facilities include accredited colleges and universities, certified public or private businesses, technical and vocational schools, on-the-job training, correspondence course training, tutorial training, and community rehabilitation program training.
4. Academic training in institutions of higher education (universities, colleges, community or junior colleges, vocational schools, technical institutes, or hospital schools of nursing) is subject to the following:
 - a. No vocational rehabilitation funds may be used to pay for academic training unless maximum efforts are made to secure grant assistance in whole or in part from other sources to pay for the training.
 - b. The PELL grant, like any other comparable services and benefits, must be applied to the educational process before the expenditure of bureau funds for services under this section. Services must not be denied pending receipt of a PELL grant but must be contingent upon the participant's making application if eligible.
5. Any equipment purchased for the participant during academic training must be needed by the participant to help maintain academic success so that the participant can meet the employment outcome. Computer and software purchases are made in accordance with policy: 509 Computer Hardware and Software Purchases.

- C. Once admitted to academic training the participant must:
1. Maintain and complete a full-time course load as defined by the college or university. This requirement may be waived if:
 - a. the participant is a graduating senior;
 - b. the participant is an incoming freshman (first two semesters or quarters);
 - c. the participant is a returning adult (first academic year only);
 - d. the participant is in summer school; or
 - e. other extenuating circumstances prevent the participant from participating in a full-time course load;
 2. Meet with the VR counselor at least once each semester
 3. Provide grade reports or transcripts to the VR counselor at the end of each semester
 4. Notify the VRC around changes such as changes to major or adding or dropping planned courses.
 5. Apply for financial assistance where reasonably available. This assistance can include federal, state, or local grants-in-aid and private scholarships where applicable. If the participant has not done so before the time of application for vocational rehabilitation services, the VR counselor assists the participant in doing so.
- D. Evaluation of Training Progress
1. Each semester or training period, the VRC reviews the following, as appropriate:
 - a. Participant's grades or progress reports, but does not delay when grades cannot be obtained before registration for the next semester or grading period
 - b. The participant's plan for obtaining the degree (or credential) and progress made to reaching the training goal
 - c. Financial aid and tuition bill
 - d. Course the participant plans to take during the next semester or training period to ensure they are part of required coursework
 2. The participant must maintain satisfactory training progress. If the participant struggles to maintain satisfactory training progress, the VRC reviews the participant's use of available resources and supports, such as tutoring, accommodations and assistive technology, to see if the participant could improve the use of available resources and supports
 - a. Satisfactory training progress is defined by the training provider and included on the participant's IPE. The participant must meet satisfactory training progress requirements for each semester or grading period to receive VR funding for subsequent semesters or grading periods.
 - b. The VR counselor can make exceptions to this requirement for no more than one semester or grading period and on a case-by-case basis if justification for the exception is documented clearly in a case note. If a participant fails to meet satisfactory training progress for two or more

consecutive semesters or grading periods, the VR Supervisor must review and approve continuing with, or resuming, training and related services or supports.

- E. Post-Secondary training at colleges, universities, trade, business and other schools, including books, tools and other training materials, requirements
 - 1. The participant must be accepted for admission to the post-secondary program
 - 2. Selection of Facility
 - a. All postsecondary training institutions and programs utilized must meet applicable statutory and regulatory accreditation, licensing, certification, health and safety, and accessibility standards.
 - b. Institutions of higher education must:
 - (1) be a degree or vocational certificate granting institution;
 - (2) participate in the federal student financial aid program;
 - (3) be fully accredited by the appropriate regional accreditation authority; and
 - (4) be recognized by the Office of Postsecondary Education of the U.S. Department of Education.
 - 3. Proprietary schools must be fully accredited by the Department of Education or the equivalent authority in the state in which they are located.
 - 4. Industry-certified training programs must be nationally recognized by the applicable industry and its manufacturers and employers as providing necessary competency skills.
 - 5. Occupational skills training programs must be recognized by local business and industry and/or utilized by Workforce Development.
 - 6. Correspondence and distance learning programs must be administered under authority of an institution or program described in paragraphs b through e of this section.
- F. Bureau participation in costs provisions. In addition to requirements identified in B of this policy
 - 1. The bureau may provide for cost of tuition, fees, room, books and supplies on an annual basis, an amount up to \$10,000 after the application of financial participation requirements and comparable benefits. This \$10,000 is identified as the 'VR Post-secondary Ed Grant' (PEG).

- a. This assistance applies to costs of in-state or out of state programs and institutions.
 - b. The bureau calculates need for the PEG based upon the current rate of post-secondary costs established by the state university minus any grants and scholarships including the Pell Grant and expected student and family contribution.
 - c. The bureau's contribution cannot replace the family contribution, except if the individual in need of service has been determined eligible for Social Security benefits under titles II or XVI (SSI/SSDI) of the Social Security Act due to their disability. Recipients of SSI/SSDI are not subject to a financial means test.
 - d. The PEG does not include disability related expenses necessary to access the training. These expenses may be provided in addition to any PEG assistance.
2. If a participant does not pass a course(s) or withdraws following the designated drop period for the post-secondary institution, they are responsible to cover costs to repeat the course(s).
 3. The cost of transportation necessary to access training may be provided as an additional service and is not included in the PEG assistance.
 4. Student Loan Default provisions: If a participant is in default of a student loan, financial aid including Pell will not be available to the individual. NHVR is prohibited from paying for any training or related services at a post-secondary program which is eligible for federal assistance such as Pell funds (including, but not limited to, colleges and business and trade schools) for an individual who owes a refund on a grant or is in default of a student loan, unless the individual makes maximum effort to resolve the default. Maximum effort means that the participant has worked out a satisfactory repayment plan with the lender or grantor and has reestablished eligibility for financial aid.
 5. Tutoring
 - a. The bureau will pay for tutoring only after the individual has exhausted no-cost tutoring services available from the post-secondary institution. Tutoring is typically provided when it is recommended by the course instructor and/or the individual is at risk of course failure.
 - b. The bureau will not fund tutoring as a general academic support in order for an individual to maintain an average grade point average. The cost for the tutoring services must be reasonable and based upon the education level and expertise of the tutor.
 - c. The bureau will not pay a family member for tutoring services.
 6. Comprehensive Transition Programs (CTP)
 - a. Participation in a Comprehensive Transition Program (CTP) may be an allowable VR service when determined to be reasonable, necessary, and a required service for the participant to achieve their employment goal.
 - b. Individuals participating in the CTP are limited to no more than four semesters

- c. The participant must be attending or seeking to attend an approved CTP. This means that the college or university hosting the program has either:
 - (1) received approval from the Department of Education to offer financial aid to eligible students. A list of approved Comprehensive Transition Programs can be found at: <https://studentaid.gov/understand-aid/eligibility/requirements/intellectual-disabilities>; or
 - (2) is operating a Transition and Postsecondary Programs for Students with Intellectual Disability (TPSID) model demonstration project approved and currently being funded by the US Department of Education. A list of current TPSID grantees (2020 – 2025) can be found at: <https://thinkcollege.net/projects/national-coordinating-center/what-is-a-tpsid>
 - d. The participant must be accepted and enroll in the CTP.
 - e. Services must be provided directly by the CTP or Institution of Higher Education personnel
 - f. Integrated community setting must be available for all services
 - g. Participants must demonstrate satisfactory progress each semester for VRNH to continue to support their participant in the CTP
 - h. A written report of attendance, services provided, and satisfactory progress participant is making including outcomes achieved is required to be provided at least each semester.
 - (1) CTPs are required to have defined standards for evaluation of student progress.
 - (2) The VRC will analyze the report(s) prior to authorizing the next semester based on demonstration of satisfactory progress.
 - i. Financial support for a CTP is provided at the VRNH participation rate for costs as identified in B. and F. of this policy.
 - j. CTP must include the auxiliary aids, services, and accommodations for the participant to participate in the program.
 - k. The participant and their family must demonstrate financial need and comparable benefit search.
7. Graduate Study
- a. The bureau may participate in assisting with advance degree programs (including masters and doctoral programs) if the participant has not been able to locate suitable entry-level employment in the field of choice with an undergraduate degree and a graduate degree is needed to pursue employment consistent with their employment factors.
 - b. Graduate study may be supported only when approved by the Director, or the Director's designee.
8. Financial need: post-secondary training is subject to financial need requirements.
9. Comparable Benefits: Post-secondary training is subject to comparable benefit requirements.

- G. Personal and vocational adjustment training requirements
1. Services provided under this section include job preparation and job search training, employment preparation assessment and training and work adjustment training, and any related books and training materials
 2. Provided by approved community rehabilitation providers
 3. Financial need: Personal and vocational adjustment training are exempt from financial need requirements
 4. Comparable Benefits: Personal and vocational adjustment training are exempt from comparable benefit requirements
- H. On-the-Job Training (OJT) requirements (refer to OJT Policy)
1. On-the-job training (OJT) is short-term training used to help individuals build skills and reestablish employment when they have limited skills, limited work history, and a history of unemployment, legal issues, or incarceration.
 - a. Conducted at the employer site
 - b. The Employer provides training in the specific skills needed to perform the job
 - c. The expected outcome is employment with that employer or another employer in the same or related field
 - d. OJT is provided under the conditions that training and wage payment must comply with state and federal wage and hour laws.
 2. A negotiated OJT must
 - a. Be individualized to the participant's and the employer's needs;
 - b. Provide training for a VR participant who is hired as an employee of the business earning the same rate of pay and benefits as other individuals without disabilities hired into the same or similar position;
 - c. When the participant meets the minimum requirements for a position, but requires formal and/or informal training activities at the employer's work site to acquire the skills necessary for a specific position or occupation; and
 - d. Have a commitment from the employer to retain the participant as an employee after successful completion of the OJT, if the participant competently performs essential functions of the position or industry
 3. Time spent in OJT cannot be counted toward the 90 days of employment required for successful closure
 4. Financial need: OJT services are exempt from financial need requirements
 5. Comparable Benefits: OJT services are exempt from comparable benefit requirements

518.P Training Procedure	
	Revision date: 7/1/2023

See corresponding policy: Vocational and other training services

Note: Vocational Rehabilitation procedures provide internal guidance for bureau staff only and create no procedural or substantive rights for any individual or group.

I. PROCEDURE

A. College

1. The VRC assures that the IPE is written for the entire length of the agreed upon training at the college or university. The IPE includes
 - a. The specific definition of satisfactory progress such as minimum grades and attendance
 - b. Statements about requirement to apply for available financial aid to the cost of training before VR funds are authorized
 - c. Statements about the responsibility of the participant to inform VRC of any changes that would impact employment plan, when experiencing problems with coursework, changes to coursework such as add/drop, incompletes.
2. Prior to the start of the training VR staff create an education goal for the training – anyone enrolled in training needs to have an education goal in the case management system
 - a. VR Staff to obtain proof of program enrollment. Documents can include acceptance letter, class schedule, invoice from college/university/training program. A detailed case note can be substituted if VR Staff are not successful in obtaining documentation after two well documented attempts.
3. Each semester VRC obtains grades and reviews next semester's courses
4. At end of semester or training program VRC records MSG or credential as applicable.
5. Every year that the participant attends a college or university setting they should be advised to complete the FAFSA in a timely manner
6. Every year that the participant attends college or university comparable benefit, and financial need are assessed using the FATF
7. VRC should apprise and encourage, as appropriate, the individual of Disability Services

B. Comprehensive Transition Programs – Additional requirements for CTP

1. Prior to writing a plan that includes CTP training the VRC identifies:
 - a. The CTP is a necessary and required service for the participant to achieve their goal.
 - b. As with any other case including post-secondary education, the VRC will work with the individual to determine a suitable employment outcome and necessary services to achieve their employment goal.
 - c. VRCs routinely determine whether the qualifications of the employment outcome require post-secondary education. In considering this for individuals with intellectual disabilities the VRC should:
 - (1) evaluate with the individual, and other relevant team members, how inclusive higher education will support their attainment of the employment outcome;
 - (2) determine whether the nature of the individual's disability requires a level of

- training beyond that identified in minimal qualifications; and
 - (3) maintain a perspective that honors the capability, potential growth, and informed choice of the individual.
 - d. VRC completes the comprehensive assessment data page with rationale supporting how CTP will enhance the participant's employment potential and assist in the achievement of their employment goal, e.g., specific skills, experiences, and training that is expected to be acquired during the CPT program and how it directly leads to the employment goal/job.
 - 2. The VRC assures that the Individualized Plan for Employment (IPE) is written for the entire length of the agreed upon training at the college or university. The IPE includes:
 - a. The specific definition of satisfactory progress such as minimum grades and attendance. In programs where course auditing is used, identify the CTP's defined standards for evaluation of student progress to use as criteria.
 - b. Statements about requirement to apply for available financial aid to the cost of training before VR funds are authorized, as applicable (may not be available for programs in model demonstration projects)
 - c. Statements about the responsibility of the participant to inform VRC of any changes that would impact the employment plan, when experiencing problems with coursework, changes to coursework such as add/drop, incompletes.
 - 3. Prior to the start of the training VR staff obtain proof of enrollment. Documents can include acceptance letter, class schedule, or an invoice from college/university/training program. A detailed case note can be substituted if VR Staff are not successful in obtaining documentation after two well documented attempts.
 - 4. Input educational goal of CTP.
 - 5. Each semester VRC obtains grades (or report(s) of progress) and reviews the next semester courses and activities.
 - 6. Every year that the participant attends a college or university setting they should be advised to complete the FAFSA in a timely manner, as appropriate.
 - 7. Every year that the participant attends college or university comparable benefit, and financial need are assessed using the Financial Aid Transmittal Form (FATF). In cases where the program is running under a current TPSID grant and not yet approved to offer financial aid, the Financial Needs Assessment (FNA) is used to calculate participant and family contribution.
- C. Pursuit of a higher degree: When researching support of a graduate degree:
- 1. Explore capacity of the individual and the employment potential with and without the degree.
 - a. There should be consideration of other related vocational goals which do not require advanced training and
 - b. A determination of the necessary level of training for the vocational goal.
 - 2. Graduate training may be considered, if the participant has not been able to locate suitable entry-level employment in the field of choice with an undergraduate degree and graduate work will significantly enhance the opportunities in the field of choice.
 - 3. Participants must demonstrate the academic ability to complete graduate level coursework. The VRC can request the participant provide information regarding most recent college transcripts and acceptance from graduate university program. When documentation is not recent or provide sufficient information about the person's ability, the VRC could consider additional assessments such as work/training experience or assessment.
 - 4. Complete waiver request with relevant support for the advanced degree
 - 5. Follow college, university requirements for Ed goal, measurable skills gains, grade reporting.

- D. Personal and vocational adjustment training (including disability related training and other Community Rehabilitation Program (CRP) services)
 - 1. VRC works with the participant to choose a vendor
 - 2. VRC facilitates referral to vendor
 - 3. VRC reviews vendor reports and determines next steps, i.e., continued vendor services, or alternative action
 - 4. VRC maintains contact with participant to assure working relationship with vendor is maintained, there are not issues that need additional action, and that progress is being made.

- E. On the Job Training (refer to OJT policy and procedure)

		Policy Type	Service
		Policy Number	518.H
		Revision #	Original
		Implementation Date	9/1/2022
Page # 1	1 of 3	Last Reviewed/Update Date	None

Policy Title: On-the Job Training

I. **DESCRIPTION:** OJT is a type of training that is provided by an employer to a participant (job seeker). During the training, the participant is engaged in productive work in a job for which the participant is paid, and the training provides the knowledge or skills essential to the full and adequate performance of the job. OJT may be provided by an employer in the public, private non-profit or private sectors.

II. DEFINITIONS:

On-the-job training: A structured process conducted at the workplace to provide the employee with the knowledge and skills to perform job tasks a means of providing short-term training for a particular job in an actual work setting.

III. **POLICY:** On-the-job training (OJT) offers the opportunity for individuals to learn a job directly at the job site, with the business owner or an assigned co-worker providing training specific to that position.

A. On-The-Job Training is a means of providing short-term training for a particular job in an actual work setting.

1. An employer teaches a participant the specific skills they need to perform the job.
2. The participant is given an opportunity to demonstrate employment potential and to achieve job competency for placement upon successful completion of the training.
3. The expected outcome is employment with that employer or with another employer in the same or related field.

B. On-The-Job training requires a written agreement among the participant, the counselor, and the employer. The agreement must state the hourly wage, responsibility for Workers' Compensation coverage, and any other conditions of employment.

C. When a participant is receiving On-The-Job Training, the conditions of training and wage payment must comply with State and Federal wage and hour laws.

- D. VR Staff and VR CRPs shall consider the appropriateness of OJT for job-ready individuals who need additional training and work experience to gain hard skills in a job setting that may lead to higher wage employment.
- E. OJT may be offered in lieu of formal training in an employment area where formal training is limited or does not exist, or in lieu of formal training for a participant who may learn better on the actual job site rather than learning in a classroom setting and then transferring that knowledge to a workplace.
- F. When considering OJT, the training needs of the individual shall exceed the training provided by the employer when hiring individuals without disabilities for the same or substantially equivalent work.
- G. OJT shall be provided in accordance with the following provisions.
 - 1. An agreement will be established between the employer/trainer, the trainee/participant, and the rehabilitation counselor.
 - 2. The agreement will include the specific job title for which training is to be provided, the objectives of the training, the length of time training is to be provided, evaluation procedures, financial arrangements, and any other pertinent information.
 - 3. An OJT agreement must be limited to the period of time required for a participant to become proficient in the occupation for which the training is being provided. In determining the appropriate length of the agreement, consideration should be given to the skill requirements of the occupation, the academic and occupational skill level of the participant, prior work experience, and the participant's IPE.
 - 4. The employer/trainer will agree to pay the trainee (participant) at least the minimum wage as established by federal law and provide all appropriate benefits under state and federal laws pertaining to Workers' Compensation, Unemployment Insurance, and Social Security.
 - 5. An On-the-Job Training Agreement (OJT) will be completed and signed by the employer/trainer, the trainee/participant, and the counselor with a copy to the employer/trainer, trainee, and case record.
 - 6. Agency financial participation for OJT will be determined based on the hourly wage of the person or people designated to provide one-on-one training to the new employee (or an agreed-upon training wage based on up-to-date labor market information).

- H. **Reporting requirements** – As specified on the Agreements, monthly reporting of progress is required
- I. Staff may provide consultation to the employer in order to accommodate the participant’s disability-related needs, and/or provide limited job coaching to the participant on relevant soft skills.
- J. **Financial Need:** On-the-Job Training services are not subject to financial need requirements.
- K. **Comparable benefits:** On-the-Job Training services are not subject to comparable service and benefit requirements.

518.H.P On-the-Job Training Procedure	

See corresponding policy: OJT

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

II. Procedure

As part of employer outreach and development

- A. Once an employer has expressed interest in hiring and providing OJT to individuals, VR Staff will determine if the employer's information is currently in the case management system. This can also be done in the process of negotiating the plan.
 1. If the employer **is** an active vendor in the vendor module of the case management system, the VRC shall discuss the possibility of OJT utilizing the "OJT info letter" to guide the discussion.
 2. If the employer **is not** an Employer of record in the case management system, VR Staff shall discuss the possibility of OJT utilizing the "OJT Info letter" to guide the discussion and discuss needed information to enter the employer into the case management system

- B. If a CRP has introduced the employer to the OJT opportunity, the VRC assures that the employment opportunity meets OJT provisions and that the employer is knowledgeable about the process and requirements of providing an OJT to the participant.

- C. An "On-the-Job Training (OJT) Negotiated Agreement" is to be developed for each individual hired by the Employer
 1. Prior to developing a negotiated agreement and adding OJT services to an individual's "Individualized Plan for Employment" (IPE), VR Staff shall ensure that the criteria below are met.
 - a. The "OJT Info letter" has been reviewed with the Employer and/or, if applicable, the Employer Designee.
 - b. A copy of the position description from the Employer and/or, if applicable, the Employer Designee, has been obtained and scanned into the case management system.
 - c. The Employer and/or, if applicable, the Employer Designee, has signed

negotiated OJT agreement” prior to each individual being hired.

d. The VRC completes the negotiated agreement with the employer, or designee including all the items listed below.

- (1) The trainee (i.e. employee) name and the position to which they are being hired.
 - (2) OJT Employer or Employer Designee name (i.e., whoever will be providing the training), the name of their contact person and their email.
 - (3) Terms of the OJT agreement (e.g. projected total number of weeks projected total number of OJT hours, hire date, starting hourly wage).
 - (4) Projected maximum payments during training.
 - (5) Skills to be learned during OJT.
 - i. VR Staff shall work with the Employer and/or, if applicable, the Employer Designee, to determine specific hard skills to be learned, the trainee’s skills gap in these areas, the timeframe for learning each skill, and how the learning of each skill will be measured.
 - ii. At a minimum, the listed skills shall be the same skills required to be learned by employees without disabilities who will be performing the same or substantially equivalent work.
 - (6) Required signatures (including dates) as listed below:
 - i. the OJT Employer and if applicable, the Employer Designee;
 - ii. the trainee; and
 - iii. the appropriate VR Staff
- e. If the OJT is not currently on the IPE, the plan is amended to include the OJT service
- (1) The OJT agreement shall not be implemented until all required signatures (and dates) are obtained on the agreement and the IPE.
 - (2) The OJT agreement is written with the understanding that after the training portion of the agreement is completed the trainee (participant) will be hired unless they were unable to achieve the training objectives in the OJT agreement.
 - (3) VR Staff may authorize on-the-job support services (i.e., barrier intervention for coaching, retention, supported employment) in conjunction with OJT only if it is necessary for the individual to access the training. To avoid duplication of services, on-the-job support services shall not be authorized to provide the hard skills training the individual is receiving, from the employer, as outlined in the OJT Plan.

D. Once agreement is signed, VRC adds Ed Goal of On-the-Job Training to the case record As monthly completed satisfactory report – note skills progression in

measurable skill gain.

- E. Need for a modification to the OJT agreement (OJT Plan)
1. Any time during the delivery of training, the Employer or, if applicable, the Employer Designee may indicate the need for modification to the "OJT Plan,"
 2. An "OJT Plan" modification may be required based on, but not limited to, the following reasons:
 - a. the training period needs to be extended or shortened;
 - b. the number of weeks and/or hours of training has changed and would significantly change the reimbursement amount for training;
 - c. the skills to be learned have changed; and/or
 - d. the individual's position, within the business, has/will change.
 3. A revised "OJT Plan" shall be completed for any modifications.
 4. The modified "OJT Plan" and IPE, if necessary, shall then be amended and approved prior to implementing the modified "OJT Plan,"
- F. "On-the-Job Training (OJT) Progress Reporting and Invoice
1. VR Staff, upon receipt of the completed "On-the-Job Training (OJT) Performance Eval Report (progress reporting) and "OJT Invoice signed (and dated) by the Employer and/or, if applicable, the Employer Designee, shall:
 2. Review the report to ensure that progress is being made on the designated competencies
 - a. Review and issue the appropriate payment for the month of the report (e.g., Month 1, 2, 3, etc.).
 3. VR Staff, upon receipt of the "final" training progress report, as indicated by the Employer or Employer Designee shall issue the appropriate payment for the final month of training.
 - a. VR Staff shall move the individual's case to "Employed" in the case management system once the individual reaches job stabilization.
 - b. VR staff will provide follow up services to ensure continued successful employment for a minimum of 90 days
- G. Meetings Between all Parties
- i. VR Staff should, at a minimum, meet with the Employer and/or, if applicable, the Employer Designee, and the individual midway through and also at the end of the training period listed on the OJT Plan.
 1. VR Staff or CRP may hold additional meetings, if determined necessary, due to unsatisfactory progress of the individual and consider the strategies, supports, and/or accommodations that might be useful.
 2. VR Staff should meet with the Employer and/or, if applicable, Employer Designee, at the end of the training period to validate that all requirements of the training have been met and that the trainee's progress is sufficient.

FORMS AND ATTACHMENTS

- OJT Info letter

- OJT Negotiated Agreement
- OJT Performance Evaluation (progress reporting)
- OJT Invoice

(1) In cases where the intent is for the CRP to consider the development of an OJT opportunity as part of job development:

At Referral to the CRP

1. The VRC
 - a. Discusses willingness and desire to support On-the-Job Training for participant as a possible opportunity in the job development process
 - b. Explains the OJT process and expectations to the participant
 - c. Ensures CRP understands OJT policy and their role in the OJT
2. The CRP
 - a. Share ideas for possible host sites for OJT
3. The Participant

After Offeror OJT

1. The VRC
 - a. Determine that position is suitable
 - b. Contact CRP to discuss initial thoughts/discussion financial compensation for the host business and length of OJT anticipated
2. The CRP
 - a. Ask host business to complete W-9 to become bureau vendor
 - b. Complete and submit JAR
 - c. Discussion with counselor regarding time frame/financial compensation for business
 - d. Meet with business, as necessary to assist in completion of OJT agreement and explain monthly billing and progress report

As OJT Initiates

- a. Authorize JAR, if needed

During Training

1. The VRC
 - a. Monthly submission of billing and reports are provided by employer
 - b. Review progress reports and share with participant and CRP
2. The CRP
 - a. Continue to provide soft skills or off-site support and submit monthly reports
 - b. Frequent contact with participant and business to ensure success/troubleshoot barriers
3. The Participant
 - a. Participate fully in the training process
 - b. Reach out to CRP with questions and concerns
 - c. Communicate with Trainer and Supervisor

After Training

1. The VRC
 - a. If successful, move to employed
 - b. If unsuccessful, schedule follow up with participant to discuss options
2. The CRP
 - a. If successful CRP support fades
 - b. If unsuccessful discuss the possibility of extending OJT contract
 - c. Continue to be available to business to answer questions/address concerns
3. The Participant
 - a. Continue to learn new skills
 - b. Reach out to VR with questions and concerns

		Policy Type	Service Delivery
		Policy Number	519
		Revision #	1
		Implementation Date	9/1/2022
Page #	1 of 6	Last Reviewed/Update Date	1/3/2024

TRANSITION SERVICES: Assisting youth and students with disabilities as they transition from school to postsecondary education and employment.

DESCRIPTION: The Transition Services policy outlines the nature and scope of services the bureau provides to students and youth with disabilities as they transition from school to post-secondary education and/or work. Transition services fall along the continuum of VR services, which includes pre-employment transition services, VR transition services and other VR employment-related services. This policy further supports a framework to provide students and youth with disabilities meaningful opportunities to receive the services, including training and other supports, which they need to ultimately achieve employment outcomes in competitive integrated employment. *VRNH Related Policy 520 Pre-Employment Transition Services, and Section 500 – 521 Services Policies*

III. DEFINITIONS:

Individuals with Disabilities Education Act (IDEA): The Individuals with Disabilities Education Improvement Act (IDEIA) each mean the Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq., as amended by the Individuals with Disabilities Education Improvement Act of 2004, and as implemented by the U.S. Department of Education’s regulations, 34 CFR 300 et seq.,

Individualized education program(IEP): A document, mandated by the IDEA, which clearly defines the individual goals and objectives set for a child with a disability. These programs are written documentation of the special education program and academic modifications required to meet the child’s individual needs.

Section 504 of the Rehabilitation Act of 1973, as amended: A civil rights law that prohibits discrimination on the basis of disability. This law applies to public elementary and secondary schools, among other entities. [Section 504 requires that school districts provide a free appropriate public education (FAPE) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities, regardless of the nature or severity of the disability. Under Section 504, FAPE means providing regular or special education and related aids and services designed to meet the student’s individual educational needs as adequately as the needs of nondisabled students are met.]

504 Plan: A plan developed to ensure that a child who has a disability identified under the law and is attending an elementary or secondary educational institution receives accommodations that will ensure their academic success and access to the learning environment.

Pre-Employment Transition Services (Pre-ETS): The required activities and the authorized activities specified in the definitions of Required Pre-ETS Services and Authorized Pre-ETS Services below.

Required Pre-ETS Services: The five specific services the bureau must make available to all students with disabilities who need them. These services are:

1. Job exploration counseling;
2. Work-based learning experiences, which may include in-school or after school opportunities, or experiences outside the traditional school setting (including internships), that is provided in an integrated environment in the community to the maximum extent possible;
3. Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
4. Workplace readiness training to develop social skills and independent living skills; and
5. Instruction in self-advocacy (including instruction in person-centered planning), which may include peer mentoring (including peer mentoring from individuals with disabilities working in competitive integrated employment).

Authorized Pre-ETS Services: The nine areas identified below that may be provided with Pre-ETS set aside funds after the bureau has identified that there are funds available and remaining after the provision of the required activities. These activities are:

1. Implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces;
2. Developing and improving strategies for individuals with intellectual disabilities and individuals with significant disabilities to live independently, participate in postsecondary education experiences, and obtain and retain competitive integrated employment;
3. Providing instruction to vocational rehabilitation counselors, school transition personnel, and other persons supporting students with disabilities;
4. Disseminating information about innovative, effective, and efficient approaches to achieve the goals of the Pre-ETS provisions of the WIOA;
5. Coordinating activities with transition services provided by local educational agencies under the Individuals with Disabilities Education Act (IDEA) (See, 20 U.S.C.1400 et seq.);
6. Applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel, in order to better achieve the goals of the Pre-ETS provisions of the WIOA;
7. Developing model transition demonstration projects;
8. Establishing or supporting multistate or regional partnerships involving states, local educational agencies, designated state units, developmental disability agencies, private businesses, or other participants to achieve the goals of this section; and
9. Disseminating information and strategies to improve the transition to post-secondary activities of individuals who are members of traditionally unserved populations.

Transition services: A coordinated set of activities for a student or youth with a disability which:

1. Is designed within an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, competitive integrated employment, supported employment, continuing and adult education, adult services, independent living, or community participation;

2. Is based upon the individual student's or youth's needs, taking into account the student's or youth's preferences and interests;
3. Includes 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;
4. Promotes or facilitates the achievement of the employment outcome identified in the student's or youth's individualized plan for employment; and
5. Includes outreach to and engagement of the parents, or, as appropriate, the representative of such a student or youth with a disability.

Student with a disability: An individual in a secondary, post-secondary, or other recognized educational program with a disability who is:

1. Not younger than the earliest age for the provision of transition services under the IDEA (14 or younger, if determined appropriate by the IEP team)
2. Not older than 21; and
3. Eligible for, and receiving, special education or related services under Part B of the Individuals with Disabilities Education Act or is a student with a disability for the purposes of Section 504 of the Rehabilitation Act.

Youth with a disability: Any individual with a disability between the ages of 14 – 24 regardless of whether they are engaged in a secondary or postsecondary education program.

VR Transition Services: Services that encompass the full range of VR services that are outcome-oriented and designed to promote movement from school to post-school activities.

IV. POLICY: The bureau provides Transition Services to students and youth with disabilities as they transition from school to post-secondary activities and employment. The goal is to provide students and youth with disabilities with a smooth transition that incorporates a team approach, and individualized activities and services that are necessary and reasonable to help prepare for, obtain, and maintain employment. Towards this end the Agency partners with members of the school, including IEP and 504 teams; family, and other adult service agencies to ensure that transition-aged youth with disabilities have the supports needed to successfully transition from high school to adulthood, independence, and employment.

A. Provision of Services

Overview: Transition services are targeted to assist the transition of students and youth with disabilities from school to post-secondary life, through the provision of VR Transition Services. The bureau strives to service students with disabilities in transition in a manner that will impact the broadest segment of students possible through the provision of transition services which include pre-employment transition services (Policy 520 Pre-Employment Transition Services).

1. VR Counselor assists students and youth with disabilities to make informed choices in the development and pursuit of career interests with post-secondary education, vocational training, job search, job placement, job retention, job follow-up and job follow along services, including, but not limited to:

- a) internships, on-the-job training, special programs available in the state to train youth to work with a specific employer, and apprenticeships.
 - b) coordination with the American job centers in the state (NHWorks centers)
 - c) supported employment or customized employment options, including the availability of extended services (Policy 516 Supported Employment)
 - d) community colleges and universities that have disability supports.
 - e) coordination with other agencies to provide wrap-around services for youth, e.g., developmental disabilities agency, the mental health agency, centers for independent living in the state, etc.
 - f) benefits counseling
 - g) peer mentoring opportunities or youth leadership initiatives
2. Transition from school to work requires a variety of supports and collaborative efforts among education and workforce programs. No one institution or organization can provide the full range of services that may be required to serve youth with disabilities. However, collaboration and coordinated efforts among education and workforce programs, including vocational rehabilitation, is essential in assisting students with disabilities to make the transition from school to employment.
 3. The bureau maintains a formal [Secondary Transition Intra-Agency Agreement](#) between the New Hampshire Education Department, Bureau of Special Education Support (NHSES) and New Hampshire Education Department, Bureau of Vocational Rehabilitation (VRNH) to assist with collaboration and partnering as well as to provide some framework for the working relationships between NHSES and local VRNH offices and with local education agencies (LEAs).
 4. LEAs are responsible for providing and paying for any transition service that is considered special education or related services necessary for ensuring a free appropriate public education (FAPE), as required under IDEA. Nothing under this policy shall be construed as reducing a LEA's obligation to provide transition services under IDEA.
 5. Transition services are not separate from Vocational Rehabilitation (VR) services; they are part of a continuum of VR services designed to assist eligible students and youth with disabilities achieve a successful vocational outcome.

B. Role of the Bureau in Transition Services: The primary role is to provide career guidance and counseling, career assessments, and rehabilitation services related to career-connected activities to students and youth with disabilities.

1. Bureau supervisors and counselors shall collaborate with appropriate school personnel, family members, and students in support of preparation for post-secondary services and employment. School officials continue to be responsible for providing a free and appropriate public education.
2. As an active participant in the transition planning process, the VR counselor will:
 - a) Inform students, parents and school staff about vocational rehabilitation policy and procedures as they relate to transition planning and rehabilitation services and outcomes;
 - b) Work with the school district to appropriately identify students who may benefit from VR services;
 - c) Counsel transitioning students and their parents about vocational and career planning and employment outcomes related to the individualized education program (IEP) by reviewing existing school records related to student;

- d) Advise students, parents and school staff during the transition planning and service delivery process regarding current labor market information; community resources, including community-based services, the need for involvement by other state agencies, adult service programs, and independent living centers;
- e) Contribute to the transition planning by communicating with school-based staff so that students, parents, and school district staff can avail themselves of the VR counselors' expertise which may include attending IEP meetings, when invited ;
- f) Provide transition services, including pre-employment transition services, if they are beyond the scope of special education and within the scope of VR Services; and
- g) Provide employment related services.

C. **Outreach Responsibilities:** The bureau will initiate outreach to students and youth with disabilities to identify those who are in need of transition services including:

1. Inform applicants and eligible students with disabilities who are making the transition from programs under the responsibility of an educational agency to programs under the responsibility of VR, through appropriate modes of communication, about the availability of and opportunities to exercise informed choice; including the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice throughout the VR process;
2. Promote outreach to and identification of students with disabilities who are in need of transition services as early as possible during the transition planning process. Outreach to these students will include, at a minimum, a description of the purpose of the vocational rehabilitation program, eligibility requirement, application procedures, and scope of services that may be provided to eligible individuals. Outreach activities can include the use of brochures, social media, attendance at back-to-school nights, transition events, etc.
3. Provide training to all VR counselors and qualified staff on their role in providing outreach activities to students with disabilities to include those served in special education, served under Section 504, and those served in general education; and
4. VR will inform education staff, students, youth, and, as appropriate, families and authorized representatives regarding:
 - a) A description of the purpose of the vocational rehabilitation program;
 - b) Information regarding VR eligibility requirements;
 - c) Information regarding application procedures; and
 - d) Information about the scope of services that may be available to students and youth with disabilities.
5. VR will identify and outreach to students with disabilities who are in need of transition services, such as information sharing at:
 - a) IEP meetings
 - b) Transition planning meetings
 - c) Back-to-School Nights
 - d) Transition and Career Fairs
 - e) Presentations
 - f) Orientations

D. **Financial responsibilities:** All bureau financial policies and procedures apply to students with disabilities. (Policy 502 Participant Participation in the Costs of Vocational Rehabilitation

Services)

- E. **Sub-minimum wage regarding students and youth with disabilities:** The bureau does not hold specific policies relative to payment of subminimum wage provisions as the State of New Hampshire statute prohibits sub-minimum wage payment to individuals with disabilities, except in cases where students are working for practical experience, or they are working for family members.

Related Statute: In New Hampshire NH-RSA Section 279:21 outlines Minimum Rate standards.

Section 279:22 specifically states that except as provided in RSA 279:22-aa and RSA 279:26-a, no person shall employ any individual with a disability as an employee at an hourly rate lower than that set forth in RSA 279:21.

279:2-2aa High School and Post-Secondary Students; Workers with Disabilities. –

I. Upon application by a participating employer or proper school authority, the labor commissioner may establish a sub-minimum wage rate, or no rate, for high school or post-secondary students working for practical experience, if circumstances warrant. Guidelines shall be established by the labor commissioner to determine whether an employer-employee relationship exists between participating parties for such work in respect to existing labor laws. No such student shall be allowed to replace an existing worker or a laid-off worker.

II. Upon application by a proper post-secondary organization or rehabilitation facility as defined by and in a manner established by the labor commissioner, the commissioner may establish a practical experience/training program at a sub-minimum wage rate or no wage rate for individuals with disabilities. If such program is established, the commissioner shall establish guidelines to determine whether an employer-employee relationship exists between the parties for work performed through the program that is consistent with state and federal law. No such individual with disabilities, while in the program, shall be allowed to replace an existing worker or a laid-off worker.

279:26-a Application to Parents, Spouses, Etc. – The provisions of this chapter shall not apply to a child employed by his parents, grandparents, or person or persons in place of his parents or grandparents, employing his own child, grandchild, or a child in his custody, who furnishes full maintenance to such child. Nor shall the provisions apply to a spouse working for the other spouse on a volunteer basis when the spouse who works does not expect or claim any pay for the work, other than the support derived from the other spouse's profits in the business.

		Policy Type	Service Delivery
		Policy Number	520
		Revision #	1
		Implementation Date	9/1/2022
Page #	1 of 8	Last Reviewed/Update	1/3/2024

PRE-EMPLOYMENT TRANSITION SERVICES

I. DESCRIPTION and PURPOSE:

The Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA), emphasizes services to students with disabilities. Vocational Rehabilitation agencies are required to set aside at least 15 percent of their federal funds for the provision of Pre-Employment Transition Services (Pre-ETS) for students with disabilities. It also expands the population of students with disabilities who may receive vocational rehabilitation services to include students who are potentially eligible. In New Hampshire, pre-employment transition services are available to students with disabilities up to their 22nd birthday. This age range is in accordance with the New Hampshire Department of Education state age range for the provision of transition services under the Individuals with Disabilities Education Act (IDEA).

The intent of pre-employment transition services is to:

- improve the transition of students with disabilities from school to post-secondary education or to an employment outcome;
- increase opportunities for students with disabilities to practice and improve workplace readiness skills, through work-based learning experiences in competitive, integrated work settings. and
- increase opportunities for students with disabilities to explore post-secondary training options, leading to more industry recognized credentials, and meaningful post-secondary employment.

II. DEFINITIONS:

Pre-Employment Transition Services (Pre-ETS): The required activities and the authorized activities specified in the definitions of Required Pre-ETS Services and Authorized Pre-ETS Services below.

Required Pre-ETS Services (Required Services): The five specific services the bureau must make available to all students with disabilities who need them. These services are:

1. Job exploration counseling.
2. Work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment in the community to the maximum extent possible.
3. Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education.
4. Workplace readiness training to develop social skills and independent living skills; and

5. Instruction in self-advocacy (including instruction in person-centered planning), which may include peer mentoring (including peer mentoring from individuals with disabilities working in competitive integrated employment).

Authorized Pre-ETS Services (Authorized Services): The nine areas identified below that may be provided with Pre-ETS set aside funds after the bureau has identified that there are funds available and remaining after the provision of the required activities. These activities are:

1. Implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces;
2. Developing and improving strategies for individuals with intellectual disabilities and individuals with significant disabilities to live independently, participate in postsecondary education experiences, and obtain and retain competitive integrated employment;
3. Providing instruction to vocational rehabilitation counselors, school transition personnel, and other persons supporting students with disabilities;
4. Disseminating information about innovative, effective, and efficient approaches to achieve the goals of the Pre-ETS provisions of the WIOA.;
5. Coordinating activities with transition services provided by local educational agencies under the Individuals with Disabilities Education Act (IDEA) (See, 20 U.S.C.1400 et seq.);
6. Applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel, in order to better achieve the goals of the Pre-ETS provisions of the WIOA;
7. Developing model transition demonstration projects;
8. Establishing or supporting multistate or regional partnerships involving States, local educational agencies, designated State units, developmental disability agencies, private businesses, or other participants to achieve the goals of this section; and
9. Disseminating information and strategies to improve the transition to post-secondary activities of individuals who are members of traditionally unserved populations.

Pre-Employment Transition Coordination Activities: The four activities that are identified as essential for arranging and providing the required and authorized activities.

Pre-employment transition coordination activities consist of:

1. Attending individualized education program meetings for students with disabilities, when invited;
2. Working with the local workforce development boards, one-stop centers, and employers to develop work opportunities for students with disabilities, including internships, summer employment and other employment opportunities available throughout the school year, and apprenticeships;
3. Working with schools, including those carrying out activities under section 614(d) of the IDEA, to coordinate and ensure the provision of pre-employment transition services; and
4. When invited, attending person-centered planning meetings for individuals receiving services under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

Auxiliary aids and services: Communication or assistance services to make aurally delivered information available to individuals who are deaf and hard of hearing and visually delivered materials available to individuals who are blind or have low vision including:

1. qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
2. qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments; and
3. acquisition or modification of equipment or devices; and other similar services and actions.

Potentially Eligible: For purposes of vocational rehabilitation services, meaning all students with disabilities, including those who have not yet applied for or been determined eligible for the VR program. A potentially eligible student who has not yet applied and been determined eligible for the VR program is considered a recipient of VR services whereas eligible individuals who have applied, been determined eligible and are receiving services are considered participants in the VR program.

Student with a disability: An individual with a disability who is:

1. In a secondary, post-secondary, or other recognized educational program (includes home schooling and programs offered through the juvenile justice system); and
2. Not younger than the earliest age for the provision of transition services under the IDEA (14 or younger, if determined appropriate by the IEP team)
3. Not older than 21; and
4. Eligible for, and receiving, special education or related services under Part B of the Individuals with Disabilities Education Act or is a student with a disability for the purposes of Section 504 of the Rehabilitation Act.

Student Transition Specialist (STS): A VRNH Counselor whose primary duties are providing pre-employment transition services to eligible and potentially eligible students with disabilities.

Transition Vocational Rehabilitation Counselor: A VRNH Counselor (VRC) who works with students and youth with a disability on an individualized basis who are eligible for VR services to assist them in identifying specific employment goals with an emphasis on career pathways as they leave high school as part of their caseload.

VR Transition Services: Outcome-oriented services for students or youth with disabilities that facilitate the movement from the receipt of services from schools to the receipt of services from VR agencies, and/or as appropriate, other State agencies, which:

1. Is designed within an outcome-oriented process that promotes movement from school to post-school activities, including post-secondary education, vocational training, competitive integrated employment, supported employment, continuing and adult education, adult services, independent living, or community participation;
2. Is based upon the individual student's or youth's needs, taking into account the student's or youth's preferences and interests;

3. Includes 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;
4. Promotes or facilitates the achievement of the employment outcome identified in the student's or youth's individualized plan for employment; and
5. Includes outreach to and engagement of the parents, or, as appropriate, the representative of such a student or youth with a disability.

Youth with a disability: An individual with a disability who is:

1. Not younger than 14 years of age; and
2. Not older than 24 years of age.

Local Educational Authority (LEA): The local school district or supervisory union responsible for overseeing public education services including special education services and Section 504 services.

III. POLICY: The bureau provides pre-employment transition services (Pre-ETS) in collaboration with the local educational agencies to students with disabilities in need of these services who are eligible or potentially eligible for vocational rehabilitation services.

- A. **Purpose:** The primary purpose of Pre-ETS provided, or coordinated by the bureau, is to help students with disabilities begin to identify career interests and to learn skills in preparation for transition to employment and/or post-secondary education. Pre-ETS may begin once a student requests or is recommended for one or more pre-employment transition services; and must be provided or arranged in collaboration with local educational agencies (LEAs).
- B. **Statewide Availability:** VRNH makes required services available statewide to eligible and potentially eligible students with disabilities. Each local regional office is responsible for providing coordination activities to assist in the coordination and delivery of required Services and authorized services.
- C. **Target population:**
 1. Pre-employment transition services are provided to those individuals who meet the definition of a Student with a Disability who are in a secondary, post-secondary, or other recognized education program who fall within the requirements for minimum and maximum age, and are either:
 - a. Eligible for VR services; or
 - b. Potentially eligible for VR services.
 2. If the student with a disability is transitioning to post-secondary education and has a typical summer break prior to enrollment, the student with a disability may continue to receive Pre-ETS as long as VR has obtained the following documentation:
 - a. Documentation that the individual with a disability graduated from secondary education;

- b. Documentation that the individual with a disability has been accepted into a post-secondary education institution/program; and
 - c. Documentation of the individual with a disability intention or confirmation that they have accepted the invitation to enter the post-secondary program.
3. If the student with a disability is transitioning to post-secondary education and plans to take a break or gap year prior to enrollment, the student with a disability may continue to receive Pre-ETS, as long as VRNH has obtained the following documentation:
- a. Documentation that the individual with a disability graduated from secondary education;
 - b. Documentation that the individual with a disability has been accepted into a post-secondary education institution/program;
 - c. Documentation of the individual with a disability's intention or confirmation that they have accepted the invitation to enter the post-secondary program; and
 - d. Documentation that the individual with a disability has been informed by the institution that their seat or spot is being held for them.

D. Services Provided

- 1. The bureau will reserve at least 15 percent of the Federal allotment received to provide and arrange for, in coordination with local educational agencies, the provision of pre-employment transition services to students with disabilities.
- 2. Reserved funds may only be used for the provision of the following pre-employment services and activities:
 - a. Required Pre-Employment Transition Services,
 - b. Pre-Employment Transition Coordination,
 - c. Auxiliary aids and services necessary for a student to participate in pre-employment transition services Authorized Services, and
 - d. Authorized Services the bureau determines that there are funds available after the provision of required services.
- 3. In providing pre-employment services to eligible students with disabilities VRCs and STSs should identify if additional VR services are necessary for the student to receive and participate in pre-employment transition services. Any such services
 - a. should be included in the student's IPE.
 - b. are not allocated to the reserve funding.
- 4. Pre-Employment Transition Services Fiscal Forecasting is completed annually by VRNH staff to determine whether reserve funds remain after the provision of required and coordination activities to all students with disabilities in the state who need them.

E. Provision of Auxiliary Aids and Service

- 1. No qualified student with a disability is denied pre-employment transition services on the basis of their disability.
- 2. If any student with a sensory or communicative impairment requires an auxiliary aid or service to access or participate in any of the required pre-employment transition services, the bureau can pay for those costs with Pre-ETS funds if no other public entity is required to provide such aids or services.

3. Pre-Employment Transition Services funds may not be used to purchase or modify a student's personal equipment or devices. Personally prescribed devices and services do not meet the definition of auxiliary aids and services and may not be charged to the pre-employment transition services reserve; however, they could be provided to eligible students with disabilities in accordance with an individualized plan for employment (IPE) using non reserved funds.
4. Auxiliary aids and services for Pre-Employment Transition Services **do not** include:
 - Personal devices (e.g., computers, laptops, tablets)
 - Prescribed devices (e.g., eyeglasses, hearing aids, wheelchairs)
 - Readers for personal use or study
 - Home or vehicle modifications
 - Attendant care or other services
5. Reasonable accommodation through auxiliary aids and services shall be provided in accordance with the bureau's policies and procedures except the bureau does not need to conduct a search for comparable services and benefits for potentially eligible students with disabilities when providing auxiliary aids and services for participation in pre-ETS if these services are not otherwise available through the collaboration with schools as identified in the Secondary Transition Intra-Agency Agreement.

- F. **Referrals for pre-employment transition services:** In addition to the bureau's referral for VR services policy (Policy 401 – Referral), a student may be referred for pre-employment transition services as potentially eligible.
1. A referral or request for Pre-Employment Transition Services may be submitted by school personnel, family members, post-secondary education programs, stakeholders, or other interested persons.
 2. Once a Student Registration form is completed, the Student Transition Specialist will contact the legal guardian, parent, and/or student to discuss student services needs and provide information about the availability of pre-employment services and vocational rehabilitation services.
 3. VR staff shall encourage interested students and parents/guardians if applicable to complete an application for VRNH to facilitate a smooth transition into vocational rehabilitation services.
 4. Potentially eligible students with disabilities are not required to apply for or be determined eligible for vocational rehabilitation services before receiving pre-employment transition services.
 5. Students who have provided adequate documentation of their disability and enrollment in a recognized education program shall not have their participation in pre-employment transition services delayed by the process of applying for vocational rehabilitation services.
 6. Students who do not apply for vocational rehabilitation services may continue to receive pre-employment transition services as long as they continue to satisfy the definition of a student with a disability.
 7. Students who apply for vocational rehabilitation services and are determined ineligible, cease to be considered potentially eligible and are therefore not able to continue to receive

Pre-Employment Transition Services. Pre-Employment Transition Services should cease as soon as the ineligibility determination is made.

- G. **Outreach and Coordination:** As with other transition services, pre-employment transition services will be provided in collaboration with local educational agencies (LEA).
- LEAs are responsible for providing and paying for any transition service that is considered special education or related services necessary for ensuring a free appropriate public education (FAPE), as required under the IDEA.
 - VRNH's Pre-employment transition services provided may not duplicate services that are already provided by local education agencies through the IDEA.
 - Decisions as to who will be responsible for providing services that are both special education services and vocational rehabilitation services are made as part of a collaborative process and is further defined in the [Secondary Transition Intra-Agency Agreement](#) between New Hampshire Education Department, Bureau of Special Education Support (NHSES) and New Hampshire Education Department, Bureau of Vocational Rehabilitation (VRNH).
 - Nothing under this policy shall be construed as reducing a LEA's obligation to provide under IDEA.
1. Bureau supervisors, student transition specialist, counselors, and business service representatives will develop and maintain cooperative working relationships with state and local secondary education staff (including alternative school programs), post-secondary education staff, state operated programs, and workforce development partners (i.e., American Job Centers, WIOA youth, etc.) to coordinate Pre-ETS.
 2. The bureau will, in concert with Transition Service Policy, outreach to students with disabilities. Specific outreach and coordination related to pre-employment transition services include:
 - a. The assignment of Vocational Rehabilitation Counselor (VRC) and STS staff to ensure that information about Pre-ETS and transition services are available throughout all the high schools within their region of the state.
 - b. Information provided to students, families, special and regular education teachers, school administrators, advocacy groups, and others about the bureau, including availability of pre-employment transition services.
 - c. Presentation and distribution of print and electronic materials that explain pre-employment transition and transition services.
 - d. The bureau will reach out to eligible and potentially eligible students with disabilities who are in need of pre-employment transition services and transition services as early as possible through outreach activities, including information sharing during an IEP or transition planning meeting when invited, career fairs, orientations, back to school nights, parent information sessions, and other activities.
 - e. VR staff will work with local school staff to identify and reach out to students with disabilities to include those served in special education, those receiving an accommodation under Section 504 of the Rehabilitation Act, and other students and youth with disabilities.

- f. The designated STS Counselor will work closely with each local school to coordinate, identify students, and implement pre-employment transition services. The bureau will provide the necessary forms required for documentation.
- g. VR staff will adhere to the NHSES / VRNH Intra-Agency agreement for determining responsibilities, including any financial obligations of VR and Education, to include identifying how disputes will be addressed and handled, and to plan and coordinate transition services with the local educational agencies and when this occurs.

H. Documenting, Tracking and Reporting such services.

- 1. Pre-ETs services provided are tracked in the electronic case management system.
 - a. Staff Time Tracking: In addition to tracking services in the case management system, Student Transition Specialist (STS) counselors record time spent directly providing or arranging for the provision of pre-employment transition services to eligible or potentially eligible students with disabilities using a bi-weekly time tracking spreadsheet.
 - b. Travel time associated with the provision of the required Pre-ETS, and coordination activities can also be included in the calculation of time spent on the activities and are included in the staff time spent on the Actual Service date page or the time tracking spreadsheet.

I. Financial Need: Pre-Employment activities and services are not subject to financial need requirements.

J. Comparable benefits: Pre-Employment are subject to comparable service and benefit requirements.

520.P Pre-Employment Transition Services Procedure	
	Revision date:

See corresponding policy: Pre-Employment Transition Services

Note: Vocational Rehabilitation procedures provide internal guidance for bureau staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

II. Procedure(s)

A. Pre-ETS Referral Process for Potentially Eligible Students with Disabilities:

1. A referral or request for Pre-Employment Transition Services may be submitted by school personnel, family members, post-secondary education programs, stakeholders, or other interested persons.
2. The referral request will include the required student data elements (refer to the Referral process).
3. A Student Registration form will be completed (refer to the Student Registration Form).
4. Once a Student Registration form is completed, the Student Transition Specialist will contact the legal guardian, parent, and or student to discuss student services needs and provide assistance in preparing the student for post-secondary education and employment opportunities through individualized VR services. (Refer to the Student Registration Process)
5. Services are based on eligibility and the student's individual need, and are provided in collaboration with the family, high school, and community college as applicable. Service options for the delivery of the services will be provided for the student with a disability to make a decision.
6. The STS will document the process of how the student determined the need for pre-employment transition services to be provided.
7. STS will coordinate and make arrangements for the student's Pre-ETS services; this may include but is not limited to collaborating with school personnel, arranging for CRP services, etc.
8. Potentially eligible students with disabilities are not required to apply for or be determined eligible for vocational rehabilitation services before receiving pre-employment transition services.
9. Students who have provided adequate documentation of their disability and enrollment in a recognized education program shall not have their participation in pre-employment transition services delayed by the process of applying for vocational rehabilitation services.
10. Students who do not apply for vocational rehabilitation services may continue to receive pre-employment transition services as long as they continue to satisfy the definition of a student with a disability.

B. Outreach and Coordination:

The bureau will have an established Transition Services Communication Plan and Outreach Engagement Action Plan that is developed consistent with the Transition Services Strategic priorities. The Transition Services communication and outreach action plan will identify key strategies that will be employed to

achieve the strategic priorities of the Transition Services Strategic Plan— To build awareness, effective communication, and advance VRNH’s partnerships. This action plan will be evaluated at a minimum of every 6 months to assess the efficacy and effectiveness to attain the desired outcomes. The action plan addresses the following:

- School Campaign - outreach and engagement strategies conducted prior to the beginning of the school year.
- Standard Operating Outreach and Engagement Activities to inform and educate our stakeholders throughout the year.

The outreach and engagement action plan will reflect the priorities, the needs, identify the targeted audiences, determines how and the frequency of how our message is delivered, and measures whether the effort was successful. Each member of VRNH’s team assumes responsibility to contact and engage our stakeholders.

1. Outreach (Student Transition Specialist)

- a. The STS counselor will follow the process outlined below when working with schools, programs, and organizations:
- b. Develop partnerships with schools and/or programs through regular contact and weekly visits (as schedules allow) to provide Pre-ETS workshops to Potentially Eligible and Eligible students. This includes:
 - 1) Outreach and coordination with schools and programs throughout the year when scheduling workshops, including students who are home schooled.
 - 2) Direct provision of Pre-ETS workshops and activities to students which may take place at a variety of locations including but not limited to:
 - Remote learning
 - Schools
 - Community events and/or programs

C. Coordination with regional Transition Counselors including but not limited to:

1. Recommending potentially eligible students to apply for VR services.
2. Consulting on VR participants who may benefit from Pre-ETS workshops.
3. Analysis of assessment information resulting from student participation in workshops (ex: helping to support the comprehensive assessment phase of the VR process). This will include case notes which outline the assessment results and provide feedback that can help to support the comprehensive assessment phase.
4. Leveraging relationships between school and VR staff to assist in the coordination and provision of workshops.

D. Student Transition Specialist (STS) and Transition Vocational Rehabilitation Counselor Roles

1. Student Transition Specialist:
 - Works with individuals who meet the definition of a student with a disability who are eligible or potentially eligible between the ages of 14 and 21, and enrolled in secondary, post-secondary or other recognized education program.
 - Collects the required Pre-ETS referral documentation and verifies that the student meets the definition of a student with a disability.
 - Provides or arranges for the provision of the five required Pre-ETS activities.
- a. Services can be provided individually or via workshops to groups of students in coordination with schools or organizations.

- b. Services are designed to be short-term in nature, based on the student's needs, and help students identify their career interests.
 - Facilitates referral and application for VRNH services.
 - Coordinates Pre-ETS services for eligible students with disabilities in collaboration with the Transition Vocational Rehabilitation Counselor.
 - Manages a small caseload of VR eligible students.
 - Provides outreach and maintains a relationship with the assigned school personnel.
2. Transition Vocational Rehabilitation Counselor
- Works with students on an individualized basis who are eligible for VR services to assist them in identifying specific employment goals with an emphasis on career pathways as they leave high school.
 - Provides the full array of individualized VR services to eligible students with disabilities in need of such services as long as they are included on an approved Individualized Plan for Employment (IPE) to assist in preparing for, securing, retaining, advancing in, or regaining an employment outcome that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
 - Processes Referral/VR Application, conducts intake interview, determines eligibility for VR services, and engages with student to:
 - Conduct a Comprehensive Assessment to determine strengths, career interests, skills and abilities resulting in identification of an employment goal, or a projected post-school employment outcome.
 - Collaboratively develop an Individualized Plan for Employment (IPE).
 - Coordinate the provision of any of the five required Pre-ETS services the student continues to need with the STS, as well as additional VR services needed by the student to benefit from any of the five required Pre-ETS, and other individualized VR services to assist the student in achieving their employment goal or projected post-school employment outcome.
 - Help further develop and pursue career interests through post-secondary education/training, job search, job placement, job retention, job follow up, and job follow along services.
 - Participates as a member of the student's transition team (such as the IEP or 504 team members), providing input toward planning for life after high school as it relates to their strengths and career interests.
 - Coordinates with the STS for delivery of needed pre-employment transition services.
 - Provides outreach and maintains a relationship with the assigned school personnel.
- E. Providing Pre-ETS services under an IPE**
2. VRC assists the student develop an IPE in accordance with policy.
 3. In the development of the IPE the VRC assures that Pre-ETS services are considered and included in the IPE, as appropriate.
 4. VRC documents provision of Pre-ETS services through actual services in the case management system
- F. Pre-ETS Time Tracking**
1. After staff provide a service to an eligible or potentially eligible students with a disability(s), they must record the time on the Actual Service data page in the case management system. If the staff member is an STS Counselor, they must also record this time spent in their bi-weekly time tracking spreadsheet.
 - a. The staff member will record the service provided, the date the service was provided, the amount of time spent providing the service (including travel time), and a brief description of the service.
 - b. A case note will accompany the Actual Service data page to include more specific information regarding the service provided.

2. VR Central Office staff will work with the Office of Business Management (OBM) on a quarterly basis to calculate the value of the recorded staff time and transfer that portion of salary and benefits to be allocated toward the reserve.
 - a. Actual Service data for VR Staff members (excluding STS) is gathered for the specific quarter and totals are generated for each staff member.
 - b. Data from the time tracking spreadsheet for STS Counselors is gathered for the specific quarter in a master spreadsheet and totals are generated for each staff member.
 - c. The Office of Business Management uses this information and payroll reports to allocate the appropriate amount of staff payroll to the reserved Pre-ETS money. OBM staff also use this information when completing the RSA-17.

G. Expenditure Tracking for Pre-ETS

- a. Once an allotment for the 110-grant award is received, OBM sets aside 15% of the allotment for Pre-Employment Transition Services. The 15% is marked on the RECAP page in the ledger for Accounting Unit 2538. Specific class expenditures are tracked in the ledgers using an activity code. The ledgers are reviewed monthly to evaluate the remaining balance of the 15% of designated Pre-ETS monies.
 When payments are released in the case management system, the fund allocation batch process assigns the payment with the activity of 56202_90F20PET if the service is flagged as a service specific to students with disabilities, the begin date of service is within the grant's period of performance, the participant is between the ages 14-21, and they are currently or were in an educational setting during the dates of service. The activity signifies which grant is being spent and flags the expenditure as Pre-ETS. OBM uses the activity to post and reconcile the ledgers monthly to report the Pre-ETS expenditures.

		Policy Type	Service Delivery
		Policy Number	DRAFT
		Revision #	Original
		Implementation Date	9/1/2022
Page # 1	1 of 1	Last Reviewed/Update Date	None

VR Services to Groups of Individuals

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

- A. In the case of groups of any type of small business operated by individuals with the most significant disabilities, the operation of which can be improved by management services and supervision provided by the State agency, the provision of such services and supervision, along or together with the acquisition by the State agency of vending facilities or other equipment and initial stocks and supplies.
- B. The establishment, development, or improvement of community rehabilitation programs, including, under special circumstances, the construction of a facility, and the provision of other services including services offered at community rehabilitation programs which promise to contribute substantially to the rehabilitation of a group of individuals, but which are not related directly to the Individualized Plan for Employment of any one individual with a disability. Such programs shall be used to provide services that promote integration and competitive employment.
- C. The use of existing telecommunication systems (including telephone, television, satellite, radio, and other similar systems) which have the potential for substantially improving service delivery methods and the development of appropriate programming to meet the particular needs of individuals with disabilities.
- D. The use of services providing recorded material for individuals who are blind and captioned films or video cassettes for individuals who are deaf; and
- E. Technical assistance and support services to businesses that are not subject to title I of the Americans with Disabilities Act of 1990 (43 U.S.C.12111 et seq.) and that are seeking to employ individuals with disabilities.

		Policy Type	Service Delivery
		Policy Number	101
		Revision #	Original
		Implementation Date	4/1/2021
Page #	1 of 5	Last Reviewed/Update Date	None

1. PRIOR APPROVAL

I. **DESCRIPTION:** This policy describes the federal requirement of Prior Approval under 2 CFR part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) and how it applies to the Agency's service provision.

II. DEFINITIONS:

Prior approval: written approval from an official of the U.S. Department of Education who is authorized to grant such approval to assign a proposed expenditure to the Federal program.

Streamlined prior approval process: agencies request prior approval on an aggregate basis using reasonable budget estimates for an entire federal fiscal year (FFY) as opposed to an individual basis.

Individualized prior approval process: agencies request prior approval for a specific item(s) on an individual basis.

Participant support costs (PSCs): direct costs for items such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with conferences or training projects. (2 CFR §200.75)

Equipment: tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-federal entity for financial statement purposes, or \$5,000 (2 CFR §200.33).

General purpose equipment: equipment which is not limited to research, medical, scientific, or other technical activities. Examples include information technology hardware and software, office equipment and furnishings, modular offices, telephone networks, information technology equipment and systems, air conditioning equipment, reproduction and printing equipment, and motor vehicles (2 CFR §200.48).

Special purpose equipment: equipment which is used only for research, medical, scientific, or other technical activities. Examples include microscopes, x-ray machines, surgical instruments, and spectrometers (2 CFR §200.89).

- III. **POLICY:** The bureau requests prior written approval (prior approval) for various grant award activities and proposed obligations and expenditures in accordance with the United States Office of Management and Budget's (OMB) Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) codified at 2 CFR part 200 and additional guidance issued by the United States Department of Education, Office of Special Education and Rehabilitation Services (OSERS), as a frequently asked questions (FAQ) document dated October 29, 2019. This policy applies to the State VR Services program, which includes the Business Enterprise Program (BEP), Supported Employment Services (Supported Employment), Independent Living Part B, and Independent Services for Older Individuals Who Are Blind (OIB).
- A. The bureau will request prior approval when applicable regardless of the funding source being used. Such funds include Federal VR funds, Non-Federal funds, VR program income, BEP set-aside, or a combination of the funds.
 - B. The bureau will request prior approval when applicable for the following programs funded through federal grant awards: BEP, OIB, Independent Living Part B, Supported Employment, and VR.
 - C. The bureau will ensure that all expenditures from Department-funded grants are allowable (2 CFR §200.403), reasonable (2 CFR §200.404), and allocable (2 CFR §200.405), even those expenditures that have been granted prior approval. Along with this, the bureau will ensure the expenditures are in accordance with State and agency policies and procedures.
 - D. The bureau will request, as required, prior approval for all other general purpose equipment purchases that have a per unit cost of \$5,000 (the State's capitalization level) or more that are not associated with an IPE such as those for the agency or Business Enterprise Program. Examples of general purpose equipment for the agency can include but is not limited to Computer Hardware, Licenses to Software, Computer Systems, and Office Equipment. Examples of general purpose equipment for BEP for vending facilities operated by blind vendors under the Randolph-Sheppard Act can include but is not limited to Initial purchases, Maintenance, and Replacement of vending facility equipment.
 - E. The bureau will request prior approval requests for capital expenditures for general purpose equipment and capital expenditures for special purpose equipment with a unit cost of \$5,000 or more as these purchases are unallowable except with prior approval.
 - F. The bureau will submit itemized and project-specific prior approval requests for equipment purchases for the following areas only as defined in 34 CFR § 361.5(c):
 1. The establishment, development, or improvement of a facility for a public or nonprofit community rehabilitation program (CRP) (34 CFR § 361.5(c)(16, 17)) once identified in the comprehensive statewide assessment and included on the Unified or Combined State Plan
 2. The construction of a facility for a public or nonprofit CRP (34 CFR § 361.5(c)(10)) once identified in the comprehensive statewide assessment and included on the Unified or Combined State Plan
 3. The construction or renovation/alteration of a State facility or American Job Center for

purposes allocable to the VR program once identified in the comprehensive statewide assessment and included on the Unified or Combined State Plan

4. The renovation or alteration of facilities in connection with the acquisition of a BEP vending facility or the installation of BEP equipment in accordance with section 103(b)(1) of the Rehabilitation Act

G. Exceptions to prior approval requirement include

1. OSERS has granted prior approval for equipment purchases under the VR program that are necessary for eligible individuals with disabilities to achieve employment outcomes, as agreed upon in an Individualized plan for employment. Examples can include but are not limited to Rehab Technology, Computer Hardware, Licenses to Software, Office Equipment, Prosthetics, and Home and Vehicle Modifications.
2. OSERS has granted prior approval for the following Participant Support Costs (PSC) through the FAQ:
 - a. PSCs for meetings (sub and related subcommittee meetings) required by the Rehabilitation Act, including State Rehabilitation Councils (SRC) and independent commissions under Sections 101(a)(21) and 105(c) of the Rehabilitation Act.
 1. An example of this type of PSC could include conference fees associated with SRC and Statewide Independent Living Council (SILC) members.
 - b. PSCs incurred during the provision of services to individuals with disabilities under the Rehabilitation Act including PSCs incurred for the provisions of VR services under individualized plans for employment (IPEs) for individuals with disabilities eligible for VR services.
 1. Examples of this type of PSC could include BEP Operator conference or registration costs including travel, stipends for students in work-based learning programs including those that are potentially eligible, and participant registration fees.
 - c. Any other PSCs, not described specifically above, that do not exceed a total cost of \$5,000 per individual participant or trainee per conference training or event.

H. The following categories are unallowable costs regardless of prior approval and therefore the bureau will not purchase:

1. Alcoholic beverages (§ 200.423)
2. Advertising and Public Relations (§ 200.421)*
3. Alumni/ae activities (§ 200.424)
4. Bad Debts (§ 200.426)
5. Contributions and donations (§ 200.434)
6. General costs of government (§ 200.444)
7. Goods or services for personal use (§ 200.445)
8. Interest (§ 200.449)
9. Lobbying (§ 200.450)
10. Losses on other awards or contracts (§ 200.451)
11. Memberships, subscriptions, and professional activities costs (§ 200.454 (d))**
12. Student activity costs (§ 200.469)***

*Certain forms of Advertising and public relations are unallowable:

- (a) The term advertising costs means the costs of advertising media and corollary administrative costs. Advertising media include magazines, newspapers, radio and

television, direct mail, exhibits, electronic or computer transmittals, and the like.

- (b) The only allowable advertising costs are those which are solely for:
 - (1) The recruitment of personnel required by the non-Federal entity for performance of a Federal award (See also §200.463 Recruiting costs);
 - (2) The procurement of goods and services for the performance of a Federal award;
 - (3) The disposal of scrap or surplus materials acquired in the performance of a Federal award except when non-Federal entities are reimbursed for disposal costs at a predetermined amount; or
 - (4) Program outreach and other specific purposes necessary to meet the requirements of the Federal award.
- (c) The term “public relations” includes community relations and means those activities dedicated to maintaining the image of the non-Federal entity or maintaining or promoting understanding and favorable relations with the community or public at large or any segment of the public.
- (d) The only allowable public relations costs are:
 - (1) Costs specifically required by the Federal award;
 - (2) Costs of communicating with the public and press pertaining to specific activities or accomplishments which result from performance of the Federal award (these costs are considered necessary as part of the outreach effort for the Federal award); or
 - (3) Costs of conducting general liaison with news media and government public relations officers, to the extent that such activities are limited to communication and liaison necessary to keep the public informed on matters of public concern, such as notices of funding opportunities, financial matters, etc.
- (e) Unallowable advertising and public relations costs include the following:
 - (1) All advertising and public relations costs other than as specified in paragraphs (b) and (d) of this section;
 - (2) Costs of meetings, conventions, convocations, or other events related to other activities of the entity (see also §200.432 Conferences), including:
 - (i) Costs of displays, demonstrations, and exhibits;
 - (ii) Costs of meeting rooms, hospitality suites, and other special facilities used in conjunction with shows and other special events; and
 - (iii) Salaries and wages of employees engaged in setting up and displaying exhibits, making demonstrations, and providing briefings;
 - (3) Costs of promotional items and memorabilia, including models, gifts, and souvenirs;
 - (4) Costs of advertising and public relations designed solely to promote the non-Federal entity. (§ 200.421)

**Costs of membership in any country club or social or dining club or organization are unallowable. (§ 200.454 (d))

***Costs incurred for intramural activities, student publications, student clubs, and other student activities, are unallowable, unless specifically provided for in the Federal award. (§ 200.469) These costs are not specifically provided under the Federal award for the bureau.

- I. The bureau will submit prior approval requests either through the streamlined approach or an individualized approach.

- J. In the event that a purchase occurred without necessary prior approval, the bureau will notify RSA as soon as possible with the required information that should have been provided prior to the purchase. The notification will also include reasoning as to why prior approval was not requested prior to the purchase will also be provided along with a request for approval of the purchase.
- K. The bureau will submit an amended prior approval request should actual cost exceed the initial RSA approved cost.
- L. Administrative staff involved with procurement, Vocational Rehabilitation Supervisors, Vocational Rehabilitation Counselors, and field support staff will be required to review the policy at least annually.

102.P Prior Approval Procedure	
	Revision date: Original 4/1/2022

See corresponding policy: PRIOR APPROVAL

Note: Vocational Rehabilitation procedures provide internal guidance for the bureau staff only and create no procedural or substantive rights for any individual or group.

I. Introduction

The bureau's procedure on prior approval is intended to assure that all purchases made consider prior approval requirements prior to the purchase of any good or service and the correct procedure is followed when prior approval is necessary.

II. Procedure

- A. Prior to completing program purchases, staff are required to review the list of items requiring prior approval, as described in this policy and procedure, to determine if prior approval is required before proceeding with the purchase. If the type of item requires an individualized approach and prior approval has not already been requested or approved and the purchase has not already taken place, staff will work with the Central Office Program Specialist responsible for prior approval, who will work with the Director to complete and track the prior approval request.

- B. Below are examples of common items frequently purchased by the bureau, whether prior approval is required, and what type of prior approval request needs to be completed if applicable.

Type of item	Prior Approval Needed
Equipment for a participant under an IPE at any cost, including Home and Vehicle Modifications	No
Equipment for staff with a per item cost more than \$5,000	Yes, Streamlined Process
BEP initial equipment, maintenance, and replacement with a per item cost more than \$5,000	Yes, Streamlined Process
Participant Support Costs: Does not exceed a total cost of \$5,000 per participant per training or event Certain costs that exceeds a total cost of \$5,000	No Yes, Streamlined Process
SRC, SILC, Independent committee costs	No
Equipment for the establishment, development, improvement of a facility for a public or nonprofit CRP, as identified in the comprehensive statewide assessment	Yes, Individualized Process
Equipment for the construction of a facility for a public or nonprofit CRP, as identified in the comprehensive statewide assessment	Yes, Individualized Process

Equipment for the construction or renovation/alteration of a State facility or American Job Center for purposes allocable to VR, as identified in the comprehensive statewide assessment	Yes, Individualized Process
Renovation or alteration of facilities due to the acquisition of a BEP vending facility or the installation of BEP equipment	Yes, Individualized Process

C. Streamlined Prior Approval Process: OSERS has established a streamlined prior approval process that agencies administering the VR, Supported Employment, OIB, PAIR, and CAP programs can use for general purpose equipment that has a per unit cost of \$5,000 or more. The streamlined process allows agencies to request prior approval on an aggregate basis using reasonable budget estimates for an entire federal fiscal year (FFY) as opposed to an individual basis. The estimates used are based on reliable cost estimates such as recent or past purchases, current quotes, cost research, etc.

1. In June, central office financial staff will collaborate with the Director, Business Enterprise Program (BEP), and the Older Blind (OB) program to determine and/or project all upcoming expenditures that may require prior approval. Separate Streamlined Prior Approval requests are needed based upon the Award if needed.
2. Using the designated prior approval spreadsheet, financial staff will indicate what items are to be purchased over the next FFY.

The designated spreadsheet includes:

- a. Federal Fiscal Year (FFY)
- b. Period of Performance including carryover (if applicable)
- c. Program
- d. State and Agency Type
- e. Award Number and Grantee Name
- f. Agency contact information
- g. Submission date

A, B, C, and D listed below have their own tab in the spreadsheet. Each tab contains the FFY, State and Agency Type, Award Number, Grantee Name, and the Equipment Capitalization Threshold (if applicable), which is \$5,000 for New Hampshire. The items for which streamlined Prior Approval is requested:

- a. Equipment to be purchased for the Agency (over \$5,000)
 1. Estimated number of items
 2. Estimated cost per item and total estimated cost
 3. Any additional details
- b. Equipment to be purchased for BEP (over \$5,000)
 1. Estimated number of items
 2. Estimated cost per item and total estimated cost
 3. Any additional details
- c. Participant Support Costs (over \$5,000)
 1. Program requesting approval
 2. Conference or Training Program
 3. Estimated number of people attending
 4. Total estimated cost
- d. Direct Salaries for Administrative and Clerical Staff
 1. Position title
 2. Percentage of time worked on the Program

3. Number of positions for that position title. If there are other positions with the same position title but the percentage of time worked is different from the others, the position is listed on a separate line.
 4. Total estimated salary costs for the positions (do not include benefits)
 5. Average cost per position
 6. Brief position description (include position number(s))
3. Once complete, financial staff will submit the spreadsheet to the Director for final review and approval.
 4. Once approved by the Director, the Central Office Program Specialist responsible for prior approval will submit the request to the RSA Fiscal Management Specialist assigned to the bureau.
 5. The bureau will request prior approval through the streamlined process by August 1st of each year for the subsequent FFY.
- D. Individualized Prior Approval Process: This process is used when the agency needs to request prior approval for something on an individual basis.
1. Using the individual prior approval form, the bureau will submit the following information to RSA:
 - a. Date of the Request and the Program
 - b. Specific grant to be used
 - c. Description of the purchase
 - d. Reason for the purchase
 - e. Cost of the purchase
 - f. Type of purchase:
 - Sole Source
 - Three Quotes
 - RFP Process
 - g. Projected dates of service
 - Projected purchase date
 - Time frame for which the purchase is valid
 - h. Applicable 2 CFR 200 Regulation
 2. Once all information is complete, the Director will sign and date the request.
 3. The Central Office Program Specialist responsible for prior approval will submit the request to the RSA Fiscal Management Specialist assigned to the bureau.
 4. After approval or denial is received from RSA, the Central Office Program Specialist will let the original requestor know of the determination.
- E. An internal spreadsheet is used to track all individual prior approval requests. The spreadsheet keeps track of the program, item to be purchased, the cost of the item, the vendor from which the item will be purchased, the date the prior approval request was submitted to RSA, and the date the request was approved or denied by RSA. This helps financial staff in determining what prior approval requests have already been submitted.
- F. All electronic copies of prior approval requests are saved in a prior approval folder and all physical copies are filed.

	Policy Type	Service Delivery	
	Policy Number	102	
	Revision #	Original	
	Implementation Date	9/1/2022	
Page #	1 of 6	Last Reviewed/Update Date	Original

Policy Title: Signature Authority

- I. **DESCRIPTION:** The purpose of this policy is to ensure the efficient operation of the bureau by implementing proper controls through the appropriate approvals and delegation of authority required for various transactions and activities. Approvals, Authorizations and Expenditures incurred by the bureau should be approved by officials of the bureau who have responsibility, authority, and accountability for such decisions. *This policy does not apply to the authority or approvals required for internal administrative processes (such as timesheets, expense reimbursements or purchase order requests) that follow Department or State requirements.*

II. **DEFINITIONS:**

Signature Authority: Approval authority granted to certain individuals based on their position or function within the organization.

- III. **POLICY:** Approvals, Authorizations and Expenditures incurred by the bureau should be approved by officials of the bureau who have responsibility, authority and accountability for such decisions. The bureau maintains control of programmatic approvals, authorizations and expenditures through the application of signature authority limits for various counselor, management and administrative positions.
- A. Each Authorized Signatory is responsible for ensuring that:
1. They maintain the appropriate signature authority for the action
 2. They are acting within the limits of their power and delegation
 3. They are exercising their authority with care and diligence including assuring that the action is:
 - a. based on accurate information;
 - b. being made for a proper purpose and in the best interest of the bureau;
 - c. capable of being lawfully undertaken by the bureau; and
 - d. in compliance with bureau policies.
 4. They seek additional approvals if the action is beyond their signature authority
 5. There is no conflict of interest on the part of any individual involved in the transaction or, where a real or perceived conflict of interest does exist, the issue has been identified and resolved prior to entering into the transaction. Resolution of any conflict should be documented in writing and kept on file.
 6. Required documentation necessary to provide support for the action are maintained
- B. Authority delegated to employees under this Policy may also be exercised by higher level employees to whom the designated employees report.

C. Fiscal

1. Bureau activities are conducted in a manner that provides sound financial accountability and control of public funds entrusted to the bureau in accordance with appropriate policies, laws, and regulations.
2. All purchases of goods or services for program participants must be authorized by the appropriate VR staff and documented clearly in a case note, in the participant's Individualized Plan for Employment (IPE) if completed, and an authorization must be issued.
 - a. The following approvals must be documented in the case record for the proposed purchase prior to issuing an authorization for the good or service:
 - (1) Less than \$5,000 – Counseling Staff with delegated authority
 - (2) Greater than \$5,000 to \$14,999.99 – VR Director approval required.
 - (3) \$15,000 to \$49,999.999 – Deputy Commissioner approval required.
 - (4) 50,000 or greater – Commissioner approval required.

Authority for Commissioner and Deputy Commissioner

Per NH Education Department policy

- The Commissioner of Education has authority for authorizations \$50,000 or greater
- The Deputy Commissioner has authority for authorizations \$15,000 to \$49,999.999

Authority for the Director of the Bureau

- Upon the delegation from the Commissioner of Education, the VR Director may be granted limited signatory authority for signing individual authorizations not to exceed the amount of \$14,999.99 for assessment services or other services covered under an approved Individualized Plan for Employment (IPE)

Signatory Authority for the Administrator of Field Programs (Field Service Administrator (FSA))

- Upon the written delegation of the VR Director, the Field Service Administrator may be granted limited signatory authority for signing individual authorizations not to exceed the amount of \$4,999.99 for assessment services or other services covered under an approved Individualized Plan for Employment (IPE)
- Act as a designee for authorization approval for the VR Director in times of absence

Signatory Authority for the Administrator of Blind Services

- Upon the written delegation of the VR Director, the Administrator of Blind Services may be granted limited signatory authority for signing individual authorizations not to exceed the amount of \$4,999.99 for assessment services or other services covered under an approved Individualized Plan for Employment (IPE)

Signatory Authority for Supervisors (Regional Leaders)

- Upon recommendation of the FSA, the VR director may grant Supervisors with limited signatory authority for signing services and good authorizations not to

exceed the amount of \$4,999.99 for assessment services or other services covered under an approved Individualized Plan for Employment (IPE)

Signatory Authority for Counselors

- Upon the recommendation of a Supervisor, the Field Services Administrator or VR Director may grant limited signatory authority to a Rehabilitation Counselor II or III for signing service authorizations not to exceed the amount of \$4,999.99 for assessment services or other services covered under an approved Individualized Plan for Employment (IPE)
 - Upon the recommendation of a Supervisor, the Field Services Administrator or VR Director may grant limited signatory authority to a Rehabilitation Counselor III for signing goods authorizations not to exceed the amount of \$1,000 for assessment services or other services covered under an approved Individualized Plan for Employment (IPE)
3. Purchasing thresholds for purchase of participant goods and services are established to ensure that management oversees purchases in accordance with the VR Grant award and Uniform Grant Guidance (2 CFR 200) regarding the use of internal controls and compliance with state procurement requirements. VR staff must assure knowledge and application of policy prior to including the item on an IPE and authorizing the purchase of any good or service.
 4. Purchasing threshold requirements are in addition to any other published policies and procedures for the purchase of specific goods and services.
 5. Purchases must not be split (separated into multiple purchases) to avoid purchasing threshold requirements.
- D. Program Signature Authority
1. Bureau activities are conducted in a manner that provides sound accountability and control of program determination of the bureau in accordance with appropriate policies, laws and regulations.
 2. Programmatic Decisions that require signature authority include:
 - a. Extension of Eligibility Determination
 - b. Eligibility Determination
 - c. Trial Work Plans
 - d. Extension of Plan Development
 - e. IPE and Amendments
 - f. Closure
 3. Individuals with signature or supervisory approval authority are responsible for assuring that they have a clear understanding of what is being approved and the requirements for that action.
 4. Documents signed by anyone other than those individuals who have a recorded signature authority may be declared not in effect unless reviewed and approved by staff with the appropriate authority.

5. Staff who improperly delegate or misuse signature authority may be subject to an investigation and disciplinary action.
6. The bureau follows the Signature Authority outlined in the chart below

Bureau Signature Authority – Program Activities						
Job Description	Director	Field Service Admin	Administrator of Blind Services / Regional Leader*	RCIII*	RCII*	RCI
Extension of Eligibility Determination (Initial)	X	X	X	X	X	X
Subsequent Extension of Eligibility Determination	X	X	X			
Eligibility Determination	X	X	X	X	X	
Trial Work Plans	X	X	X	X	X	
Ineligibility Determination	X	X	X			
Extension of Plan Development (Initial)	X	X	X	X	X	
Subsequent Plan Development Extensions	X	X	X			
IPE and amendments	X	X	X	X	X	
Closure	X	X	X	X	X	
Waiver approval	X	X				

*with approval rights

Authority for the Director of the Bureau

- Approve and sign exception to policy (waiver) requests
- Approve extension of eligibility determination (initial and any subsequent)
- Approve eligibility/ineligibility determinations and priority assignments
- Approve trial work plans
- Approve extensions of plan development (initial and any subsequent)
- Approve IPE and amendments
- Approve closure determinations

Signatory Authority for the Administrator of Field Programs (Field Service Administrator (FSA))

Upon the written delegation from the VR Director, the FSA can:

- Approve and sign exception to policy (waiver) requests
- Approve extension of eligibility determination (initial and any subsequent)
- Approve eligibility/ineligibility determinations and priority assignments

- Approve trial work plans
- Approve extensions of plan development (initial and any subsequent)
- Approve IPE and amendments
- Approve closure determinations

Signatory Authority for the Administrator of Blind Services

Upon the written delegation from the VR Director, the Administrator of Blind Services can:

- Approve extension of eligibility determination (initial and any subsequent)
- Approve eligibility/ineligibility determinations and priority assignments
- Approve trial work plans
- Approve extensions of plan development (initial and any subsequent)
- Approve IPE and amendments less than \$20,000
- Approve closure determinations

Signatory Authority for Supervisors (Regional Leaders)

Upon recommendation of the FSA, and written delegation from the VR director a Regional Leader can:

- Approve extension of eligibility determination (initial and any subsequent)
- Approve eligibility/ineligibility determinations and priority assignments
- Approve trial work plans
- Approve extensions of plan development (initial and any subsequent)
- Approve IPE and amendments less than \$20,000
- Approve closure determinations

Signatory Authority for Counselors: Upon the written request from the supervisor or Administrator of Blind Services, and with written approval from the FSA or VR Director, Rehabilitation Counselor IIIs and IIs may be granted signature authority for one or more of the following actions:

- Approve extension of eligibility determination (initial)
- Approve eligibility determinations and priority assignments
- Approve trial work plans
- Approve extensions of plan development (initial)
- Approve IPE and amendments less than \$10,000
- Approve closure determinations

7. Program signature authority is reviewed on at least an annual basis.
 - a. Each year signature authority will be reviewed and assigned.
 - b. Decision to approve signature authority will be based on demonstration that the staff understand and apply the requirements for eligibility, plan and closure.
 - c. If review of determinations shows a staff member is not appropriately applying policy and requirements, their signature authority will be revoked until a demonstration that they can meet the requirements.
 - d. Reinstating signature authority will be based on request of supervisor when the staff has been acknowledged to meet requirements and a subsequent review of determinations to demonstrate that application.

8. Staff with signature authority will be routinely assessed for compliance with signature authority and supervisory review requirements.

102.P Signature Authority Procedure	
	Revision date: Original 9/1/2022

See corresponding policy: Signature Authority

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

F. Introduction

The purpose of the Signature Authority procedure is to ensure signature authority is appropriately assigned and utilized within the bureau.

II. Procedure

A. Program Specialist in Central Office maintains a list of staff authorities – update yearly and as needed

B. To gain signatory authority (fiscal)

1. For authorization authority staff are assigned financial signatory based on position and assignment of rights

For eligible counselor staff (RCII/ RCIII), supervisor makes recommendation to FSA

FSA approves recommendation and forwards to Program Specialist to update list of staff authorities and to enable authority in case management system.

2. For signature authority for purchase of goods

a. For eligible counselor staff (RCIII), supervisor makes recommendation to FSA

b. FSA approves recommendation and forwards to Program Specialist to update list of signature authorities, to enable authority in case management system, and to assure staff complete the State of NH power of attorney form.

C. To gain signature authority (program)

1. Supervisor develops recommendation for specific signature rights based on their assessment that the counselor has demonstrated knowledge and application of policy and review requirements in one of more of the categories, i.e., eligibilities, plans, authorizations.

2. Recommendation is forwarded to QA staff for review

3. A review of counselor work documenting appropriate application and completion of work in the category or categories identified in the supervisory recommendation
 4. QA staff make a recommendation based on review to the FSA (or Director)
 5. FSA reviews recommendation and notifies Program Specialist to update list of staff authorities and to enable authority in case management system.
- D. Yearly review of activities that require assigned signature rights
1. Each year the bureau will conduct a review of the activities completed by those with signature authority to perform the following:
 - a. Approve extension of eligibility determination (initial and any subsequent)
 - b. Approve eligibility determinations and priority assignments
 - c. Approve trial work plans
 - d. Approve extensions of plan development (initial and any subsequent)
 - e. Approve IPE and amendments
 - f. Approve closure determinations
 2. Any staff who are not in compliance with the review requirements will have their signature authority rescinded until they can demonstrate compliance.
 3. Training and training materials will be provided to staff who are working toward meeting the necessary requirements for signature authority.
- E. Program Specialist maintains list of staff signature authorities and security templates in the case management system
1. Staff signature authority is controlled by using security templates in the case management system.
 - a. These templates ensure staff can only complete actions they have been given authority to complete.
 - b. If signature authority is rescinded, the staff security template is updated to the appropriate level.
 2. All new counseling staff are given a Counselor I security template until it is demonstrated that they have demonstrated they understand and apply the requirements for eligibility, plan and closure.
 3. All new Regional Leader staff are given a Counselor I security template until it is demonstrated that they have demonstrated they understand and apply the requirements for eligibility, plan and closure.

		Policy Type	Admin
		Policy Number	103
		Revision #	Original
		Implementation Date	July 1, 2023
Page #	1 of 7	Last Reviewed/Update Date	None

Policy Title: Internal Control

V. **DESCRIPTION:** This policy guides the development and maintenance of internal controls necessary to ensure data integrity and performance accountability consistent with the requirements set forth in the Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128), codified generally at 29 U.S.C. § 1301 et seq.) and to provide reasonable assurance the services provided and funds expended are allowable and in conformance with the Uniform Grant Guidance (2 C.F.R. § 200) and Internal Controls (2 C.F.R. § 200.303).

VI. DEFINITIONS:

Internal Controls: Processes implemented by the bureau, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

- Effectiveness and efficiency of operations;
- Reliability of reporting for internal and external use; and
- Compliance with applicable laws and regulations.

VII. **POLICY:** The bureau shall develop and maintain robust internal controls to ensure that data used for the purposes of financial accountability, performance management, and continuous quality improvement are accurate and reliable.

- A. The bureau shall establish and maintain procedures to ensure accurate data collection and financial accountability.
1. Internal control processes shall include monitoring of Federal requirements, which would include ensuring the accuracy of internal data.
 2. The bureau will review these internal control processes and monitor the RSA-911 to ensure that reported data are accurate.
 3. The bureau will develop the written data validation processes consistent with RSA TAC 19-01.
 4. The bureau will maintain financial accountability and oversight of the VR grant funds management and subsequent distributions of grant funds.
 5. The bureau will provide trainings both routinely, and, as necessary, using the learning management system.
- B. The bureau shall establish and maintain a case review process to verify supporting documentation in a participant's case service record is accurate, complete, and supports data entered into the case management system including:
1. Eligibility determination
 2. Individualized Plan for Employment (IPE) development
 3. Case closure

- C. The bureau shall verify that the following data elements in the RSA-911 case service record match the supporting documentation:
 - 1. Dates: Application, eligibility determination, IPE, start date and completion date of training programs, start date of employment in primary occupation at exit or closure, date of exit or closure
 - 2. Other: Hourly wage at 90-days after obtaining employment and achieving stability and at exit or closure, employment status and position title at exit or closure, type of exit or closure
- D. The bureau shall maintain a committee that meets regularly to review and revise policies and procedures related to maintaining data quality and integrity.
- E. The bureau shall use internal control systems to identify ways to improve the effectiveness and efficiency of data processes.

		Policy Type	Service
		Policy Number	104
		Revision #	Original
		Implementation Date	July 1, 2023
Page #	329 of 4	Last Reviewed/Update Date	None

Policy Title: Staff Development and Training

- I. DESCRIPTION:** Effective staff development is a continuously active collaboration between bureau supervisors and staff. Supervisors are responsible for guiding and supporting the professional development of their staff by offering learning opportunities, creating professional development protocols, and providing coaching and feedback. To assist supervisors in providing such opportunities for staff, the bureau offers training and resources that can help staff enhance their work-related skills. Bureau staff also share in the responsibility for their own development and should talk with their supervisor about taking advantage of available resources for personal and professional growth. This policy supplements and aligns with the New Hampshire Education Department Employee Policy and Procedure Handbook Section 109 Education Policy
- II. DEFINITIONS:**
- Staff development:** Includes the policies, practices, procedures, and training used to develop the knowledge, skills, and competencies of staff to improve the effectiveness and efficiency of both the individual and the bureau.
- III. POLICY: The bureau recognizes the importance of ensuring that staff has the necessary skills and abilities to provide quality services in a professional and timely manner. All staff are expected to seek out appropriate training opportunities to enhance their performance in their current job duties.**
- A. Staff development embraces all forms of development activity including personal study, e-learning, internal or external courses, workshops, work shadowing, and planned experiences. The aim is to support individuals through a variety of means within the available budget and identified business need.
- B. All staff are supported and encouraged to acquire and develop the relevant knowledge, skills, and competencies to enhance their performance in their current role and, where they are involved in succession planning, for their next role within the bureau.
- C. Development activities must have direct relevance to the individual's role or objectives of the bureau.
- D. The bureau shall provide and encourage opportunities for staff to participate in training to gain knowledge, skills and awareness for professional growth and development.

- E. Staff are eligible to participate in professional development opportunities such as workshops and seminars with supervisory/bureau approval to ensure coordination of staffing and cost implications. Approved professional development activities are generally considered as hours worked.
- F. The bureau is committed to providing quality vocational rehabilitation services to its customers and has developed a Comprehensive System of Personnel Development as a systemic approach to implement its staff development. This system is intended to ensure that there is an adequate number of qualified rehabilitation personnel, direct service, supervisory, administrative, fiscal, and support personnel.
- G. The bureau has elected to base its minimum personnel standards for vocational rehabilitation counselors on the requirement of a master's degree in Rehabilitation Counseling. The bureau will continue to aspire to this level of formal training. However, if the situation presents that, there are not sufficient numbers of appropriate candidates with Masters' degrees in Rehabilitation Counseling to fill the necessary vacant positions; the bureau will draw from a pool of candidates with a master's or bachelor's degree in a closely related field. If an individual is hired at this lower level, the rehabilitation counselor must participate in a professional growth Plan to attain the standard to be considered a Qualified Vocational Rehabilitation Counselor.
- H. Staff Development Program will include, at the minimum:
 - 1. An orientation program for new staff;
 - 2. Training needs will be determined through an in-house needs assessment of all staff, customer satisfaction surveys, recommendations from advocacy and/or advisory groups (State Rehabilitation Council), program evaluation results, supervisory recommendations, and identified areas of need;
 - 3. An operational plan for the provision of opportunities for all staff (professional and paraprofessional) to ensure maximum competency in implementing the provisions of all relevant federal legislation;
 - 4. The bureau will offer succession planning, leadership training and capacity building opportunities to staff; and
 - 5. All staff participating in training will complete evaluation forms to provide critical comments regarding the effectiveness of training and be given the opportunity to offer suggestions for future trainings.
- I. Requests for Bureau Payment for Training will be based on the following criteria:
 - 1. Recommendation by the agency to meet or retrain for a particular need,
 - 2. Relevancy of the course to the requirements of the job,
 - 3. Availability of appropriate funding.

Procedure title: Staff Development and Training	
	Revision date: July 1, 2023

This procedure should be followed when employees want to attend external training sessions or conferences:

1. Employees (or their supervisor) identify the need for training.
2. Staff receive approval for training through the Training request process – outlined below:

VRNH Staff

- ❑ Identify the training you wish to attend.
 - External training should be requested at least 30 days prior to the event.
- ❑ Identify if a training request needs to be completed
 - Is the training a VRNH sponsored training? (In-house training or sent from training team)
 - If Yes- **NO TRAINING REQUEST IS NEEDED**, [follow the instructions provided by the training announcement or your supervisor to attend the training.](#)
 - If **NO** – Proceed to completing the **TRAINING REQUEST FORM**
- ❑ Complete the [Training Request Form](#) or [Modified Training Request](#) (accessible for screen readers)
 - * For **BET Training** see section below for procedure
 - Assure that all fields are completed.
 - If you have not already done so complete the registration for the training event (this will need to be attached to the training request).
- ❑ **Training provided by [New Hampshire’s Bureau of Education and Training \(BET\)](#)**
 - Complete the [BET Training Registration/Request Form](#) and do not register with BET – Training Coordinator will do the registration after approvals have been completed.
- ❑ Completing a registration form
 - Paper registration form – Complete all fields on the registration form (opt for invoicing or pay later option) Scan to be attached to the email sent to supervisor for approval.
 - Online registration
 - Opt for invoicing or pay later option. **Do not pay with a personal credit card**
 - Save or print the registration confirmation or invoice that either appears following registration or is sent via email after registration
- ❑ Send Training Request to Supervisor with required accompanying documents.
 - Assure the form (s) are completed

- Attach completed registration form or BET Training Registration/Request Form
- Attach invoice if received (BET trainings are invoiced after the session has been held)
- Attach training description and agenda (not needed for BET trainings)
- Your Supervisor will review the Training Requests and make a decision to approve the training or not. Approved requests will be forward to Training Coordinator.
- Send/forward any invoices to the Training Coordinator if received after submitting the training request
- After completing training – send Certificate of Attendance or Completion to Training Coordinator

Supervisor

- Review training request for supervisory level approval
 - Is training in line with the staff person’s role and professional growth plan?
 - Are there any concerns with time and scheduling?
- If request is approved
 - Assure all required elements are included
- Forward the training request and all required elements to Training Coordinator with notation of your approval.
- If the training is an “approved training” follow the instructions provided by the training announcement or your supervisor to attend the training.

		Policy Type	Admin
		Policy Number	105
		Revision #	Original
		Implementation Date	July 1, 2023
Page #	333 of 5	Last Reviewed/Update Date	None

Policy Title: Security Awareness and Training Policy

I. DESCRIPTION: The purpose of the Security Awareness and Training Policy is to outline the responsibilities of Bureau of Vocational Rehabilitation to ensure all personnel are aware of the security and privacy risks associated with their roles and that they understand their responsibilities, as well as applicable laws, policies, standards, and procedures related to the security of State information and information systems. This policy is outlined following the Awareness and Training (AT) portion of the National Institute of Standards and Technology (NIST) Special Publication 800-53 Revision 5 Security and Privacy Controls for Information Systems and Organizations. To ensure clarity specific sections of that publication are notated as AT with the related section.

II. DEFINITIONS:

Personally Identifiable Information (PII): information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.

Sensitive Information: Information critical to on-going operations which should not be copied, shared, or removed outside of the organization without authority.

Confidential Information: Sensitive information that is used or held by an Agency. Considerable loss or harm could occur because of unauthorized access, use, or disclosure of this information.

Restricted Information: Highly sensitive information that is used or held by an agency. Statutory or regulatory penalties, notification provisions, or other mandates could result if the information is accessed, used, or disclosed in an unauthorized manner.

III. POLICY: It is essential that the Bureau develop and implement security awareness training that supplements the New Hampshire Department of Information Technology (NH DoIT) enterprise program with content that addresses the risks, applicable laws and regulations, and responsibilities for users within the Bureau. Agency training should not duplicate but enhance the modules covered in the annual NH DoIT Cyber-Security Training. The Bureau will provide an annual training which all staff will be required to attend.

A. Policy and Procedures (AT-1)

At least annually staff will be made aware of the security and privacy risks associated

with their roles and that users understand their responsibilities, as well as applicable laws, regulations, executive orders, circulars, policies, standards, and procedures related to the security and privacy of State information and information systems.

B. Literacy Training and Awareness (AT-2)

NH DoIT Chief Information Security Officer (CISO) is responsible for developing and implementing an enterprise information security and privacy awareness program that is to be administered to all full and part-time employees, interns, volunteers, contractors, and those employed by contracted entities. The information security awareness and training program is developed to make State personnel aware of the importance of information security and privacy, as well as to provide them with an understanding of State information security and privacy policies, laws, and regulations that govern their use of State information and information systems.

Items included in this DoIT training are

- Practical exercises that simulate events and incidents such as social engineering attempts to collect information or gain unauthorized access.
- Examples showing the adverse impact of opening malicious email attachments or invoking, via phishing attacks, malicious web links.
- Insider threat instances where the user has authorized access and either wittingly or unwittingly does harm to the security.
- The use and benefits of using multi-factor authentication.
- The causes and ramifications of unintentional data exposure.
- The dangers of connecting to and transmitting data over unsecured networks.

The Bureau of Vocational Rehabilitation is responsible for developing and implementing a security awareness training that supplements the content of the enterprise program with content that addresses the risks, applicable laws and regulations, and responsibilities specific for its users.

This training will include but is not limited to

- An overview of any system the user has access to containing data classified as sensitive, confidential, or restricted as outlined in the *Bureau's Data Governance Plan*.
- A review of the types of data contained in the systems, any mitigating controls in place to ensure the security of the data, and any policies and procedures in place directly relating to the data.
- Processes for responding to any suspected incidents.
- Physical security controls include physical access control devices, physical intrusion and detection alarms, operating procedures for regional and central office.

The Bureau will ensure that all new personnel complete security and privacy awareness training within thirty (30) business days of their start of employment as part of the required new hire training curriculum and prior to accessing any system containing

data classified as sensitive, confidential, or restricted.

All staff will be required to complete the training at least annually. Training should also be provided whenever there are system changes or following any events that may require retraining (i.e., role changes, additional responsibilities, return from leave of absences, etc.).

C. Role-Based Training (AT-3)

Bureau will provide role-based training at least annually or when necessitated by system or organizational changes. This training is to ensure all employees are aware of their roles and responsibilities for security to include but not limited to specific agency roles such as Rehabilitation Technician or Support Staff, Rehabilitation Counselors, Regional Supervisors, Field Services Administration, Director, Central Office Staff, Administrators, and System Administrators.

This training will incorporate lessons learned from internal and external security breaches when applicable.

D. Training Records (AT-4)

The Bureau will retain individual training records for five (5) years after the training.

E. Training Feedback (AT-6)

Attendees who complete security awareness trainings shall have an effective way to provide feedback. This feedback as well as lessons learned, annual quality assurance results, and any audits will be integrated into future trainings.

F. Compliance

Employees who fail to comply with this policy are subject to actions in Chapter 1000 of State Personnel Administrative Rules

Security Awareness and Training Policy Procedure	
	Revision date: July 1, 2023

See corresponding policy: Security Awareness and Training Policy

Note: Vocational Rehabilitation procedures provide internal guidance for NHVR staff only and create no procedural or substantive rights for any individual or group.

III. Introduction

The purpose of the Security Awareness and Training procedure is to

IV. Summary:

V. Procedure

- F. The bureau's training unit will develop and implement security awareness training that supplements the training provided by NH DoIT.

- G. At least annually training unit staff will review and update the security awareness training to ensure that information is current. In this review training unit staff will use feedback from previous sessions as well as information from quality assurance reviews and audits in content development.

- H. Training unit will ensure all new personnel complete security and privacy training within thirty (30) days of the start of their employment.

- I. Training unit will provide annual training for all staff.

- J. Annual training will include a training evaluation that allows for feedback from attendees.

- K. Training records of staff completion of the annual training will be maintained for at least five (5) years.

		Policy Type	Operational
		Policy Number	106
		Revision #	1
		Implementation Date	July 1, 2023
Page #	1 of 3	Last Reviewed/Update Date	1/3/2024

VRNH Agency Policy on Writing, Issuing, and Maintaining Agency Policies

- I. **DESCRIPTION:** This policy addresses the process for developing, issuing, and maintaining all NH Vocational Rehabilitation policies.

The purpose of this policy is to ensure that NHVR staff as well as applicants, participants, and other interested parties have ready access to well-developed and understandable Agency policies.

- A. Policies that are easy to find, read and understand will:

1. Support the Agency's mission.
2. Provide staff and others with clear, concise guidelines.
3. Document how the Agency conducts business.

- B. Agency policies will be:

1. Presented in a common format.
2. Maintained centrally and accessible to all interested parties.
3. Linked electronically to procedures for implementing the policy.
4. Kept current within the framework of an organized system of change control.

II. DEFINITIONS

Substantive change means a change in a policy that affects the application or results of agency actions; changes affect operational and functional performance. This would include:

- Any operational change regarding the Agency or program's established mission or objectives;
- Any change in the legal status or regulatory approval/recognition status of the Agency or program;
- Any change in the organizational structure of the Agency or program that affects the authority of the director

Examples of changes that would not be considered substantive include, but are not limited to:

- Clarification
- Updating archaic language
- Technical changes (i.e. repairing broken links, correcting typos, etc.)

III. POLICY

A. Policy Development

1. When an Agency-level policy issue is identified, a draft policy is created following the format outlined in III.B. of this Policy.
2. The Agency will review new or substantively revised draft policy and consult with various stakeholders including VR staff.
 - The Agency will ensure opportunity for the State Rehabilitation Council to review, analyze and advise the Agency on the draft policy.
 - The Agency will ensure consultation with the director of the Client Assistance Program.
 - The Agency will ensure a public meeting is held to allow all interested parties to review and provide input.
3. Policy that is approved by the Director will be updated in the policy manual.
4. The Policy Administrator will maintain copies of approved Agency policies and policy revisions.
5. The Policy Administrator will maintain a schedule for review or revision.

B. Policy Format: A standard policy format ensures clarity and consistency. Although not all policies will contain all of the format elements, Agency policies will be written and maintained following the format described below:

1. Header information: (mandatory element)
 - a. NHVR Logo
 - b. Policy Type
 - c. Policy Number
 - d. Revision Number
 - e. Implementation Date
 - f. Last Reviewed/Update Date
 - g. Page number and number of pages
2. Title
3. Description: (mandatory element) Purpose of the policy and the statement of philosophy, position, rule, regulation, or direction, as appropriate.
4. Definitions: (optional element) Meaning and interpretation of terms used in the policy.
5. Policy: (mandatory element) Description of the actual policy covering topics which include: duties assigned to responsible parties and other parties as necessary; other information specific to a particular policy subject as needed; and a description of the compliance review process and specific authority to impose penalties or other remedies when noncompliance occurs, if applicable.

- C. Location of Policies: To ensure ready access to Agency's policies, the Agency will ensure that all policies are current and accessible via the Agency's Intranet and service delivery policies are available on the Agency's webpage.
- D. Structure and Organization of Agency Policies: Policies will be assigned to one of the following categories:
1. Administrative - Policies that are of a general administrative or operational nature.
 2. Service Delivery Policies – Policies that relate to the provision of vocational rehabilitation services to applicants and participants of the Agency, including potentially eligible students.
 3. Financial – Policies that relate to financial management of the Agency including policies relating to the planning, management, control, and monitoring of funds
 4. Other – Policies that are relevant to the Agency, but do not fit under other categories
- E. Consultation and Review
1. In connection with policy development, the bureau takes into consideration the views of individuals and groups concerned with the rehabilitation process including:
 - a. Individuals and groups of individuals who are recipients of vocational rehabilitation services or, as appropriate, the individuals' representatives;
 - b. Personnel working in programs that provide vocational rehabilitation services to individuals with disabilities;
 - c. Providers of vocational rehabilitation services to individuals with disabilities;
 - d. The director of the Client Assistance Program; and
 - e. The State Rehabilitation Council (SRC).
 2. Prior to adopting any substantive policies or procedures regarding vocational rehabilitation services, including making any substantive amendment to those policies and procedures, the bureau conducts public meetings to provide opportunity for comment.
- F. Dissemination
1. After Director approval new or amended policy will be sent to bureau staff and the SRC via policy transmittal letter that identifies the policy, action that was taken, and the effective date of the change.

VRNH Agency Policy on Writing, Issuing and Maintaining Agency Policies - Policy Template	
	Revision date: 1/3/2024

See corresponding policy: VRNH Agency Policy on Writing, Issuing, and Maintaining Agency Policies

Policy Template:

		Policy Type	
		Policy Number	
		Revision #	
		Implementation Date	
Page #		Last Reviewed/Update Date	

Policy Title: _____

- I. **DESCRIPTION:** (mandatory element) Purpose of the policy and the statement of philosophy, position, rule, regulation, or direction, as appropriate.
- II. **DEFINITIONS:** (optional element) Meaning and interpretation of terms used in the policy.
- III. **POLICY:** (mandatory element) Description of the actual policy covering topics which include: duties assigned to responsible parties and other parties as necessary; other information specific to a particular policy subject as needed; and a description of the compliance review process and specific authority to impose penalties or other remedies when noncompliance occurs, if applicable.

Part 5 – Definitions

- Act** Act means the Rehabilitation Act of 1973, as amended (29 U.S.C. 701 et seq.).
Reference: 34 CFR 361.5(c)(1)
- Active case** Active case means the case for an individual who has been certified as meeting the basic eligibility requirements for vocational rehabilitation services because he or she has a physical or mental disability which constitutes or results in a substantial handicap to employment, and there is a reasonable expectation that vocational rehabilitation services might be of benefit in terms of employability.
Reference: Ed 1002.02
- Applicant** Applicant means an individual who submits an application for vocational rehabilitation services in accordance with Sec. 361.41(b) (2).
(Authority: Section 12(c) of the Act; 29 U.S.C. 709(c)) reference: 34 CFR 361.5(c)(3)
- Appropriate modes of communication** Appropriate modes of communication means specialized aids and supports that enable an individual with a disability to comprehend and respond to information that is being communicated. Appropriate modes of communication include, but are not limited to, the use of interpreters, open and closed captioned videos, specialized telecommunications services and audio recordings, Brailled and large print materials, materials in electronic formats, augmentative communication devices, graphic presentations, and simple language materials.

(Authority: Section 12(c) of the Act; 29 U.S.C. 709(c))
Reference: 34 CFR 361.5(c)(4)
- Assessment for determining eligibility and vocational rehabilitation needs** Assessment for determining eligibility and vocational rehabilitation needs means, as appropriate in each case—
1. A review of existing data—
 - A. To determine if an individual is eligible for vocational rehabilitation services; and
 - B. To assign priority for an order of selection described in Sec. 361.36 in the States that use an order of selection; and
 - C. To the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data to make the eligibility determination and assignment;
 2. To the extent additional data are necessary to make a determination of the employment outcomes and the nature and scope of vocational rehabilitation services to be included in the individualized plan for employment of an eligible individual, a comprehensive assessment to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment, of the eligible individual. This comprehensive assessment—

- A. Is limited to information that is necessary to identify the rehabilitation needs of the individual and to develop the individualized plan of employment of the eligible individual;
- B. Uses as a primary source of information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements--
- (1) Existing information obtained for the purposes of determining the eligibility of the individual and assigning priority for an order of selection described in Sec. 361.36 for the individual; and
 - (2) Information that can be provided by the individual and, if appropriate, by the family of the individual;
- C. May include, to the degree needed to make such a determination, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the individual and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that affect the employment and rehabilitation needs of the individual; and
- D. May include, to the degree needed, an appraisal of the patterns of work behavior of the individual and services needed for the individual to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the use of work in real job situations to assess and develop the capacities of the individual to perform adequately in a work environment;
3. Referral, for the provision of rehabilitation technology services to the individual, to assess and develop the capacities of the individual to perform in a work environment; and
 4. An exploration of the individual's abilities, capabilities, and capacity to perform in work situations, which must be assessed periodically during trial work experiences, including experiences in which the individual is provided appropriate supports and training.

(Authority: Section 7(2) of the Act; 29 U.S.C. 705(2))
Reference: 34 CFR 361.5(c)(5)

**Assistive
Technology Terms**

Assistive technology terms -

(i) *Assistive technology* has the meaning given such term in section 3 of the Assistive Technology Act of 1998 ([29 U.S.C. 3002](#)).

Assistive technology terms - continued

(ii) ***Assistive technology device*** has the meaning given such term in section 3 of the Assistive Technology Act of 1998, except that the reference in such section to the term *individuals with disabilities* will be deemed to mean more than one individual with a disability as defined in paragraph (20)(A) of the Act.

(iii) ***Assistive technology service*** has the meaning given such term in section 3 of the Assistive Technology Act of 1998, except that the reference in such section to the term -

(A) ***Individual with a disability*** will be deemed to mean an individual with a disability, as defined in paragraph (20)(A) of the Act; and

(B) ***Individuals with disabilities*** will be deemed to mean more than one such individual.

(Authority: Sections 7(3) and 12(c) of the Rehabilitation Act of 1973, as amended; [29 U.S.C. 705\(3\)](#) and [709\(c\)](#))

Reference: 34 CFR 361.5(c)(6)

**Community
rehabilitation
program**

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

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

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

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

Reference: 34 CFR 361.5(c)(7)

Comparable services and benefits

Comparable services and benefits means—

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

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

Reference: 34 CFR 361.5(c)(8)

Competitive employment

Competitive integrated employment 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.

(Authority: Sections 7(5) and 12(c) of the Rehabilitation Act of 1973, as amended; [29 U.S.C. 705\(5\)](#) and [709\(c\)](#))

Reference: 34 CFR 361.5(c)(9)

Department

Department" means the New Hampshire Education Department, the designated state

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

Reference: Ed 1002.12

Customized Employment

Customized employment means competitive integrated employment, for an individual with a significant disability, that is -

- (i) Based on an individualized determination of the unique strengths, needs, and interests of the individual with a significant disability;
- (ii) Designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer; and
- (iii) Carried out through flexible strategies, such as -
 - (A) Job exploration by the individual; and
 - (B) Working with an employer to facilitate placement, including -
 - (1) Customizing a job description based on current employer needs or on previously unidentified and unmet employer needs;
 - (2) Developing a set of job duties, a work schedule and job arrangement, and specifics of supervision (including performance evaluation and review), and determining a job location;
 - (3) Using a professional representative chosen by the individual, or if elected self-representation, to work with an employer to facilitate placement; and
 - (4) Providing services and supports at the job location.

(Authority: Section 7(7) and 12(c) of the Rehabilitation Act of 1973, as amended; [29 U.S.C. 705\(7\)](#) and [709\(c\)](#))

Reference: 34 CFR 361.5(c)(11)

Designated State agency or State agency	<p>Designated State agency or State agency means the sole State agency, designated in accordance with Sec. 361.13(a), to administer, or supervise the local administration of, the State plan for vocational rehabilitation services. The term includes the State agency for individuals who are blind, if designated as the sole State agency with respect to that part of the plan relating to the vocational rehabilitation of individuals who are blind.</p> <p>(Authority: Sections 7(8)(A) and 101(a)(2)(A) of the Act; 29 U.S.C. 705(8)(A) and 721(a)(2)(A)) Reference: 34 CFR 361.5(c)(12)</p>
Designated State unit or State unit	<p>Designated State unit or State unit means either—</p> <ol style="list-style-type: none"> 1. The State vocational rehabilitation bureau, division, or other organizational unit that is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities and that is responsible for the administration of the vocational rehabilitation program of the State agency, as required under Sec. 361.13(b); or 2. The State agency that is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities. <p>(Authority: Sections 7(8)(B) and 101(a)(2)(B) of the Act; 29 U.S.C. 705(8)(B) and 721(a)(2)(B)) Reference: 34 CFR 361.5(c)(13)</p>
Eligible individual	<p>Eligible individual means an applicant for vocational rehabilitation services who meets the eligibility requirements of Sec. 361.42(a).</p> <p>(Authority: Sections 7(20)(A) and 102(a)(1) of the Act; 29 U.S.C. 705(20)(A) and 722(a)(1)) Reference: 34 CFR 361.5(c)(14)</p>
Employment outcome	<p>Employment outcome means, with respect to an individual, entering, advancing in, or retaining full-time or, if appropriate, part-time competitive integrated employment, as defined in paragraph (c)(9) of this section (including customized employment, self-employment, telecommuting, or business ownership), or supported employment as defined in paragraph (c)(53) of this section, that is consistent with an individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.</p> <p>(Authority: Sections 7(11), 12(c), 100(a)(2), and 102(b)(4)(A) of the Rehabilitation Act of 1973, as amended; 29 U.S.C. 705(11), 709(c), 720(a)(2), and 722(b)(4)(A)) Reference: Ed34 CFR 361.5(c)(15)</p>

Extended employment

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

(Authority: Section 12(c) of the Act; 29 U.S.C. 709(c))
Reference: 34 CFR 361.5(c)(18)

Extended services

Extended services means ongoing support services and other appropriate services that are -

- (i) Needed to support and maintain an individual with a most significant disability including a youth with a most significant disability, in supported employment;
- (ii) Organized or made available, singly or in combination, in such a way as to assist an eligible individual in maintaining supported employment;
- (iii) Based on the needs of an eligible individual, as specified in an individualized plan for employment;
- (iv) Provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource, after an individual has made the transition from support from the designated State unit; and
- (v) Provided to a youth with a most significant disability by the designated State unit in accordance with requirements set forth in this part and part 363 for a period not to exceed four years, or at such time that a youth reaches age 25 and no longer meets the definition of a youth with a disability under [paragraph \(c\)\(58\)](#) of this section, whichever occurs first. The designated State unit may not provide extended services to an individual with a most significant disability who is not a youth with a most significant disability.

(Authority: Sections 7(13), 12(c), and 604(b) of the Rehabilitation Act of 1973, as amended; [29 U.S.C. 705\(13\)](#), [709\(c\)](#), and [795i\(b\)](#))

Reference: 34 CFR 361.5(c)(19)

Extreme medical risk

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

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

Reference: 34 CFR 361.5(c)(20)

Family member, for purposes of receiving vocational rehabilitation services

Family member, for purposes of receiving vocational rehabilitation services in accordance with [§ 361.48\(b\)\(9\)](#), means an individual -

(i) Who either -

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

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

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

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

(Authority: Sections 12(c) and 103(a)(19) of the Rehabilitation Act of 1973, as amended; [29 U.S.C. 709\(c\)](#) and [723\(a\)\(19\)](#))

Reference: 34 CFR 361.5(c)(22)

Impartial hearing officer

Impartial hearing officer means an individual who--

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

(Authority: Section 7(16) of the Act; 29 U.S.C. 705(16));
Reference: 34 CFR 361.5(c)(24)(i)

Individual who is blind

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

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

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

Reference: 34 CFR 361.5(c)(26)

Individual with a disability

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

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

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

(Authority: Section 7(20)(A) of the Act; 29 U.S.C. 705(20)(A))

Reference: 34 CFR 361.5(c)(27)

Individual with a most significant disability

Individual with a most significant disability means

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

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

Reference: 34 CFR 361.5(c)(29) ; Ed 1002.01(e)

Individual with a significant disability

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

1. Who has a severe physical or mental impairment that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;
2. Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and
3. Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

(Authority: Section 7(21)(A) of the Act; 29 U.S.C. 705(21)(A)) reference: 34 CFR 361.5(c)(30)

Individual's representative

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

(Authority: Sections 7(22) and 12(c) of the Act; 29 U.S.C. 705(22) and 709(c)
Reference: 34 CFR 361.5(c)(31)

Integrated setting

Integrated setting means -

(i) With respect to the provision of services, a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals other than non-disabled individuals who are providing services to those applicants or eligible individuals; and

(ii) With respect to an employment outcome, means a setting -

(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.

(Authority: Section 12(c) of the Rehabilitation Act of 1973, as amended; [29 U.S.C. 709\(c\)](#))

Reference: 34 CFR 361.5(c)(32)(ii)

Maintenance

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

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

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

Example 1:

The cost of a uniform or other suitable clothing that is required for an individual's job

placement or job-seeking activities.

Example 2:

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

Example 3:

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

Reference: 34 CFR 361.5(c)(34)

Mediation

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

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

Reference: 34 CFR 361.5(c)(35)

Ongoing support services

Ongoing support services, as used in the definition of *supported employment*, means services that -

- (i) Are needed to support and maintain an individual with a most significant disability, including a youth with a most significant disability, in supported employment;
- (ii) Are identified based on a determination by the designated State unit of the individual's need as specified in an individualized plan for employment;
- (iii) Are furnished by the designated State unit from the time of job placement until transition to extended services, unless post-employment services are provided following transition, and thereafter by one or more extended services providers throughout the individual's term of employment in a particular job placement;
- (iv) Include an assessment of employment stability and provision of specific services or the coordination of services at or away from the worksite that are needed to maintain stability based on -
 - (A) At a minimum, twice-monthly monitoring at the worksite of each individual in supported employment; or
 - (B) If under specific circumstances, especially at the request of the individual, the individualized plan for employment provides for off-site monitoring, twice monthly meetings with the individual;
- (v) Consist of -
 - (A) Any particularized assessment supplementary to the comprehensive assessment of rehabilitation needs described in [paragraph \(c\)\(5\)\(ii\)](#) of this section;
 - (B) The provision of skilled job trainers who accompany the individual for intensive job skill training at the work site;
 - (C) Job development and training;
 - (D) Social skills training;

(E) Regular observation or supervision of the individual;

(F) Follow-up services including regular contact with the employers, the individuals, the parents, family members, guardians, advocates or authorized representatives of the individuals, and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement;

(G) Facilitation of natural supports at the worksite;

(H) Any other service identified in the scope of vocational rehabilitation services for individuals, described in [§ 361.48\(b\)](#); or

(I) Any service similar to the foregoing services.

(Authority: Sections 7(27) and 12(c) of the Rehabilitation Act of 1973, as amended; [29 U.S.C. 705\(27\)](#) and [709\(c\)](#))

Reference: 34 CFR 361.5(c)(37)

Personal assistance services

Personal assistance services means a range of services, including, among other things, training in managing, supervising, and directing personal assistance services, provided by one or more persons, that are -

- (i) 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;
- (ii) Designed to increase the individual's control in life and ability to perform everyday activities on or off the job;
- (iii) Necessary to the achievement of an employment outcome; and
- (iv) Provided only while the individual is receiving other vocational rehabilitation services. The services may include training in managing, supervising, and directing personal assistance services.

(Authority: Sections 7(28), 102(b)(3)(B)(i)(I), and 103(a)(9) of the Act; 29 U.S.C. 705(28), 722(b)(3)(B)(i)(I), and 723(a)(9))
Reference: 34 CFR 361.5(c)(38)

Physical and mental restoration services

Physical and mental restoration services means—

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

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

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

Reference: 34 CFR 361.5(c)(39)

Physical or mental impairment

Physical or mental impairment means—

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

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

Post-employment services

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

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

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

Qualified and impartial mediator

Qualified and impartial mediator means an individual who—

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

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

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

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

Quality Assurance Program (QAP)

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

Rehabilitation engineering

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

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

Rehabilitation technology

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

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

Statewide workforce investment system

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

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

**Substantial
impediment to
employment**

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

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

**Supported
employment**

Supported employment means—

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

A. For whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or intermittent as a result of a significant disability; and

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

or

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

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

**Supported
employment services**

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

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

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

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

Transition services

Transition services means a coordinated set of activities for a student or youth with a disability -

- (i) Designed within an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, competitive integrated employment, supported employment, continuing and adult education, adult services, independent living, or community participation;
- (ii) Based upon the individual student's or youth's needs, taking into account the student's or youth's preferences and interests;
- (iii) That includes 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;
- (iv) That promotes or facilitates the achievement of the employment outcome identified in the student's or youth's individualized plan for employment; and
- (v) That includes outreach to and engagement of the parents, or, as appropriate, the representative of such a student or youth with a disability.

(Authority: Sections 12(c) and 103(a)(15) and (b)(7) of the Rehabilitation Act of 1973, as amended; [29 U.S.C. 709\(c\)](#) and [723\(a\)\(15\)](#) and [\(b\)\(7\)](#))

Reference: 34 CFR 361.5(c)(55)

Transportation

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

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

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

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

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

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

Reference: 34 CFR 361.5(c)(57)

Vocational rehabilitation***Vocational rehabilitation services*** -

- (i) If provided to an individual, means those services listed in [§ 361.48](#); and
- (ii) If provided for the benefit of groups of individuals, means those services listed in [§ 361.49](#).

(Authority: Sections 7(40) and 103 of the Rehabilitation Act of 1973, as amended; [29 U.S.C. 705\(40\)](#) and [723](#))

Reference: 34 CFR 361.5(c)(57)

Youth with a disability***Youth with a disability*** -

- (i) *Youth with a disability* means an individual with a disability who is not -
 - (A) Younger than 14 years of age; and
 - (B) Older than 24 years of age.
- (ii) *Youth with disabilities* means more than one youth with a disability.

(Authority: Section 7(42) of the Rehabilitation Act of 1973, as amended; [29 U.S.C. 705\(42\)](#))

Reference: 34 CFR 361.5(c)(58)

services

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

(Authority: Sections 7(38) and 103(a) and (b) of the Act; 29 U.S.C. 705(38), 723(a) and (b))
Reference: Ed 1002.54 ; 34 CFR 361.5(b)(58).