

THINGS FOR INDIVIDUALS WITH DISABILITIES TO KNOW ABOUT VR SERVICES

1. To be aware that you have the right to apply for services
2. To realize that the Office of Vocational Rehabilitation is not a job placement agency
3. To be aware that you are granted eligibility if you are an SSI/SSDI recipient
4. To have a determination of eligibility within 60 days of when you requested services
5. To apply and re-apply at any time as long as you are willing and able to work
6. To make decisions based on your “informed choice” regarding your job goal and services to be provided
7. To have a Plan for Employment (IPE) developed in a timely manner (usually within 120 days)
8. To know your right to receive written notice when you are denied application or eligibility
9. To disagree with decisions made by Vocational Rehabilitation and to appeal those decisions
10. To be notified of the services of the Client Assistance Program

Referrals and Applications: Anyone with a disability is entitled to submit an application for Vocational Rehabilitation services. To be eligible you must be an individual with a disability and require VR services to prepare for, secure, or retain employment, be present in the territory and willing and available to participate in the process. There is no length of residency requirement.

Once you have signed a Vocational Rehabilitation application or requested VR services and provided them with the information necessary to determine eligibility

VR has 60 days to determine eligibility

An individual is considered to have submitted an application when you or your representative, as appropriate—

- Has completed and signed an agency application form;
 - Has completed a common intake application form in a One-Stop center requesting vocational rehabilitation services; or
 - Has otherwise requested services from the designated State unit;
 - Has provided to the designated State unit information necessary to initiate an assessment to determine eligibility and priority for services; and
 - Is available to complete the assessment process.
- The designated State unit must ensure that its application forms are widely available throughout the State, particularly in the One-Stop centers established under section 121 of the Workforce Investment Act of 1998.

Assessment: The assessment process to determine eligibility for Vocational Rehabilitation services is required to take no more than 60 days. If this cannot be accomplished in 60 days due to exceptional circumstances, the counselor can ask the client to sign a waiver if this process will take longer than 60 days; but, in most circumstances, the eligibility determination must be made within 60 days. An applicant is not required to sign a waiver. Exceptions may be made for an extended evaluation or trial work experience.

Eligibility: Once found eligible, you should receive written notification known as a “Certificate of Eligibility” (361.42).

VR must presume that an applicant who has a disability that is an impediment to employment, wants to work and wants VR services to help them find employment, meets the eligibility requirements and can benefit in terms of an employment outcome 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 services due to the severity of the applicant's disability. An exploration of your abilities, capabilities, and capacity to perform in work situations is carried out in accordance with §361.42(e) or, if appropriate, an extended evaluation is carried out in accordance with §361.42(f).

Eligible individuals who do not meet the order of selection can be provided non-cost services (counseling, guidance, job placement, information and referral).

If you do not hear anything about eligibility within sixty days from the time your application is filled out you may file an appeal. The VR counselor is obligated to notify you of the Client Assistance Program at this time. You may also contact CAP if you are found ineligible for services. It is very important to begin the appeal process as soon as the ineligibility determination is made because there is a

30 day time period to file an appeal.

Ineligibility

If you are determined to be ineligible for vocational rehabilitation services or no longer eligible for services, VR must make the determination only after providing an opportunity for full consultation with you or, as appropriate, with your representative and inform you in writing, supplemented as necessary by other appropriate modes of communication consistent with your informed choice, of the ineligibility determination, including the reasons for that determination and the means by which you may express and seek remedy for any dissatisfaction, including the procedures for review of State unit personnel determinations in accordance with §361.57.

Provide you with a description of services available from a client assistance program established under 34 CFR part 370 and information on how to contact that program;

Refer you to other programs that are part of the One-Stop service delivery system under the Workforce Investment Act that can address your training or employment-related needs; or to local extended employment providers if the ineligibility determination is based on a finding that you is incapable of achieving an employment outcome as defined in §361.5(b)(16).

Development of your individualized plan for employment (IPE).

Once determined eligible, an individualized plan for employment (IPE) meeting the requirements of this section and §361.46 is developed and implemented in a timely manner for each individual determined to be eligible for vocational rehabilitation services or, if the designated State unit is operating under an order of selection in accordance with §361.36, for each eligible individual to whom the State unit is able to provide services. VR must provide the following information to each eligible individual or, as appropriate, your representative, in writing and, if appropriate, in the native language or mode of communication of you or your representative:

Options for developing an IPE.

Information on the available options for developing the IPE, including the option that you or, as appropriate, your representative may develop all or part of the IPE—

- Without assistance from the State unit or other entity; or
- With assistance from a qualified vocational rehabilitation counselor employed by the State unit

Mandatory procedures

The designated State unit must ensure that the IPE is a written document prepared on forms provided by the State unit.

The IPE is developed and implemented in a manner that gives eligible individuals the opportunity to exercise informed choice, consistent with §361.52, in selecting your chosen vocational goal which should be consistent with your unique strengths, resources, priorities, concerns, abilities, capabilities, and interests. This information determines the specific VR services that you will need to achieve this goal.

The IPE is—

- Agreed to and signed by the eligible individual or, as appropriate, your representative; and
- Approved and signed by a qualified vocational rehabilitation counselor employed by the designated State unit;

- A copy of the IPE and a copy of any amendments to the IPE are provided to you or, as appropriate, to your representative, in writing and, if appropriate, in your native language or mode of communication or, as appropriate, your representative;
- The IPE is reviewed at least annually by a qualified vocational rehabilitation counselor and the eligible individual or, as appropriate, your representative to assess the eligible individual's progress in achieving the identified employment outcome;
- The IPE is amended, as necessary, by you or, as appropriate, your representative, in collaboration with a representative of the State unit or a qualified vocational rehabilitation counselor (to the extent determined to be appropriate by you), if there are substantive changes in the employment outcome, the vocational rehabilitation services to be provided, or the providers of the vocational rehabilitation services;
- Amendments to the IPE do not take effect until agreed to and signed by the eligible individual or, as appropriate, your representative and by a qualified vocational rehabilitation counselor employed by the designated State unit

An IPE for a student with a disability receiving special education services is developed in consideration of the student's IEP; and in accordance with the plans, policies, procedures, and terms of the interagency agreement required under §361.22. The IPE for a student with a disability who is receiving special education services must be coordinated with the IEP for that individual in terms of the goals, objectives, and services identified in the IEP.