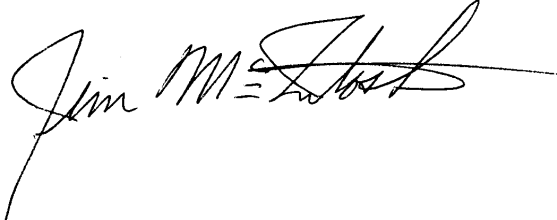




State of Wyoming
Department of Workforce Services
Division of Vocational Rehabilitation
Last Updated May 26, 2011.

The policies of the State of Wyoming, Division of Vocational Rehabilitation, are hereby adopted and promulgated as official policies of the Division. Effective: **November 15, 2010.**



Jim McIntosh
Administrator



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*****Updates/Changes to the DVR Policy Manual are in red italics.***

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Mission, Vision, Values and Goals of the Wyoming Division of Vocational Rehabilitation

Employment and independence of Wyomingites with disabilities are the overriding goals of the Wyoming Division of Vocational Rehabilitation (DVR). The Division's mission, values and goals describe the consensus of staff and advisory bodies regarding priorities for results and activities.

MISSION: To advance opportunities for individuals with disabilities in Wyoming to be employed and independent.

VISION: Assist individuals with disabilities in overcoming challenges to employment.

I. We value individuals with disabilities.

Goals:

1. Achieve (quality) employment outcomes that lead to economic self-sufficiency.
2. Promote independence and work for individuals with disabilities.
3. Encourage customer participation throughout the rehabilitation process.
4. Expand opportunities for individuals with significant disabilities.
5. Increase community integration of individuals with disabilities.
6. Promote a barrier-free environment.

II. We value staff and their contributions.

Goals:

1. Involve staff at all levels in Division decision-making process.
2. Provide training and resources to accomplish assigned duties.
3. Provide an environment to retain staff.
4. Recognize staff accomplishments.
5. Promote optimal compensation.
6. Hire and promote qualified and skilled people.
7. Provide opportunities for career development.

III. We value responsible leadership and management.

Goals:

1. Promote decisions that are customer centered.
2. Cultivate an environment of trust.
3. Provide avenues of communication.
4. Demonstrate competent, consistent decision-making.
5. Encourage teamwork and participation.
6. Use a management style, which enables all staff to excel.

IV. We value an efficient and effective rehabilitation program.

Goals:

1. Be accountable for client outcomes.
2. Involve customers in developing and evaluating Division policy.
3. Obtain input and feedback for consideration from the State Rehabilitation Council (SRC) when developing and evaluating policy and other issues impacting client services.
4. Provide management systems that promote accountability at all levels.
5. Demonstrate optimal use of resources.
6. Encourage the use of rehabilitation technology.
7. Exceed all performance standards established by the Rehabilitation Services Administration (RSA).

V. We value financial and human resources that meet the needs of individuals with disabilities.

Goals:

1. Develop cooperative efforts with other service providers.
2. Market vocational rehabilitation programs.
3. Develop political support for the program.
4. Cultivate employer relationships.
5. Foster public awareness of the rights and needs of individuals with disabilities.

The ability to achieve results of increased jobs and independence for Wyomingites with disabilities requires the participation, assistance, and contributions of our consumers, staff, legislators, service providers, and citizens who share this value base. With shared support, we can and will make a difference in the lives of Wyomingites with disabilities.

General Policies

Non-Discrimination

34 CFR Part 361.42 (A)

As a recipient of Federal financial assistance, and as a state agency, WY Division of Vocational Rehabilitation does not exclude, deny benefits to, or otherwise discriminate against any person on the basis of disability, age, sex, color, ethnic group, race, national origin, ancestry, religion, medical condition, sexual orientation, or marital status in admission to, participate in, or receipt of the services and benefits under any of its programs and activities, whether carried out by WY Division of Vocational Rehabilitation directly or through a contractor or any other entity with which WY Division of Vocational Rehabilitation arranges to carry out its programs and activities.

This statement is in accordance with the provisions of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, the Age Discrimination Act of 1975, and Regulations of the U.S. Department of Health and Human Services issued pursuant to these statutes as Title 45 Code of Federal Regulations Part 80, 84, and 91, and Title 28 Code of Federal Regulations Part 35.

This statement is in accordance with the provision of Title VI of the Civil Rights Act of 1964

Case File Documentation

A case file shall be kept for each applicant or client containing all required documentation. The rationales for any decision to provide, alter, or deny services shall be documented in the case record. **Rationale for determining employment outcome will be documented in the case contact section of the case file.**

Least Cost Service Provision

All services consistent with the individual's strengths, resources, priorities, concerns, capacities, abilities, interests, and informed choice necessary to achieve the client's employment outcome, shall be provided at the least possible cost to the agency.

Timely Services

Individuals referred to DVR, including referrals made through the One-Stop service delivery systems, will be contacted by a VR staff member within 30 working days to inform the individual of application requirements and to gather information necessary to initiate an assessment for determining eligibility and priority of services. Documentation will be provided in case records if circumstances require an extension.

DVR shall process applications and determine eligibility or ineligibility within sixty days of application unless the applicant and the counselor mutually agree in writing (a signed letter or case contact) that an extension is necessary due to circumstances beyond the control of the applicant or agency. The individual and the agency will agree on the extension for a specific time period. The

applicant will be provided a copy of the letter or case contact. **The agency shall strive to provide all services in a timely and equitable manner.**

If the individual does not agree to an extension, his/her decision will be documented in a case contact and the eligibility determination will be made using available information. The applicant will be apprised of his/her appeal rights as appropriate.

Significant contact with the client must occur at least once every 90 days. Significant contact with clients occurs when information pertinent to the VR process is shared between the client and the VR representative in face to face written or verbal form. If circumstances warrant, more frequent contact with the client should occur i.e. difficulties in school or a training program, assessment of satisfaction with work, physical restoration process. School students must be contacted at least once each semester. All contacts are to be documented in the case file.

Agreements with Other Agencies and Organizations

34 CFR 361.24

The Wyoming Division of Vocational Rehabilitation staff shall actively network with consumers, service providers, and organizations, and shall comply with the provisions of agreements and contracts between DVR and other agencies, facilities and organizations.

Reasonable Accommodation

34 CFR Part 361.20(e)

DVR shall provide reasonable accommodations for individuals with disabilities who are unable to communicate in English or who must rely on special modes of communication.

Data Collection

34 CFR Parts 361.42 & 361.49

The Division staff shall be responsible for the collection of client and financial data necessary for the operation of the Division's Management Information System.

Casework Practice:

- (1) Each counselor has the responsibility to respect the client as an individual who has the right and responsibility to participate in all decisions regarding his or her vocational future.
- (2) Each counselor has the authority, responsibility and accountability to facilitate with the client the achievement of an employment outcome.
- (3) Each counselor has the authority, responsibility and accountability to provide individualized services to the client in an organized, planned manner and to exercise sound professional judgment in carrying out that responsibility.
- (4) Each counselor has the authority, responsibility and accountability, when unable to work through a conflict with the client, to involve management and the client's advocate if requested by the client.
- (5) DOCUMENTATION is a critical part of casework. If each counselor has the authority, responsibility and accountability to provide services, they also have the responsibility to document all activity in the case contacts. PLEASE SEE THE CASE FILE DOCUMENTATION SECTION on page 16.

Informed Choice
34 CFR Part 361.52

- (1) The qualified rehabilitation counselor will inform each applicant and eligible individual, including students with disabilities who are making the transition from programs under the responsibility of an educational agency to programs under the responsibility of the designated State unit, 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 vocational rehabilitation process;
- (2) Counselor will assist applicants and eligible individuals in exercising informed choice in decisions related to the provision of assessment services;
- (3) Counselor will facilitate the provision of vocational rehabilitation services and afford eligible individuals meaningful choices among the methods used to procure vocational rehabilitation services;
- (4) Counselor will assist 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 (IPE's) with respect to the selection of the:
 - (i) Employment outcome;
 - (ii) Specific vocational rehabilitation services needed to achieve the employment outcome.

Preparation of Qualified Personnel
34 CFR Part 361.18

The Division of Vocational Rehabilitation supports continued education by all agency staff. The intent is to keep staff abreast of changes as well as to upgrade skills necessary to remain competitive on the job.

Counselors in this agency must either have a Masters in Rehabilitation Counseling or a masters degree in a closely related field and be able to test for the Certified Rehabilitation Counselor (CRC).

Counselors may be hired without the above mentioned credentials, with the understanding that they obtain those credentials with agency support. Continued employment as a counselor with DVR is contingent upon successfully fulfilling/meeting the prescribed credentials. The following are the required steps necessary to obtain those credentials:

- (1) Upon completion of the probationary period, the Counselor will first confer with his/her Area Consultant and the Division Training Officer for approval/guidance to proceed.
- (2) Counselor will apply to Utah State University or other CORE certified post-secondary educational institution, which has been agreed upon, and request an academic assessment.
- (3) In the event the determination is made that the individual must take graduate courses prior to acceptance into the Master's program, DVR will reimburse the employee 75% of the tuition upon proof of successful completion for a maximum of 12 credit hours. Books and videocassettes are not reimbursable. Prior approval is required and must be submitted on Department of Workforce Services form AD-003, "Application for Educational Assistance."
- (4) In the event the Counselor is directed to take the GRE or the Miller's test to determine acceptance into the Master's program, DVR will reimburse the cost of the initial test, provide reasonable administrative leave, and reimburse for map mileage. Any subsequent testing session, due to failure to pass the initial testing, will be entirely at the employees' expense with the Division committing to only reasonable administrative leave. Request for approval should be submitted on DVR's "Application for Training/Staff Development" form.

All Counselors and Consultants that are pursuing his or her Masters Degree in Rehabilitation Counseling shall be encouraged to attend Utah State University. If the Counselor or Consultant choose to attend a different CORE accredited school, DVR will only pay for the tuition and fees that is currently being paid for attending Utah State University. Any costs above and beyond this dollar amount will be the responsibility of the Counselor or Consultant. This applies solely to the payment of tuition; books and videocassettes and other supplies are exempt from reimbursement. At such time as the Counselor or Consultant has matriculated into a graduate program, he or she will immediately apply for the Rehabilitation Services Administration (RSA) Scholarship.

It is the employee's responsibility to obtain any approvals required from the applicable university for enrollment in the Rehabilitation Counseling Master's degree program, prior to execution of the contract with DVR.

The Counselor or Consultant will need to provide proof at the end of each semester that he or she has maintained at least a 2.5 G.P.A or higher to continue to receive funding from DVR.

Policy/Procedure for Master’s Degree in a Related Field:

As cited above, employees with a Master’s Degree in a related field, which would allow the person to meet national Certified Rehabilitation Counselor (CRC) requirements, also qualify under the definition of a “qualified vocational rehabilitation counselor.”

- (1) Upon completion of the probationary period, the Counselor will confer with his/her Area Consultant and the Division Training Officer for approval/guidance to proceed.
- (2) Counselor will request an academic assessment from Utah State University or other mutually agreed to core certified post-secondary educational institution. Counselor will also consult the CRCC Certification Guide for assessment of appropriate additional required courses.
- (3) Additional graduate courses required to qualify to meet CRC requirements will be reimbursed by the Division upon proof of successful completion at 100% of the cost of tuition. Books and videocassettes are not reimbursable. Prior approval is required and must be submitted on DVR’s “Application for Training/Staff Development” form.

Policy/Procedure for Attaining CRC

34 CFR Part 361.18 (a) (2) (iii)

- (1) Counselor will confer with his/her Area Consultant and the Division Training Officer for approval guidance to proceed.
- (2) DVR will pay for the cost of the initial CRC test, travel and lodging at the state rate. Any subsequent testing, due to failure to pass initial testing, will be entirely at the employees’ expense. The Counselor has the responsibility to maintain their CRC credentials subsequent to the initial qualification.

Prior approval for the initial CRC test is required and must be submitted on DVR’s “Application for Training/Staff Development” form.

In-Service Training Attendance

Participation is mandatory for all staff at the annual DVR in-service. Exception from participation must be approved in advance by the DVR Administrator.

Safety in the Workplace:

Any individual that is violent, threatens violence, harassment, intimidation, and other disruptive behavior in the workplace will not be tolerated. Such behavior includes oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.

- (1) All reports of such incidents will be taken seriously and will be dealt with appropriately in accordance to this policy.
- (2) Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action as appropriate, criminal penalties or both.
- (3) If you observe or experience such behavior on or in state property **REPORT IT IMMEDIATELY TO YOUR CONSULTANT/MANAGER.** Managers will immediately contact the division head or his/her designee.
- (4) No deadly weapon will be carried on or in any state premises. Any individual carrying a deadly weapon may be removed from or denied access to state premises and may be subject to disciplinary action as appropriate, criminal penalty or both. Deadly weapon is defined as; firearm, explosive or knife with fixed or locked blade five (5) inches. **Call 911 immediately.**

THREATS OR ASSAULTS THAT REQUIRE IMMEDIATE ATTENTION BY LAW ENFORCEMENT SHOULD BE REPORTED FIRST TO THE POLICE AT 911.

Affirmative Action

34 CFR Parts 361.19

The Wyoming Division of Vocational Rehabilitation actively seeks qualified individuals in hiring and promoting staff. The Division does not discriminate on the basis of race, color, creed, national origin, religion, political affiliation, sex, age or disability in its hiring practices or its programs. The Division will insure and take affirmative action with regard to the recruitment, employment and promotion of qualified people with disabilities to conduct and administer its programs.

Order of Selection

34 CFR Parts 316.36

Effective July 1, 2006, DVR changed the State Plan to reflect that it could serve all categories of clients. RSA has approved ending the order of selection, which had not been implemented.

The Division of Vocational Rehabilitation has developed the following criteria to identify an individual with the most significant disability:

- ▶ The individual must have an impairment or impairments which, singly or in combination, are significant;
- ▶ The individual must be seriously limited from achieving an employment outcome due to significant functional loss in two or more of the functional capacities identified in Section 7(21)(A)(i) of the Rehabilitation Act of 1973 (Public Law 93-112) as amended through 1998 (Public Law 102-569);
- ▶ The individual must need at least two core vocational rehabilitation services* to address the functional losses imposed by the significant impairment(s) in order to attain an employment outcome; and
- ▶ whose vocational rehabilitation can be expected to require at least 18 months to complete.

*Core vocational rehabilitation services includes all vocational rehabilitation services other than supportive services (maintenance, transportation, services to family members, and personal assistance services); services secondary to core vocational rehabilitation services, such as training materials and supplies when training is being provided as a core vocational rehabilitation service; or, generalized counseling, guidance, and placement which are provided during the vocational rehabilitation process in connection with the provision of vocational rehabilitation services but are not identified as a needed vocational rehabilitation services on the IPE. All clients that have an active Individualized Plan for Employment (IPE) will be served until that IPE is completed.

Appeal Procedures

34 CFR Parts 361.57

All applicants and clients shall be informed of the procedures for informal as well as formal resolution of disagreements, including the name and address of the Administrator of the designated state unit (DSU) with whom appeals for an Administrative Review, Mediation and Formal Hearings are to be directed in writing. (Jim McIntosh, 1100 Herschler Building, Cheyenne, Wyoming 82002).

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

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

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

Level 1: Informal Review

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

Level 2: Administrative Review

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

Level 3: Mediation

The mediation process is voluntary on the part of all parties, is not used to deny or delay the right of the individual to a formal hearing or to deny any other right afforded to the individual under Title I of the Act, and is conducted by a qualified and impartial mediator who is trained in effective mediation techniques. A list of qualified mediators will be maintained by the state. The state will pay the cost of mediation and formal hearing. Mediation will be scheduled in a timely manner and in a convenient location for all the parties of the dispute. All discussions that occur during mediation will be kept confidential. If an agreement is reached, that agreement must be put in writing.

Level 4: Formal Review (Fair Hearing)

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

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

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

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

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

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

The chief official shall not delegate responsibility for making the final decision to any officer or employee of the Designated State Unit.

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

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

1. Is the initial decision supported by substantial evidence?
2. In reaching the initial decision, has the Impartial Hearing Officer given appropriate and adequate interpretation to such factors as:
 - i. The Federal statute and regulations as they apply to the specific issue;
 - ii. The State Plan as it applies to the specific issue in question;
 - iii. Approved Federal and State policy as it applies to the issue in question;
 - iv. State agency options in the delivery of services if such options are permissible by Federal statute or regulation;
 - v. Restrictions in the Federal statutes or regulations with regard to such supportive services as maintenance and transportation;
 - vi. Key portions of conflicting testimony.

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

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

Confidentiality

34 CFR Parts 361.38

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

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

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

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

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

Informed Written Consent **34 CFR 361.38 (C) (1)**

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

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

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

Client Access to Information

34 CFR Part 361.38 (c) (3)

Clients or applicants or, as appropriate, their representatives have the right to see and obtain copies of any information that DVR maintains on them except:

- ❑ medical, psychological, or other information which the counselor believes may be potentially harmful to the individual shall be provided through a third party chosen by the applicant or eligible individual.
- ❑ authorized applicants or eligible individuals can request that misleading or inaccurate information in the individual's file be amended and have the request documented in the individuals file. If the information is not amended, the request for an amendment must be documented in the record of services (client file).
- ❑ case service files must be available for inspection by the applicant or eligible individual.

Secondary Release of Information

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

Court Orders, Warrants and Subpoenas

34 CFR Part 361.38 (e) (4)

The DVR Administrator, or designee in the absence of the Administrator, must be notified before an employee takes an action that pertains to a Division issue in response to a court order, warrant, subpoena, or a request to appear and testify in court or at an administrative hearing.

All Division policies on confidentiality and informed written consent shall apply when an employee is asked to testify in court or in an administrative hearing regarding a client, or to release records.

The DVR Administrator or designee shall obtain advice regarding legal procedures from the Office of the Attorney General.

The DVR Administrator or designee in compliance with judicial orders or a lawfully issued subpoena shall determine whether legal counsel is necessary and will make a timely response to the employee who is required to respond to a subpoena or judicial order. All subsequent or ensuing questions necessitating consultation with the Attorney General's Office will be referred to the Division Administrator or designee.

Referral/Applicant

34 CFR Part 361.41

Once an individual has submitted an application for vocational rehabilitation services, an eligibility determination will be made within sixty (60) days unless exceptional and unforeseen circumstances beyond the control of VR exist and the individual and VR agree to a specific extension of time, or VR is exploring the individual's abilities, capabilities, or capacity to work in realistic work settings through a series of trial work experiences that are varied in nature over sufficient amount of time.

An individual is considered to have submitted an application when the individual or the individual's representative has: completed and signed an agency Statement of Application form or has otherwise requested services; and provided information necessary to initiate an assessment to determine eligibility and is available to complete the assessment process.

Case File Documentation

34 CFR Part 361.47

Case contacts are the only source an individual uses to follow the rehabilitation process through the life of the case. If the case contacts are vague, misleading, or missing, the individual reading/reviewing the file can be misled. *For those who might see the file, i.e. Attorneys through the use of subpoenas, area managers, administrative staff, and individuals who review the file (107).*

Good Practices:

Information in the case contact should reflect **only** vocational issues. Information in the case contact should be vocationally relevant to the case.

Review the case contact for accuracy once it has been dictated and placed in the case contact section of the file. After completing the review, initial the case contact.

NO COLD NOTES: Complete the case contact after each session

Reflect back to previous contacts to determine if those issues / assignments had been accomplished.

NON DUPLICATION: If the information is already documented in the file do not summarize that same information in a case contact.

Questions to think about before writing a case contact;

1. What content or topics were addressed in the session?
2. How did the session address IPE objectives?
3. What services were provided and were they effective?
4. What clinical observations were made (behavioral, affective)?
5. What needs to be done outside the session?
6. What progress or setbacks have occurred in relation to rehabilitation goals?
7. How would the client feel if he/she read the case contacts in his/her file?

Captioned headings are required in every case contact. Captioned headings help the counselor focus on the topic, which also helps them stay on topic. Captioned headings help those reviewing the file understand the counselors intent.

Required Captioned Headings:

Initial Interview

The initial interview should focus on at least three issues:

One, a detailed discussion of disabilities including those that the applicant does not recognize as a problem but that may affect the rehabilitation program.

Two, a complete review of the work history including reason for leaving jobs, in many cases the reason for leaving is a clue as to problems he/she may have with supervision, peers, working conditions etc.

Three, begin discussion as to what the individual may want to do vocationally, talk about hobbies, dreams to see if you can begin to identify at least in a general sense an employment outcome.

****THE "GREEN SHEET" BEING USED IN SOME OFFICES, IS NOT A FORM BUT A FORMAT THAT WAS DEVELOPED TO USE WHEN DICTATING AN INITIAL INTERVIEW.**

It should be documented that the appeal process, the client assistance program, and confidentiality were explained to the client.

Rationale for Extending the Eligibility 60 Day Window

DVR counselor and the individual must agree to a specific extension of time in writing.

Comprehensive Assessment of Rehabilitation Needs

The purpose of this assessment is to determine the employment outcome, and the nature and scope of vocational rehabilitation services to be included on the IPE.

Rehabilitation Counseling

Rehabilitation counseling is a systemic process which assists persons with disabilities to identify rehabilitation needs and achieve an employment outcome in the most integrated setting possible through application of the counseling process.

Informed Choice

Document that the individual was given the opportunity to exercise informed choice with respect to employment outcome, specific rehabilitation services required to achieve employment outcome, and the entity that will provide the service.

Document that the individual received a copy of the signed IPE.

Rationale for Determining an Employment Outcome

What rationale was used to determine the employment outcome? Was the decision based on the individual's unique strengths, resources, priorities, concerns, abilities capabilities, interests and informed choice? How good is the labor market or the employment outcome? Part time or full time work?

Rationale for Service Provision/Exit Strategy

A rationale for service provision is to be entered in the case notes describing 1) how each service provided by VR will assist the individual with a disability to prepare for, secure, retain or regain any employment outcome that is consistent with the individual's strengths, resources, priorities, concerns abilities, capabilities, interests and informed choice. (34 CFR Part 361 361.48).
2) **An exit strategy will be documented in the notes describing how the service will be continued using comparable benefits and/or client resources if the service will be necessary over a period of months.**

Rationale for Case Closure

Successful Closure

Document that a satisfactory employment outcome was achieved; that it was maintained for a minimum of 90 days, *and that* the individual was informed of post employment services.

Unsuccessful Closure

Document that individual has declined to participate in, or is unavailable to complete an assessment for determining eligibility. Document that VR staff have made a reasonable number of attempts to contact the individual.

Eligibility

34 CFR Part 361.42

Eligibility for Vocational Rehabilitation Title I Services

An individual is eligible for VR services if:

- (1) the individual has a physical or mental impairment;
- (2) the impairment constitutes or results in a substantial impediment to employment;
- (3) the individual shall be presumed to be able to benefit in terms of an employment outcome from the provision of vocational rehabilitation services unless there is clear and convincing evidence that the applicant is incapable of benefiting in terms of an employment outcome from VR services; and
- (4) the applicant requires services to prepare for, secure, engage in, regain, or retain gainful employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, and informed choice.

Presumptive Disability **34 CFR Part 361.42 (3)**

An individual who has a disability or is blind as determined pursuant to the Supplemental Security Income or Social Security Disability Insurance requirements of the Social Security Act shall be considered to have a physical or mental impairment which constitutes a substantial impediment to employment. This individual is presumed to be eligible for services unless there is clear and convincing evidence that the individual is incapable of benefiting in terms of achieving an employment outcome. The State VR agency will not apply any additional tests or steps with respect to determining the eligibility of such individuals. Such an individual shall also be considered to be an individual with a significant disability.

If the applicant indicates that he/she is eligible for Social Security benefits under Title II or XVI of the Social Security Act, but is unable to provide appropriate evidence, i.e., an award letter to support that assertion, the DSU must verify the applicants eligibility by contacting the Social Security Administration.

Any eligible individual including an individual whose eligibility for VR services is based on being eligible for Social Security benefits under Titles II and/or XVI, 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.

Eligibility for Supported Employment Title VI-B Services
34 CFR Part 361.46 (b)

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

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

Trial Work Experience
34 CFR Part 361.42 (e)

It is presumed that each individual can benefit in terms of an employment outcome from vocational rehabilitation services. When there is doubt that the individual can benefit from VR services, VR will provide the individual with trial work experiences with appropriate supports, of sufficient variety and over a sufficient period of time to determine eligibility or that clear and convincing evidence exists to support the rebuttal of the benefit presumption. The trial work experiences are an exploration of the individual's abilities, capabilities and capacity to perform in a work situation, which shall be assessed periodically, including experiences in which the individual is provided appropriate supports and training.

The Qualified VR counselor will develop an IPE to assess the individual's abilities, capabilities, and capacity to perform in work situations through the use of trial work experiences.

Under limited circumstances if an individual cannot take advantage of trial work experiences or if options for trial work experiences have been exhausted, the DSU must conduct an extended evaluation to determine if the individual can benefit from VR services.

Evidence of Disability
34 CFR Part 361.42

The determination of eligibility shall be based on a review of existing data. Additional data will be requested when existing data is not current, unavailable, insufficient, or inappropriate to make an eligibility determination. Determinations made by officials of other agencies regarding whether an individual has an impairment, which creates a substantial impediment to employment, shall be used to the extent appropriate, available, and consistent with requirements of division policy, federal law and regulation. To the extent appropriate, information provided by the individual and by the family of the individual will be used. Existing data is considered current if it describes the current functioning of the individual.

Verbal Information

Verbal information received from a licensed professional can be used for the determination of eligibility. The same information in written form will be obtained and included in the office file.

Observable Impairments

Impairments observed by VR staff during interviews can be used for the determination of eligibility. Medical/psychological information will be obtained and included in the office file to document that there is a substantial impairment.

Assessment for Determining Eligibility and Vocational Rehabilitation Needs **34 CFR Part 361.45 (b) (1)**

To determine whether an individual is eligible for VR services the DSU 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 requirements:

1. A determination by qualified personnel that the applicant has a physical or mental impairment,
2. A determination by qualified personnel that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment,
3. A determination by a qualified vocational rehabilitation counselor employed by the DSU that the applicant requires VR services to prepare for, secure, retain or regain employment

To the extent necessary:

1. A review of existing data to determine if the individual is eligible for services.
2. Additional data is necessary, the provision of appropriate assessment activities to obtain necessary additional data to make the eligibility determination.
3. Additional data are necessary to make a determination of employment outcomes and the nature and scope of vocational rehabilitation services to be included in an IPE; a comprehensive assessment, including the administration of the assessment, to determine the unique strengths, resources, priorities, interests, and needs, including the need for supported employment, of an eligible individual.

Comprehensive Assessment
34 CFR Part 361.45 (b) (1)

1. Is limited to information that is necessary to identify the rehabilitation needs of the individual and to develop the IPE of the individual;
2. Uses, as a primary source of such information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements;
 - a. Existing information obtained for the purpose of determining the eligibility of the individual;
 - b. Information provided by the individual and, where appropriate, by the family of the individual;
3. 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;
4. May include 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 utilization of work in real job situations to assess and develop capacities of the individual to perform adequately in a work environment;
5. Referral, for the provision of rehabilitation technology services to an individual with a disability to assess and develop the capacities of the individual to perform in a work environment; and
6. 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.

Point of Counselor Documentation

Certification of Eligibility

The counselor shall complete a certification of eligibility within the prescribed 60 days from date of application unless exceptional and unforeseen circumstances beyond the control of VR exist and the client and counselor mutually agree in writing that a specific amount of time is necessary for an extension, or counselor is exploring the individuals abilities, capabilities, or capacity to work in realistic work settings through trial work experiences. The counselor shall sign and date a case contact entitled "Certification of Eligibility."

Significant Disability and Most Significant Disability

The terms "individual with a significant disability" and "most significant disability" are defined in the definition section of this policy. If appropriate the counselor must designate in writing in the case record that a person has either a significant or most significant disability. The case record must support the counselor's rationale for the designation. An individual that is receiving SSDI benefits or is a SSI recipient is to be automatically considered an individual with a significant disability.

Rehabilitation Technology

The term "rehabilitation technology" is defined in the definition section of this policy. The Counselor shall complete a case entry entitled "Rehabilitation Technology" documenting that the provision of rehabilitation technology services was considered with the client's informed input and the outcome(s) of that consideration. Assistive technology services and devices can be used in gathering additional assessment information to help determine eligibility in the event that existing data cannot be used. Worksite assessments will be provided in realistic integrated employment settings.

Individualized Plan for Employment (IPE) 34 CFR Part 316.45

Following the determination of eligibility for services, an Individualized Plan for Employment (IPE) shall be developed. Each personalized IPE shall be designed to achieve an employment outcome for the individual consistent with the unique strengths, resources, priorities, concerns, abilities and capabilities of the individual. An IPE is also required for Extended Evaluation and Post Employment Services.

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

An individual's IPE will be developed and implemented in eight (8) to twelve (12) weeks taking into consideration the needs of the individual, subsequent to the determination of eligibility §361.45 (e). The eligible individual has options for developing all or part of the IPE independently, with the assistance of a qualified VR counselor, or with technical assistance from another source.

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

- * the availability of assistance from a qualified VR Counselor and the availability of technical assistance from other sources in developing all or part of the IPE;

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

The eligible individual should determine the extent of appropriate assistance.

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

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

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

Content of IPE

34 CFR Part 361.46 (a)

Each IPE shall include a specific employment outcome based on the comprehensive assessment for determining vocational rehabilitation needs, and an assessment of career interests to include input received from interaction with the individual. The plan shall, to the maximum extent appropriate, include services and placement in integrated settings and:

1. a description of the specific vocational rehabilitation services that are needed to achieve the employment outcome, including, the provision of assistive technology devices and assistive technology services, and personal assistance services, including training in the management of such services provided in the most individualized and integrated setting, consistent with the informed choice of the individual;
2. initiate services under an IPE (status 14 and above) within 8 to 12 weeks of determining eligibility taking into consideration the needs of individual;
3. entity or entities chosen by the eligible individual or, as appropriate the individuals representative that will provide the VR services and the methods used to procure those services;

4. a description of criteria to evaluate progress toward achievement of employment;
5. terms and conditions of the IPE including, as appropriate, information describing the responsibilities of the agency; the responsibilities of the eligible individual, including those he/she will assume in relation to the employment outcome and the participation of the eligible individual in paying for the cost of the plan, if applicable; the responsibility of the eligible individual with regard to applying for and securing comparable benefits.

Supported Employment Requirements for IPE

34 CFR Part 361.46 b

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

- ☐ Specify the supported employment services to be provided;
- ☐ Specify the extended services needed which may include natural supports;
- ☐ Identify the source of extended services at the time the IPE is developed
- ☐ Provide for periodic monitoring to ensure that the individual is making satisfactory progress and;
- ☐ Provide for the coordination of services provided under an IPE with services provided under other individualized plans.
- ☐ Supported employment services shall not extend beyond 18 months in employment unless under special circumstances the eligible individual and the rehabilitation counselor jointly agree to extend the time in order to achieve the objectives on the IPE.

IPE for Post Employment Services

34 CFR Part 361.46 (c)

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

- ☐ Expected need for post employment services prior to closing the record of services of an individual who has achieved an employment outcome;
- ☐ A description of the terms and conditions for the provision of any post employment services, and;
- ☐ If appropriate, a statement of how post-employment services will be provided or arranged through other entities as the result of arrangements made pursuant to comparable services.

Review/Amendment of IPE
34 CFR Part 361.45 (6)

Each IPE shall be reviewed at least annually by a qualified rehabilitation counselor and the eligible individual or, as appropriate, the individual's representative; and amended, as necessary by the individual or, as appropriate the individual's representative in collaboration with the qualified rehabilitation counselor to the extent determined to be appropriate by the individual. If there are substantive changes in the employment outcome, vocational rehabilitation services to be provided, providers of the services, delays, interruptions, or outdated service timeframes on the IPE, an amendment is required. Reason for the need to amend the plan will be documented in case file. The amendment to the plan shall not take effect until agreed to and signed by the eligible individual or, as appropriate, the individual's representative, and the qualified rehabilitation counselor.

Goal Hours per Week

The initial IPE must contain a projected employment goal and the number of hours worked per week that the counselor and client mutually agree will be appropriate at closure.

Transition from School to Work Policy

Purpose

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

Coordination with Education Agencies
34 CFR Part 361.22

When services are being provided to a client who is also eligible for services under the Individuals with Disabilities Education Act, VR must provide for the development and completion of the IPE for each student with a disability determined to be eligible for vocational rehabilitation services before the student leaves the school setting. The IPE must be prepared in coordination with the appropriate education agency and include relevant elements of the student's Individualized Education Program.

Consultation

The VR counselor will assist local educational agencies (LEA) in planning for the transition of students with disabilities from school to post school activities. Until it is determined a DVR case be opened, the VR counselor will act in a consultant role for the student, parents

and school district during IEP/transition meetings. Referral from the LEA does not mean DVR must open a case immediately if DVR services are not required by the student.

Assistive Technology

When required as part of the student's I.P.E., DVR will negotiate the purchase of items of assistive technology from the LEA that were purchased by the LEA for eligible students. Purchase of such items, especially when customized for particular students, is intended to ease the transitions of students to employment and reduce the cost of the devices to DVR.

Payment to the LEA for Assistive Technology

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

Cost for assistive technology devices may be negotiated by the school district and DVR.

Vocational Services

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

Costs for related services may be negotiated by the school district and DVR.

Shared Responsibilities of WDE, LEA and DVR

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

Transition IPE

A transition IPE needs to be in place before student exits high school. CFR 361.22 (a)(2). An IPE must be developed as early as possible during the transition planning process, but at the latest, by the time each student determined to be eligible for VR services leaves the school setting.

For information on Transition Case Transfers please see page 44.

Vocational Rehabilitation Services

34 CFR Part 361.48

DVR services include any goods or services necessary to place an individual with a disability into gainful employment, including, but not limited to, the following:

1. An assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;
2. Rehabilitation counseling and guidance by a qualified rehabilitation counselor, including information and support services to assist an individual in exercising informed choice;
3. Vocational and other training services for individuals with disabilities, which shall include personal and vocational adjustment, books, or other training materials, and such services to the families of such individuals as are necessary to the adjustment or rehabilitation of such individuals. No training services in institutions of higher education shall be paid for unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such training;
4. Physical and mental restoration services, including, but not limited to:
 - (a) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that constitutes a substantial impediment to employment, but is of such nature that such correction or modification may reasonably be expected to eliminate or reduce such impediment to employment within a reasonable length of time;
 - (b) therapeutic intervention will be directed toward a vocational objective and be short term (suggestion 10 to 15 sessions). The therapist will meet with client to determine the number of sessions required to complete objective. VR Counselor will be consulted and the sessions will be included in the IPE if counselor agrees. Additional sessions need the approval of the Area Manager;
 - (c) necessary hospitalization in connection with surgery or treatment;
 - (d) prosthetic and orthotic devices;
 - (e) eyeglasses and visual services as prescribed by qualified personnel who meet State licensure laws and are selected by the individual;
 - (f) special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the treatment of individuals with end-stage renal disease;

- (g) diagnosis and treatment for mental and emotional disorders by a physician or licensed psychologist in accordance with State licensure laws; and
 - (h) if no other resource can be identified, VR can purchase prescription drugs, if it is an emergency and/or short term in nature.
5. Maintenance, for additional costs required for the completion of the individual's rehabilitation program (see definitions section for examples of maintenance);
 6. Interpreter services by qualified personnel for individuals who are deaf, and reader services for those individuals determined to be blind after an examination by qualified personnel who meet State licensure laws;
 7. Rehabilitation teaching services and orientation and mobility services for individuals who are blind;
 8. Occupational licenses, tools, equipment, initial stocks, supplies and start up costs to include advertising;
 9. Transportation, including adequate training in the use of public transportation vehicles and services;
 10. Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices;
 11. Referral and other services to secure services from other agencies through agreements;
 12. Transition services for students with disabilities, that facilitate the achievement of an employment outcome identified in the IPE;
 13. Supported employment services;
 14. On-the-job or other related personal assistance services provided while an individual with a disability is receiving vocational rehabilitation services in this section;
 15. Job related services, including job search, and placement assistance, job retention services and follow-up services;
 16. Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent such resources are authorized to be provided through the statewide workforce investment system, to the individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome;
 17. Services to family members of an applicant or eligible individual if necessary to enable the applicant or eligible individual to achieve an employment outcome; and
 18. Specific post-employment services necessary to assist an individual with a disability to retain, regain, or advance in employment.

Qualifications of Service Providers
34 CFR Part 361.51 (a)

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

- Professional service providers must meet applicable State licensure or professional certification requirements;
- The State’s authorized accrediting body must accredit educational and training institutions;
- Hearing evaluations will only be provided by such physicians or audiologists licensed or certified in accordance with State law or requirements;
- The Commission on Accreditation of Rehabilitation Facilities (CARF) shall accredit rehabilitation facilities unless these circumstances exist:
 - The organization has been in existence for less than twelve months; or
 - The organization has been in existence for more than twelve months, but has been providing services to clients for less than twelve months.
- The Division of Behavioral Health must certify Mental Health Centers.

Financial Policies
34 CFR Part 361.54

General Procedures

All staff shall follow applicable State of Wyoming purchasing statutes and procedures when purchasing goods or services for clients.

Procedures for Purchasing Vocational Rehabilitation Services
34 CFR Part 361.46 (2)

All services purchased for clients of the agency must be on the IPE and have written authorization prior to or at the same time as the purchase of services.

Immediately after the IPE is signed by the client and VR representative, all services to be provided by DVR in the current budget period will be authorized for in WYRES.

The purchase of services will be authorized by a counselor or authorized agent. The district assistant/secretary can authorize for services under the direction of the counselor and/or area manager.

Comparable Services and Benefits

34 CFR 361.53 (b) (5)

Before any DVR services are provided, other than rehabilitation technology services, the DVR counselor shall give full consideration to any comparable services and benefits available to the client under any other program to meet, in whole or in part, the cost of any vocational rehabilitation services provided to the client. If comparable benefits are available they must be used to meet in whole or in part, the cost of vocational rehabilitation services. DVR shall fund a service until the comparable services or benefits become available.

Rehabilitation Technology Services

34 CFR 361.46 (a) (2) (i) & 361.48 (a)

The provision of rehabilitation technology services by DVR is not contingent on a determination of comparable services and benefits. However, if such services are readily available to the individual from other sources they should be utilized by VR.

Training Services

34 CFR 361.48 (f)

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

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

Clients are expected to go to school full time (minimum 12 credit hours) unless there are medical/psychological reasons or other extenuating circumstances that preclude full time attendance. Clients are expected to maintain a cumulative minimum grade point average (2.0 or above) that will keep them in good standing in their academic program. Area managers will be consulted when developing an IPE with less than the full time requirement.

Financial Needs Test:

State Statute 9-2-114 & State Rules and Regulations, Section 5 page 3-3

The financial needs test provides a formula from which the counselor may determine the existence and extent of the individual's financial need so that equitable treatment is accorded to all applicants/clients with disabilities in similar circumstances on a statewide basis. The financial need of an individual will be determined within a reasonable time prior to the provision of services.

DVR requires that rehabilitation services be provided at public cost only to individuals found to require financial assistance. However, a financial needs test may not be applied as a condition to furnishing the following services:

1. An assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;
2. Rehabilitation counseling and guidance, including information and support services to assist an individual in exercising informed choice;
3. Job-related services, including job search, job placement assistance, job retention services, follow-up services and follow along services;
4. Referral and other services to secure needed services from other agencies through agreements;
5. Trial work experiences;
6. Extended Evaluations;
7. Personal Assistance services as defined in CFR 361.48(n); and
8. Auxiliary Aids or services; and
9. Any vocational rehabilitation service if the individual in need of the service has been determined eligible for SSI or SSDI benefits.

Financial Needs Test (and Allowed Cost of Living Expenses)

The financial needs test includes these components:

- The Divisions financial application must be completed, signed and dated by the client or legal guardian, and must be witnessed;
- The financial application will be reviewed and updated yearly or when the client's financial situation changes;
- The gross income of the family unit will be considered;
- Parental income is considered only for clients who are minors, i.e., who are under age 18;

- ☐ Liquid asset allowance is \$2,000 for the client or a total of \$3,000 for the client and spouse (cash, bonds, stocks, savings);
- ☐ Disability related income will not be considered in financial needs test (i.e., SSDI, SSI, WC, VA); and
- ☐ Spouses income is excluded from WC cases if the injured worker selected the VR option.

The financial needs test applies a cost of living formula designated in the following table:

Financial Needs Table

Size of Family Unit	Monthly Income
1	\$1,714.75
2	\$2,306.92
3	\$2,899.08
4	\$3,491.25
5	\$4,083.42
6	\$4,675.58
7	\$5,267.75
8	\$5,859.92

For Family Units with More than 8 Members
 Add **\$592.17** for Each Additional Member
 (Based 190% of HHS poverty guidelines
 and is updated periodically. This version is based on **2009** figures.)

Rates of Payment

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

All direct client payments of \$300.00 or more will have Area Manager's approval prior to authorization. Area Managers will initial and date the authorization prior to it being sent to Central Office for processing.

The VR counselor shall get the Area Manager's approval on each IPE which contains a single service code cost of over \$5,000 to VR prior to any party signing the IPE and committing division funds.

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

Single Services

Any IPE which contains a single code cost service, (i.e., surgeries, computer, assistive technology etc.) with an estimated cost to VR of \$10,000 or more, must be approved by the Division Administrator in writing PRIOR to any party signing the IPE.

VR Spending Guidelines

Guidelines are intended to be flexible allowing VR counselor discretion when necessary.

The same guidelines will be used for 611 (general case service) and 613 (Workers' Compensation) fund and other funds as directed by VR administration.

- On a case by case basis area manager approval and sign off can be used to exceed guidelines when necessary to meet the vocation rehabilitation goals.
- The \$5,000 single service area manager approval policy and the \$10,000 administrator approval policy apply to all services. (See Rate of Payment pg. 34 of VR policy)
- Rationale for service provision will be completed and an exit strategy will be documented for maintenance, rent, medications and food. (See required captioned heading for contact content (policy pg. 17).

Surgery guideline and practice—Cost estimates for surgery will be obtained in writing from vendors prior to writing plan and authorizations. (Use the surgery cost estimate form in the reference manual.) Efforts to get Medicaid rates, discounts and other comparable benefits must be made.

Books—Guideline is up to \$350 per semester.

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

Vehicle purchase--Up to \$4,500 guideline. Teach clients that this service is a short term solution to a long term problem of transportation.

Dental work—Up to \$3,000 guideline.

Maintenance for rent—A maximum of up to 3 months of rent for the life of the case. Cost for rent maintenance will be based on local rates.

Cost of housing during training is considered differently than maintenance for rent and the guideline doesn't apply. Rationale for service provision will be completed and exit strategy will be documented in IPE for all rent maintenance. All comparable benefits must be considered.

Maintenance for gas — A maximum of up to 3 months of gas for the life of the case. Rationale for service provision will be completed and an exit strategy will be documented in IPE.

Medication — A maximum of up to 3 months for the life of the case. Rationale for service provision will be completed and an exit strategy will be documented in IPE.

Computers — Up to \$1,000 for computer and software. VR will consult with DWS IT to help determine what computer specifications are needed to meet client need.

Hearing aids — Up to \$2,200 per hearing aid. Clients are strongly encouraged to save money for the eventual replacement of the hearing aid(s).

Best Practices

Best Practice #1 Authorizations for multiple services will specify the number of months or units agreed to, the number provided, and a timeframe for the authorization. For example, 3 months of medication are agreed to in the IPE. The authorization will specify the amount to be provided in each month in the authorization comment section.

Best Practice #2 Authorization will be put in place before services are provided with accurate costs. Putting underestimated authorizations in place i.e. \$1 to avoid an after the fact isn't acceptable for several reasons, including the inaccurate reflection of obligated funds in the budget.

Best Practice #3 Diagnostics—Use existing diagnostics as often as possible. Ask the client to get records when appropriate to save money on copying charges and to get the client involved in the VR process. This may save time also. Use insurance if available i.e. wellness programs.

Best Practice #4 Consider the option of purchasing only one hearing aid rather than a set. Clients are to be encouraged to save money for the eventual replacement of the hearing aids.

Best Practice #5 Consider lower cost alternatives to surgery such as assistive technology application, re-training and placement in other comparable employment.

Small Business and Self Employment

Procedures required prior to the development of a small business IPE include:

- A Comprehensive Assessment of Rehabilitation Needs to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests and

informed choice of the eligible individual. It may include to the degree needed to make such a determination, an assessment of personality, interests, interpersonal skills, intelligence and related functional capacities.

- ❑ The consumer must include a credit report with the business plan to help determine if she/he has the financial resources to maintain the business once VR closes the case. A poor credit report should not automatically disqualify an individual from receiving VR assistance to initiate a business. VR can assist with the cost of a credit report if no other funding or free reports are available.
- ❑ Provision of technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide services to eligible individuals who are pursuing self-employment or telecommunicating or establishing a small business operation as an employment outcome, if necessary.
- ❑ Document efforts to secure comparable benefits such as SBA, PASS Plans, etc.
- ❑ Consultation with DVRs small business consultant is required. Consultation need not be face to face if other methods of communication will suffice.

Small Business IPE

Services that will be provided when necessary to achieve an employment outcome of self-employment, or establishing a small business operation may include:

- 1) Technical assistance and other consultation services to conduct market research/analyses, develop business plans, and secure resources from sources other than the program for the establishment and operation of the small business enterprise.
- 2) Services that are a part of the rehabilitation process.
- 3) Financial assistance, to the extent such assistance is not available from the individual, his or her family, or other sources, for the costs of:
 - a. Occupational licenses, sales tax licenses, franchise fees, and business permits required by any unit of state or local government for the operation of the new business enterprise not to exceed \$1,000.00 without managerial approval;
 - b. Tools and equipment, which are essential to the initial operation of the new business enterprise, not to exceed \$2,500.00 without managerial approval;
 - c. Inventory essential to the initial operation of the new business enterprise not to exceed \$2,500.00 without managerial approval;

- d. Down payment for a vehicle essential to the initial operation of the new business enterprise not to exceed \$1,000.00 without managerial approval, use WYRES service code T3010 vehicle purchase;
- e. Initial advertising, as needed, to promote the business not to exceed \$500.00 without managerial approval.

Availability of financial assistance, as noted above, is limited to the initial establishment period of the new business enterprise, not to exceed six months after a qualified rehabilitation counselor signs the IPE, unless approved by the counselor and area manager.

The consumers Individualized Plan of Employment (IPE) will include Self-Employment/ Small Business before financial assistance will be provided, and will include objective criteria.

The IPE will include measurable criteria for a successful closure such as a dollar figure earned within a specified time period.

Financial assistance is not available from any VR program for the costs of:

- ▶ Acquiring land or buildings for the new business enterprise; or construction, renovation, or remodeling space to be used by the new business enterprise unless the renovation or remodeling is required to make that space accessible to the eligible individual.

Small Business Development Fund Program 34 CFR 361.49 (a) (5)

Counselors may access funding from DVRs Small Business Development Fund program to initiate businesses only when the Wyoming Division of Vocational Rehabilitation small business and self employment policies have been complied with and documented. To access this funding the counselor will:

1. Document in WYRES that the client is significantly disabled.
2. Provide a copy of the client's business plan to the small business consultant for review and comments. The IPE may be written only after consultation with the small business consultant for Small Business Development funding to be provided.
3. Consult with the DVR Small Business Consultant regarding the amount of Small Business Development funding needed and secure approval for the requested funding or negotiate an acceptable amount to successfully initiate the business. Financial assistance will be predicated on compliance with existing policy.
4. The IPE will be based on the client's business plan and will address vocational rehabilitation needs. The client will actively participate in the development of the IPE criteria. Business related services addressed in the IPE will be developed in consultation with the DVR small business consultant. Funding for business related services will be

provided according to the IPE. The DVR small business consultant will be informed of amendments to the IPE involving the small business development fund.

5. Services to be provided with the Small Business Development Fund are limited to:
 - a. The initial equipment of a business enterprise.
 - b. The repair and replacement of equipment in a business enterprise.
 - c. The acquisition of initial stock and supplies for a small business.
 - d. Management services and supervision provided by the State agency to establish, maintain, and improve the operation of a business enterprise.
 - e. Other goods, services, and initial costs necessary for establishing and maintaining the business for a period not to exceed six months after the qualified rehabilitation counselor signs the IPE, unless the customary and usual method of providing the goods or service exceeds the six-month period.
6. Appropriate WYRES service codes for these expenditures in “010 OTH Small Business” are:
 - 01010 SB – Tools
 - 01020 SB – Equipment
 - 01030 SB – Licenses
 - 01040 SB – Supplies
 - 01050 SB – Inventory, Misc. Goods
 - 01055 SB – Training
 - 01060 SB – Misc. Services
7. Small Business Development Funds are not to be used for vehicle down payment or purchase; or home modification.
8. The DVR Small Business Consultant will be informed of specific business related problems, which may endanger the successful development of the business and/or the successful closure of the case.
9. The client will be notified of the availability of follow up services in status 32. The DVR Small Business Consultant is available to provide consultation services to the client after successful case closure.

Purchase of Firearms

Firearms will not be purchased without the prior written approval of the Administrator.

Purchase of Vehicles

1. Alternative methods of transportation must be considered before requesting vehicle purchase. This should include public transportation, family, friends, etc;
2. The request for purchase must be based on the need to get to and from a work or training setting;
3. The counselor/manager will need to validate the amount. **SUGGESTION:** use the Kelley Blue Book, which may be accessed on the internet;

4. Vehicle will have a mechanics written inspection prior to approving purchase;
5. Vehicle will be purchased from an authorized car dealership;
6. Any vehicle so equipped as to accommodate a specific disability may be purchased from a private party after having a mechanic inspect the vehicle; and
7. The request for full or partial payment of a vehicle will be approved in writing by the area manager before it is sent to the administrator for final approval.

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

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

If training is available in state, payment for all out-of-state tuition and other educational expenses will be calculated at the same rate available at public in-state institutions. The Area Manager will approve any exception to this policy.

Out of State Services

For non-resident students, the agency will provide educational expenses calculated at in-state rates. Client will be responsible for all costs above in state rates.

OJT

A maximum of 50 percent reimbursement to an employer for on-the-job training is allowed. All on-the-job training shall have a contract signed by the DVR Counselor, the client, and the employer. Check contract "No V.I., S.S., or Insurance." Use OJT Contract unless employer refuses and document refusal.

Interpreter Services

If an interpreter for the deaf has been scheduled to interpret with a client and counselor for the purpose of applying for services, developing or maintaining an IPE and said client does not keep the appointment, the interpreter will be paid one hour for interpreting services. The interpreter will use the hour to discuss and educate counselor about deaf issues. The interpreter will not be paid if VR cancels the appointment in advance or the interpreter does not keep the appointment.

Temporary Services

If an assistant plans to be out of the office for a period of two or more days, the area manager may request that an individual be hired through the temporary service under contract with DVR. The area manager will contact the Assistant Administrator of Field Services using e-mail for approval for the temporary services.

Maintenance or transportation shall never be the sole benefit conferred on a client.

Tools and Equipment

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

In all cases where the agency has purchased tools, supplies or equipment for a client, an Equipment Agreement (copy follows) must be filled out and placed in the case file. All tools, supplies and equipment remain the property of DVR for a period of four months after successful closure, at which time they will be transferred to the consumer. If within the above mentioned four-month period, any of the following events occur DVR shall have the right to retake physical possession of the equipment:

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

**Division of Vocational Rehabilitation
Department of Workforce Services
State of Wyoming**

Equipment Agreement

I, the undersigned, acknowledge that on this date I received from the Division of Vocational Rehabilitation (DVR) the tools, equipment, assistive technology devices, and/or supplies (equipment) listed below and that they are in good, serviceable condition.

I agree to the following terms and conditions:

- (1) The Equipment issued to me is to be used in training or employment. This Equipment is the property of DVR and ownership will be transferred to me four months after the successful closure of my vocational rehabilitation program. If, within the above mentioned four-month period, any of the following events occur DVR shall have the right to retake physical possession of the Equipment:
 - (a) I abandon the training or employment for which the Equipment was granted;
 - (b) I cease to use the Equipment in my vocational training, employment, or pursuit of employment; or
 - (c) In the event of my death.
- (2) I will not dispose of, sell, trade, pawn, or give this Equipment to another individual during the four-month period after closure of my program.
- (3) I agree to properly maintain and repair the Equipment and to replace the Equipment in the event of neglect/loss during the four-month period after closure of my program.
- (4) I certify that I have read and will comply with the above terms and conditions, and that I have received a copy of this Agreement.

Client's Signature

Date

Case I.D. No.

DVR Representative

Title

Date

Rev. 10/02

Case Closure

Closure Prior to Eligibility Determination

34 CFR Part 361.44

The counselor shall close an individual's case at any time in the vocational rehabilitation or independent living process when it has been determined that:

1. the applicant declines to participate in, or is unavailable to complete, an assessment for determining eligibility.
2. that the Designated State Unit (DSU) has made a reasonable number of attempts to contact the applicant or, if appropriate the applicants representative to encourage the applicant's participation.

Written Notification

The individual shall receive written notification of the action being taken.

Closure After IPE Is Completed

34 CFR Part 361.43

Case Closure – (Eligibility Criteria Not Met) Individual No Longer Eligible

If it is determined that the applicant is ineligible for services or determined that an individual receiving services under an IPE is no longer eligible for services the State unit must:

- ☐ Make the determination only after providing an opportunity for full consultation with the individual, or as appropriate, the individual's representative;
- ☐ Inform the individual in writing, supplemented as necessary by appropriate modes of communication, of the ineligibility determination, including the reasons for the determination and the means by which the individual may express and seek remedy for any dissatisfaction including appeal procedures;
- ☐ Provide the individual with a description of services available from a client assistance program;
- ☐ Refer individual to other training or employment-related programs that are part of the One-Stop delivery system;
- ☐ Review within 12 months and annually thereafter if requested by the individual or as appropriate the individual's representative;
- ☐ Require that applicants under the VR program who are unable to work

in an integrated setting are referred to local extended employment providers;
and

- ☐ Require that individuals who were initially eligible for VR services, but are later determined unable to work in an integrated setting, be referred to local extended employment providers.

Case Closure for Successful Rehabilitation
34 CFR Part 361.56 (a)

- ☐ For an individual that has achieved the employment outcome;
- ☐ Employment outcome achieved as described in the IPE that is consistent with the individuals strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice; and in the most integrated setting possible consistent with the individuals informed choice;
- ☐ The individual and the qualified VR counselor employed by the DSU consider the employment outcome to be satisfactory and agree that the individual is performing well in the employment;
- ☐ Employment outcome maintained; the individual maintained the employment outcome for an appropriate period of time but not less than 90 days necessary to ensure the stability of the employment outcome and the individual no longer needs vocational rehabilitation services; and
- ☐ The individual is informed through appropriate modes of communication of the availability of post employment services.

This information will be included in the individual's case file. Using the captioned heading of "Closure Summary" verify that the above provisions have been satisfied.

Post Employment Services
34 CFR Part 361.56 (a) (d)

After an individual has achieved a suitable employment outcome, the counselor may provide post employment services necessary to assist the individual to maintain, regain, or advance in employment.

Post employment services after a supported employment outcome may be provided by DVR if such services are needed by the individual to maintain the supported employment placement and those services are unavailable from an extended service provider.

Rehabilitation Technology

Before any type of closure is completed, rehabilitation technology shall be considered and the outcome(s) documented in the closure summary and on the IPE.

Self-employment

The qualified rehabilitation counselor and client will mutually agree to the criteria which will determine if the employment outcome of self-employment has been met.

Case Transfers

Case transfers require that the counselor initiating the transfer contact the receiving counselor to discuss the case prior to transfer.

Case transfers cannot be denied once the client contacts the receiving counselor and makes it known that he/she intends to follow through with their rehabilitation program.

Transferring of Transition cases

A smooth transfer of a transition case will need to account for the transferring of school records from the preceding to the receiving school system, communication between respective community service partners and, if the student is under the age of majority, their guardian(s). The goal is to develop linkages with a student's new community, school district and community workers so a delay in the continuation of services doesn't adversely affect the success in a case. This transfer can be aided by the current counselor arranging for a meeting over the phone with the receiving counselor, student, guardian(s) and sending and receiving members of their transition team who have worked or will be working with the student. In the case of a student transferring from a residential facility, usually they have visits to their home communities before exiting the facility for good. Possibly during one of these visits introductions and connections can be arranged with the counselor and/or other team members in the student's home community.

Independent Living Rehabilitation

Title 4 Section 410 of the Workforce Investment Act

Eligibility for Independent Living Rehabilitation Services (ILR)

Services may be provided under the Independent Living Chapter 1 to any individual with a significant disability. For the purpose of independent living services the term "individual with a significant disability" means an individual with a significant physical or mental impairment whose ability to function independently in the family or community or whose ability to obtain, maintain, or advance in employment is substantially limited and for whom the delivery of independent living services will improve the ability to function, continue functioning, or move towards functioning independently in the family or community or to continue in employment respectively.

Persons with significant disabilities not receiving other vocational rehabilitation services provided by the division have priority for services provided under this program.

Scope of ILR Services

Independent living services are limited to those services specified in Wyoming's State Plan for Independent Living rehabilitation services submitted to and approved by the federal government. Services may include, but are not limited to:

1. counseling services, including psychological, psychotherapeutic, and related services;
2. services related to securing housing or shelter, including services related to community group living and supportive of the purposes of this Act and of the titles of this Act, and adaptive housing services (including appropriate accommodations to and modifications of any space used to serve, or occupied by, individuals with significant disabilities);
3. rehabilitation technology;
4. mobility training;
5. services and training for individuals with cognitive and sensory disabilities, including life skills training, and interpreter and reader services;
6. personal assistive services, including attendant care and the training of personnel providing such services;
7. surveys, directories, and other activities to identify appropriate housing, recreation opportunities, accessible transportation, and other support service;

8. consumer information programs on rehabilitation and independent living services available under this Act, especially for minorities and other individuals with disabilities who have traditionally been unserved or underserved by programs under Act;
9. education and training necessary for living in the community and participating in community activities;
10. supported living;
11. transportation, including referral and assistance for such transportation;
12. physical rehabilitation;
13. therapeutic treatment;
14. provision of needed prostheses and other appliances and devices;
15. individual and group social and recreational services;
16. training to develop skills specifically designed for youths who are individuals with significant disabilities to promote self-awareness and esteem, develop advocacy and self-empowerment skills, and explore career options;
17. services for children with significant disabilities;
18. services under other Federal, State, or local programs designed to provide resources, training, counseling or other assistance of substantial benefit in enhancing the resources, training, counseling, or other assistance of substantial benefit in enhancing the independence, productivity, and quality of life of individuals with significant disabilities;
19. appropriate preventive services to decrease the need of individuals with significant disabilities assisted under this Act for similar services in the future.
20. community awareness programs to enhance the understanding and integration into society of individuals with disabilities, and
21. such other services as may be necessary and not inconsistent with the provisions of this Act.

IPE Content of ILR Services

The IPE for Independent Living Rehabilitation (ILR) services is similar to the content for regular vocational rehabilitation services. The program must indicate the goals established for the individual, the services to be provided and the anticipated duration of the services. All IPE's shall include a review of the need for rehabilitation technology services. Instead of vocational objectives, the IPE reflects independent living objectives. The client may sign a waiver stating a plan is unnecessary and eliminate the need for an ILR plan.

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

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

Stipend

The Workers Compensation stipend will only be provided in conjunction with a training program and will be included in the status 18 IPE. The training can occur in a college or vocational school setting. Training can also be developed with area businesses. In this case it must be training not employment; no salary will be paid to the client while in this type of training.

The stipend amount will not exceed Temporary Total Disability (TTD) amount on the individual's workers compensation case.

Referral

DVR requires a signed Application for Vocational Rehabilitation benefits or permanent disability award and a completed Certificate of Eligibility (COE). The application will be sent from the analyst to DVR (Roxanne) when the injured worker has chosen the VR option AND the employer has had an opportunity to object.

Memorandum of Understanding
Between The Wyoming Department of Employment,
Division of Worker's Safety and Compensation (WSCD) and the Department of Workforce
Services, Division of Vocational Rehabilitation (DVR)

The goal of WSCD and DVR is to return the injured workers to work. Both agencies will take into consideration the most expeditious and least costly program available with regard to the injured workers' occupations at the time of injury.

1. **Parties.** This Memorandum of Understanding (hereinafter referred to as "MOU") is made and entered into by and between the Workers' Safety and Compensation Division, whose address is 1510 East Pershing Blvd., Cheyenne, Wyoming, 82002, and the Division of Vocational Rehabilitation, whose address is 122 West 25th Street, First Floor East, Cheyenne, Wyoming, 82002.

2. **Purpose.** The purpose of this MOU is to clarify procedures and responsibilities when an injured worker applies for the vocational rehabilitation option.

3. **Term of MOU.** This MOU shall commence upon the day and date last signed and executed by the duly authorized representatives of the parties to this MOU and shall remain in full force and effect until terminated. This MOU may be terminated, without cause by either party upon thirty (30) days written notice. Said notice shall be delivered by hand or by certified mail.

4. **Payment.** No payment shall be made to either party by the other party as a result of this MOU.

5. **General Understanding of Funding.**

- A) The stipend (Living Expenses) provided directly through WSCD is 100% chargeable to the employer.
- B) Additional services provided as part of the Individualized Plan for Employment (IPE) are 21.3% Workers' Compensation funds that are matched with 78.7% Federal funds. DVR's program expenditures (all IPE services except the stipend) and DVR staff providing services under this MOU are under the administrative supervision of the DVR. DVR's program expenditures include client services and administrative costs.
- C) The stipend will end during the breaks in the IPE, i.e. summer semester with no classes, medical care or treatment which would interfere with attendance in training program, non-compliance, etc. DVR will notify WSCD of these breaks via e-mail within one week of notification.
- D) There will be an allowance of up to two (2) months continued stipend for job search upon completion of the training specified in the IPE.

- E) The Stipend amount will not exceed the monthly Temporary Total Disability (TTD) amount on the injured worker's case. The TTD amount will be provided to DVR upon request.
- F) Based on information provided by DVR, the stipend amounts may be terminated by the case analyst for non-compliance with the IPE. However, if the injured worker restarts the training program and/or is recertified for the DVR IPE, the case analyst will restart the stipend payments on the date training begins as specified on the IPE.
- G) The stipend will be provided to the injured worker only when he/she is in a training program agreed to by both injured worker and DVR counselor.

6. **Responsibilities of Workers' Safety and Compensation Division.**

- A) During the application review for vocational rehabilitation services, the case analyst will contact the employer at the time of the injury to determine if that employer is willing to rehire the injured worker with or without accommodations.
- B) If appropriate, the case analyst will obtain a functional capacity evaluation (FCE) before referring the injured worker to DVR. This is to determine and document the injured worker's work restrictions.
- C) The case analyst will refer the injured worker to DVR to determine if retraining is appropriate or if the injured worker is interested in DVR.
- D) If the injured worker is interested in the DVR option, he/she will indicate their selection on the DVR application. If the injured worker qualifies, the case analyst will issue a Final Determination of acceptance and eligibility, and will copy DVR with the Final Determination letter and application.
- E) If the injured worker declines DVR services, or he/she is determined inappropriate for DVR services, and before the IPE has been developed and signed, the injured worker may be referred back to WSCD to apply for a permanent disability award.
- F) If the injured worker is eligible for a monthly stipend, the case analyst is responsible for processing the payments.
- G) If the employer calls the case analyst about the IPE, the analyst can refer the call to DVR.

7. **Responsibilities of Division of Vocational Rehabilitation.**

- A)** DVR receives a referral from WSCD. DVR will review the referral information and determine eligibility of the injured worker. If DVR determines the injured worker is not eligible for the Federal program (613), he/she will be accepted into the State program (615). The injured worker may be referred back to WSCD if he/she is not interested in retraining or other services offered by DVR.
- B)** If the injured worker is eligible for DVR services, DVR will develop an IPE with the injured worker. This plan will be based on returning an injured worker to gainful employment. Once the injured worker selects the VR option and an IPE has been developed and signed, he/she cannot reverse that decision and apply for the permanent partial disability award.
- C)** The DVR counselor and the injured worker will mutually develop a comprehensive IPE based on the injured worker's rehabilitation needs, after which the stipend will be determined based on cost of living expenses, not to exceed the monthly Temporary Total Disability (TTD) payment. The DVR counselor will also discuss least cost and expedited return to work options with the injured worker.
- D)** DVR will first attempt to return the injured worker to his pre-injury employment factoring assistive technology into the plan. DVR will also consider any transferable skills or re-training necessary for removing barriers to employment. He/she may obtain an on-site position analysis.
- E)** The IPE including stipend will not exceed four years (5 years beginning July 1, 2009) or at total cost of \$30,000.00 unless extended or increased for extenuating circumstances agreed upon by the injured worker, DVR and WCSD, which will be reviewed on a case-by-case basis. Wyoming Statute 27-14-408.
- F)** DVR is required to consider all comparable benefits if such services are available to the injured worker at the time the services are needed.
- G)** The DVR counselor will send a copy of the IPE to WSCD. DVR will provide WSCD with additional IPE amendments. These are used to document the training costs and the monthly stipend.
- H)** The DVR Counselor will notify the case analyst via e-mail when the injured worker is not in compliance with the IPE, thereby resulting in the termination of any remaining stipends.

8. **Procedures.**

- A) The health care provider documents that the injured worker cannot return to previous employment due to physical limitations from the work-related injury.
- B) During the review, if the employer offers the injured worker the same wage in a job commensurate with the injured worker's functional limitations, and if the injured worker declines the offer, the application will be denied by WSCD.
- C) The injured worker may wish to explore or investigate the various options prior to making his decision. In order to determine possible benefits, the case analyst will provide the following information to the injured worker or DVR upon request:
 - 1. medical reports which include restrictions to employment;
 - 2. the monthly TTD payment the injured worker was receiving;
 - 3. the results of the FCE, if applicable;
 - 4. the results of the employer contact regarding re-hiring options.
- D) Once the injured worker accepts the VR option and an IPE is developed and signed, he/she may not reverse that decision and apply for a permanent disability award.

9. **General Provisions.**

- A) **Amendments.** Either party may request changes in this MOU. Any changes, modifications, revisions or amendments to this MOU which are mutually agreed upon by and between the parties to this MOU shall be incorporated by written instrument, executed and signed by all parties to this MOU, to become effective upon the date and day last signed by the duly authorized representative.
- B) **Applicable Law.** The construction, interpretation and enforcement of this MOU shall be governed by the laws of the State of Wyoming. The courts shall have jurisdiction over any action arising out of this MOU and over the parties, and the venue shall be the First Judicial District, Laramie County, Wyoming.
- C) **Entirety of Agreement.** This MOU, consisting of six (6) pages, represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations and agreements, whether written or oral.

- D) **Prior Approval.** This MOU shall not be binding upon either party unless this MOU has been reduced to writing before performance begins as described under the terms of this MOU, and unless this MOU is approved as to form by the Attorney General or his representative.
- E) **Severability.** Should any portion of this MOU be judicially determined to be illegal or unenforceable, the remainder of the MOU shall continue in full force and effect, and either party may renegotiate the terms affected by the severance.
- F) **Sovereign Immunity.** The State of Wyoming, Workers' Safety and Compensation Division and Division of Vocational Rehabilitation do not waive their sovereign immunity by entering into this MOU, and each fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of this MOU.
- G) **Third Party Beneficiary Rights.** The parties do not intend to create in any other individual or entity the status of third party beneficiary, and this MOU shall not be construed so as to create such status. The rights, duties and obligations contained in this MOU shall operate only between the parties to this MOU, and shall inure solely to the benefit of the parties to this MOU. The provisions of this MOU are intended only to assist the parties in determining and performing their obligations under this MOU. The parties to this MOU intend and expressly agree that only parties signatory to this MOU shall have any legal or equitable right to seek to enforce this MOU, to seek any remedy arising out of a party's performance or failure to perform any term or condition of this MOU, or to bring an action for the breach of this MOU.

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10. Signatures.

In witness where of, the parties to this MOU through their duly authorized representatives have executed this MOU on the days and dates set out below, and certify that he/she has read, understood, and agreed to the terms and conditions of this MOU as set forth herein.

The effective date of this MOU is the date of the signature last affixed to this page.

DEPARTMENT OF EMPLOYMENT

[Name and Title]

[Date]

ATTORNEY GENERAL'S OFFICE APPROVAL AS TO FORM

[Name and Title]

[Date]

WORKERS' SAFETY AND COMPENSATION

[Name and Title]

[Date]

DIVISION OF VOCATIONAL REHABILITATION

[Name and Title]

[Date]

Definitions

34 Part CFR 361.5

“Alert List” a report run by staff in order to make sure we are staying within policy guidelines with regard to determining eligibility within 60 days, identifying an employment goal and writing an Individual Plan for Employment within eight to twelve weeks after determining a person eligible and maintaining contact with the client every 90 days. This report will identify those clients that have not been made eligible after being in status 04 for 50 days or more, clients that have been in status 10 for 50 days or more without a plan being written, and any client that has not had a contact on WYRES for at least 75 days.

“An Hour of Service” is defined as an hour of staff time spent on behalf of a supported employment client providing job placement, situational assessment, and/or job coaching services as defined. If a staff hour is simultaneously provided to more than one client (i.e.: a work crew), this hour will be prorated based upon each client's proportionate use (i.e.: Staff spends one hour in a work crew with 4 clients. Each client receives 15 minutes of this staff hour).

“American Indian” means an individual that is a member of an Indian tribe.

“Applicant” means an individual who submits a signed application for vocational rehabilitation services but has not yet been certified as eligible for DVR services.

“Appraisal of Current Health Status” refers to information that covers the client's medical history and a complete systems review, if one is needed.

“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.

“Assistive Technology device” means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of an individual with a disability

“Assistive Technology Service” means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. This could include an evaluation of the individual with a disability.

“Automobile Dealership” means any organization selling vehicles that can be found in the yellow pages and/or that have a tax ID number and dealer plates.

“Community Rehabilitation Program” means a program that provides directly or facilitates the provision of vocational rehabilitation services to individuals with disabilities; and that provides services for an individual with a disability to enable the person to maximize opportunities for employment, including career advancement.

"Client Assistance Program (CAP)" is a federal program initiated under the Rehabilitation of 1973 available to clients, applicants and former clients of the Wyoming Division of Vocational Rehabilitation to identify, explain and resolve any problems a client may be having with their rehabilitation program, or an applicant may be having with the application process.

"Comparable Services and Benefits" means services and benefits that are provided or paid for in whole or part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits, and are available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome continues, and commensurate to the services that individual would otherwise receive from the DSU.

"Competitive Employment" means work in the competitive labor market that performed on a full time or part time basis in an integrated setting and is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

"Designated State Agency" (DSA) means the Department of Workforce Services

"Designated State Unit" (DSU) means the Division of Vocational Rehabilitation.

"Disability" means, for purposes of Title I services - physical or mental impairment that constitutes or results in a substantial impediment to employment.

"Division" means the Division of Vocational Rehabilitation, Wyoming Department of Workforce Services

"DVR" means the Division of Vocational Rehabilitation.

"Eligible Individual" means an applicant for vocational rehabilitation services who meets the eligibility requirements.

"Employment Outcome" means entering or retaining full-time or, an appropriate, part-time competitive employment in the integrated labor market; supported employment; or any other type of employment, including self-employment, telecommuting, or business ownership that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

"Extreme medical risk" means a determination by a licensed medical doctor/psychologist that a probability of substantially increasing functional impairment or death if medical services, including mental health services, are not provided expeditiously.

"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. This represents an interim step in the rehabilitation process rather than an end point of that process.

"Extended Services" means ongoing support services and other appropriate services that are needed to support and maintain an individual with a most significant disability in supported employment and that are provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource.

"Family Member" for the purpose of receiving vocational rehabilitation services, means an individual who is a relative or guardian, lives in the same household, who has a substantial interest in the well being of eligible individual and whose receipt of vocational rehabilitation services is necessary to enable the individual to achieve an employment outcome.

"Guideline" an indication or outline of future policy or conduct. **Guidelines are intended to be flexible, allowing the VR counselor discretion when necessary.**

"Impartial Hearing Officer" means an individual:

- (1) who 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) who is not a member of the State Rehabilitation Council;
- (3) who has not been involved in previous decisions regarding the vocational rehabilitation of the applicant or client;
- (4) who has knowledge of the delivery of vocational rehabilitation services, the State Plan under Section 101, and the federal and state rules governing the provision of such services and training with respect to the performance of official duties;
- (5) who has no personal or financial interest that would be in conflict with the objectivity of the individual; and
- (6) an individual shall not be considered to be an employee of a public agency solely because the individual is paid by the agency to serve as a hearing officer.

"Independent Living Core Services" means:

- (1) information and referral services;
- (2) independent living skills training;
- (3) peer counseling (including cross-disability peer counseling); and
- (4) individual and systems advocacy.

"Individual with a disability" 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.

"Individual with a Significant Disability" means an individual:

- (1) who has a significant physical or mental impairment which 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 disorder, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, sickle-cell anemia, specific learning disabilities, 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.

Additional and Substantial Functional Limitations Include:

- (1) Inability to make use of public transportation unassisted or inability to travel independently in unfamiliar area;
- (2) Inability to perform sustained work activity for six hours or more;
- (3) Disfigurement or deformity so pronounced as to cause social rejection;
- (4) Speech or communication skills that are unintelligible to non-family members, or inability to understand normal speech with or without a hearing aid, or inability to interpret printed material as used in normal correspondence without use of adaptive aids;
- (5) Inability to climb one flight of stairs or walk 100 yards on the level without pause;
- (6) Loss of manual dexterity or eye/hand coordination sufficient that he/she is unable to fasten buttons, wind a watch, or write intelligibly;
- (7) Emotionally incapable of tolerating the stress of normal competitive employment;
- (8) Intellectually or physically limited to closely supervised, highly structured employment; and

- (9) Demonstrated marked restriction of daily activities, constriction of interests, deterioration in personal habits, and impaired ability to relate to other people.

"Individual with the Most Significant Disability" means an individual:

- ▶ The individual must have an impairment or impairments which, singly or in combination, are significant;
- ▶ The individual must be seriously limited from achieving an employment outcome due to significant functional loss in two or more of the functional capacities;
- ▶ The individual must need at least two core vocational rehabilitation services* to address the functional losses imposed by the significant impairment(s) in order to attain an employment outcome; and
- ▶ Whose vocational rehabilitation can be expected to require at least 18 months to complete.

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

All clients that have an active Individualized Plan for Employment (IPE) will be served until that IPE is completed.

"Individual with a Significant Disability" as used in the Independent Living Program means an individual with a significant physical or mental impairment whose ability to function independently in the family or community, or whose ability to obtain, maintain or advance in employment is substantially limited, and for whom the delivery of independent living services will improve the ability to function, continue functioning, or move towards functioning independently in the family or community, or to continue in employment.

"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.

"Individualized Plan for Employment (IPE)" or "Rehabilitation Plan" means a program mutually developed by a qualified Rehabilitation Counselor and an eligible client, or as appropriate, the eligible client's parent, guardian, or other representative, which defines the client's vocational goal and outlines the vocational rehabilitation objectives and services necessary to achieve that goal.

“Informed Choice” means the counselor, through vocational guidance and counseling, will provide pertinent information to the client so he/she can make appropriate decisions affecting his/her rehabilitation program.

"Integrated Work Setting:"

- (1) With respect to the provision of services, means 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 eligible individuals;
- (2) With respect to an employment outcome, means a setting typically found in the community in which the individual interacts with non-disabled individuals other than non-disabled individuals who are providing services to those eligible individuals, to the same extent that non-disabled individuals in comparable positions interact with other persons.

"Job coaching" means services that are needed to support and maintain an individual on the job after employment is obtained, such as:

- (1) intensive on-the-job skills training and other training provided by skilled job trainers, co-workers, and other qualified individuals;
- (2) provision of follow-up services, including regular contact with employers, trainees with the most severe disabilities, parents, guardians or other representatives of trainees, and other suitable professional and informed advisors in order to reinforce and stabilize the job placement;
- (3) regular observations or support of individuals with the most severe disabilities at the work site;
- (4) contact with co-workers to develop on-the-job natural supports; or
- (5) other on-going support services as defined which are necessary to achieve job stabilization.

These services are based on an assessment by the DVR counselor of the individual's needs.

"Job Development/Placement" are services that are needed to identify the most suitable employment outcome for significantly and most significantly disabled individuals, and to help determine necessary on the job supports, such as:

- (1) meeting with the client, parent, and significant others to discuss issues such as job preferences, job aptitudes, past work experiences, and to develop a plan for job development;
- (2) contact with employers regarding job possibilities for a specific client, completion of job site surveys, or job analysis regarding the appropriateness of employment sites;

- (3) accompanying a client on an employer visit for the purpose of job exploration or a job interview;
- (4) staffing regarding an individual client in the job development process;
- (5) providing services such as job clubs, job shadowing, or career counseling which support the development of an appropriate vocational goal; and
- (6) other on-going support services as defined which are necessary to achieve job placement.

These services are based upon an assessment by the DVR counselor of the individual's needs.

***“Liquidating of Authorizations”** means freeing up money that was set aside to pay an invoice that is no longer needed.*

"Maintenance" means monetary support to an eligible individual for expenses, such as food, shelter and clothing, that are in excess of the normal expenses of the individual and are necessitated by the individual's participation in an assessment for determining eligibility and vocational rehabilitation needs or the individual's receipt of services under an individualized plan for employment. **Example:** cost of a uniform or other suitable clothing required for job seeking or job placement activities. **Example:** cost of short term shelter required for vocational training on a site that is not within commuting distance of an individual's home. **Example:** initial one time costs, such as security deposits, charges for the initiation of utilities required in order for an individual to relocate for a job placement.

"Ongoing Support Services" means services:

- (1) needed to support and maintain individuals with the most significant disabilities in supported employment;
- (2) provided at least twice monthly:
 - (a) to make an assessment, regarding the employment situation, at the worksite of each individual in supported employment, or, under special circumstances, especially at the request of the client, off site; and
 - (b) based on the assessment, to provide for the coordination or provision of specific intensive services, at or away from the worksite, that are needed to maintain employment stability; and
- (3) consisting of:
 - (a) particular assessment supplementary to the comprehensive assessment;
 - (b) the provision of skilled job trainers who accompany the individual for intensive job skill training at the worksite;

- (c) job development and placement;
- (d) social skills training;
- (e) regular observation or supervision of the individual;
- (f) follow-up services such as regular contact with the employers, the individuals, the parents, family members, guardians, advocates: or
- (g) representatives of the individuals, and other suitable authorized professional and informed advisors, in order to reinforce and stabilize the job placement; and
- (h) facilitation of natural supports at the worksite.

“Other agency or organization” means any individual, group of individuals, private or public entity that provides information to Vocational Rehabilitation requiring a release of information.

"Personal Assistance Services" means a range of services provided by one or more persons designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual's control of their life and ability to perform everyday activities on or off the job.

“Physical and Mental Restoration” means 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.

“Policy” a definite course or method of action selected (as by a government, institution, group or individual) from among alternatives and in the light of given conditions to guide and usually determine present and future decisions.

“Practice” to carry on or engage in (an activity or process).

"Qualified Counselor" means an individual who meets the criteria to be able to sit for the Certified Rehabilitation Counselor (CRC) examination.

“Qualified Personnel” means a licensed physician (MD) or licensed psychologist (PhD)

"Rehabilitated" means a client has been:

- (1) determined to be eligible;
- (2) provided an assessment for determining eligibility and vocational rehabilitation needs and counseling and guidance as essential vocational rehabilitation services;

- (3) provided appropriate and substantial vocational rehabilitation in accordance with the individualized plan for employment (IPE); and
- (4) determined to have achieved and maintained suitable employment for at least 90 days.

"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. This term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

"Significant Contact" with clients occurs when information pertinent to the vocational rehabilitation process is shared between the client and the VR representative in face to face, written or verbal form.

"Substantial Impediment to Employment" means that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, and other related factors) that hinders an individual's occupational performance, by preventing his preparing for, obtaining or retaining employment consistent with the individual's capacities and abilities.

"Supported Employment" means competitive work in integrated work settings or employment in integrated work settings in which individuals are working toward competitive work consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individuals with the most significant disabilities:

- (1) for whom competitive employment has not traditionally occurred; or
- (2) who, because of the nature and severity of their disability, need intensive supported employment services.

"Supported Employment Services" means on-going support services and other appropriate services needed to support and maintain an individual with most significant disability in supported employment that are:

- (1) For a period of time not to exceed 18 months unless under special circumstances the eligible individual and the VR counselor agree to extend the time to achieve an employment outcome and; if wages are paid to the client the wages must be paid through another party so DVR isn't the employer. Paid work experiences should be short term at a low wage.
- (2) Following transition, as post employment services that are unavailable from an extended services provider and are necessary to maintain or regain the job placement or advancement in employment.

"Trial Work Experiences" means work experiences including supported employment, on the job training and other experiences using realistic work settings. Work experience arrangements do not have an expectation of employment like an OJT.

"Transition Services" means a coordinated set of activities for a student, designed within an outcome-oriented process that promotes movement from school to post school activities, including post secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

"Transition Student" is a person between the ages of 14 and 24

"Transitional Employment" as used in the Supported Employment Program, means a series of temporary job placements in competitive work in an integrated work setting with on-going support services for individuals with the most significant disabilities due to mental illness. In transitional employment, the provision of on-going support services must include continuing sequential job placements until job permanency is achieved.

"Transportation" means travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service.

**Memorandum of Understanding
Between The Wyoming Department of Education and
the Division of Vocational Rehabilitation**

1. **Parties.** This Memorandum of Understanding [AMOU@] is made and entered into by and between the Wyoming Department of Education, whose address is Hathaway Building, 2ND Floor, Cheyenne, Wyoming 82002-0050 [AAgency@], and the Department of Workforce Services, Division of Vocational Rehabilitation [ADVR@], whose address is Herschler Building, 1st Floor East, Cheyenne, Wyoming 82002.

2. **Purpose.** The purpose of this MOU is to enhance the working relationship between the parties in order to provide more effective services to individuals with disabilities in compliance with the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C.S. ' ' 1400 through U.S.C.S. ' ' 1409 and the Rehabilitation Act of 1973, 29 U.S.C. ' ' 794, and amendments. This includes working more closely in evaluating, serving, and planning for individuals eligible for vocational rehabilitation [AEligible Individuals@] and developing a means for transfer of items of assistive technology to DVR for Eligible Individuals as they make the transition from the classroom to the workplace.

3. **Term of MOU.** This MOU shall commence upon the day and date last signed and executed by the duly authorized representatives of the parties to this MOU, and shall remain in full force and effect until terminated. The parties shall review the MOU together annually by July 1 of each year. This MOU may be terminated, without cause, by either party upon thirty (30) days written notice, which notice shall be delivered by hand or by certified mail.

4. **Payment.** No payment shall be made to either party by the other party as a result of this MOU.

5. **Responsibilities of the Agency.** The Agency=s responsibilities under this MOU are stated in Attachment A. Attachment A is attached to this MOU and incorporated herein by this reference.

6. **Responsibilities of DVR.** DVR=s responsibilities under this MOU are stated in Attachment B. Attachment B is attached to this MOU and incorporated herein by this reference.

7. **Joint Responsibilities of the Agency and DVR.**

A. Both the Agency and DVR agree that the effectiveness of their respective programs shall be greatly enhanced by training the personnel implementing them.

(i) Joint Training. The Agency and DVR shall jointly sponsor training for their respective and personnel. The training shall focus on the requirements of the federal and state law concerning: education of people with disabilities, transition from school to employment, vocational rehabilitation services, and assistive technology.

(ii) Notice of Training. The Agency and DVR shall provide timely notice of joint training to each other and to the School Districts, as appropriate.

(iii) Contact Persons. The Agency and DVR shall each designate a contact person who shall:

- (a) Be responsible for coordinating joint training programs with the other party.
- (b) Act as the lead person for their agency in offering assistance in understanding and utilizing their respective programs.

8. General Provisions.

A. Amendments. Either party may request changes in this MOU. Any changes, modifications, revisions or amendments to this MOU which are mutually agreed upon by and between the parties to this MOU shall be incorporated by written instrument, executed and signed by all parties to this MOU.

B. Applicable Law/Venue. The construction, interpretation and enforcement of this MOU shall be governed by the laws of the State of Wyoming. The courts of the State of Wyoming shall have jurisdiction over any action arising out of this MOU and over the parties, and the venue shall be the First Judicial District, Laramie County, Wyoming.

C. Entirety of Agreement. This MOU, consisting of four (4) pages; Attachment A, consisting of two (2) pages; and Attachment B, consisting of one (1) page, represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations, and agreements, whether written or oral.

D. Prior Approval. This MOU shall not be binding upon either party unless this MOU has been reduced to writing before performance begins as described under the terms of this MOU, and unless this MOU has been approved as to form by the Attorney General or his representative.

E. Severability. Should any portion of this MOU be judicially determined to be illegal or unenforceable, the remainder of the MOU shall continue in full force and effect.

F. Sovereign Immunity. The State of Wyoming, the Wyoming Department of Education, and the Wyoming Division of Vocational Rehabilitation do not waive their sovereign immunity by entering into this MOU, and specifically retain immunity and all defenses available to them as sovereigns pursuant to Wyo. Stat. ' 1-39-104(a) and all other state law.

G. Third Party Beneficiary Rights. The parties do not intend to create in any other individual or entity the status of third party beneficiary, and this MOU shall not be construed so as to create such status. The rights, duties and obligations contained in this MOU shall operate only between the parties to this MOU, and shall inure solely to the benefit of the parties to this MOU. The provisions of this MOU are intended only to assist the parties in determining and performing their obligations under this MOU.

H. Dispute Resolution. The Wyoming Department of Education and the Division of Vocational Rehabilitation will designate liaisons from each agency to facilitate the implementation of this MOU and to mediate the resolution of interagency disputes that may emerge as a result of this MOU.

THE REMAINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK.

9. Signatures. In witness whereof, the parties to this MOU through their duly authorized representatives have executed this MOU on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOU as set forth herein.

The effective date of this MOU is the date of the signature last affixed to this page.

WYOMING DEPARTMENT OF EDUCATION

Tammy Cox, Deputy Superintendent
Educational Programs Division
Date

Sylvia Lee Hackl, Legal Counsel
Date

Nance Shelsta, Unit Director
Special Education Unit
Date

DIVISION OF VOCATIONAL REHABILITATION

Jim McIntosh, Director
Date

ATTORNEY GENERAL'S OFFICE APPROVAL AS TO FORM

Donald M. Gerstein
Senior Assistant Attorney General
Representing the Wyoming Department of Education
Date

Robert L. Lanter, Senior Assistant Attorney General
Representing the Division of Vocational Rehabilitation
Date

Attachment A

Responsibilities of the Department of Education (Agency)

The Agency agrees to undertake the following responsibilities:

A. Referrals. The Agency shall ensure that all Wyoming school districts refer all students with disabilities enrolled in the school districts to the Division of Vocational Rehabilitation (DVR) early enough for DVR to attend the Individual Education Plan (IEP) meeting for the IEP that will be in effect when the student turns 16 years old. For students closer to graduation or who are twenty-one years of age, Wyoming School Districts shall be urged to make referrals as soon as possible to DVR.

(i) Necessary Lead Time - Eligibility Determinations. School Districts, referring students to DVR, shall be urged to allow DVR at least sixty (60) days prior to the IEP meeting to acquire the necessary diagnostic data and to make eligibility determinations. Student referrals shall include notice to DVR and an invitation to the DVR counselor to participate in the transition planning and the IEP development process.

(ii) Necessary Lead Time - IEPs. IEP meeting invitations should be sent to DVR counselors at least one month prior to the meeting and should include all documentation needed by the DVR counselor. All employment outcomes and objectives shall be developed in collaboration with the students, parents, and appropriate professionals.

B. Technical Assistance. The Agency shall provide technical assistance to School Districts concerning the provision of free, appropriate, public education. The Agency shall provide assistive technology to School Districts to assist with the education of students approaching the transition to independent living and employment.

C. Monitoring. Agency monitoring shall be designed to ensure that each student's IEP, which will be effective when the student turns sixteen years old, shall address the provision of assistive technology and the student's approaching transitions to independent living and employment.

D. Data for DVR. The Agency shall provide DVR with the data the Agency collects from the School Districts (in July and December of each year) regarding the number of special education students and the number of special education students receiving assistive technology devices and services.

E. Assistive Technology. Upon completion of many impaired students' public education, school districts are often left with items of assistive technology which were required by the students' IEPs. These remaining items of assistive technology have been customized for particular students and are otherwise unlikely to be used by other impaired students. Often these items of assistive technology are stored by School Districts until they become obsolete.

(i) Sale of Items of Assistive Technology to DVR. To: 1) avoid the above practice; 2) maximize the use of items of assistive technology; 3) prevent the duplication of services; and 4) facilitate a successful transition of the student from school to further training and the workplace, the Agency shall urge School Districts to sell items of assistive technology, which are appropriate for the student's employment outcomes, to DVR. Ownership of the items of assistive technology shall be transferred at the time the DVR eligible student makes the transition from school to further training and the workplace. School Districts have the authority to transfer ownership of items of assistive technology pursuant to Wyo. Stat. § 21-3-111(a)(ii) and (xv).

(ii) Payment. The purchase price of a student's items of assistive technology shall be determined through negotiations between the appropriate School District and DVR.

F. Related Services (Vocational). The Agency shall urge School Districts to coordinate vocationally related services with DVR for students determined eligible for DVR services. Coordination should commence in the early stages of transition to afford the maximum vocational benefit to the student. Vocationally related services include, but are not limited to, situational assessments, career exploration, job shadowing, vocational guidance and counseling, and work experience. Vocationally related service coordination and corresponding agency responsibilities should be identified in the student's Individual Education Plan and DVR's Individualized Plan for Employment.

Attachment B

Responsibilities of Division of Vocational Rehabilitation (DVR)

DVR agrees to undertake the following responsibilities:

A. Consultation. DVR counselors shall provide DVR services to eligible students referred to DVR by the Department of Education (Agency). Such services shall include, but not be limited to, development of Individualized Plan for Employment (IPEs) which develop vocational skills likely to result in employment. Whenever requested by a School District, DVR shall ensure that DVR counselors participate in the evaluation process of students who have applied for DVR services and in the development of the Individual Education Plans (IEPs) of eligible students.

B. Former Students. DVR shall encourage former students, who are still eligible for free, appropriate public education and DVR services, to reenroll in school for further study and training to enhance their opportunities for employment. Should former students decide not to reenroll in school, DVR shall provide to the eligible former students services customarily provided by DVR to adults over the age of twenty-one.

C. Assistive Technology. Whenever possible, DVR shall purchase items of assistive technology from a School District that were purchased by the School District for an eligible student pursuant to that student's IEP. Purchase of such items, especially when customized for a particular student, is intended to: 1) ease the transition of the student to employment; 2) reduce the cost of the devices to DVR and the School District; and 3) avoid the practice of storing many such items until they become obsolete. The purchase price of a student's items of assistive technology shall be determined through negotiations between the School District and DVR.

D. Related Services (Vocational). Whenever possible, DVR will coordinate with the School District for the provision of vocational services (i.e., vocational assessments, career exploration, job shadowing, vocational guidance and counseling, and work experience) for students determined eligible for DVR services. Coordination of the provision of vocational services will prevent duplication of services, enhance working relationships between the students, DVR and the Agency, and facilitate successful transitions of students with disabilities.