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**IDAPA 15
TITLE 02
Chapter 02**

**15.02.02 - VOCATIONAL REHABILITATION SERVICES
IDAHO COMMISSION FOR THE BLIND**

000. LEGAL AUTHORITY.

The Board of the Commission for the Blind, pursuant to authority granted in Title 67, Chapter 54, Idaho Code, did adopt the following as policy for the administration of vocational rehabilitation services to the blind of Idaho.

(1-5-87)

001. TITLE AND SCOPE.

These rules will be known as Idaho Commission for the Blind Rules, Title 02, Chapter 02, "Vocational Rehabilitation Services." The provisions of these rules establish procedures and requirements which address the provisions of vocational rehabilitation services to the blind population of Idaho.

(1-5-87)

002. -- 099. (RESERVED).

100. POPULATION TO BE SERVED.

The following defined individuals will be served by the Idaho Commission for the Blind.

(1-5-87)

01. Legally Blind. Individuals who have been determined legally blind as defined in Section 67-5402 of the Idaho Code.

(1-5-87)

02. Handicap to Employment. As a result of the disability, a substantial handicap to employment is imposed.

(1-5-87)

03. Return To or Obtaining Employment. Following the services of the Idaho Commission for the Blind, that person will be able to obtain or return to gainful employment.

(1-5-87)

04. Financial Needs Determination. The counselor and eligible individuals will complete an individualized written rehabilitation plan. A financial needs determination will be made in each case before the services can be provided, and all available similar benefits shall be explored and utilized.

(1-5-87)

101. PROVISION OF SERVICES ON A STATEWIDE BASIS.

All services of the Commission for the Blind are offered on a statewide basis subject to eligibility.

(1-5-87)

102. -- 109. (RESERVED).

110. ELIGIBILITY.

Eligibility shall be based upon the determination of a disability as defined in Section 100, "Population to Be Served"; and such disability for the individual constitutes or results in a substantial handicap to employment; and a reasonable expectation exists that vocational rehabilitation services may benefit the individual in terms of employability.

(1-5-87)

01. Eligibility Requirements. Eligibility requirements will be applied by the Commission for the Blind without regard to sex, race, age, creed, color, physical or mental handicap, sexual orientation, or national origin of the individual applying for services.

(1-5-87)

02. Residency Requirements. A residence requirement, duration or other, will not be applied by the Commission for the Blind as a condition of eligibility.

(1-5-87)

03. Preliminary Diagnostic Study. A financial needs determination will be made in each case, and all similar benefits will be explored and utilized prior to the expenditure of funds.

(1-5-87)

04. Financial Needs Determination. A financial needs determination will be made in each case, and all similar benefits will be explored and utilized prior to the expenditure of funds.

(1-5-87)

05. Certificate of Ineligibility. If an individual is determined ineligible for services, a certificate of ineligibility will be prepared and a copy provided the individual. (1-5-87)

06. Annual Review. An annual review will be done of those cases meeting the annual review requirements. (1-5-87)

111. RESERVING ALL ELIGIBILITY DECISIONS AND NATURE AND SCOPE OF SERVICES.

The Commission for the Blind has the sole responsibility for determining eligibility that will provide services to all eligible individuals who are legally blind. (1-5-87)

112. -- 149. (RESERVED).

150. ECONOMIC NEEDS TEST.

Blind persons receiving services from the Commission for the Blind and who possess the financial resources to do so will be required to participate in the payment for assistance provided. An economic needs test shall be explored by the blind client and his/her counselor. (1-5-87)

01. Diagnostic Services. An economic needs test will not be applied as a condition for furnishing the following vocational rehabilitation services: Diagnostic services for the evaluation for rehabilitation potential, counseling, guidance, referral, and no cost placement. (1-5-87)

02. Supplemental Security Income (SSI) or Public Assistance. An economic needs test shall not be required for those individuals who are recipients of Supplemental Security Income (SSI) or public assistance. (1-5-87)

03. Nonresident. Any nonresident attending the Orientation and Adjustment Center will be charged tuition. This cost will be determined upon the average cost of providing services to those in the Orientation and Adjustment Center. (1-5-87)

151. -- 199. (RESERVED).

200. EVALUATION OF VOCATIONAL REHABILITATION POTENTIAL.

For every applicant for vocational rehabilitation services, the Commission for the Blind will provide the following services in the order given. If at any point in the below order of services an applicant is found ineligible, no further services will be provided. (1-5-87)

01. Visual Condition. An evaluation of visual condition to determine if the applicant is legally blind; (1-5-87)

02. Handicap to Employment. An evaluation of the handicap to employment caused by the loss of vision; (1-5-87)

03. Employment Ability. An evaluation of the individual's ability to benefit from vocational rehabilitation services in terms of employment; (1-5-87)

04. Rehabilitation Services Needed. An assessment of the scope and nature of vocational rehabilitation services necessary for an individual to reach a suitable vocational objective. (1-5-87)

201. -- 209. (RESERVED).

210. INDIVIDUALIZED WRITTEN REHABILITATION PLAN.

For those individuals found eligible or acceptable for rehabilitation services, an individualized written rehabilitation plan will be developed between the blind individual and their counselor. The individualized written rehabilitation plan will consist of: (1-5-87)

01. Determination. The basis on which the determination of eligibility has been made. In those cases where a person has been found acceptable, an extended evaluation of vocational rehabilitation potential is necessary

to make a determination of eligibility; (1-5-87)

02. Objectives. The long range and intermediate rehabilitation objectives established for the individual; (1-5-87)

03. Specific Vocational Rehabilitation Services. The determination of the specific vocational rehabilitation services to be provided in order to achieve the established rehabilitation objectives; (1-5-87)

04. Initiation and Duration Date. The projected date for the initiation of each vocational rehabilitation service, and the anticipated duration of each service; (1-5-87)

05. Review and Evaluation. A procedure and schedule for periodic review and evaluation of progress toward achieving rehabilitation objectives based upon objective criteria and a record of these reviews and evaluations; (1-5-87)

06. Client Opinion. The views of the blind individual, or, as appropriate, his/her parent, guardian, or other representative, concerning his/her goals and objectives and the vocational rehabilitation services being provided; (1-5-87)

07. Terms and Conditions. The terms and conditions for the provision of vocational rehabilitation services including responsibilities of the blind individual in implementing the individualized written rehabilitation plan, the extent of client participation in the cost of services if any, the extent to which the individual is eligible for similar benefits under any other programs and the extent to which these similar benefits have been used; (1-5-87)

08. Client Rights. An assurance that the blind individual has been informed of his/her rights and the means by which he/she may express and seek remedy for any dissatisfaction, including the opportunity for an administrative review of Commission for the Blind action, fair hearing, or review by the Secretary of the U.S. Department of Education; (1-5-87)

09. Provision of Explanation. Where appropriate, assurance that the blind individual has been provided a detailed explanation of the availability of the resources within a client assistance project; (1-5-87)

10. Basis for Determination. The basis on which the individual has been determined to be rehabilitated; and; (1-5-87)

11. Post Employment Services. Any plans for the provision of post employment services after a suitable employment goal has been achieved and the basis on which such plans are developed. (1-5-87)

211. -- 249. (RESERVED).

250. VOCATIONAL REHABILITATION SERVICES TO INDIVIDUALS.

01. Counseling and Guidance. All clients and other interested parties will be provided information on blindness and vocational adjustment of blind individuals. (1-5-87)

a. For clients, the counselor of the Commission for the Blind will provide at the initial contact a full explanation of eligibility requirements and related procedures and services available through the Commission for the Blind for eligible clients. The counselor, at this time, will initiate a counseling relationship that will last throughout the course of the individual's contact with the Commission for the Blind, designated to accomplish the client's successful adjustment to his/her situation. (1-5-87)

b. At appropriate times during the vocational rehabilitation process, referral will be made to other agencies that might provide useful services. (1-5-87)

c. Counseling and guidance will be offered to family members and other individuals regarding blindness when it is determined that such assistance will be beneficial to the client. (1-5-87)

02. Physical and Mental Restoration. After making a determination that the condition is stable or slowly progressive, the Commission for the Blind will provide physical and/or mental restoration services that will enhance the client's rehabilitation potential. Of primary concern is the effect the service will have on the individual reaching a suitable vocational objective. (1-5-87)

a. Although determined medically advisable, the Commission for the Blind must view these services from a vocational point and it is, therefore, recognized that not all services stated to be medically desirable would be provided. Services provided include (but are not limited to) eye surgery, hearing aids, corrective surgery, prosthetic devices, and/or psychological or psychiatric services. (1-5-87)

b. In dealing with individuals who have multiple physical disabilities, the Commission for the Blind will carefully evaluate the vocational handicap caused by the physical disability other than blindness or mental disability and, if appropriate, make referral to other agencies. (1-5-87)

c. In cases where there exists a reasonable likelihood that the services of the Commission for the Blind will benefit the person in terms of employability, those recommendations will be reviewed by the agency medical consultant. (1-5-87)

03. Vocational Training. The Commission for the Blind will provide or facilitate the provision of such vocational training as is necessary for the client to reach the jointly agreed upon vocational goal stated in the client's individualized written rehabilitation plan within the following guidelines: (1-5-87)

a. No training in universities, colleges, vocational schools or technical schools will be paid for with rehabilitation funds unless maximum efforts have been made to secure grant assistance in whole or in part from all other known sources. (1-5-87)

b. Training in institutions of higher learning will be provided to the level that ordinary entry into the selected vocational field is made. (1-5-87)

c. Training in universities, colleges, vocational schools or technical institutes will take place within the state of Idaho unless it can be shown that training that would allow the client equal employment opportunities is not available within the State. Except for specialized training programs for the blind, in no case will the cost of attending an out-of-state facility exceed the highest cost of attending an in-state public facility. (1-5-87)

04. Orientation and Adjustment Center Training. The Commission for the Blind will operate and maintain an Orientation and Adjustment Center for the blind of the State and for those persons for whom, through joint planning, it is determined that the Orientation and Adjustment Center is the most suitable resource for prevocational or vocational training. The primary focus of this center will be to develop proper attitudes about blindness in the student. Hand-in-hand with this emphasis will be training in such skill areas as the long cane method of travel, Braille, typing, home economics, industrial arts, sewing and abacus. Essential to the student's development will be an understanding of the social and vocational attitudes about blindness and an awareness of how to cope with problems which will arise by reason of the negative social and vocational attitudes about blind individuals. (1-5-87)

05. Home Instruction. Alternative training in the areas described above is also available through the home teaching program of the Commission for the Blind for those persons who do not attend the Orientation and Adjustment Center. (1-5-87)

06. Training Tools and Materials. The Commission for the Blind will provide to the client books, tools and other training materials as agreed to through joint planning by the counselor and client. The amount of materials supplied will be dependent upon the course of study, and it is expected that different amounts would be provided to individual clients. Major pieces of equipment, such as closed circuit television magnifying systems, sensory conversion systems such as Versa Brailers, computers with voice output, etc., will not be assigned to an individual nor a training program, but rather will be assigned to the training facility and utilized by the maximum number of clients of the Commission for the Blind attending that facility. (1-5-87)

07. Maintenance. Maintenance is a supportive service of the Commission for the Blind provided to allow clients to derive the full benefit of other vocational rehabilitation services. It can be provided at any time during

the rehabilitation process in conjunction with other vocational rehabilitation services. The provision of maintenance will be part of the services outlined in the individualized written rehabilitation plan. If not, a memo outlining the provision of maintenance and related services will be prepared for the case file. As a supportive service, maintenance cannot be provided unless other services, excluding counseling and guidance, are being provided concurrently. The amount of maintenance will be determined by the circumstances of each client and will be governed by the following: (1-5-87)

a. Maintenance payments may be used to cover the cost of food, shelter, clothing and other subsistence expenses. (1-5-87)

b. Maintenance should not exceed the amount of increased expense to a client caused by engaging in a rehabilitation program. (1-5-87)

c. When maintenance exceeds the cost of subsistence expenses determined by other public programs (i.e., Health and Welfare and SSI), a full explanation will appear on the individualized written rehabilitation plan or in the case dictation. (1-5-87)

d. When providing maintenance for a client to meet subsistence expenses while in a travel status, the amount will not exceed the amount provided to State employees. (1-5-87)

e. Maintenance will be provided only following a financial needs determination and after a thorough search for similar benefits has been made. (1-5-87)

08. Transportation. The Commission for the Blind will pay for transportation, including per diem, while in travel status that is necessary for a client to receive diagnostic or other rehabilitation services except maintenance. The Commission for the Blind will pay for, when deemed necessary by the client and counselor, the transportation expenses of one attendant to travel with a client. Transportation may include relocation and moving expenses necessary for achieving a vocational rehabilitation objective. (1-5-87)

09. Services to Family Members. The Commission for the Blind will provide services to the family members of a client after a determination has been made that such services are necessary to the vocational rehabilitation of the client. These services may be, but are not limited to the following: transportation, care of infants and children, counseling, etc. (1-5-87)

10. Interpreter Services for the Deaf. The Commission for the Blind will provide interpreter service, including tactile interpreting for deaf-blind individuals, to all individuals in need of such services in order to take full advantage of diagnostic or rehabilitation services. Where appropriate, the assistance of staff of other agencies and/or facilities will be secured to assist in the rehabilitation of deaf-blind individuals. (1-5-87)

11. Reader Services. Funds will be made available for reader services to any client who is enrolled in a training program directed toward achieving his/her vocational goal in which reading is required. The client and the counselor will plan jointly as to the amount of funds required to meet the client's individual reading needs for a specified period. The agreement reached will be incorporated into the client's individualized written rehabilitation plan and the client will be given written authorization specifying the amount which has been authorized and the time period encompassed in the authorization. The client will arrange for his/her readers to bill the Commission for the Blind monthly for the reader service which has actually been provided. The client is responsible for reviewing bills submitted for completeness and accuracy. (1-5-87)

12. Rehabilitation Teaching Services. Rehabilitation teaching services will be available from three (3) sources: (1) from the Orientation and Adjustment Center (provided that it has been determined in joint planning that the Orientation and Adjustment Center is the best vehicle for prevocational or vocational training); (2) through the Commission for the Blind's home teacher service for those persons who do not attend the Orientation and Adjustment Center; and (3) directly from rehabilitation counselors when the other sources are temporarily unavailable. (1-5-87)

13. Orientation and Mobility Services. The objective of orientation and mobility services is to develop skills, techniques, and attitudes which enable the individual to truly function independently. Such services include, but are not limited to, training in the use of the long, white cane; development of effectiveness in nonvisual

communication skills including Braille, typing, etc.; training in other appropriate skills needed by the individual to fulfill his/her responsibilities in his/her home community; stimulating affirmative attitudes toward the role of blind persons in our society and their competency to function competitively; and development of readiness to accept or even insist upon equal responsibilities and privileges of citizenship. (1-5-87)

14. Telecommunications, Sensory and Other Technological Aids and Devices. The Commission for the Blind will provide telecommunications, sensory and other technological aids and devices when it has been determined through joint planning that such an aid or device is required to significantly enhance employment opportunities in the area of the vocational goal stated on the client's individualized written rehabilitation plan or significantly improve an employed client's performance so that he/she would not be underemployed. All devices and aids provided under this policy, where appropriate, will be supplied to clients only by persons licensed to do so by the State or, in the cases of newly developed aids and devices, after they meet any applicable engineering or safety standards. (1-5-87)

15. Recruitment and Training Services to Provide New Employment Opportunities in the Fields of Appropriate Public Service Employment. The Commission for the Blind will assist the client to find employment in the areas which are most interesting and appealing to him/her. The counselor will, however, use his/her expertise to point out job opportunities which are available in the areas of rehabilitation, health, welfare, public safety, law enforcement and other appropriate public service employment; and the Commission for the Blind will assist in the developing opportunities for practicum or other training, either paid or unpaid, in these public service areas. (1-5-87)

16. Placement in Suitable Employment. The Commission for the Blind will assist the client who has completed the necessary preparations in locating and securing regular competitive employment. (7-1-93)

a. In all cases, competitive employment will be considered first. (1-5-87)

b. Consideration of sheltered employment will be made only after it is determined that competitive employment cannot be achieved within reasonable bounds. (1-5-87)

c. In determining suitability of employment, factors to be considered include (but are not limited to) the client's interests, training and qualifications, background, job availability, starting wage or salary, opportunity for advancement, and the client's willingness to relocate. (1-5-87)

17. Post Employment Services. The Commission for the Blind will provide post employment services when it has been determined such services are necessary to maintain employment, or in the case of an individual who accepted initial employment below their capabilities, to achieve more suitable employment which must be more apt to maintain the individual in employment and which must be closely related to the existing job. (1-5-87)

a. If new and distinct handicapping problems have arisen or extensive rehabilitation services are required, a new individualized written rehabilitation plan will be completed. (1-5-87)

b. Services which are primarily supportive of other rehabilitation services, specifically maintenance and transportation, cannot be provided by themselves as post employment services. (1-5-87)

18. Occupational Licenses, Tools, Equipment, Initial Stocks (Including Livestock), and Supplies Necessary to Enter an Occupation or Small Business. Occupational licenses, tools, equipment, initial stocks (including livestock), and/or supplies necessary to enter an occupation or small business will be provided by the Commission for the Blind or the Commission for the Blind will assist in the application for assistance from other agencies and/or facilities for any or all of these services, to a client who has a vocational objective stated in a jointly developed and approved individualized written rehabilitation plan that calls for them. (1-5-87)

a. Expenditures for these services, in some cases, may be substantial and the Commission for the Blind will assist a client in obtaining financial assistance in these cases from other sources with the Commission for the Blind using rehabilitations funds mainly to deal directly with the handicap to employment caused by blindness. (1-5-87)

b. In no instance will the Commission for the Blind use rehabilitation funds to purchase land, an

existing or for the erection of a building, or for the purchase of intangible resources of an existing business. (1-5-87)

19. Other Goods and Services. Other goods and services which can be reasonably expected to be of benefit in terms of employability and are not contradicted by the Rehabilitation Act as amended, the Regulations or the State Plan, may be provided, if necessary, to reach the vocational goal stated on a jointly developed and approved individualized written rehabilitation plan. (1-5-87)

251. -- 299. (RESERVED).

300. RATES OF PAYMENT.

The Commission for the Blind will make reasonable efforts to purchase supplies for clients' rehabilitation needs which are the most reasonable and satisfactory quality at the lowest available cost or the usual and customary charge for such services except when such practice significantly delays or interferes with the provision of vocational rehabilitation services to the client. (1-5-87)

01. Establishment of Rates. In establishing rates of payment the Commission for the Blind will analyze the costs of other state and public agencies for the same or similar services and will consult with organizations or businesses providing such services. (1-5-87)

02. Upper Limits. The Commission for the Blind reserves the right to establish upper limits on any goods and services. (1-5-87)

301. -- 309. (RESERVED).

310. AVAILABILITY OF PERSONNEL TRAINED IN CLIENT NATIVE LANGUAGE OR MODE OF COMMUNICATION.

In cases where it is necessary to provide for interpretation of any mode of communication, the Commission for the Blind will seek such services at no cost when available or at cost when necessary. (1-5-87)

311. -- 314. (RESERVED).

315. BUSINESS ENTERPRISE PROGRAM AND USE OF SECTION 110 DOLLARS IN RANDOLPH-SHEPPARD PROGRAM.

All clients of the Commission for the Blind eligible for the Randolph Sheppard Program will be referred to the vocational rehabilitation program for consideration of vocational rehabilitation services. (1-5-87)

316. -- 319. (RESERVED).

320. PROVISION OF SERVICES TO CERTAIN DISABLED CIVIL SERVICE EMPLOYEES.

The State Plan will assure that vocational rehabilitation services are available to civil employees of the U.S. government who are disabled in the line of duty under the same terms and conditions applied to other individuals. (1-5-87)

321. -- 324. (RESERVED).

325. APPROPRIATE COMMUNICATION MEDIA.

The Commission for the Blind will provide recorded material for the blind and those individuals with disabilities which make it impossible for them to use printed materials. Certification of the disabling condition will be a part of the application for these services. (1-5-87)

326. -- 329. (RESERVED).

330. REVIEW OF CASES RECEIVING EXTENDED EVALUATION SERVICES, AND REEVALUATION OF CLIENTS CLOSED STATUS 26 IN SHELTERED WORKSHOPS.

Cases receiving extended evaluation services will be periodically reviewed to determine if the individual is capable of competitive employment. Cases closed Status 26 in sheltered workshops will be reevaluated on an annual basis. (1-5-87)

331. -- 334. (RESERVED).

335. ADMINISTRATIVE REVIEW - CLIENT SERVICES EVALUATION.

Each office of the Commission for the Blind will undergo an administrative review yearly. (1-5-87)

336. -- 339. (RESERVED).

340. INFORMATION AND REFERRAL SYSTEMS.

The Commission for the Blind will develop cooperative agreements with other service providers whereby information regarding the disabled population each agency serves is shared within the limitations of federal rules and regulations, and where appropriate, referrals to other agencies will be made to the benefit of the disabled individual being served.

(1-5-87)

341. -- 344. (RESERVED).

345. NONDISCRIMINATION.

The Commission for the Blind will not discriminate against any individual with regard to sex, race, age, creed, color, physical or mental handicap, sexual orientation, or national origin.

(1-5-87)

346. -- 349. (RESERVED).

350. CONFIDENTIALITY.

Personal information the Commission for the Blind has regarding any individual who is or may become legally blind, and who is or may become legally blind, and who is or may be a referral, client or former client, is and will be treated as confidential information.

(1-5-87)

351. -- 354. (RESERVED).

355. ADMINISTRATIVE REVIEW.

All applicants will be informed of their right to request a hearing or review as outlined in the Code of Federal Regulations, 34 CFR 361.48. If the client feels there is no resolution, they may request a review from the Secretary of the U.S. Department of Education.

(1-5-87)

356. -- 359. (RESERVED).

360. CLIENT ASSISTANCE PROJECT.

The Commission for the Blind will work cooperatively with coordinators of the Client Assistance Project. (1-5-87)

361. -- 364. (RESERVED).

365. UTILIZATION OF REHABILITATION FACILITIES.

The Commission for the Blind will utilize rehabilitation facilities at such times when this is an appropriate plan which will benefit the client.

(1-5-87)

366. -- 369. (RESERVED).

370. PROVISION OF SERVICES TO GROUPS.

Services to groups may be provided to organizations serving the blind of Idaho only with the approval of the Board of the Commission for the Blind, and only in the event funds are available to provide such services.

(1-5-87)

371. -- 374. (RESERVED).

375. BARRIER FREE FACILITIES USED BY SERVICE PROVIDERS.

The Commission for the Blind shall work with all facilities and service providers to ensure equal access. (1-5-87)

376. -- 379. (RESERVED).

380. DEVELOPMENT OF SUBGRANTS AND CONTRACTS.

The Commission for the Blind will follow standards of the Division of Purchasing for requests for proposals in the development of subgrants and contracts. (1-5-87)

381. -- 384. (RESERVED).

385. RESPONDING TO FEDERAL REPORTS.

The Commission for the Blind will comply with federal requirements regarding federal statistical and financial reporting organizations. (1-5-87)

386. -- 389. (RESERVED).

390. RETENTION OF RECORDS.

Client files, and financial and statistical records of the Commission for the Blind will be kept for three (3) fiscal years once they become inactive. (1-5-87)

391. -- 394. (RESERVED).

395. PUBLIC INPUT TO THE POLICY DEVELOPMENT OF THE COMMISSION.

The Commission for the Blind will illicit public input for development of agency policy, rules and regulations. (1-5-87)

396. -- 999. (RESERVED).