

IDAPA 15 – OFFICE OF THE GOVERNOR
IDAHO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED
15.02.02 – Vocational Rehabilitation Services

Who does this rule apply to?

All individuals who apply for and are receiving services in the Vocational Rehabilitation Program.

What is the purpose of this rule?

This rule governs the administration of the Vocational Rehabilitation program.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

State Government and State Affairs -
Commission for the Blind and Visually Impaired:

- [Section 67-5407, Idaho Code](#) - Duties
- [Section 67-5408, Idaho Code](#) - Commission as Agency to Administer Rehabilitation in Federal Programs

Who do I contact for more information on this rule?

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**IDAPA 15 – OFFICE OF THE GOVERNOR
IDAHO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED**

15.02.02 – VOCATIONAL REHABILITATION SERVICES

000. LEGAL AUTHORITY.

This chapter is adopted in accordance with Sections 67-5407(e) and 67-5408, Idaho Code, and the Rehabilitation Act of 1973, as amended. (3-28-18)

001. TITLE AND SCOPE.

These rules will be known as Idaho Commission for the Blind and Visually Impaired Rules, IDAPA 15.02.02, “Vocational Rehabilitation Services.” The provisions of these rules establish procedures, requirements, and implement program changes necessitated by the Rehabilitation Act of 1973, as amended, which address the provisions of vocational rehabilitation services to the blind and visually impaired population of Idaho. (3-28-18)

002. -- 003. (RESERVED)

004. INCORPORATION BY REFERENCE.

The following federal laws and regulations are incorporated by reference into the rules of this chapter and copies are available at the Commission’s office: (4-2-08)

01. 29 U.S.C. Section 701, et seq., Rehabilitation Act of 1973 as amended through Public Law 114-95, enacted December 10, 2015. (3-28-18)

02. 34 CFR 361, 363, and 397. (3-20-20)

03. Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128, enacted July 22, 2014. (3-28-18)

005. -- 009. (RESERVED)

010. DEFINITIONS.

01. Blind or Visually Impaired. A person whose visual acuity with correcting lenses is not better than twenty/two hundred (20/200) in the better eye; or a person whose vision in the better eye is restricted to a field which subtends an angle of not greater than twenty (20) degrees; or a person who is functionally blind; or a person who is without any sight. (4-2-08)

02. Functionally Blind. A person with a visual impairment that constitutes or results in a substantial impediment to employment or substantially limits one (1) or more major life activities. This is determined by the vocational rehabilitation counselor, not a physician. (4-2-08)

03. Most Significant Disability (MSD). Meets the criteria as Significant Disability as found in the Rehabilitation Act of 1973, as amended, and defined in 34 CFR 361.5(c)(29), and is further defined as: Having a severe physical, mental, cognitive, or sensory impairment that seriously limits four (4) 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, and whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time. (3-20-20)

04. Vocational Rehabilitation Service or Services. Services that reduce the impact of functional limitations on the ability of a client to achieve an employment outcome. (4-2-08)

011. -- 099. (RESERVED)

100. PROVISION OF SERVICES ON A STATEWIDE BASIS.

Vocational Rehabilitation Services are offered on a statewide basis to individuals who are blind or visually impaired or functionally blind, subject to eligibility. (4-2-08)

101. INFORMATION, REFERRAL, AND APPLICATION FOR VR SERVICES.

Any agency, organization, individual (including self) or the One-Stop delivery system may refer an individual to ICBVI for services. (3-29-12)

01. Contact by ICBVI. Each referred individual must be seen or contacted by ICBVI staff within three (3) working days of the referral's receipt by scheduling an initial appointment, or documentation in a case note of telephone contact or email contact. ICBVI staff will inform the referral of application requirements and information necessary to initiate an assessment for determining eligibility. (3-29-12)

02. Right to Apply. All individuals have the right to apply for ICBVI VR Services and to have a decision made regarding their eligibility for such services. (3-29-12)

03. Availability and Residence Requirements. Individuals must be available and legally permitted to join the labor market prior to eligibility determination. Residence requirements will not exclude any individual present in the state from vocational rehabilitation services. Individuals must have legal status in the United States and be authorized to work. (3-29-12)

04. Work Status and Identity Documentation. Documents that establish work status (employment eligibility) and identity must be consistent with Form I-9, Immigration and Naturalization Services (Form I-9, Employment Eligibility Verification). (3-29-12)

05. Application Forms. A referral or application is not required for an appointment with a VR counselor. Application forms are supplied upon request from any ICBVI office and are available through referral and outreach programs throughout the state, including the One-Stop Centers. (3-20-20)

102. -- 109. (RESERVED)

110. ELIGIBILITY.

01. Eligibility Requirements. Eligibility of a client for vocational rehabilitation services shall be based upon a determination by the Commission that: (4-2-08)

a. The client is blind or visually impaired; (4-2-08)

b. The client's blindness or visual impairment constitutes or results in a substantial impediment to employment; and (4-2-08)

c. There is a reasonable expectation that vocational rehabilitation services will benefit the client in terms of securing, retaining, or regaining employment. (4-2-08)

d. The client has a disability priority which can include no significant disability (D), significant disability (SD), or most significant disability (MSD). (3-25-16)

111. -- 299. (RESERVED)

300. FINANCIAL PARTICIPATION.

As part of the development of the Individualized Plan for Employment (IPE), clients will be asked to complete a financial need assessment (FNA) to determine the extent, if any, of their participation in the costs of vocational rehabilitation services. State unit requirements for the consideration of client financial participation are identified in 34 CFR 361.54. (3-20-20)

301. COMPARABLE BENEFITS.

Eligible clients are to identify and use all available comparable benefits that may be available during the development of the IPE. Services that are exempt from this requirement are identified in 34 CFR 361.53(b). (3-20-20)

302. PURCHASING REQUIREMENTS.

All services and purchases will follow federal, state, and ICBVI purchasing guidelines. Client services require written Authorization for Purchase (AFP) prior to the initiation of the purchased service. An authorization will be issued on or before the beginning date of service. If services are provided without a Commission approved authorization, the Commission reserves the right to deny the vendor's invoice. (3-20-20)

303. PURCHASING STANDARDS.

ICBVI pays usual, customary, and reasonable charges for services. In accordance with 34 CFR 361.50, ICBVI has established a fee schedule for client services and levels of purchasing authority for VR Counselors. Exceptions to the upper limits established in the fee schedule need to be approved by the Rehabilitation Services Chief. Services that will meet the client's need at the least cost to the ICBVI will be the service considered for planning purposes. (3-20-20)

304. -- 354. (RESERVED)

355. CLIENT APPEALS.

01. Informal Dispute Resolution. Within fifteen (15) calendar days of notification of the contested action, lack of action or decision, the client may request that an informal dispute resolution be held. The request shall be made in writing to the Rehabilitation Services Chief. The written request should state the reason for the review. (4-2-08)

a. The Rehabilitation Services Chief shall inform the client in writing as to the time, place, and date of the informal dispute resolution. The client may choose to represent himself or may have a representative speak on his behalf. (4-2-08)

b. The Rehabilitation Services Chief will make a decision regarding the specifics of the informal dispute resolution. This decision will be in written form and it will be sent to the client, with a copy in the case file. (4-2-08)

02. Mediation. The request shall be made in writing to the Rehabilitation Services Chief stating the reason for the review. The mediation must take place within sixty (60) days of client's request. (3-20-20)

03. Impartial Due Process Hearing. An impartial due process hearing can be held without an informal dispute resolution or mediation or if the client is dissatisfied with the result of the informal dispute resolution or mediation. The impartial due process hearing will deal with the issues involved in the original Informal dispute resolution or mediation, if one took place. The request for an impartial due process hearing shall be made in writing to the administrator of the Commission within fifteen (15) calendar days of the Rehabilitation Services Chief's decision from the informal dispute resolution or the mediation proceedings. The hearing by an impartial hearing officer must be held within sixty (60) days of a request by the client unless both parties agree to a specified delay. (4-2-08)

356. ORDER OF SELECTION.

01. Prioritizing Services. In the event that ICBVI lacks the personnel or financial resources to provide the full range of VR services to all eligible individuals, the following Order of Selection (OOS) will be used to prioritize service provisions. Students with disabilities, as defined by 34 CFR 361.5(c)(51), who received pre-employment transition services prior to eligibility determination and assignment to a priority category shall continue to receive such services. All clients who have an Individualized Plan for Employment (IPE) will continue to be served. Priority will be given to eligible individuals as follows: (3-28-18)

a. Priority 1. Eligible individuals with the Most Significant Disabilities (MSD). (3-28-18)

b. Priority 2. Eligible individuals with Significant Disabilities (SD). (3-28-18)

c. Priority 3. All other eligible individuals with Disabilities (D). (3-28-18)

02. Inability to Serve. If ICBVI cannot serve all eligible individuals within a priority category, individuals will be released from the statewide waitlist based on priority category and date of application. (3-28-18)

03. Exemption. Employed individuals, who are eligible for VR services and require immediate equipment or services to maintain their employment, are exempt from the Order of Selection policy, as authorized in the Rehabilitation Act, as amended by WIOA, 34 CFR 361.36(a)(3)(v). (3-28-18)

357. -- 999. (RESERVED)

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