

The background of the page features three Delaware state flags flying on poles against a bright sky. The flags are semi-transparent, allowing the text and other elements to be visible through them. Each flag displays the state seal and the date 'DECEMBER 7, 1787'.

**DELAWARE**  
**DIVISION FOR THE VISUALLY IMPAIRED**  
*Improving Perception*

**Delaware Department of Health and Social Services  
Division for the Visually Impaired (DVI)**

**Vocational Rehabilitation Services  
Policy and Procedures Manual**

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## Who We Are

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### Introduction

This Vocational Rehabilitation (VR) Services Policy and Procedures Manual outlines the rules and guidelines necessary for the Delaware Division for the Visually Impaired (DVI) to meet the requirements established by the Rehabilitation Act of 1973, as amended by title IV of the Workforce Innovation and Opportunity Act (WIOA) and the Vocational Rehabilitation Services and Supported Employment Services programs in the Code of Federal Regulations (CFR) title 34, Part 361 and 363. Employees of DVI are required to understand and follow these rules and guidelines when providing services to consumers with visual impairments.

The goals and priorities developed in collaboration with the VR Advisory Council (DVI's State Rehabilitation Council) and in the agency's triennial Comprehensive Statewide Needs Assessment (CSNA) are included in the WIOA State Plan every four years, including two year modifications.

Please see the [State of Delaware's WIOA Combined State Plan](#) for additional information.

### History of DVI

The Delaware Division for the Visually Impaired (DVI) traces its origin to 1906 with a group of Wilmington residents who met at the New Century Club of Wilmington to discuss the plight of the Blind in Delaware. Prior, there was no organized program for the Blind that existed in the State. Blind children were occasionally educated in Pennsylvania or Maryland; the adults that were Blind or visually impaired were left to their own devices. As a result, the group founded the Delaware Committee for the Blind. The principal founder of this group, C. Reginald Van Trump, a Wilmington businessman who lost his sight, successfully recruited Bishop Leighton Coleman, an influential Episcopal clergyman, for the project.

In 1909, the Delaware State Legislature created a \$1500 appropriation and passed a bill that established the Delaware Commission for the Blind. The City of Wilmington, through the Wilmington Institute Free Library, made a second appropriation for the purchase of books of raised type.

The first meeting of the Commission was held on April 16, 1909, in the Wilmington library. At this meeting, the bill establishing the Commission was presented and formally approved. Two "Divisions" were established for the supervision of care and training of the Blind -- one in the portion of Delaware south of Middletown and one for Wilmington and northern New Castle County. The legislature increased the State appropriation to \$3,000 in 1911, significantly expanding the program. One year later, along with some privately raised funds, the building at 305-07 West 8<sup>th</sup> Street in Wilmington was purchased.

During this time, the Delaware Commission for the Blind was concerned with the problem of providing gainful employment for those without sight. Thus, the "Sales Exchange" was established in one room at 307 Delaware Avenue, and articles written by Blind consumers were sold.

In 1916, the Commission reported significant sales from the repair of rugs and carpet and the caning of baskets and chairs. In 1919, the demand for space prompted the Delaware Legislature to appropriate \$10,000 to construct a two-story addition to the original building. The Red Diamond was registered with the State Department in Dover, becoming the seal on items manufactured by the Commission's workshop.

In 1924, the pioneer of the Commission for the Blind passed away, and Mrs. Irene du Pont was elected as the new chairperson of the Commission. World War II coincided with a re-evaluation of the services of the Commission and a general expansion of its programs to include social services, vocational rehabilitation, funded assistance, and nursery classes. In 1944, the Commission launched a vocational rehabilitation program following the enactment of Public Law 113, the Federal Vocational Rehabilitation Act.

In 1950, a nursery school for the pre-school Blind children of Delaware was established and operated at Sunnybrook, near Wilmington, until 1958. The function of the nursery school was continued through field work with consumer families.

In 1952, Beatrice "Bea" Simonds was hired as an itinerant instructor by the Commission. She traveled to consumers' homes and provided equipment and instruction. Bea Simonds dedicated her life to furthering the independence of Delaware citizens.

In 1956, a first-grade Braille class was established on a two-year experimental basis in cooperation with the Wilmington City schools. This was conducted at the Lore School in Wilmington for grades 1 and 2. Other grades were sent to Maryland and Pennsylvania.

In 1970, the first school-age itinerant education teacher was hired, and by the end of 1971, 50 students attending schools in other states were now enrolled in their home State of Delaware. Additionally, in 1970, the Commission for the Blind became part of the Department of Health and Social Services, with its name changed to the Bureau for the Blind.

In 1972, Bea Simonds was appointed to the Governor's Advisory Council on the Blind and shortly thereafter became chairperson. She remained in that position until her death in 2006.

In 1978, the Commission's name changed to the Division for the Visually Impaired, and the Division moved from Wilmington to the Biggs Building on the Holloway Campus in New Castle.

## **Our Mission Statement**

Our consumers, employees, and partners are the cornerstones of DVI's success. We are committed to people and relationships and aim to uphold our mission statement in everything we do. The Mission of DVI is to provide educational, vocational, and technical support to empower and foster independence for Delawareans with visual impairments.

## **Our Services**

At DVI, we are designed to meet the needs of our community and business consumers.

## **Our Vision**

The DVI Vision is to be a leader in creating a world without barriers for consumers with vision loss. We are here to support a diverse and innovative community in Delaware.

## **Our Values**

Our staff members, including VR Counselors, are the most valued resources of DVI and are essential in fulfilling the agency's mission and vision. We recognize that the motivation, training, and performance of our staff are the key factors in achieving success. Our values include, but are not limited to, the following:

### **Teamwork**

- All units work together to support each other and our consumers.
- All units collaborate to achieve the best outcomes for our consumers.
- DVI strengthens partnerships by coordinating, using resources, and implementing ideas.
- DVI respects consumers, co-workers, and stakeholders by listening and fostering a shared understanding of goals.
- DVI communicates.

### **Quality Consumer Service**

- DVI is responsive and accountable, providing quality service and product, promoting kindness and empathy with professionalism.
- DVI is committed to provide solutions based upon a consumer's needs.
- DVI invests in each other and the community in delivering quality products and services.
- DVI believes that service delivery is paramount.
- DVI believes in the capacity of others to achieve their maximum potential.

## Respect

- Interactions should start and end with mutual respect.
- Each consumer should be treated as if they were related to you.
- DVI values diversity and strongly believes that respect is key and should be given to everyone -- consumers, colleagues, and stakeholders.

## Innovation and Creativity

- DVI enables access through technology and innovation.
- DVI looks at the status quo to determine if we can do things in a better, more efficient way.
- DVI uses creativity to provide the best possible service available.

## Fostering Independence

- DVI provides opportunities to practice skills in a supportive environment.
- DVI helps others to help themselves.
- DVI assists consumers who are Blind and visually impaired to develop the skills necessary to live as independently as possible or reach their full potential.
- DVI fosters independence through partnership.

## Integrity

- DVI believes in honesty, transparency, and professionalism for all consumers, co-workers, and the public.
- DVI operates with integrity, both internally and externally.
- DVI demonstrates honesty and respect in our daily interactions with each other and our consumers.
- DVI makes ethical choices when dealing with consumers.
- DVI is an ethical, fair, and honest service organization.

## VR Counselor's Role and Responsibilities

The VR Counselor is responsible for ensuring caseload is managed in a way that services are delivered in the most expeditious way possible. Responsibilities also include the following:

- Provide consumers with adequate services.
- Provide services that are consistent with consumer needs.
- Provide consumers with information that will allow them to make informed choices in identifying and selecting an appropriate vocational goal, technology, and service providers.

- Encourage consumers to participate fully in the VR program; co-develop an Individualized Plan for Employment Plan (IPE) in mutual agreement with the consumer or provide guidance that will enable the consumers to independently develop their own IPE.
- Coordinate services selected by the consumer.
- Market and develop jobs with public and private employer sectors.

**Organizational Structure**

DVI is organized into three major programs. These programs are supported by additional services within DVI and offered to qualified consumers.

PROGRAMS	DESCRIPTION
Education	<p>The Education Team works in coordination with the Delaware Department of Education and local education agencies (LEAs) in Delaware. DVI provides traveling and teaching services for students with visual impairments. Services may begin as early as birth to children and their families through the child youth counselor services. In the preschool years, teachers for the visually impaired begin working with students in their home school districts to ensure that children can access their school day curriculum through technology supports and foundational skills, such as Braille instruction.</p>
Employment	<p>The Vocational Rehabilitation Team provides supportive services to persons with visual impairments and blindness in gaining meaningful career opportunities. The VR program offers business consulting services to companies in the community looking to diversify their workforce through recruitment from DVI's talent pool.</p> <p>The Business Enterprise Program (BEP) Team offers self-employment opportunities to interested entrepreneurs with blindness in the areas of food service, vending, and small business kiosks. The BEP is part of the longstanding National Randolph-Sheppard Program, developing partnership opportunities between State agencies for the visually impaired and Blind entrepreneurs.</p>

PROGRAMS	DESCRIPTION
Independent Living Services	The Independent Living Services Team provides adaptive techniques and devices that assist consumers in maintaining their independent lifestyle in their homes and in the community. Examples of services include organizational skills, kitchen safety skills, appliance use, personal resource management skills, communication assistance, and social/recreational opportunities.
DVI Support Services	DVI Support Services include accessible instructional and educational materials, Orientation & Mobility training, assistive technology training, and low vision services.

**State Rehabilitation Council**

The Vocational Rehabilitation Advisory Council (VRAC), DVI's State Rehabilitation Council (SRC), was established and is authorized under the provisions of the Rehabilitation Act of 1973, as amended. The VRAC, which meets quarterly, is a body of 13 members appointed by the Governor and established to provide advice and support to DVI. A majority of the Council members are people with visual impairments. The Council membership includes representatives from the State Independent Living Council, Parent Information Center, Client Assistance Program (CAP), Community Rehabilitation Programs (CRTs), Blind-owned businesses, Blind Disability Advocate Group, current or former consumers, the Department of Education, and DVI.

**Purpose**

The purpose of the VRAC is as follows:

- Collaborate with DVI to identify key challenges and opportunities;
- Advise and assist in the preparation of the DVI WIOA Combined State Plan;
- Review and analyze the effectiveness of the Vocational Rehabilitation (VR) program and consumer satisfaction with services provided by DVI and Community Rehabilitation programs;
- Conduct an annual evaluation of DVI's effectiveness;
- Coordinate with other councils in the state;
- Prepare and submit an annual report; and
- Develop and assess goals and priorities jointly with DVI.

## Leadership of the Council

There are two leadership positions in the Council -- the Chair and Vice-Chair. Each position is a two-year term. The DVI Director and a VR Counselor serve as ex-officio members. [Find out more about VRAC membership here.](#)

Members of the VRAC shall be appointed by the Governor. The Governor will select members after soliciting recommendations from representatives of organizations representing consumers with visual impairments and organizations interested in consumers with visual impairments.

## Recruitment

Membership is obtained from VRAC members -- or other organizations interested in consumers with disabilities -- identifying and recommending consumers interested in serving on the VRAC. Recommendations are sent to the VRAC's Membership Committee and, if approved, they are sent to the Governor's office.

## Term

Each member of the VRAC shall serve for a term of three years and no member may serve more than two consecutive terms unless that member meets an exception as described in Section 105 of the Rehab Act of 1973.

Members serving in leadership positions, such as the Chairperson, Vice-Chairperson, and the Past Chairperson, are for a term of two years, inclusive of a three-year term. There should be at least one representative from the following:

- State Independent Living Council;
- Parent Information Center;
- Client Assistance Program (CAP);
- Community rehabilitation service providers;
- State Workforce Investment Board;
- Department of Education;
- Representatives of business, industry, and labor;
- Representatives of disability advocacy groups;
- Current or former recipients or applicants of vocational rehabilitation services;
- A qualified Vocational Rehabilitation Counselor (serving as ex officio, non-voting member); and
- Director of DVI (serving as ex officio, non-voting member).

Those interested in becoming a member of the VRAC must download and complete the [application](#) and can use one of the following ways to return completed application:

- Via e-mail to [InfoDVI@Delaware.gov](mailto:InfoDVI@Delaware.gov)
- Via U.S. Mail to --  
**VRAC Membership** c/o Lisa Edmondson-McNulty  
Division for the Visually Impaired  
1901 N. DuPont Hwy, Biggs Building  
New Castle, DE 19720
- Via fax to **Lisa Edmondson at (302) 255-9964**

## **VR Services: Policy and Procedure Manual**

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### **Policy and Procedure Manual Introduction**

The purpose of this manual is to provide program policy and procedures for VR Services provided by DVI. The intent of the policy is to outline what is expected based on Federal law and other applicable Federal and State regulations and sub-regulatory guidance. No exceptions can be made to policies outlined in Federal law or other applicable Federal and State regulations and sub-regulatory guidance. The introduction to this policy provides the purpose of title I of the Rehabilitation Act of 1973, as amended by title IV of the Workforce Innovation and Opportunities Act (WIOA) of 2014.

[WIOA Law](#) (Full Text)

[WIOA Final Rules and Regulations](#)

[Rehabilitation Act of 1973, as amended by title IV of WIOA](#)

While this policy manual dictates what must be done, due to the individualized nature of the VR program, there is no one best method of accomplishing the intent of these policies. It is trusted that all staff in the agency will understand and implement these policies with a person-centered approach, in the manner most appropriate to meet each consumer's VR needs. DVI must uphold the highest standards of integrity and ethical conduct regarding compliance with Federal and State regulatory requirements as well as the VR Counselor-consumer relationship. Should staff have any queries regarding policies, tasks, and expectations, this manual should be used first, followed by consultation through supervisory channels.

### **Policy and Procedure Manual Sections:**

- General Policies
- VR Program Entry Policies
- VR Program Services Policies

- Authorization and Payment of Services Policies
- Employment Related Services Policies
- Program Exit Policies
- VR Reporting and Performance Policies

## General Policies

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### Chapter 1: Purpose, Informed Choice, and General Considerations

#### General Policy Overview

The purpose of the VR Program, title I of the Rehabilitation Act of 1973, as amended by title IV of the Workforce Innovation and Opportunities Act (WIOA) is to provide a comprehensive, coordinated, effective, efficient, and accountable vocational rehabilitation program which is—

- An integral part of a statewide workforce development system; and
- Designed to assess, plan, develop, and provide vocational rehabilitation services for consumers with disabilities, consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice so that they may prepare for and engage in competitive integrated employment and achieve economic self-sufficiency.

*(Authority: 34 CFR §361.1 and Sections 12(c) and 100(a) of the Rehabilitation Act of 1973, as amended; 29 U.S.C. 709(c) and 720(a))*

#### Chapter 1 Sections

##### 1.1 Access and Accommodations

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Accommodations, including auxiliary aids and services<sup>1</sup> shall be provided, as needed, during the VR process to enable consumers the ability to access and fully participate in their VR program (e.g., assessments, development, and implementation of IPEs).

##### 1.2 Confidentiality and Release of Information

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DVI staff recognize that trust is the cornerstone of the counseling relationship and, therefore, upholds the ethical obligations outlined in the Commission on Rehabilitation Counselor

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<sup>1</sup> For more information, see Section 2.9: Auxiliary Aids and Services.

Certification (CRCC) Code of Ethics. VR Counselors do not share confidential information without a consumer's consent or without sound legal or ethical justification. Throughout each stage of the VR process, VR Counselors communicate the legal and ethical parameters of confidentiality to DVI consumers in a culturally competent manner and in the mode of communication that is determined appropriate for the consumer and/or their representative.

In accordance with 34 CFR §361.38, DVI staff must follow all policies and procedures that safeguard the confidentiality of a consumer's personal information, which can only be used for purposes directly connected with the administration of the VR program. DVI staff must inform consumers and/or their representatives of the following:

- Conditions for accessing and releasing consumer information;
- The legal authority under which information is collected;
- Mandatory and voluntary data collection;
- Explanation of the principal purposes for which the State unit intends to use or release the information (including audits, evaluation, and research in 361.38(d) and other programs and authorities in 361.38(e);
- Which situations DVI requires or does not require written consent before information can be released; and
- Other agencies to which information is commonly released (e.g., Delaware Division of Vocational Rehabilitation).

DVI may release information to the consumer and/or their representative if a detailed DVI Release of Information form is completed. This information must be released as soon as possible but no later than 10 business days from the date of the release. Information that may not be released to the consumer in such circumstances includes the following:

- Information that DVI determines may be harmful to the consumer (e.g., medical, psychological, other) which must be provided through a third party chosen by the consumer or through a court-appointment consumer; and
- Personal information that has been obtained from another agency or organization, which may be released only by, or under the conditions established by, the other agency or organization.

### **1.3 Informed Choice**

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In accordance with 34 CFR §361.52, DVI requires VR Counselors to provide consumers or, as appropriate, their representative, informed and meaningful choice throughout the VR process. Informed choice indicates that the VR Counselor provides information regarding DVI programs, discusses options for the development of an IPE, explores options to enable the consumer to

have meaningful and informed choice in choosing a vocational goal, specific rehabilitation services, possible service providers, and methods of procuring needed services. Informed choice includes understanding of program restrictions, policy, and due process rights. Informed choice is the cornerstone of ethical VR Counseling and the development of a VR Counselor-consumer relationship that will enable the consumer to be successful. Information relevant to making a choice shall in all circumstances be provided in a mode of communication that is determined appropriate to the consumer and may include, but is not limited to, the following sources of information:

- Lists of services and service providers;
- Periodic consumer satisfaction surveys and reports;
- Referrals to other consumers, consumer groups, or disability advisory councils qualified to discuss the services or service providers;
- Relevant accreditation, certification, or other information relating to the qualifications of service providers; and
- Opportunities for consumers to visit or experience various work and service provider settings.

DVI must document that the consumer was given informed choice throughout all stages of the VR process, including their IPE and the selection of the following:

- Employment outcome;
- Specific VR services needed to achieve the employment outcome;
- Entity that will provide the services;
- Employment setting and the settings in which the services will be provided; and
- Methods for getting and paying for the services.

To assist the consumer in exercising informed choice, DVI will provide the necessary information, which includes, but is not limited to, the following:

- Cost, accessibility, and duration of potential services;
- Consumer satisfaction with those services to the extent that information relating to consumer satisfaction is available;
- Qualifications of potential service providers;
- Types of services offered by the potential providers;
- Degree to which services are provided in integrated settings; and
- Outcomes achieved by consumers working with service providers, to the extent that such information is available.

Any disagreement regarding informed choice or DVI denying support of a consumer's choice will be thoroughly discussed and resolved as quickly as possible to not impede the consumer's VR program. Consumer choices will be given preference where services are comparable following a discussion with the VR Counselor and consumer regarding the cost and appropriateness of the consumer's choice. Continuing disagreements will be submitted to supervisory and/or agency appeals processes for resolution in a timely manner. Consumers will also be advised of assistance available through CAP.

#### **1.4 Residency and Non-discrimination**

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DVI shall provide all VR services without regard to race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or on the basis of the consumer's citizenship status.

In accordance with 34 CFR §361.42(c)(1), DVI does not impose any residency requirements, durational or otherwise.

#### **1.5 Eligibility to Work in the U.S.**

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In accordance with U.S. Federal law, participants in the VR program must be able to obtain competitive integrated employment (CIE) at the completion of the IPE as this is the purpose for the provision of services. Applicants with a Social Security Number are assumed to meet the criteria required for employment. Consumers who are not U.S. Citizens must provide the documents required to legally work in the U.S.

#### **Consumer's Citizenship Status**

While there is no requirement for an applicant to provide proof of citizenship or a copy of a work authorization as part of the eligibility determination process, DVI staff will discuss potential barriers to employment during the initial interview and during vocational exploration and IPE development activities. On a case-by-case basis, the VR Counselor may determine that the consumer can or cannot benefit from services based on the consumer's ability to legally work in the U.S. The VR Counselor may use Information and Referral services, including immigration and Social Security Administration (SSA) resources, to other Federal and State programs.

## Resources

If a consumer has questions or concerns about applying for VR services for any reason related to citizenship/eligibility to work status, DVI staff must consult with the Senior VR Administrator and may refer them to the following or other available resources:

- The DE Department of Justice's [Office of Immigration Assistance](#) provides counseling services and assistance for residents of Delaware applying for citizenship and/or immigration benefits. They establish case files and follow-up with Federal agencies to determine status, while serving as the liaison between residents of Delaware and the US Citizenship and Immigration Service.
- The SSA provides guidance on [applying for a SSN](#) for Non-U.S. citizen applicants, who may be legally able to work in the U.S.

### 1.6 Appeals and Due Process

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DVI respects the rights of consumers and shall follow equitable and timely procedures for circumstances of dissatisfaction with a determination made by DVI staff that affects the provision of a consumer's VR services. Consumers have the right to the following:

- Exercise informed choice<sup>2</sup>;
- Have a representative present, as needed;
- Challenge or question a decision that affects eligibility and provision of VR services through an informal or formal process;
- Request mediation and impartial fair hearings; and
- An administrative review within 30 days of the request when experiencing dissatisfaction with the result of a fair hearing.

In accordance with 34 CFR §361.57, DVI policy requires that applicants and eligible consumers be informed of dispute resolution and due process procedures, including the availability of CAP, throughout the VR process. VR Counselors should utilize their professional counseling skills to resolve disputes and fully maintain positive VR Counselor-consumer relationships to the maximum extent possible.

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<sup>2</sup> For more information, see Section 1.3: Informed Choice.

## Informal Dispute Resolution

When the consumer agrees, DVI shall use informal resolution procedures, including mediation. A consumer may choose to go directly to a formal hearing without participating in an informal resolution process. A request for Informal Dispute Resolution must be made within 30 days of the dispute. DVI staff resolutions are encouraged and expected when possible. These include the following:

- **VR Counselor-Level Resolution:** This is the preferred and primary method for resolving disputes, as most disputed issues can be resolved through communication between the VR Counselor and the consumer.
- **VR District Administrator Consultation:** If a consumer feels unable to resolve a dispute directly with their VR Counselor, a Supervisory Consultation may be requested. The VR District Administrator will review the case record and speak with both the VR Counselor and the consumer (separately and/or together) to see if a reasonable solution can be reached.
- **Client Assistance Program (CAP):** CAP provides information and assistance to consumers seeking or receiving VR services under the Rehabilitation Act, including assistance in pursuing administrative, legal, and other appropriate remedies by --
  - Explaining rights and responsibilities;
  - Helping consumers communicate concerns;
  - Giving information about the VR program and services;
  - Explaining DVI policies and procedures;
  - Providing advocacy when a service has been denied or if consumers are unhappy with a service provided;
  - Arranging for legal services when necessary to represent consumers in a formal appeal; and
  - Providing information about employment rights under the Americans with Disabilities Act.

Note: To discuss an issue with a representative from CAP and/or to gain additional information, please refer to the [CAP website](#).

## Mediation

A qualified and impartial mediator trained in effective mediation techniques conducts mediation. This process is confidential, voluntary, and must be agreed to by both parties.

Mediation is not to be used to deny or delay the right of a consumer to a hearing. Discussions that occur during the mediation process will not be used as evidence in any subsequent due process hearing or civil proceeding.

A request for mediation must be made within 30 days of the dispute. A written request for mediation, prepared by the consumer or their representative, as appropriate, must include the following:

- Name and address of the consumer requesting the review;
- Name of the VR Counselor or VR District Supervisor whose decision is to be reviewed;
- Detailed description of the decision(s) in question with sufficient detail such to inform DVI of the nature and consequences of the decision(s);
- Description of the action or resolution desired; and
- Signature of the consumer, or their representative, filing the request, with date.

### **Impartial Hearing**

The impartial hearing is the final option of the Dispute Resolution process and is performed by an impartial hearing officer.

The consumer or, if appropriate, the consumer's representative must have an opportunity to be represented by counsel or other appropriate advocates selected by the consumer and shall have the opportunity to submit additional evidence, information, and witnesses to the impartial hearing officer. Also, the consumer or, if appropriate, the consumer's representative must have the opportunity to examine all witnesses and other relevant sources of information and evidence. Services that have been initiated shall not be suspended, reduced, or terminated pending the final hearing decision unless the consumer or consumer's representative so requests or there is evidence that the services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the consumer.

The hearing must be held within 60 days of a consumer's initial request for review of a determination (dispute) unless informal resolution is achieved prior to the 60<sup>th</sup> day or the parties agree to a specific extension of time. The impartial hearing officer shall make a decision based on the provisions of the approved DVI State Plan for Vocational Rehabilitation, the Rehabilitation Act, Federal Vocational Rehabilitation regulations, and State regulations and policies that are consistent with Federal requirements. The impartial hearing officer shall provide to the DVI Administrator and the consumer or, if appropriate, the consumer's representative a full written report of the findings and grounds for the decision within 30 days of the completion of the hearing.

The decision of the hearing officer is final and must be implemented by DVI. Any party who disagrees with the findings and decisions of an Impartial Hearing Officer shall have the right to bring a civil action with respect to the matter in dispute. The action may be brought in any State court of competent jurisdiction or in a District court of the United States of competent jurisdiction without regard to the amount in controversy.

### **1.7 Competitive Integrated Employment (CIE)**

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DVI supports consumers entering, advancing in, and retaining employment (i.e., CIE) consistent with a consumer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

In accordance with 34 CFR 361.5(c)(9), Competitive integrated employment (CIE) means work that –

- 1) Is performed on a full-time or part-time basis (including self-employment) and for which a consumer is compensated at a rate that—
  - a) Is not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate required under the applicable State or local minimum wage law for the place of employment;
  - b) Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not consumers with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and
  - c) In the case of an consumer who is self-employed, yields an income that is comparable to the income received by other consumers who are not consumers with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and
  - d) Is eligible for the level of benefits provided to other employees; and
- 2) Is at a location –
  - a) Typically found in the community; and
  - b) Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors), who are not consumers with disabilities (not including supervisory personnel or consumers who are providing services to such employee) to the same extent that employees who are not consumers with disabilities and who are in comparable positions interact with these persons; and

- 3) Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not consumers with disabilities and who have similar positions.

DVI supports a variety of CIE types, including Self-Employment, Randolph-Sheppard Business Enterprise Program (BEP), and Supported Employment in CIE. The following table demonstrates questions that must be answered and documented in the Visually Impaired Client Registry (VICR) when conducting a case-by-case analysis to determine when a job position (based on the unique facts of the particular position) is integrated according to 34 CFR 361.5(c)(9)(2) above.

CIE Question	Yes	No	Comments/Explanation
Is the job found in the competitive labor market?	✓		
Is the job position open to any qualified consumer, or is it limited to <b>consumers</b> with disabilities?	✓		
Was the position formed for the purpose of employing <b>consumers</b> with disabilities?		✓	
If the job position is limited to <b>consumers</b> with disabilities, does the nature of the business and/or the population served by the business necessitate such limitation (e.g., a coffee shop that employs consumers who are Deaf because it is established for the primary purpose of serving students and faculty of a university who are Deaf)?	✓		
Would a reasonable person observing the ordinary performance of work at an employment setting consider <b>consumers</b> with disabilities to be segregated from their non-disabled co-worker peers, who are doing the same or similar work, while performing their work duties?		✓	
Would a reasonable person observe employees with disabilities as integrated among and interacting with their non-disabled co-workers while performing their work duties?	✓		
Are there any other unique factors for the specific job position that potentially conflict with meeting the definition of CIE?		✓	

DVI staff must consult with supervision when employment opportunities arise that may not meet the definition of CIE, or if answers vary to any of the answers above, prior to providing services to the consumer.

## **1.8 Subminimum Wages – Section 511**

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Section 511 of the Rehabilitation Act places limitations on the payment of subminimum wages by entities holding special wage certificates under Section 14(c) of the Fair Labor Standards Act. The purpose of Section 511 is to ensure that consumers with disabilities have access to information and services that will enable them to achieve CIE. Section 511 includes requirements for State VR agencies, subminimum wage employers, and local and/or State educational agencies, including specific requirements for youth prior to their participation in subminimum wage employment.

The State of Delaware does not have any active [14\(c\) Certificate Holders](#) and, therefore, has not implemented the requirements outlined in Section 511 of the Act at this time.

## **1.9 Exception to Policies**

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DVI may not establish policies or fee schedules that place any arbitrary limit on the nature and scope of VR services to be provided to the consumer to achieve an employment outcome (CIE). DVI staff can request an exception when a consumer requires services and/or supports that are outside the scope of written policies, procedures, and fee schedules.

## **1.10 Coordination with Delaware Division of Vocational Rehabilitation (DVR)**

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Together, DVI and Delaware Division of Vocational Rehabilitation (DVR) represent title IV of WIOA; therefore, they collaborate on all activities and responsibilities set forth for title IV. Additionally, reference should be made to the Memorandum of Understanding (MOU) between DVI and DVR that outlines their partnership and requirements for collaboration, in accordance with 34 CFR §361.24(e).

## **1.11 Collaboration and Community Resources**

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In addition to coordination with DVR, DVI shall, as appropriate, make maximum use of public or other vocational or technical training programs and other community resources, including community rehabilitation programs and other workforce partners in the provision of VR services.

DVI staff must comply with the provisions of all contracts or memorandums of understanding/agreement (MOUs/MOAs) between DVI and other agencies, organizations, community rehabilitation programs, and other providers, in accordance with 34 CFR §361.24.

## 1.12 Services to Employers

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In accordance with Section 109 of the Rehabilitation Act of 1973, as amended, DVI educates and provides services to employers to build strong businesses that are ready and able to hire, train, advance, and promote the hiring of people with disabilities, particularly those with blindness and visual impairments, throughout the State of Delaware. Education and services include, but are not limited to, the following:

- Informing employers about the DVI talent pool and the full collection of DVI programs, services, and incentives;
- Informing employers about opportunities to provide work-based learning and career exploration options to students and youth through internships, work experiences, and pre-employment transition services (Pre-ETS);
- Enabling employers to recruit, job match, hire, train, and retain qualified talent within DVI;
- Providing consultation, technical assistance, and support to employers on workplace accommodations, assistive technology, and accessibility.
- Providing information and consultation regarding employment of people with disabilities, including the benefits/return on investment of enhancing diversity in the workplace, disability awareness, the Americans with Disabilities Act (ADA), and other applicable employment and disability-related laws.

## 1.13 Fraud, Waste and Abuse

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DVI recognizes that fraud, waste, and abuse of Federal and State funds may happen. Fraud can occur by DVI staff, consumers, and vendors/contractors. DVI must address prevention, detection, and deterrence, and must take action when fraud occurs. DVI staff shall be familiar with various improprieties that might occur within their area of responsibility and should be alert for indications of fraudulent activity. DVI staff will work closely with DVI administration and the State of Delaware's Office of Auditor of Accounts, as appropriate, to investigate and resolve all instances of suspected fraud in a timely manner.

Reports can be made directly to any DVI staff and DVI administration. Additionally, anyone can report suspicious activity by calling **1-800-55-FRAUD** (1-800-553-7283) or by utilizing this [Report Instances of Fraud, Waste, and Abuse in State Government form](#).

### DVI Staff

DVI staff are required to follow all policies and procedures when accessing and providing goods and/or services when using program funds. Regardless of title or position, awareness and reporting of fraud shall be the responsibility of all DVI staff. DVI staff must report when they

know of or suspect fraud, waste, abuse, mismanagement, unethical conduct, or violations of laws and regulations involving VR program funds. This includes allegations of suspected wrongdoing by DVI staff, consumers, and vendors/contractors.

Fraud exists when a consumer knowingly and deliberately withholds, conceals, or misrepresents information to obtain, or attempt to obtain, DVI services or funding. Fraud includes intentionally reporting inaccurate income and/or source(s) of income, inappropriately purchasing goods and services and/or misusing or theft of items purchased by DVI.

### **Consumers**

Examples of fraud on the part of a consumer may include, but are not limited to, the following:

- Misrepresenting personal identifiable information;
- Falsifying/changing authorizations for goods and/or services;
- Selling or pawning items that have been purchased with DVI program funds;
- Using DVI funds for purposes not intended or agreed upon by the consumer and the VR Counselor; and
- Providing a falsified receipt or other documentation.

### **Vendors/Contractors**

Examples of fraud on the part of a vendor/contractor may include, but are not limited to, the following:

- Misrepresenting a company's skills, knowledge, and/or abilities;
- Falsifying/changing authorizations for goods and/or services;
- Falsifying progress reports regarding goods and/or services provided to DVI and DVI consumers;
- Using DVI funds for purposes not intended or agreed upon by the consumer and the VR Counselor and the vendor/contractor; and
- Providing a falsified invoice, receipt, or other documentation.

## **1.14 Ethical Conduct**

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DVI expects all staff to demonstrate adherence to ethical standards and rules of conduct in alignment with their professional competence, integrity, and objectivity consistent with their education, experience, expertise, and assigned position.

DVI staff are required to adhere to—

- State of Delaware Code of Conduct – [Title 29 Chapter 58](#)
- Delaware Health and Social Services – DHSS Policy Memorandum #76: Zero Tolerance

DVI Vocational Rehabilitation Counselors, consultants, and managers are additionally required to adhere to—

- [Code of Professional Ethics for Rehabilitation Counselors](#) as accepted by the Commission on Rehabilitation Counselor Certification (CRCC).

## VR Program Entry Policies

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### Chapter 2: Referrals and Applications

#### General Policy Overview

In accordance with 34 CFR §361.37 (information and referral programs) and §361.41 (processing referrals and applications), DVI will process all referrals and requests for information in an equitable and timely manner.

All consumers referred to DVI must be informed that services are for consumers who intend to achieve a CIE outcome. This means working, with or without supports, in a competitive labor market making at least minimum wage.

All written communication with a consumer must be supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the consumer. In addition, when contact with a referral is difficult to establish, reasonable attempts must be made before declining the referral, and those attempts must be documented in the case record.

DVI staff must contact all referrals within five business days from the date of the referral to schedule an orientation and/or an initial interview.

#### Chapter 2 Sections

##### 2.1 Delaware Residency Requirements

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Per 34 CFR §361.42(c)(1), DVI is prohibited from establishing a duration of residency requirement that excludes application or receipt of services for any consumer who is present and available in the state.

##### 2.2 Referral

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A referral is a consumer who has contacted or has been placed in contact with DVI to inquire about the possibility of obtaining VR services but has not applied for services. To be considered

a referral, DVI must have the consumer's name and contact information. Referrals may contact DVI by phone, email, or in person.

DVI staff must collect referral information and enter it into VICR as Status 00 on the date received and should include, as available, the following:

- Name (first and last)
- Legal guardian (if applicable)
- Address
- DOB
- Preferred method of contact (telephone, email)

### 2.3 Type of Referrals

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**Students with Disabilities – Pre-ETS Only:** Students with disabilities who are referred to DVI and/or are only interested in receiving Pre-ETS and are not in need of additional VR services may be potentially eligible<sup>3</sup>.

For all other referrals, this policy<sup>4</sup> applies and should be followed.

### 2.4 Source of Referral

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A consumer can be referred to DVI by an agency, employer, medical specialist, or consumer. The cultivation of adequate referral sources, as well as continuing education regarding the VR program, is the responsibility of all DVI staff. Assigned DVI staff will maintain and foster relationships with assigned liaisons in the community necessary to inform referral sources of the services offered by DVI, application requirements, and the need for relevant medical, social, and vocational information available to assist with the eligibility process. The collection of referral source must be documented in VICR.

Source of Referrals include the following:

- 14(c) Certification holders;
- Adult Education and Family Literacy Act Program (title II of WIOA);
- American Indian VR Services Program (AIVRS);

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<sup>3</sup> For more information, see Chapter 9: Pre-Employment Transition Services.

<sup>4</sup> For more information, see Chapter 2: Referral and Applications.

- Centers for Independent Living;
- Service providers;
- Adult, Dislocated Worker, and Youth Programs (title I of WIOA);
- Elementary and secondary schools;
- Postsecondary education institutions;
- Employers;
- Extended employment providers;
- Intellectual and developmental disability agencies;
- Medical health providers;
- Mental health providers;
- Self-referral, friends, family;
- Social Security Administration;
- Temporary Assistance for Needy Families (TANF);
- Veteran's benefits or health administration;
- Wagner-Peyser Act Employment Service Program (title III of WIOA);
- Worker's Compensation;
- Other sources; and
- Other American Job Center or Workforce Development programs.

## 2.5 Completing a Referral

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If a consumer chooses not to apply for DVI services or does not respond to attempted contacts from DVI, the consumer is closed from Status 00. All attempts to contact the consumer, as well as their response, must be documented in the case record.

If a consumer chooses to apply for services, a new application is initiated in Status 02 in VICR, and Section 2.8 is followed.<sup>5</sup>

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<sup>5</sup> For information regarding eligibility requirements, see Chapter 3: Eligibility and Trial Work Experience.

## 2.6 Closing a Referral Case Record

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A referral can be closed in VICR when DVI has been unsuccessful contacting the consumer, or the consumer chooses not to apply for VR services.<sup>6</sup>

## 2.7 Orientation and Intake Requirements

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Within five days of the date of the referral (or date of contact), consumers must receive an [orientation](#) to DVI's available services so they can make an informed choice regarding application for the VR program. The orientation can be provided in whatever format requested by the consumer (e.g., Consumer Handbook, DVI website, DVI Staff, Initial Interview with VR Counselor) but must include the following:

- Information on the programs offered by DVI;
- Access to the application and process;
- Eligibility criteria for VR services; and
- Expectations and responsibilities placed on all consumers of DVI.

Consumers are notified during the orientation and/or initial interview<sup>7</sup> that they must provide the VR Counselor with all available medical, psychological, and personal information or provide a way for the VR Counselor to obtain the information at the initial interview or as soon as possible. This information is essential for conducting a thorough initial interview, building rapport, and determining eligibility. The consumer must be informed that failure to provide the appropriate documentation or participate in the necessary assessments may result in case closure or ineligibility for the VR program.

In all cases, this process should be expedited to prevent a delay in service provision. For example, consumers may apply for DVI services prior to completing an orientation. DVI staff must schedule an initial interview and begin the application process and will need to provide an orientation to DVI services during the initial interview. DVI staff must be flexible to meet the consumer's needs while also adhering to the requirements outlined in this section.

For referrals who choose to apply for DVI services, an initial interview must be scheduled within 30 days, but as soon as possible, of the date of the initial referral unless circumstances preventing the consumer from scheduling within this timeframe are documented.

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<sup>6</sup> For more information, see Chapter 20: Case Closures and Transfers.

<sup>7</sup> For more information, see Chapter 2.10: Initial Interview.

## 2.8 Application

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A consumer is considered to have applied for VR services when the following criteria have been met:

- Completed DVI application;
- Provided the information necessary to initiate an assessment to determine eligibility and priority for services; and
- Is available to complete the assessment process.

If, at any time, an application for services is requested, it should be provided immediately. At the time a consumer provides DVI with a signed document requesting VR services, they are considered an applicant, regardless of the receipt of a formal orientation.

All applications must be date-stamped with the date of receipt<sup>8</sup>. Eligibility must be determined within 60 days of the application date.

## 2.9 Auxiliary Aids and Services

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An applicant may receive auxiliary aids and services in order to access the VR program. An applicant may also receive assessment services related to gathering the necessary eligibility information.

Title II of the ADA implementing regulations define "auxiliary aids and services" in 28 CFR §35.104 as—

- 1) Qualified interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to consumers who are Deaf or hard of hearing;
- 2) Qualified readers; taped texts; audio recordings; Brailled materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs

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<sup>8</sup> For more information, see Section 2.11: Documentation Requirements.

(SAP); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to consumers who are Blind or have low vision;

- 3) Acquisition or modification of equipment or devices; and
- 4) Other similar services and actions.

## **2.10 Initial Interview**

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A VR Counselor must make all attempts to interview each consumer within 30 days of the referral, at the time of application or, at a minimum, during the 60-day eligibility timeframe. If unforeseen circumstances make it impossible for the applicant to participate in an initial interview, an eligibility determination will be made based on the information DVI has, or the case will be closed as an applicant without an eligibility determination. These circumstances must be sufficiently documented in VICR, including the reason the consumer was unable to participate in the initial interview or to participate in the assessment process.

During the initial interview, the VR Counselor should gather information provided by the consumer or, if appropriate, the family, indicating the presence of an existing visual, physical, or mental impairment and impediment to employment. The VR Counselor may determine diagnostic information is needed to establish the presence of a disability (e.g., additional testing, eye report, Social Security Administration benefits).

The initial interview is a crucial step for the VR Counselor to begin establishing rapport and building the counseling relationship. This is the VR Counselor's opportunity to provide professional disclosures, information on how DVI safeguards confidential and personally identifiable information (PII), and record disposal processes.

The initial interview narrative builds the foundation for the determination of eligibility and the case record. It provides a summary of the applicant's history, perceptions, living, and work situations at application. It also includes the consumer's strengths, resources, priorities, concerns, abilities and interests, and access to additional information like voter registration.

## **2.11 Closing an Applicant Case Record**

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A case record can be closed in VICR as an applicant prior to an eligibility determination or Trial Work Experience. Otherwise, an eligibility determination must be made or a Trial Work Experience initiated<sup>9</sup>.

## **2.12 Resources, Including Information and Referral**

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At any time during the VR process, the VR Counselor may refer a consumer to outside resources, including other programs and services within the statewide workforce development system, to assist the consumer in achieving their employment outcome.

Information and referral programs are outlined in DVI's State plan and include, but are not limited to, the following:

- CAP;
- WIOA title 1 (Adult, Youth, Dislocated Worker programs);
- WIOA title II (Adult Education and Literacy program);
- WIOA title III (Wagner Peyser Employment Services program);
- FAFSA and other educational support programs;
- Voter registration;
- Housing and Food programs; and
- Other relevant resources, as applicable.

## **2.13 Documentation Requirements**

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The case record must contain, as applicable, the following:

- Referral information entered into VICR as Status 00, including the date of referral, orientation, and/or application;
- Copy of the signed and dated application (date-stamped) and application information entered into VICR as Status 02;
- Copy of the signed and dated release to receive Pre-ETS as a potentially eligible student with a disability and entered into VICR as Status 03;

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<sup>9</sup> For more information, see Chapter 3: Eligibility and Trial Work Experience.

- If closed any time prior to eligibility determination, information entered into VICR as Status 08;
- Documentation that the initial interview was completed within 30 days of the referral or at the time of application;
- Details of the initial interview, including the following DVI forms:
  - Application for services (DVI-VR 02 & 03)
  - Financial Need Statement (DVI-VR 04)
  - Request for Information (DVI-VR 05)
  - Verification of Social Security Benefits when appropriate (DVI-VR 50)
  - Consent to Share Information (DVI VR 65)
  - Consent to Release Information, when appropriate (DVI VR 66)
  - Initial interview checklist;
- Case notes showing all DVI requirements were discussed with the consumer;
- Copies of any paperwork provided by the consumer to assist with determining eligibility;
- Any assessment and medical information obtained to assist in determining eligibility, priority for services, and plan development; and
- Other applicable information not otherwise listed.

## 2.14 Internal Controls

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DVI incorporates a variety of internal controls to ensure the accuracy of processing referrals and applications for VR services:

- DVI administration quarterly case reviews;
- Quality assurance policy outlining additional internal control measures, including audits case documentation;
- VICR controls included in VICR manual;
- Monitoring of intake processes across DVI; and
- Training related to policy, regulations, best practices, and intended outcomes.

## Chapter 3: Eligibility and Trial Work Experience

### General Policy Overview

In accordance with 34 CFR §361.42 (Assessment for determining eligibility and priority for services), §361.43 (Procedures for ineligibility determination), and §361.44 (Closure without

eligibility determination), DVI will make a determination of eligibility as soon as possible but no longer than 60 days after applicant has applied for the program.

All determinations of eligibility must be made by VR Counselors, supervisors, or field directors who are employed by DVI. The only exception to a determination of eligibility not being completed within 60 days of application is in the event of extenuating circumstances beyond the control of DVI and where the consumer has agreed to an extension for a specific period of time.

All written communication, including Certificate of Eligibility/Ineligibility, with a consumer must be supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the consumer. In addition, DVI staff must make every attempt to contact the applicant, conduct an initial interview, access documentation/disability records, refer for necessary assessments/services necessary to make a determination of eligibility, and those attempts must be documented in the case record.

An eligibility determination is not based on duration of residency in the State of Delaware, nor is an applicant or group of applicants excluded or found ineligible solely because of the type of one's disability. The VR eligibility requirements are applied without regard to the following:

- Age, Sex, Race, Color, National origin;
- Type of expected employment outcome;
- Source of referral for vocational rehabilitation services;
- Particular service needs or anticipated costs of services required by an applicant or the income level of the consumer or their family; and
- Educational status or current educational credential.

DVI staff must consider all factors that apply to making an eligibility determination. However, this decision must not be delayed in order to document all circumstances of the applicant. Rather, an eligibility determination must be determined as soon as enough information is gathered.

## **Chapter 3 Sections**

### **3.1 Eligibility Criteria**

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The VR Counselor is responsible for making an eligibility determination based on the following criteria:

- 1) The consumer has a physical or mental impairment;

- 2) The consumer's physical or mental impairment constitutes or results in a substantial impediment to employment for the consumer;
- 3) The consumer requires VR services to prepare for, secure, retain, advance in, or regain employment that is consistent with the consumer's unique strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice. For purposes of an assessment for determining eligibility and VR needs under this part, a consumer is presumed to have a goal of an employment outcome.

DVI provides VR services to consumers who are severely visually impaired and legally Blind. Following the eligibility criteria 1 and 2 above, DVI must make a determination based on the following conditions:

- Totally Blind (no light perception);
- Legally Blind (20/200 visual acuity in the better eye with correction; or a field restriction limited to 20 degrees or less); or
- Severely Visually Impaired (20/70 to 20/200 visual acuity in better eye with correction).

If an applicant does not meet the eligibility criteria based on meeting the conditions of visual impairments in this policy, or could benefit from additional VR services, the consumer will be referred to Delaware Division of Vocational Rehabilitation (DVR). For additional information, reference should be made to the MOU between DVI and DVR (including Delaware Code Title 31 Chapter 2108).

Additionally, DVI is responsible for informing consumers through its application process for VR services that consumers who receive services under the program must intend to achieve an employment outcome. The consumer's completion of the application process for VR services is sufficient evidence of the consumer's intent to achieve an employment outcome, and no additional demonstration on the part of the consumer is required.

### **3.2 Presumption of Benefit**

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If the consumer has been determined eligible for Social Security benefits under title II (SSDI) or XVI (SSI) of the Social Security Act based upon their own Blindness or visual impairment, the consumer is presumed eligible for VR services.

The consumer is also presumed to benefit from the provision of VR services in terms of CIE, unless clear and convincing evidence demonstrates the consumer is incapable of benefiting in terms of an employment outcome. Prior to any determination that a consumer is incapable of

benefiting from services in terms of an employment outcome because of the severity of the consumer's impairment, DVI must conduct a Trial Work Experience<sup>10</sup>.

If the consumer indicates that they are eligible for Social Security Administration (SSA) benefits but is unable to provide appropriate evidence, such as an award letter, DVI must verify the consumer's eligibility for the Social Security program by contacting SSA. If no such verification can be obtained, the VR Counselor must determine eligibility using the eligibility criteria<sup>11</sup>.

### **3.3 Eligibility Extension**

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A timely eligibility determination is consistent with the values of DVI related to customer service, rapid engagement, and assisting consumers with Blindness and visual impairments in gaining, maintaining, and advancing in CIE. An eligibility determination must be made within 60 days of the date of application, unless—

- Exceptional and unforeseen circumstances beyond the control of DVI, and both DVI and the consumer agree to a specific extension of time; or
- An exploration of the consumer's abilities, capabilities, and capacity to perform in work situations is carried out under a Trial Work Experience.

It is the expectation of DVI that once the VR Counselor has received sufficient documentation, a decision will be rendered as soon as possible. If the information is insufficient to determine eligibility, the VR Counselor may decide additional assessment is needed to determine eligibility. In this circumstance or for other extenuating circumstances beyond the control of DVI, an eligibility extension is appropriate.

**1) Appropriate reasons for an eligibility extension may include the following:**

- a) Lack of information and medical records are needed to complete an eligibility determination;
- b) Additional evaluation and assessment may be required, including the availability of an appointment with a medical provider (e.g., Optometrist, Ophthalmologist), time to complete the assessment, and review of medical records post-assessment;

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<sup>10</sup> For more information, see Section 3.5: Trial Work Experience.

<sup>11</sup> For more information, see Section 3.1: Eligibility Criteria.

- c) The consumer is temporarily unavailable whether through no fault of the consumer to participate in evaluations due to illness, hospitalization, or relocation, etc.; or
- d) Trial Work Experience is pending prior to eligibility determination.

**2) Documentation of Extension:** When an eligibility extension is necessary, the VR Counselor must document the reason for the time extension, the anticipated length, and the applicant's agreement for the extension in VICR.

- a) One extension is allowable (up to 60 days) without supervisory approval. If the eligibility determination is not completed before the original extension expires and new time extension is required, the VR Counselor must gain supervisory approval prior to the end of the initial extension. Approval must be documented in VICR by the supervisor.
- b) Each extension must include the reason for the time extension and its anticipated length. The applicant's agreement to every new time extension must be documented in the consumer record and completed prior to the expiration of any prior extension. The extended eligibility determination date must be documented in VICR.
- c) DVI staff must inform the applicant of the agreed upon circumstances of the time extension by letter. Minimally, this letter must include the following:
  - Reason for the time extension;
  - Agreed upon timeframe for the extension; and
  - Action plan and expectations of the extended timeframe;
  - If, during the extension period, an applicant has been unavailable to complete an assessment for determining eligibility, and repeated efforts have been made and documented to contact the consumer and to encourage their participation, the consumer's case may be closed without a determination of eligibility.

**3) Disagreement of Eligibility Extension:** If agreement cannot be reached, the supervisor or designated DVI staff will rule on the extension of time. A consumer who disagrees with the supervisor's decision must be advised of the available rights and remedies, including the right to a hearing by an impartial hearing officer and the availability of CAP.

### **3.4 Assessment for Determining Eligibility**

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To the maximum extent possible, the assessment for determining eligibility will be based on a review of existing information, including the VR Counselor's observations, documentation from

other programs and providers (e.g., SSA, Developmental Disability Agency), education records, medical records, and information provided by the consumer or members of their family.

When existing information is not current or unavailable, insufficient, or inappropriate to make an eligibility determination, additional information must be obtained. This information can be obtained through the provision of VR services, including TWEs, assistive technology devices and services, personal assistance services, and any other support services that are necessary to determine whether a consumer is eligible.

DVI staff must ensure that the following factors are considered during the assessment for determining eligibility:

- If the current existing eye report is more than one year old and the disability is expected to change over time, the VR Counselor shall request, coordinate, and/or provide, an updated routine eye examination and other preliminary diagnostic studies as may be deemed necessary. All case records must contain an eye report and medical information to assure meeting DVI eligibility visual acuity criteria and that there is no other physical impairment that could interfere with the VR process.
- When questions arise concerning the validity or interpretation of an eye report, the VR Counselor must consult with DVI's contracted ophthalmologist.
- When questions arise concerning the validity or interpretation of medical information, the VR Counselor must consult with DVI's contracted medical consultant.
- Regardless of a professional consultation conducted, the VR Counselor is the professional responsible for completing an eligibility determination for a consumer who applies for VR services.
- In the event the consumer is determined ineligible, supporting documentation must be included in VICR and the hard case file. Documentation may include an eye report that shows the consumer does not meet the visual criteria.

### **3.5 Trial Work Experience**

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Prior to any determination that a consumer with a disability is unable to benefit from VR services in terms of an employment outcome because of the severity of that consumer's disability or that the consumer is ineligible for VR services based on the severity of their disability, DVI must conduct an exploration of the consumer's abilities, capabilities, and capacity to perform in realistic work situations.

- 1) This is referred to as a Trial Work Experience (TWE).
  - a) A TWE should only be initiated when there is significant concern by the VR Counselor that the consumer's disability or disabilities is/are of such severity that

- there is no employment in which the consumer may be reasonably expected to be successful, even with appropriate supports. This concern may be based on previous work experiences, medical or psychological information of record, self-report, observation, or other verifiable information.
- b) DVI staff must remember that **all consumers are presumed** to be able to benefit in terms of an employment outcome<sup>12</sup>. This includes consumers with the most significant and/or multiple disabilities. A TWE should only be initiated in rare instances when there is a concern that there is no work environment where a consumer can be successful because of the severity of their disability.
  - c) Prior to the initiation of any TWE, the VR Counselor must gain supervisory approval to ensure TWE is the most optimal path for the consumer. Approval must be documented in VICR by the supervisor.
- 2) The VR Counselor must develop a written plan to periodically assess the consumer's abilities, capabilities, and capacity to perform in competitive integrated work situations through the use of trial work experiences, which must be provided in CIE settings to the maximum extent possible, consistent with the informed choice and rehabilitation needs of the consumer.
- a) A TWE plan is developed using the same IPE form as an IPE developed for a consumer that is found eligible for services. The TWE plan must be agreed to and signed by the consumer with a disability, as well as the VR Counselor.
  - b) The TWE plan must include objectives, timeframes, responsible persons, evaluation of progress timeframes, anticipated services and anticipated start and end dates for services as well as the responsibilities of the consumer and VR Counselor.
- 3) TWEs include supported employment, on-the-job training, and other experiences using realistic integrated work settings.
- 4) TWEs must be of **sufficient variety** and over a **sufficient period of time** for the VR Counselor to determine that—
- a) There is sufficient evidence to conclude that the consumer can benefit from the provision of VR services in terms of an employment outcome; or

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<sup>12</sup> For more information, see Section 3.2: Presumption of Benefit.

- b) There is clear and convincing evidence that due to the severity of the consumer's disability, the consumer is incapable of benefitting from the provision of VR services in terms of an employment outcome.
- Sufficient variety indicates that there will be more than one work environment during a TWE if the consumer is unsuccessful in the first.
  - Sufficient period of time indicates that the TWE typically occurs over multiple days and the consumer is given every opportunity to learn and perform the work tasks with appropriate supports.
  - Clear and convincing evidence means to a high degree of certainty; unequivocal. This evidence must be documented in the case record and include multiple references in order to meet this definition.
- 5) The VR Counselor must provide appropriate supports, including, but not limited to, assistive technology devices and services and personal assistance services to accommodate the rehabilitation needs of the consumer during the TWE.

At the conclusion of a TWE, if the consumer demonstrates that they are able to benefit in terms of an employment outcome, the VR Counselor should determine the consumer eligible for services. If the consumer is unsuccessful in the TWE after all of the requirements above are included, the VR Counselor may determine the consumer to be ineligible based on the severity of their disability preventing them from benefiting from VR services in terms of an employment outcome. This determination must only be completed after supervisory approval to ensure TWE requirements have been met, and truly results in the consumer's inability to benefit. Approval must be documented in VICR by the supervisor.

DVI must provide the consumer with their rights and remedies that are available, including the right to a hearing by an impartial hearing officer and the availability of CAP.

### **3.6 Trial Work Experience and Pre-Employment Transition Services Pre-ETS**

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Students with disabilities (SWD) who are receiving services under a TWE have not been determined eligible or ineligible for DVI; therefore, they are still considered potentially eligible. Though SWD under a TWE may be receiving Pre-ETS, these services do not constitute the requirements of a TWE outlined in Section 3.5. Pre-ETS<sup>13</sup> are exploratory in nature and though

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<sup>13</sup> For more information, see Chapter 9: Pre-Employment Transition Services.

they may inform the interests and abilities of the SWD, the results of these services do not solely fulfill the requirements of clear and convincing evidence under a TWE.

### 3.7 Significance of Disability and Priority of Services

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As part of the eligibility determination process, the VR Counselor must determine the significance of the consumer's disability (or disabilities), based on the number of functional capacities limited by the disability, the number of expected VR services and the period of time for needing VR services.

The following are the disability categories, which are documented in VICR and the Certificate of Eligibility.

- 1) An **Individual with a Disability (D)** is a consumer who—
  - a) Has a physical or mental impairment that results in a substantial impediment to employment; and
  - b) Can benefit in terms of an employment outcome from VR services.
- 2) An **Individual with a Significant Disability (SD)** is a consumer who—
  - a) Has a severe 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; and
  - b) Whose vocational rehabilitation can be expected to require multiple VR services over an extended period of time; and
  - c) Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, intellectual disability, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.
- 3) An **Individual with a Most Significant Disability (MSD)** is a consumer who:
  - a) Has a severe physical or mental impairment which seriously limits two or more functional capacities (such as mobility, communication, self-care, self-direction,

interpersonal skills, work tolerance, or work skills). In addition, the consumer must require multiple VR services over an extended period of time in order to engage in employment; and

- b) Whose vocational rehabilitation can be expected to require multiple VR services over an extended period of time; and
- c) Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, intellectual disability, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

### 3.8 Functional Capacities

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DVI staff identify serious limitations in functional capacities<sup>14</sup> which are a result of a consumer's disability. These functional capacities are used to determine the severity of disability and priority of services under an Order of Selection (OOS).

- **Mobility:** The consumer's ability to move about or access their environment independently.
- **Communication:** The consumer's ability to communicate through speech and/or the ability to receive communication through their senses of vision and hearing.
- **Self-Care:** The consumer's ability to do routine activities of daily living in an independent manner.
- **Self-Direction:** The consumer's ability to organize, structure, and manage activities in a manner which best serves the consumer.
- **Interpersonal Skills:** The consumer's ability to interact in a socially acceptable manner with co-workers, supervisors, peers, and the general public.

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<sup>14</sup> For more information, including examples, see Appendix E: Functional Capacities.

- **Work Tolerance:** The consumer's ability to carry out required physical and cognitive work tasks in an efficient and effective manner over a sustained period of time.
- **Work Skills:** Refers to the specific job skills required to carry out work functions as well as the consumer's ability to benefit from training in these work functions.

### 3.9 Eligibility Determination

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Upon completion of the assessment for eligibility determination, the VR Counselor must document the decision and rationale for the decision and notify the consumer in writing of the eligibility determination, including the consumer's status on the OOS waiting list (if applicable).

The determination of eligibility has been made when the VR Counselor completes and signs the Certificate of Eligibility, which must be consistent with the date in VICR, documented in the hard case file and mailed to the consumer.

DVI policy prohibits false, fraudulent, or manipulative practices, such as backdating or changing the date of the Certificate of Eligibility letter to any other date than that on which the letter is actually being prepared. Decision letters include information on CAP.

### 3.10 Ineligibility Determination

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Upon completion of the assessment for eligibility determination, if DVI determines that an applicant is ineligible for VR services, or that a consumer receiving services under an IPE is no longer eligible for services, DVI must do the following:

- 1) Make the determination only after providing an opportunity for full consultation with the consumer or, as appropriate, with the consumer's representative;
- 2) Provide an Ineligibility Letter, signed and dated by the VR Counselor, informing the consumer of the ineligibility determination, which includes the following:
  - a) The rationale for the determination of ineligibility;
  - b) Notification of their appeal rights, including CAP; and
  - c) The effective date of the determination.

- 3) If the determination of ineligibility was based on the inability to benefit from VR services due to the significance of the disability, the case record must include the results of a TWE<sup>15</sup>.
- 4) Refer the consumer to other programs that are part of the one-stop service delivery system under WIOA that can address the consumer's training or employment-related needs; or to Federal, State, or local programs or service providers, including, as appropriate, independent living programs and extended employment providers, best suited to meet their rehabilitation needs, if the ineligibility determination is based on a finding that the consumer has chosen not to pursue, or is incapable of achieving, an employment outcome as defined in §361.(c)(15).

The determination of ineligibility has been made when the VR Counselor completes and signs the Ineligibility Letter, which must be consistent with the date in VICR, documented in the case file, and mailed to the consumer.

DVI policy prohibits false, fraudulent, or manipulative practices such as backdating or changing the date of the Certificate of Eligibility letter to any other date than that on which the letter is actually being prepared. Decision letters include information on the Client Assistance Program (CAP).

### **3.11 Order of Selection**

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The Department of Health and Social Services (DHSS) ensures that publicly funded services are available to the citizens of Delaware in an equitable and fair manner. DHSS recognizes the need to develop and maintain waiting lists when resources are not adequate to serve all citizens qualifying for a service.

DVI is not currently on an OOS waiting list and, therefore, is able to provide services to all eligible consumers with visual impairments and blindness. In accordance with 34 CFR §361.36 and [DHSS Policy Memorandum #7](#), if a time comes when resources and funding are no longer available for all eligible consumers, DVI will develop and implement policy and procedures around the OOS.

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<sup>15</sup> For more information, see Section 3.5: Trial Work Experience.

### **3.12 Annual Review of Ineligibility Determination**

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When a determination of ineligibility has been made for the reason that the consumer is not capable of achieving a vocational outcome, it is required that the decision be reviewed within 12 months, and annually thereafter by the consumer or, if appropriate, by the consumer's representative.

A review is not required when the consumer is no longer present in the State, no longer wishes to participate in the review, or the consumer is unavailable, whereabouts are unknown, or the consumer's medical condition is rapidly progressive or terminal (34 CFR 361.43(d)).

### **3.13 Closure Without Determination of Eligibility**

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A consumer's record of services may be closed without a determination of eligibility in cases where the consumer declines to participate in or is unavailable to complete an assessment for determining eligibility and priority of services. DVI must document multiple and varied attempts (i.e., email, letter, phone) to contact the consumer to encourage participation prior to closing as an applicant, prior to a determination of eligibility.

### **3.14 Documentation Requirements**

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The case record must contain, as applicable, the following:

- Eligibility determination entered into VICR as Status 10;
- Ineligibility determination entered into VICR as Status 08;
- Copy of the Certificate of Eligibility including all determining factors documented in VICR;
- Documentation that the determination of eligibility was completed within 60 days of the referral or at the time of application;
- Case notes showing all DVI requirements were discussed with the consumer;
- Copies of any paperwork provided by the consumer to assist with determining eligibility;
- Any assessment and medical information obtained to assist in determining eligibility, priority for services, and plan development; and
- Other applicable information not otherwise listed.

### 3.15 Internal Controls

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DVI incorporates a variety of internal controls to ensure the accuracy of the determination of eligibility and the use of TWE:

- DVI administration quarterly case reviews;
- Quality assurance policy outlining additional internal control measures, including audits case documentation;
- VICR controls included in VICR manual;
- Supervisory approval of certain criteria related to determination of eligibility; and
- Training related to policy, regulations, best practices, and intended outcomes.

## VR Program Services Policies

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### Chapter 4: Comprehensive Assessment and Individualized Plan for Employment

#### General Policy Overview

In accordance with 34 CFR §361.45 (Development of the IPE) and §361.46 (Content of the IPE), DVI will develop an IPE with the eligible consumer as soon as possible but no longer than 90 days after the date of the determination of eligibility.

All IPEs must be developed and amended by VR Counselors, supervisors, or field directors who are employed by DVI. The only exception to an IPE not being completed within 90 days of the determination of eligibility is if there are extenuating circumstances where the VR Counselor and the eligible consumer agree to the extension of that deadline to a specific date by which the IPE must be completed. For transition students, the IPE must be completed within 90 days or prior to graduation, whichever occurs first.

The VR Counselor must conduct, to the degree necessary, an assessment of rehabilitation needs sufficient to develop an IPE. This includes obtaining sufficient information, including existing assessments and history, labor market information, to determine the employment outcome (job goal) and nature and scope of services. Comprehensive assessments must be conducted in the most integrated settings possible.

DVI staff must maintain and document ongoing contact with the consumer during the time period between eligibility and IPE development. Case notes in VICR must clearly outline a plan for developing the IPE and a timeframe in which it will be completed. As needed, assessment services (and other limited services, such as VR counseling and guidance or auxiliary aids) may be provided to assist with the development of the IPE, but all other services (e.g., training, job

development) must be provided under an approved and signed IPE. The IPE must be designed to achieve a specific employment outcome that is selected by the consumer with the consumer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

DVI staff must consider all factors that apply to developing and amending an IPE and ensure that consumers are provided with the necessary information to make an informed decision about, but not limited to, the following:

- Options for developing the IPE (with assistance, without assistance, resources);
- The full range of components that must be included in an IPE;
- Guidelines and criteria for financial commitments;
- Availability of assistance in completing IPE forms;
- Rights and responsibilities of the consumer, including remedies available; and
- Description of CAP.

## Chapter 4 Sections

### 4.1 Comprehensive Assessment

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A comprehensive assessment is an individualized process to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment. Comprehensive assessment is an ongoing process that occurs both before and after IPE development and implementation.

The comprehensive assessment must be limited to information that is necessary to determine the job goal, identify the rehabilitation needs of the consumer, and to plan for services that are required to assist the consumer to become employed in a competitive integrated environment, and, therefore, should not be delayed.

An IPE can be developed with or without a comprehensive assessment, depending on the circumstances of the consumer.

- 1) **Without a comprehensive assessment:** The consumer and VR Counselor can determine the employment outcome and the nature and scope of rehabilitation services to be included in the IPE based on the data used for the assessment of eligibility;
- 2) **With a comprehensive assessment:** If it is determined that additional information is necessary to identify the employment outcome and the nature and scope of rehabilitation services to be included in the IPE, DVI must conduct a comprehensive assessment that meets the following criteria:

- a) Available from other programs and providers, particularly information used by education officials and the Social Security Administration (SSA);
- b) Provided by the consumer and the consumer's family; and
- c) Obtained under the assessment for determining the consumer's eligibility and vocational rehabilitation needs.

This information is used to increase the VR Counselor and consumer's knowledge of their capacities to promote appropriate and informed choices during the rehabilitation process. It enables the consumer to identify an optimal vocational outcome and to reach their maximum vocational potential. The comprehensive assessment may include, to the degree needed, the following:

- 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 consumer 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 consumer (e.g., [WOWI Career Assessment](#));
- An appraisal of the patterns of work behavior of the consumer and services needed for the consumer to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the use of work in real job situations to assess and develop the capacities of the consumer to perform adequately in a work environment;
- Labor Market Information (e.g., [ONET Online](#), [The Career Index Plus](#)) to show the employment goal and training/education aligns with a strong job outlook with opportunities for success;
- Criminal background; and
- To the maximum extent possible, relies on information obtained from experiences in integrated employment settings in the community and in other integrated community settings.

DVI must document information used to develop and/or amend the IPE in case notes in VICR. This includes the rationale and results of any assessments conducted, and rehab technology needed to assess and develop the capacities to perform in a work environment.

## **4.2 Informed Choice Regarding Comprehensive Assessments**

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The VR Counselor must explain to the consumer the nature and purpose of the comprehensive assessment process, the reason for each assessment, and the potential use of the results, prior to initiating any formal assessment. Consumers have the right to refuse or limit any part of the comprehensive assessment. Doing so may prevent DVI from fully providing the necessary services the consumer requires due to lack of information, which also must be discussed with the consumer in order to find a resolution.

## **4.3 Documenting the Comprehensive Assessment**

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The comprehensive assessment must be documented in case notes in VICR. It is expected that the case record will reflect the VR Counselor's professional analysis of all assessment information. The VR Counselor's analysis of the relevant factors should describe both strengths and barriers with regard to achievement of the job goal. It should describe the vocational impact of the relevant factors and not simply describe the consumer's functional limitations. The VR Counselor's analysis should show how the employment goal is consistent with the consumer's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, informed choice, labor market information, and the need for supported employment (if applicable).

If assessment data in the record clearly contradicts the stated job goal or a vocational rehabilitation service(s), the VR Counselor notes must address this discrepancy and describe why the IPE is being supported.

## **4.4 IPE Development**

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The IPE should be developed as soon as possible, but the time shall not exceed 90 days after the consumer is determined eligible for VR services, unless an extension has been deemed necessary<sup>16</sup>.

While conducting a comprehensive assessment for determining VR needs, as appropriate, including the employment outcome and the nature and scope of VR services, DVI will provide the consumer or, as appropriate, the consumer's representative, in writing and in an appropriate mode of communication, with information on the consumer's options for

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<sup>16</sup> For more information, see Section 4.6: IPE Extension.

developing a plan for employment. The IPE can be developed without assistance, or with assistance from DVI, a qualified VR Counselor not employed by DVI, disability advocacy organization, or other appropriate resources.

**Options** for developing the IPE include the following:

- The availability of assistance from a VR Counselor to the extent determined to be appropriate by the consumer, to develop all or part of the plan for employment;
- The availability of technical assistance in developing all or part of the plan for employment;
- A description of the full range of components that must be included in the IPE;
- As appropriate:
  - An explanation of DVI's criteria associated with a consumer's financial commitments concerning an IPE;
  - Additional information the consumer requests or DVI determines to be necessary; and
  - Information on the availability of assistance in completing the DVI forms required as part of the IPE process.
- A description of the rights and remedies available to the consumer, including due process and mediation;
- A description of the availability of CAP and information about how to contact CAP; and
- Consumers receiving SSI or SSDI must be provided the information on additional support available to them, including benefits counseling.

**Mandatory** procedures for developing the IPE include the following:

- The IPE is a written document prepared using DVI's VR IPE form.
- The IPE is developed and implemented in a manner that gives the consumer the opportunity to exercise informed choice in selecting the following:
  - The employment outcome, including employment setting;
  - The specific VR services needed to achieve the employment outcome, including settings in which the services will be provided;
  - The entity or entities that will provide the VR services; and
  - The methods available for procuring the services.
- Regarding signatories, an IPE must be—

- Agreed to and signed by the consumer or, as appropriate, the consumer's representative; and
- Approved and signed by a VR Counselor employed by DVI.
- A copy of the plan for employment and any amendments to the plan shall be provided to the consumer or, as appropriate, to the consumer's representative, in writing, and, if appropriate, in the native language or mode of communication of the consumer or, as appropriate, the consumer's representative.

DVI must ensure that the case record reflects the information listed in this section through case notes, the IPE, correspondence with the consumer, partners (e.g., education), assessment results, and any other format necessary to show how the IPE was developed.

#### **4.5 Components of the IPE**

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DVI must use the VR IPE form<sup>17</sup> in order to ensure the IPE contains the following mandatory components:

- A description of the specific employment outcome that is chosen by the consumer and agreed to by the VR Counselor which takes into consideration primary employment factors (unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice) consistent with the general goal of CIE;
- A description of the following:
  - The specific rehabilitation services needed to achieve the employment outcome, including, as appropriate, the provision of assistive technology devices, assistive technology services, and personal assistance services, including training in the management of those services; and
  - In the case of a plan for an eligible consumer who is a student or youth with a disability, the specific transition services and supports needed to achieve the consumer's employment outcome or projected post-school employment outcome.
- Provision of services in the most integrated setting appropriate for the services involved and consistent with the informed choice of the consumer;

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<sup>17</sup> For a copy of the VR IPE form, see Appendix E.

- Timelines for the achievement of the employment outcome and for the initiation of services;
- A description of the entity or entities chosen by the consumer or, as appropriate, the consumer's representative that will provide the VR services and the methods used to procure those services;
- A description of the criteria that will be used to evaluate progress toward achievement of the employment outcome; and
- The terms and conditions of the IPE, including, as appropriate, information describing the following:
  - The responsibilities of the DVI VR Counselor;
  - The responsibilities of the consumer, including the following:
    - The responsibilities the consumer will assume in relation to achieving the employment outcome;
    - If applicable, the extent of the consumer's participation in paying for the cost of services; and
    - The responsibility of the consumer with regard to applying for and securing comparable services and benefits.
  - The responsibilities of other entities as the result of arrangements made pursuant to comparable services or benefits.
- As determined to be necessary, the expected need for post-employment services<sup>18</sup> and, if appropriate, the need and source of extended services<sup>19</sup>);
- Information regarding consumer due process rights and remedies for any dissatisfaction, including the opportunity for a review of VR Counselor determinations. The VR Counselor must be informed of who to contact to request the review, and the consumer must also be informed of the availability of CAP; and
- For consumers who are also eligible for services under the Consumers with Disabilities Education Act (IDEA), the IPE will be prepared in coordination with the appropriate

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<sup>18</sup> For more information, see Section 5.6: Post-Employment Services.

<sup>19</sup> For more information, see Chapter 19: Supported Employment Services Program.

educational entity and shall include relevant elements of the Individualized Education Program (IEP) for that student. The appropriate educational entity may vary with each school district; however, in most instances, it would be the Teacher or Special Education Coordinator.

#### **4.6 IPE Extension**

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Timely development of the IPE is consistent with the values of DVI related to customer service, rapid engagement, and assisting consumer with Blindness and visual impairments in gaining, maintaining, and advancing in CIE. An IPE must be completed within 90 days of the date of eligibility determination, unless there are exceptional and unforeseen circumstances beyond the control of DVI, and both DVI and the consumer agree to a specific extension of time.

It is the expectation of DVI that once the VR Counselor has received sufficient documentation, an IPE will be developed as soon as possible. If the information is insufficient or additional assessment is needed or for other extenuating circumstances beyond the control of DVI, an IPE extension is appropriate.

##### **1) Appropriate reasons for an IPE extension:**

- a) Lack of information and medical records necessary to determine the job goal, identify the rehabilitation needs of the consumer, and to plan for services that are required to assist the consumer with becoming employed in a competitive integrated environment;
- b) Additional evaluation and assessment may be required, including the availability of an appointment with the provider, time to complete the assessment, and review of records post-assessment; or
- c) The consumer is temporarily unavailable, through no fault of their own, to participate in evaluations due to illness, hospitalization, or relocation, etc.

##### **2) Documentation of Extension:** When an IPE extension is necessary, the VR Counselor must document the reason for the time extension, the anticipated length, and the consumer's agreement for the extension in VICR.

- a) One extension is allowable (up to 60 days) without VR District supervisory approval. If the IPE is not developed before the original extension expires and a new time extension is required, the VR Counselor must gain supervisory approval prior to the end of the initial extension. Approval must be documented in VICR by the VR District Supervisor.

- b) Each extension must include the reason for the time extension and its anticipated length. The consumer's agreement to every new time extension must be documented in the case record and completed prior to the expiration of any prior extension. The extended IPE determination date must be documented in VICR.
- c) DVI staff must inform the consumer of the agreed upon circumstances of the time extension by letter/email. Minimally, this letter/email must include the following:
  - Reason for the time extension;
  - Agreed upon timeframe for the extension; and
  - Action plan and expectations of the extended timeframe;
- d) If during the extension period, a consumer has been unavailable to participate in the development of the IPE and repeated efforts have been made and documented to contact the consumer and to encourage their participation, the consumer's case may be closed.

**3) Disagreement of IPE Extension:** If agreement cannot be reached, the VR District Supervisor or designated DVI staff will rule on the extension of time. A consumer who disagrees with the supervisors' decision must be advised of the rights and remedies that are available, including the right to a hearing by an impartial hearing officer and the availability of CAP.

#### **4.7 IPE Amendment**

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The IPE is amended as necessary if there are substantive changes in the employment goal, the VR services to be provided, or the providers of the services. Amendments to the IPE do not take effect until agreed to and signed by the consumer (or their representative) and by a DVI VR Counselor. DVI will use the VR IPE Form<sup>20</sup> to maintain versions and amendment of the original IPE (e.g., Plan 1, 2, 3).

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<sup>20</sup> For a copy of the VR IPE form, see Appendix E.

## 4.8 Annual Review

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The IPE must be reviewed at least annually by DVI and the consumer to assess the progress in achieving the identified employment goal. The annual review must be documented in case notes in VICR.

## 4.9 Approvals

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DVI must develop the IPE and service provision within their authority level. VR Counselors must follow the approval guidelines outlined in this policy manual for various services prior to including them in the IPE:

- VRC IIs need supervisory approval on all IPEs; and
- Services and amounts within the VR Counselor's approval level or otherwise approved by a VR District Supervisor in VICR.

## 4.10 Post-Employment Services

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Post-employment services are defined in 34 C.F.R. § 361.5(c)(41) as one or more of the VR services identified in 34 C.F.R. § 361.48(b) that are provided subsequent to the achievement of an employment outcome and that are necessary for an consumer with a disability to maintain, regain, or advance in employment, consistent with the consumer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. If more comprehensive services are required, and the consumer is no longer stable in their employment, a new rehabilitation effort should be considered.

Post-employment services are as follows:

- Provided under an amended IPE after an employment outcome but before closure;
- Limited in scope and duration; and
- Available to meet rehabilitation needs that do not require a complex and comprehensive provision of services.

Post-employment services cannot be provided after a consumer's case record has been closed; therefore, a consumer requiring DVI services after exiting the VR program must reapply for services.

#### 4.11 Documentation Requirements

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The case record must contain, as applicable, the following:

- Documentation that an IPE was developed within 90 days of the date of the eligibility determination;
- Documentation of the IPE extension, if applicable;
- Case notes in VICR documenting ongoing contact with the consumer;
- Description of assessments provided, reason for the assessments, and the results used in developing the IPE;
- Case notes documenting that the consumer's employment goal is consistent with their abilities, capabilities, strengths, resources, priorities, limitations, informed choice, and labor market information;
- Documentation (VICR case note and service justification in the IPE) that the services listed on the IPE and subsequent amendments are necessary and reasonable to assist the consumer in reaching their employment goal;
- Signed and dated IPE by the VR Counselor, consumer, and as appropriate, the consumer's representative (e.g., legal guardian) prior to the initiation of services;
  - The initial IPE date must also match the date reported in VICR.
- Completed Client Financial Participation (CFP), supporting documents, and signed CFP agreement (if not CFP exempt);
- The extent to which the consumer exercised informed choice in the following areas:
  - The provision of assessment services;
  - The selection of the specific employment outcome;
  - The specific VR services needed to achieve the employment outcome (including those provided through comparable benefit);
  - The entity or entities to provide the services;
  - The employment setting; and
  - The settings in which the services will be provided.
- Completion of the IPE page in VICR that includes characteristics and other reporting requirements at the time of IPE; and
- Case movement in VICR using the appropriate status that relates to the services being provided and current stage of the VR process (Status 12, 14, 16, 17, 18, 20, 24).

## 4.12 Internal Controls

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DVI incorporates a variety of internal controls to ensure the accuracy of the comprehensive assessment, and the development and implementation of the IPE:

- DVI administration quarterly case reviews;
- Quality assurance policy outlining additional internal control measures, including case documentation audits;
- VICR controls included in VICR manual;
- IPE Form required for all DVI<sup>21</sup>;
- Supervisory approval of certain criteria related to the development of the IPE; and
- Training related to policy, regulations, best practices, and intended outcomes.

## Chapter 5: General Service Provision

### General Policy Overview

In accordance with 34 CFR §361.48 (Scope of vocational rehabilitation services for consumers with disabilities), DVI will ensure the availability of service to consumers who have applied for or been determined eligible for VR services, as appropriate for each consumer.

VR services must—

- Be allowable, allocable, necessary, and reasonable;
- Assist a consumer with a disability in preparing for, securing, retaining, advancing in, or regaining a CIE outcome; and
- Are consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

DVI must ensure that each consumer receives only those services required to determine program eligibility, the needs of the consumer, and to achieve the CIE outcome identified in the IPE. Services must be arranged for and provided consistent with the requirements of this and all other chapters of this policy manual.

Once the IPE has been signed (by the consumer and the VR Counselor), the case will move to the appropriate service status in VICR (e.g., Status 12, Status 18). The date of the initial IPE and

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<sup>21</sup> For a copy of the VR IPE form, see Appendix E.

the implementation of services (e.g., VR Counseling and Guidance) is the start date of their VR services and when the consumer becomes a participant according to WIOA<sup>22</sup>. Counseling and guidance is a core service all consumers shall receive as part of their vocational rehabilitation program and occurs at the time of plan development, implementation, and throughout the life of the case.

## Chapter 5 Sections

### 5.1 Provision of Services

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DVI must provide services within a reasonable timeframe and in collaboration with the consumer. VR services are designed to be individualized in order to meet the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the consumer. DVI expects VR Counselors to operate through the highest ethical principles and in accordance with policy. General provision expectations include, but are not limited to, the following:

- Services must be provided in the most integrated setting possible. Integrated setting, with respect to the provision of services, is defined as a setting typically found in the community in which the consumer interacts with non-disabled consumers, not including non-disabled consumers who are providing their services (e.g., job coach).
- A support service, such as transportation or maintenance, can only be provided if it is in support of a career or training service on the IPE.
- DVI shall ensure that consumers, and or their designated representatives, participate fully in the development of the IPE and that informed choice is provided when selecting vendors.
- DVI establishes and maintains policies governing the rates of payment and fee schedules for all purchased VR services.

### 5.2 Scope of Services

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In accordance with 34 CFR §361.48, and as appropriate to the needs of each consumer and consistent with each consumer's informed choice, DVI will ensure that the following VR services are available to assist the consumer in preparing for, securing, retaining, advancing in, or regaining a CIE outcome that is consistent with the consumer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice:

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<sup>22</sup> For more information, see Chapter 22: WIOA Performance Accountability System.

- 1) Pre-Employment Transition Services (Pre-ETS)<sup>23</sup>; and
- 2) Services for consumers who have applied for or have been determined eligible for vocational rehabilitation services are as follows:
  - Assessment for determining eligibility and priority for services;
  - Assessment for determining VR needs;
  - Information and referral;
  - Physical and mental restoration services;
  - Vocational and Education/Training services (including books/supplies) after maximum efforts have been made to secure grant assistance (in whole or in part) from other sources to pay for that training;
  - Maintenance services;
  - Transportation services;
  - VR services to family members of a consumer if necessary to enable the consumer to achieve an employment outcome;
  - Interpreter services, including sign language and oral interpreter services, by qualified personnel;
  - Reader services, rehabilitation teaching services, and orientation and mobility services for consumers who are Blind;
  - Employment-related services, including job seeking skills training, job search and placement assistance, job retention services, follow-up services, and follow-along services;
  - Supported Employment services, including Customized Employment;
  - Personal assistance services, including training in the management of these services;
  - Post-employment services;
  - Occupational licenses, tools, equipment, initial stocks, and supplies;
  - Rehabilitation technology, including vehicle modification, telecommunications, sensory, and other technological aids and devices and training in the management of these services;

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<sup>23</sup> For more information, see Chapter 9: Pre-Employment Transition Services.

- Transition services for students and youth with disabilities;
- Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent those resources are authorized to be provided through the statewide workforce investment system, to consumers who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome; and
- Other goods and services determined necessary to assist a consumer with achieving CIE outcome.

VR Counselors must provide these services in accordance with policy, including approvals, fee schedules and other requirements outlined in this policy manual. All services must be documented in VICR<sup>24</sup>.

### **5.3 VR Counseling and Guidance**

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VR Counseling and Guidance is considered the core service provided by VR. All consumers receive counseling and guidance as part of their rehabilitation program. Counseling and guidance regarding disability, informed choice, functional capacities, accommodations, and maximizing the employment potential of consumers with disabilities is the service that can only be provided by the VR program. Additionally, it is the essential element that exists throughout the entirety of the relationship between the consumer and the VR Counselor and is equally important at each step of the rehabilitation process from application to case closure. Counseling and guidance should substantially contribute to the consumer's achievement of the employment goal.

When counseling and guidance is identified as the sole service required to achieve an employment outcome, it must be included in the IPE and the case record placed in Status 14: Counseling and Guidance in VICR.

Though this service is provided by the VR Counselor, at no cost to DVI, it is substantial and can result in short- and long-term positive impacts for the consumer. This service can be provided to consumers prior to the development of an IPE; however, it should be included in the IPE once developed.

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<sup>24</sup> For more information, see Chapter 21: The Consumer Record and Case Documentation.

## 5.4 Information and Referral Services

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Information and referral are some of the core services provided by VR to ensure that consumers with disabilities have access to all community and organizational benefits. DVI will provide information and referral services to consumers as needed. These services could be provided by other DVI divisions (e.g., independent living, training center) or by other appropriate Federal and State programs, including other agencies within the statewide workforce development system. The VR Counselor must explain to the consumer the nature and purpose of the information and the reason for each referral (e.g., comparable benefit, services not provided by VR).

When a consumer is referred for services, documentation must include the following:

- Notice of the referral;
- Information and advice that was provided regarding the most suitable services to assist the consumer to prepare for, secure, retain, advance in, or regain CIE; and
- Information identifying a specific point of contact within the agency to which the consumer is being referred.

Though this service is provided by the VR Counselor, at no cost to DVI, it is substantial and can result in short and long-term positive impacts for the consumer. This service can be provided to consumers prior to the development of an IPE; however, it should be included in the IPE once developed.

## 5.5 Services Interrupted

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Based on individualized circumstances of the consumer, a VR case may need to be put on "hold" for a period of time. These circumstances include, but are not limited to, the following:

- Relapse of functional capacities related to a disability;
- Surgery and recovery time;
- Personal and/or family emergency;
- Time to gain stability (e.g., homeless, move);
- Significant life event (e.g., marriage, divorce, death, newborn child, adoption); and
- Other.

When a VR case is put on "hold," the case is moved into Status 24: Services Interrupted and case notes, including the justification and expected time of inactivity. The VR Counselor can approve up to 90 days of inactivity. The VR Counselor must be in contact with the consumer as often as agreed upon, but no longer than 90 days and gain VR District Administrator approval for any additional amount of time.

## **5.6 Post-Employment Services**

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Post-employment services are defined in 34 C.F.R. § 361.5(c)(41) as one or more of the VR services identified in 34 C.F.R. § 361.48(b) that are provided subsequent to the achievement of an employment outcome and that are necessary for a consumer with a disability to maintain, regain, or advance in employment, consistent with the consumer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. If more comprehensive services are required, and the consumer is no longer stable in their employment, a new rehabilitation effort should be considered.

Post-employment services are as follows:

- Provided under an amended IPE after an employment outcome but before closure;
- Limited in scope and duration; and
- Available to meet rehabilitation needs that do not require a complex and comprehensive provision of services.

Post-employment services cannot be provided after a consumer's case record has been closed; therefore, a consumer requiring DVI services after exiting the VR program must reapply for services.

## **5.7 Suspension, Reduction, or Termination of Services**

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DVI can suspend, reduce, or terminate VR services included in a consumer's IPE if the consumer does not meet the agreed-upon obligations or has experienced life-changing events preventing the consumer from meeting agreed-upon obligations. Prior to the suspension, reduction, or termination of services, the VR Counselor must do the following:

- Send notice to the consumer through multiple modes of communication (e.g., email, mail, phone) of the proposed suspension, reduction, or termination at least 10 working days prior to the effective date unless circumstances beyond DVI's control make the time requirement impractical;
- Include in the notice the basis for and effective date of the proposed suspension, reduction, or termination;
- Include in the notice a summary of the consumer's appeal rights; and

- Provide a description of and information on contacting CAP and other appeal rights.

A suspension, reduction, or termination of services does not mean the VR case is being closed. In such cases where the termination of services results in case closure, a process<sup>25</sup> must be followed. The case record must include documentation that the VR Counselor is actively working with the consumer to meet agreed-upon obligations in order to unsuspend or reengage in services. If the consumer continues to not meet agreed-upon obligations, the case closure process may be initiated.

## **5.8 Exception to Policies**

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DVI may not establish policies or fee schedules that place any arbitrary limit on the nature and scope of VR services to be provided to the consumer to achieve an employment outcome (CIE). DVI staff can request an exception when a consumer requires services and/or supports that are outside the scope of written policies, procedures, and fee schedules.

## **5.9 Documentation Requirements**

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The case record must contain, as applicable, the following:

- Documentation that the service was necessary and reasonable to assist in meeting the consumer's employment goal;
- Documentation that VR counseling and guidance was provided;
- Documentation of use of comparable benefits and services where available;
- Services included in the IPE prior to their provision, unless those services (e.g., assessment, auxiliary aids) are necessary to apply for VR services, determine eligibility and priority for services, and/or determining VR needs<sup>26</sup>;
- Case notes in VICR documenting ongoing contact, informed choice, and review of services with the consumer;
- Documentation (VICR case note and service justification in the IPE) that the services listed on the IPE and subsequent amendments are necessary and reasonable to assist the consumer in reaching their employment goal; and
- Case movement in VICR using the appropriate status that relates to the services being

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<sup>25</sup> For more information, see Chapter 20: Case Closures and Transfers.

<sup>26</sup> For more information, see Chapter 9: Pre-Employment Transition Services.

provided and current stage of the VR process (Status 12, 14, 16, 17, 18, 20, 24).

At any time VR services are terminated, the VR Counselor must document the reasons as well as provide the consumer with their appeal rights.

### 5.10 Internal Controls

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DVI incorporates a variety of internal controls to ensure the accuracy of VR service provision:

- DVI administration quarterly case reviews;
- Quality assurance policy outlining additional internal control measures, including case documentation audits;
- VICR controls included in VICR manual;
- Service fee levels for VR Counselors and Supervisory approval requirements; and
- Training related to policy, regulations, best practices, and intended outcomes.

## Chapter 6: Physical and Mental Restoration

### General Policy Overview

In accordance with 34 CFR §361.5(c)(39), §361.48(b)(5), DVI provides physical and mental restoration services necessary to alleviate or improve the functional capacity limitations of DVI consumers.

Physical and Mental Restoration Services provide a comprehensive range of interventions aimed at addressing physical or mental impairments that significantly hinder a consumer's ability to gain or maintain employment. These services encompass various therapeutic, diagnostic, and supportive measures.

These crucial services include corrective surgery or physical therapeutic treatment, dentistry, various types of therapy, and other medically related rehabilitation services that are likely, within a reasonable time frame, to correct or substantially modify a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment, thereby enhancing the consumer's prospects for successful employment and integration into the workforce.

These services may be available through DVI only when—

- Comparable services and benefits are not available; and
- The service is necessary for the customer to reach their identified IPE goals.

## Chapter 6 Sections

### 6.1 General Requirements

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**Physical Restoration:** Medical services, particularly those that deal with the eye and vision loss, are available to VR consumers when these services are expected to decrease, help manage, or stabilize physical barriers so that eligible consumers can secure, keep, advance in, or return to CIE.

**Mental Restoration:** Psychological services are available to support VR consumers with neurodevelopmental or psychological disorders, as they relate to an employment outcome.

VR Counselors must ensure that consumers receive the appropriate restoration services necessary to address the functional capacity limitations due to their disability. When determining the need and providers of these services, the VR Counselor must follow the following requirements:

- Physical and mental restoration services are provided by qualified personnel, in accordance with applicable national or State-approved or recognized certification, licensing, or registration requirements that apply to the profession or discipline in which that category of personnel is providing these services.
- When restoration services are provided out of state, the VR Counselor must verify that the vendor has been approved in that state's VR agency before developing the IPE and/or the IPE amendment.
- The VR Counselor provides information regarding available vendors available to provide the service needed in order for the consumer to make an informed choice. Information should include options, consumer satisfaction, success rates, wait times for services, and any other relevant information.

DVI must document approval by the VR Administrator for any exceptions to these requirements unless otherwise stated.

### 6.2 Definitions

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Physical and Mental restoration services are provided under an IPE when directly related to the functional limitations caused by the disabling condition and necessary to reach the consumers employment goal. Restoration services are not provided until they are agreed upon by the VR Counselor and consumer and included in a signed IPE.

Physical and Mental restoration services include the following:

- Corrective surgery, including cornea transplants or therapeutic treatment necessary to correct or substantially modify a physical or mental condition, which is stable or slowly progressive and constitutes a substantial impediment to employment, but is of such a nature that such correction or modification may reasonably be expected to eliminate or reduce such impediment to employment within a reasonable length of time;
- Necessary hospitalization (either inpatient or outpatient) in connection with surgery or treatment and clinical services;
- Prosthetic, orthotic, or other assistive devices, including hearing aids, essential to obtaining or retaining employment;
- Eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aid, prescribed by qualified personnel under state licensure laws selected by the consumer;
- Diagnosis and treatment for mental or emotional disorders by qualified personnel under state licensure laws;
- Dentistry;
- Nursing services;
- Convalescent or nursing home care;
- Drugs and supplies;
- Podiatry;
- Physical therapy;
- Occupational therapy;
- Speech or hearing therapy;
- Therapeutic recreation services;
- Medical or medically related social work services;
- Treatment of either acute or chronic medical complications and emergencies which are associated with or arise out of the provision of physical and mental restoration services; or which are inherent in the condition under treatment;
- Special services for the treatment of consumer suffering from end stage renal disease, including transplantation, dialysis, artificial kidneys, and supplies; and

- Other medical or medically related rehabilitation services including art therapy, dance therapy, music therapy, and psychodrama.

### 6.3 Psychological Services

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Psychological services encompass a broad range of professional activities aimed at promoting mental health and well-being, diagnosing and treating mental illnesses, and addressing psychological issues. These services may include assessment, therapy, counseling, consultation, education, and research, provided by trained professionals such as psychologists, counselors, therapists, and psychiatrists. The goal of psychological services is to enhance consumers' psychological functioning and overall quality of life.

VR Counselors can purchase therapy sessions when necessary and included in a consumer's IPE with the following parameters:

- Consumer or group therapy is limited to 25 sessions, administered by a qualified psychiatrist or licensed psychologist. Additional sessions may be approved by the VR District Supervisor as needed. Progress reports must be provided in order to track progress toward the consumer's IPE goals.

VR Counselors can purchase medication services when necessary and included in a consumer's IPE, with the following parameters:

- Prescription medication(s) as sustaining medication may be furnished up to the time the consumer becomes employed. The case record should include plans to enable the consumer to purchase their own medications after employment (or through another resource).
- A physician may prescribe medication(s) for a long-term illness, which constitutes a substantial impediment to employment. Before the VR Counselor can purchase prescription medication(s) as part of the consumer's IPE, the prescribing physician must indicate that the medication(s) will improve or remove the disabling condition within a reasonable period of time and contribute to the consumer's employability.
- Provision of medical care for acute conditions can be provided only after the IPE has been completed and a service initiated. The same standards for treating acute conditions must be followed when providing any other restoration service except in emergencies and in those cases where the IPE must be amended and approved as soon as possible but no later than one week from the date the acute condition began.

DVI cannot expend funds on psychological treatment (including medications) that are not approved by the Food and Drug Administration (FDA) and allowable for use of Federal funds (e.g., medical marijuana is unallowable).

## **6.7 Prosthetic Devices**

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Prosthetic devices for the Blind and visually impaired are assistive tools designed to enhance independence and functionality for consumers with visual impairments. These devices can range from simple aids like canes and magnifiers to more complex technologies such as screen readers and Braille displays. Their purpose is to compensate for vision loss by providing tactile, auditory, or other sensory feedback to help users navigate their surroundings, access information, and perform daily tasks more easily. Ultimately, prosthetic devices for the Blind and visually impaired aim to improve quality of life and promote inclusivity.

VR Counselors can purchase these services when necessary and included in a consumer's IPE, with the following parameters:

- Prosthetic devices must always relate to the achievement of the employment goal in the IPE.
- Prosthetic devices may be purchased by DVI only after exhausting any available comparable services and benefit and any financial contribution required of the consumer.
- A prosthesis or appliance may be provided for a consumer initially if it is essential to the vocational adjustment of the consumer.
- Every prosthesis and appliance provided must be recommended by a specialist who meets DVI standards and who will monitor the suitability of the prosthesis after it has been fitted.
- Training in the use of prosthetic devices will be provided unless specifically waived by the prescribing physician or medical consultant.
- It is not intended that DVI provides ongoing replacement and repair services or insurance coverage for consumer prosthesis and aids. Replacement coverage of such items will be limited to a one-time occurrence.
- The case record should include plans to enable the consumer to purchase their own replacements and repairs after employment (or through another resource).

## 6.8 Dental Services

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Dental services encompass a variety of professional procedures and treatments aimed at promoting oral health and addressing dental issues. These services typically include preventive care (such as cleanings and examinations), restorative treatments (like fillings and crowns), periodontal care (for gum health), and other procedures, as approved. Dental professionals, including dentists, hygienists, and specialists, provide these services to prevent dental diseases, maintain oral hygiene, and restore the function and aesthetics of the teeth and mouth.

VR Counselors can purchase dental services when necessary and included in a consumer's IPE, with the following parameters:

- One or more of the following conditions must be met:
  - The dental defect constitutes a substantial impediment to employment such as a significant cosmetic impairment; and
  - The dental problem is medically documented and so significant and/or causing so much pain and discomfort that successful completion of an approved IPE is, or will be, jeopardized.
- The scope of dental restoration services is limited to correction of those problems that directly interfere with the consumer's progress to achieve an employment outcome. It is not intended that these services will correct all of the existing dental problems or assist in maintaining oral health.
- DVI will not provide or contribute to the cost of dental implantations.
- Though periodontal treatment is typically not an approved dental restoration service, these needs must be evaluated on an individual basis, taking into consideration the relationship of the disease process to the consumer's ability to successfully participate in planned services leading to achievement of an employment outcome. Approval of the VR District Administrator is required for periodontal treatment.

## 6.9 Restoration Procedures

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When providing any restoration services, each service must be included in the IPE prior to providing or purchasing the service. The following steps must be followed:

- 1) Restoration services must be included in the consumer's IPE.
- 2) Comparable services and benefits, as well as Financial Needs Assessment to determine the consumer's cost toward VR services, have been exhausted in accordance with policy.

- 3) The VR Counselor must obtain adequate progress reports to readily evaluate the progress being made by the consumer and evaluate the need for continued or additional services.
- 4) The above procedures must be implemented in accordance with the policies and procedures indicated in other chapters of this manual relating to casework management, fiscal management, and development of the IPE.

### **6.10 Documentation Requirements**

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The case record must contain, as applicable, the following:

- Moves the case in VICR from status 12 (IPE Completed) to status 16 (Restoration Services or another status as appropriate) and appropriately documents information related to the initiation of restoration services;
- Maintains progress reports and communications with professionals providing the service and the consumer; and
- Receives written approval by VR District Administrator when required.

At any time, restoration services are terminated, the VR Counselor must document the reasons as well as provide the consumer with their appeal rights.

### **6.11 Internal Controls**

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DVI incorporates a variety of internal controls to ensure the accuracy of the provision of physical and mental restoration services:

- DVI administration quarterly case reviews;
- Quality assurance policy outlining additional internal control measures, including case documentation audits;
- VICR controls included in VICR manual; and
- Training related to policy, regulations, best practices, and intended outcomes.

## **Chapter 7: Comparable Services and Benefits**

### **General Policy Overview**

34 CFR §361.53 and §361.5(c)(8) outline the concept of "Comparable Services and Benefits." This provision is a fundamental principle within the framework of the Rehabilitation Act of 1973, ensuring that consumers with disabilities receive appropriate and effective rehabilitation services while avoiding unnecessary duplication of services. Comparable services and benefits

pertain to the responsibility of VR agencies to coordinate and collaborate with other available service providers, such as public agencies or private organizations, to optimize the resources and support provided to consumers with disabilities seeking employment and enhanced independence.

DVI staff must document the availability and use of comparable benefits in the IPE and case record in order to show the full utilization of these benefits. Before any paid VR services are provided, VR must determine whether comparable services and benefits are available under any other program and whether they are available to the consumer. If comparable services or benefits exist under any other program and are available to the consumer at the time needed to achieve the rehabilitation objectives in their IPE, VR must use those comparable services or benefits to meet in whole or in part, the cost of VR services. If comparable services or benefits exist under any other program but are not available to the consumer at the time needed to satisfy the rehabilitation objectives in the IPE, DVI may provide VR services until those comparable services and benefits become available.

DVI must determine whether comparable services and benefits exist under any other program and whether those services and benefits are available to the consumer **unless** such a determination would interrupt or delay—

- The progress of the consumer toward achieving the employment outcome identified in the IPE;
- An immediate job placement; or
- The provision of VR services to any consumer who is determined to be at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional.

DVI must clearly document circumstances in which comparable services and benefits were not available at the time of need or unless determination would interrupt or delay the conditions above.

## Chapter 7 Sections

### 7.1 Definition of Comparable Services and Benefits

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In accordance with 34 CFR §361.5(c)(8), comparable services and benefits means services and benefits that are—

- Provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits;

- Available to the consumer at the time needed to ensure the progress of the consumer toward achieving the employment outcome in the consumer's IPE in accordance with 34 CFR §361.53; and
- Commensurate to the services that the consumer would otherwise receive from the designated State VR agency.

For the purposes of this definition, comparable benefits do not include awards and scholarships based on merit. DVI must document information used to search for and access comparable services and benefits.

## 7.2 Exemptions

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The following services<sup>27</sup> are exempt from a determination of the availability of comparable services and benefits:

- Assessment for determining eligibility and VR needs;
- Counseling and guidance, including information and support services to assist a consumer in exercising informed choice;
- Referral and other services to secure needed services from other agencies, including other components of the Delaware workforce development system, and the general VR program Delaware Division of Vocational Rehabilitation (DVR), if those services are not available from DVI;
- Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;
- Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices; and
- Post-employment services.

DVI may provide these services, according to policy, regardless of the availability of comparable services and benefits and should be documented in the IPE and case record, as appropriate.

## 7.3 Financial Need vs. Comparable Services and Benefits

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A "comparable benefit" search is not the same as the "determination of financial need." In determination of financial need, the objective is to set the conditions for equitably determining

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<sup>27</sup> For more information, see Chapter 5: General Service Provision.

the degree, if any, a consumer is expected to participate in the cost of their rehabilitation services<sup>28</sup>. In the area of comparable benefits, the objective is to consider alternative funding sources prior to spending VR funds to purchase specific services. Comparable benefits may be identified for all VR consumers even if they do not meet the financial need criteria for VR services.

#### **7.4 Types of Comparable Services and Benefits**

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Comparable services and benefits can be available through a multitude of private and public organizations. Examples include, but are not limited to, the following:

##### **Training Services**

- FAFSA/Pell Grants
- Scholarships (not based on merit)
- Veterans Benefits
- Other

##### **Workforce Development Partners**

- Adult, Youth and Dislocated Worker Training Programs
- Adult Education and Literacy Program
- Wagner-Peyser Services Program
- Job Corp
- Career and Technical Education (CTE)

##### **Other Resources**

- General Assistance
- Temporary Assistance for Needy Families (TANF)
- Supplemental Nutrition Assistance Program (SNAP)
- HUD Housing Assistance Program
- Workers Compensation
- Social Security Disability Insurance (SSDI)

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<sup>28</sup> For more information, see Chapter 14: Financial Needs Assessment – Consumer Contribution.

- Supplemental Security Income (SSI)
- Medicaid

When providing services necessary to meet the objectives of the IPE through comparable services and benefits, DVI must include these services in the IPE and document them accordingly.

## **7.5 Documentation Requirements**

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The case record must contain, as applicable, the following:

- Documentation that a search and determination of comparable services and benefits was conducted;
- Documentation of the use of such benefits, if applicable;
- Case notes in VICR documenting ongoing contact with the consumer;
- Documentation for services provided that are exempt from determining the availability of comparable services and benefits;
- Documentation (VICR case note and service justification in the IPE) that the services listed on the IPE and subsequent amendments are necessary and reasonable to assist the consumer in reaching their employment goal, including those provided through comparable services and benefits; and
- Case movement in VICR using the appropriate status that relates to the services being provided and current stage of the VR process (Status 12, 14, 16, 17, 18, 20, 24).

## **7.6 Internal Controls**

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DVI incorporates a variety of internal controls to ensure the accuracy of the requirement to seek and use comparable services and benefits, when required:

- DVI administration quarterly case reviews;
- Quality assurance policy outlining additional internal control measures, including case documentation audits;
- VICR controls included in VICR manual;
- Comparable benefits are listed on the IPE. If applicable, a case note/other supporting documentation explains why a comparable service and benefit that is available or listed on the IPE was not utilized; and
- Training related to policy, regulations, best practices, and intended outcomes.

## Chapter 8: Youth Transition Services

### General Policy Overview

In accordance with 34 CFR §361.48(b)(18), §361.5(c)(55), and §361.22, DVI provides transition services to youth with disabilities. Transition services is a term used to describe a set of coordinated services provided by schools and State VR agencies designed to improve post-school outcomes for students and youth with disabilities.

DVI offers transition services to eligible students with disabilities (ages 14-22) and youth with disabilities (ages 14-24). Transition services aim to prepare students to move from special education and related services or Section 504 accommodations to DVI services and minimize delays in service delivery during the school-to-employment transition. Transition services are provided through a flexible multiyear process tailored to each student and youth's needs. Such services and activities may include postsecondary education, vocational training, CIE, supported employment, continuing and adult education, adult services, independent living, or community participation.

Only students with disabilities<sup>29</sup> are eligible to receive Pre-ETS as a potentially eligible and eligible consumer of DVI. Youth with disabilities (which includes students) can receive transition services until the age of 24.

To receive DVI services, there must be documentation that indicates the student or youth with a disability has vision loss that would make them eligible or potentially eligible<sup>30</sup>. The criteria are as follows:

- **Totally Blind:** No light perception.
- **Legally Blind:** 20/200 in the better eye with correction, or a field restriction of 20 degrees or less.
- **Severely Visually Impaired/Partially Sighted:** 20/70 to 20/200 in the better eye with correction.

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<sup>29</sup> For the full definition of "students with disabilities," see Chapter 9: Pre-Employment Transition Services.

<sup>30</sup> For more information, see Chapter 3: Eligibility and Trial Work Experience.

## Chapter 8 Sections

### 8.1 Coordination with Education Officials:

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When working with transition students, coordination with schools is an essential part of planning. The VR Counselor must provide to the student, parent, and school personnel information that describes the—

- Purpose of the VR program and other DVI programs;
- Application processes for VR services;
- Eligibility criteria for VR services; and
- Scope of services that may be provided to eligible consumers.

Specifically, the VR Counselor must ensure that families and students with disabilities are informed of their options and opportunities to choose methods and providers for delivery of all needed assessments, as well as decisions related to developing a plan of services. This leads to a foundation of information from which families and students can make informed choices about a coordinated plan of services for students to successfully transition to postsecondary activities and employment outcomes.

### 8.2 Roles of the Transition Team

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The key members of the Transition Services Team are as follows:

- Student or youth, the most important member of the team;
- VR Counselor;
- Family members and other support networks; and
- Staff from the local education agency (LEA).

Transition services are student-centered. Success relies on collaboration between the members of the transition team and other support systems. Students and youth with disabilities will soon be adults who need jobs, homes, friends and family, and community involvement. Transition services are facilitated by a VR Counselor who coordinates resources so that an independent life and vocational goals can be achieved. The earlier the planning begins, the sooner supports and services can be coordinated to help the student achieve their educational and employment goals.

## **Student or Youth**

The responsibility of the student is to actively participate in transition planning and services in order to decide on their postsecondary goals consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Working with the other members of the team will help the student explore and develop the steps to achieve their goals.

## **VR Counselor**

DVI has qualified VR Counselors who work with all populations, including transition students and youth.

Through individualized supports and VR counseling and guidance, the VR Counselor's responsibilities include, but are not limited to, the following—

- Facilitating work-based learning opportunities and coordinating employability skill development activities;
- Providing information, guidance, and counseling to transition students, parents, and schools;
- Developing IPE and promoting the use of Pre-ETS;
- Managing case flow, networking with school and community resources, and arranging consultant services from various DVI resources;
- Assisting students in accessing additional resources, such as career development programs and support services, and supporting their transition to postsecondary education or employment; and
- Facilitating interagency cooperation by contacting representatives from other organizations and attending relevant meetings, both in-person and virtually.

These integrated responsibilities ensure effective support for students and youth with disabilities as they transition to adulthood and the workforce.

## **Family Members**

Family involvement in the transition process can significantly enhance both successful transition services and a successful outcome. Each family has a unique set of values and cultural influences that affect their concerns, opinions, and requests.

When family support is available, the family's role in the transition team is to—

- Support the student by incorporating rehabilitation training and expectations at home;

- Help the student identify and describe the student's and family's needs;
- Express expectations for services;
- Encourage the student to act as primary coordinator for all services; and
- Help the student become an effective self-advocate.

### **Local Education Agency (LEA)**

The role of the LEA is to provide a free and appropriate public education (FAPE) for students with disabilities who are receiving special education and related services or Section 504 accommodations as required under the Consumers with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act, respectively.

The LEA—

- Co-advocates with the student and the family to plan and provide educational services to meet individualized educational objectives, which are documented on an IEP;
- Works in partnership with the student, the student's family, and other community resources to coordinate services within the community; and
- Provides ongoing information to the student and the family about the adolescent's educational development.

### **8.3 Projected Post-School Outcome**

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As with any eligible DVI consumer, the IPE must be developed within 90 days of eligibility determination unless the student agrees to a specific time extension. VR counseling and guidance must be provided prior to IPE development. Every effort will be made to identify a specific goal or a projected post-school outcome within a particular field. An IPE with a projected post-school outcome should outline the activities that will guide the student's career exploration and identification of an employment goal based upon informed choice. The projected post-school outcome will be revised to a specific employment goal once the career exploration process is complete or the student graduates from high school, whichever comes first.

### **8.4 IPE**

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IPE services must—

- Be vocational in nature;

- Support and lead to achievement of the employment goal identified in the IPE, which specifically for students and youth may be a description of the projected employment goal;
- Not be the responsibility of the school district under IDEA or Section 504 of the Rehabilitation Act;
- Not be readily available from the school district;
- Be based on current information regarding the student's knowledge, skills, interests, and preferences;
- Set timelines with projected beginning and ending dates for all activities leading toward achieving the student's goals; and
- Identify a network of support, such as family, friends, agencies, and community resources, that can help the student achieve the desired goals.

Students and youth who receive transition services are usually in a career exploration stage of development while they are still in secondary school. VR counseling and guidance, along with specific exploration activities and other Pre-ETS activities are expected as part of the IPE. Multiple IPE amendments may be necessary as the student or youth's rehabilitation needs and employment goals change.

### **8.5 Postsecondary Education**

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DVI transition services will assist a student or youth with a disability in gaining the skills necessary to determine what postschool training may be appropriate and available. The VR Counselor partners with the transition team in planning on postschool training (i.e., postsecondary education) to ensure a seamless transition into additional VR services and/or academic and technical training necessary to gain their employment outcome.

Transition services and Pre-ETS can provide the student or youth the experiences needed to explore these postsecondary education opportunities.

### **8.6 Employment Opportunities**

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VR Counselors will encourage youth to engage in employment during their time in secondary education and as they transition into adulthood. Work experience is crucial in building soft and hard skills necessary to be successful in the workforce.

DVI can provide a variety of services intended to provide employment opportunities and to maintain or advance in the employment goal in their IPE.

While a student or youth is employed, this should not be considered successful employment that warrants case closure. It is the VR Counselor's responsibility to help the student or youth develop a career pathway that is consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice so that they may prepare for and engage in CIE and achieve economic self-sufficiency.

## **8.7 Transition Services Procedures**

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When providing any transition services, each service must be included in the IPE, prior to providing or purchasing the service. The following steps must be followed:

- 1) Prior to application and service provision, DVI must provide orientation on VR services, including Pre-ETS for potentially eligible students with disabilities, participating in Consumer Education Program (IEP) meetings when invited, and inviting other DVI professionals to participate when appropriate.
- 2) When ready, the VR Counselor assists the student or youth, including the transition team, with applying for VR services and makes a determination of eligibility.
- 3) The VR Counselor develops an IPE using a specific goal or a projected post-school outcome within a particular field, with the student or youth, parent or guardian, etc.
- 4) Conduct a financial needs assessment and determine the cost, if any, that the student or youth and parents or guardian will have to contribute toward their VR services. Clearly outline in the IPE the services covered by DVI, the family, the school and any other comparable service or benefit.
- 5) Attend IPE meetings and hold regular DVI meetings to monitor progress and to stay engaged in the ever-developing transition process for the consumer.
- 6) Provide any assessments required as part of the transition process and rehabilitation needs.
- 7) Provide VR counseling and guidance throughout the transition process.
- 8) When the student or youth exits secondary education, continue to provide the necessary services in an IPE or IPE amendment.

VR Counselors can use the Transition Planning Checklist to assist with this process, as needed.

## 8.8 Credential Attainment and Measurable Skill Gains (MSG)

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When a student has the goal of achieving a high school diploma in their IPE, they should be included in the Credential Attainment Rate and Measurable Skill Gains (MSG) Rate<sup>31</sup> denominators.

All credentials and MSGs achieved during participation in DVI services must be entered in VICR and include supporting documentation in the case record.

## 8.9 Documentation Requirements

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Regarding the case record, the VR Counselor—

- Moves the case in VICR to Status 17 while the consumer is a student or youth with a disability while enrolled in secondary education and appropriately documents information related to the initiation of restoration services;
- Maintains progress reports and communications with professionals providing the service and the consumer; and
- Documents additional support and services provided to the student or youth, including partnerships with other agencies and other comparable services and benefits.

At any time transition services are terminated, the VR Counselor must document the reasons as well as provide the consumer with their appeal rights.

## 8.10 Internal Controls

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DVI incorporates a variety of internal controls to ensure the accuracy of the provision of transition services and the necessary collaboration with education and families:

- DVI administration quarterly case reviews;
- Quality assurance policy outlining additional internal control measures, including case documentation audits;
- VICR controls included in VICR manual; and
- Training related to policy, regulations, best practices, and intended outcomes.

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<sup>31</sup> For more information, see Chapter 24: Credential Attainment and Measurable Skill Gains.

## Chapter 9: Pre-Employment Transition Services

### General Policy Overview

WIOA emphasizes services to students and youth with disabilities to ensure meaningful opportunities for training and other services needed to achieve employment outcomes in competitive, integrated employment. WIOA requires Vocational Rehabilitation (VR) agencies to reserve no less than 15% of their Federal funds to provide Pre-Employment Transition Services (Pre-ETS) to eligible or potentially eligible students with disabilities in need of such services.

The intent of Pre-ETS is to improve the transition from school to postsecondary education or to an employment outcome, ultimately increasing opportunities to practice and improve workplace readiness skills through work-based learning experiences in competitive, integrated settings, and increasing opportunities to explore postsecondary training options, leading to more industry-recognized credentials, and meaningful postsecondary employment for students with disabilities. Pre-ETS must not be used as an assessment tool to determine eligibility for VR services or the necessity of additional VR services or the potential for competitive integrated employment.

In accordance with 34 CFR §361.48(a)(2), Pre-ETS can be provided in a group or individualized setting and include five required services, four coordination activities, and nine authorized services.

DVI will make every effort to collaborate with State and local education agencies, community rehabilitation providers, institutions of higher education, and other transition stakeholders across the State to ensure that the five required Pre-ETS are available Statewide to students with disabilities. To that end, DVI will work with stakeholders, including students, families, and State and local education agencies to provide information related to Pre-ETS, identify the needs of students with disabilities and connect students to available services. Education agencies continue to be responsible for providing a free and appropriate public education to include transition services required under the Individuals with Disabilities Education Act (IDEA).

### Chapter 9 Sections

#### 9.1 Target Population

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Students with disabilities are not required to apply for VR services and may receive Pre-ETS as either potentially eligible or VR eligible. Potentially eligible students with disabilities may only

receive the five required Pre-ETS.<sup>32</sup> Eligible for VR services student with disabilities may receive Pre-ETS as well as additional VR services in accordance with an Individualized Plan for Employment (IPE).

## 9.2 Student with a Disability

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A student with a disability (Section 7(37) of the Rehabilitation Act and 34 C.F.R. §361.5(c)(51)) is an individual who—

- 1) Is not younger than age 14 (or in 8<sup>th</sup> grade) through 22 (has not reached 23<sup>rd</sup> birthday by August 31) as defined under IDEA in Delaware.
- 2) Is in a secondary, postsecondary, or other recognized education program. Recognized education programs may include—
  - a) high school, home school, postsecondary education programs, GED programs, charter school, those offered through the juvenile justice system, or other programs considered educational in nature like state, national or industry recognized programs leading to a credential (e.g., CNA programs through Delaware Technical & Community College leading to industry-recognized credentials)
  - b) To be considered enrolled in a recognized postsecondary education program, there must be:
    - i) Documentation that the student graduated from secondary education;
    - ii) Documentation of the student's intention or confirmation that they had accepted the invitation to enter the postsecondary program, such as a class registration form; and
    - iii) Documentation that the student has been informed by the institution that their seat, or spot, is being held for them, such as a letter of acceptance.
  - c) Documentation of enrollment must be current and may include an IEP, 504 plan, report card, or college registration receipt indicating the student is qualified to receive the services.
  - d) Students who exit secondary education and enroll in a postsecondary program are:

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<sup>32</sup> For more information about regarding auxiliary aids and services for students with communicative disabilities, see Section 9.10: Provision of Reasonable Accommodation, Auxiliary Aids and Services.

- i) Eligible to receive Pre-ETS in the summer between High School and College.
  - ii) Able to receive any or all Pre-ETS that they need if they meet the age range.
  - iii) Required to provide documentation of acceptance into a postsecondary program.
- e) Students who take a "gap year" delaying their postsecondary program start date are:
- i) Eligible to receive Pre-ETS if they provide the following documentation:
    - (1) Documentation of graduation from secondary education;
    - (2) Documentation of acceptance into a postsecondary education institution/program;
    - (3) Documentation of confirmation that they had accepted the invitation to enter the postsecondary program;
    - (4) Documentation that the "seat" or "spot" is being held for them.
- 3) Is eligible for, and receiving, special education or related services under Part B of the IDEA or is a student who is an individual with a disability, for purposes of section 504 of the Rehabilitation Act, and has a disability that would make them eligible or potentially eligible for DVI's VR services.
- a) There must be documentation that indicates the individual has vision loss that would make them eligible<sup>33</sup> or potentially eligible for VR services. Acceptable documentation may include, but is not limited to, a copy of the student's IEP, eye report, 504 plan, or a referral signed by a vision professional.

### **9.3 Potentially Eligible Students with Disabilities**

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Students with disabilities are not required to apply for VR services to receive Pre-ETS; however, students can apply for VR services at any time and may receive Pre-ETS prior to and after application, after eligibility determination and under an IPE.

The Pre-ETS Navigator will review any referrals to DVI to verify the student meets the definition of a student with a disability. If the student does not meet DVI's eligibility criteria for vision loss, they are not considered potentially eligible and cannot receive any Pre-ETS or other VR services

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<sup>33</sup> For more information, see Chapter 3: Eligibility and Trial Work Experience.

from DVI. If a student who is determined ineligible by DVI has other disabilities, they may be eligible to receive services from DVR. These individuals must be referred to the DDDS and/or DVR.

Potentially eligible students can receive one or more Pre-ETS depending on their needs and interest. Additionally, potentially eligible students may utilize the auxiliary aids and services necessary for their participation in the five required Pre-ETS activities. Potentially eligible students can receive Pre-ETS through an approved contracted provider or directly by DVI staff. If the student expresses interest in receiving specific Pre-ETS, the Pre-ETS Navigator will work with the student to determine how and who can provide the services, based on the student's individual need. The student and parent may exercise informed choice when multiple providers exist.

The Pre-ETS Navigator will take the following steps when the service is provided directly by DVI staff:

- 1) Create a special Pre-ETS hard file<sup>34</sup>.
- 2) Utilize a visual identifier on the hard file to help staff easily discern that the student with a disability is receiving Pre-ETS.
- 3) Identify Pre-ETS for the potentially eligible student in VICR, including activities, progress, comparable benefits, and Pre-ETS Navigator or VR Counselor's direct provision of Pre-ETS through case note documentation.

When referred to a contracted provider, the Pre-ETS Navigator creates a referral to include the following:

- Student's Name, SSN, DOB;
- Student's Contact Information (i.e., address, phone number, email);
- Student's Disability Information;
- A copy of the IEP and Evaluation Reports;
- Specific Interest Inventories, resumes, summaries/recommendations from other providers;

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<sup>34</sup> For more information, see Chapter 21: The Consumer Record and Case Documentation.

- Releases of information;
- Purchase Order showing the specific Pre-ETS, hours approved, and rate per hour.

The DVI Pre-ETS Navigator will ensure that services meet the definition of Pre-ETS. The Pre-ETS Navigator will review the Pre-ETS and IDEA transition services offered through the local high school to ensure the purchased services are not already being provided. The DVI Pre-ETS Navigator will also follow up with the student, parents, and provider to ensure that the authorized Pre-ETS are meeting the needs of the student. Subsequent meetings will be scheduled to review and provide recommendations or to set up additional Pre-ETS.

If a student requires additional VR services (with the exception of auxiliary aids and services) to participate in any of the five required Pre-ETS, they must apply and be determined eligible. Additional services, as well as their Pre-ETS, are provided when included in their IPE.

#### **9.4 Initiating Application for Vocational Rehabilitation Services**

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Students are not required to apply for VR services to receive Pre-ETS; however, students can apply for VR services at any time and may receive Pre-ETS prior to and after application, after eligibility determination and under an IPE. This includes the following:

- 1) Individuals who received Pre-ETS as potentially eligible students and are interested and in need of additional VR services; and
- 2) Individuals who have not received Pre-ETS and are interested and in need of VR transition services or other VR services.

When a student chooses to apply, the Pre-ETS Navigator will set up an intake meeting for the student with the VR Counselor to assist with initiating the application process and to obtain required documentation<sup>35</sup>.

If DVI should need to implement an OOS<sup>36</sup>, any eligible student assigned to a closed OOS category and placed on a waiting list for VR services after receiving Pre-ETS may continue to receive Pre-ETS. Until the student is moved out of OOS, they will continue to receive Pre-ETS as long as they continue to meet the definition of a student with a disability. If an eligible individual who meets the definition of a student with a disability is assigned to a closed OOS

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<sup>35</sup> For more information, see Chapter 3: Eligibility and Trial Work Experience.

<sup>36</sup> For more information, see Section 3.11: Order of Selection.

category and placed on a waiting list for VR before receiving Pre-ETS, they may not receive Pre-ETS until they are removed from the waiting list and included in an IPE.

### **9.5 Five Required Pre-Employment Transition Services**

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The following five required Pre-ETS must be made available statewide to all students with disabilities who may need such services:

- 1) **Job Exploration Counseling** is intended to foster motivation, consideration of opportunities, and informed decision-making. Job exploration counseling includes, but is not limited to the following:
  - a) Vocational counseling and guidance;
  - b) Review of information regarding high demand occupations and local labor market information;
  - c) Identification of career pathways of interest to the student;
  - d) Job shadowing and informational interviews; and
  - e) Career and interest inventories.

DVI staff will meet with students to discuss their vocational interests, abilities, capabilities, strengths, resources, priorities, and concerns so that services and activities are based on those discussions. DVI staff will also gather and utilize existing career assessments that have been completed by the IEP team and other sources.

- 2) **Work-Based Learning Experiences (WBLEs)** are paid or unpaid work experiences in the community (to the maximum extent possible) that provide students with knowledge and skills that connect school experiences to real-life work activities and future career opportunities. All WBLEs must be in integrated settings. Paid work experiences must be compensated at the local minimum wage rate or higher. It is essential that direct employer or community involvement be a component of the WBLE to ensure in-depth student engagement. WBLEs include, but are not limited to, the following:
  - a) Informational interviews and researching local employers;
  - b) Work-site tours for students to learn about necessary job skills;
  - c) Job shadowing experiences;
  - d) Connection to mentoring opportunities;
  - e) Registered apprenticeships;
  - f) Internships as part of a secondary or postsecondary training program;

- g) Short-term work experiences (up to 120 hours per experience);
- h) Volunteer opportunities.

DVI staff will ensure all students have opportunities to participate in short-term work experiences, internships, registered apprenticeships, and other types of short-term employment in coordination with the IEP team's plan for experiential learning.

Short-term work experiences provided or paid for by DVI must not exceed 120 hours per experience. A student is not limited in the number of work experiences in which they can participate; however, each experience must be necessary and specific to the work-based learning needs of the student. If an eligible student with a disability needs a support service (e.g., job coach) in order to participate in the short-term WBLE, that service may be provided and costs charged to the reserve as long as it is included in the IPE and documentation is in the case record to verify the service is necessary for the student to participate in the service. If the student is permanently hired by the employer and requires additional supports, DVI cannot use Pre-ETS funding for those supports or anything related to that job moving forward. Those supports will be paid from the basic 110 grant funds.

- 3) **Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at Institutions of Higher Education** includes, but is not limited to, the following:

- a) Exploration of vocational and academic training required for successful employment;
- b) Postsecondary awareness related to career fields and career pathways;
- c) Advisement on course offerings, attending college fairs and tours, program application and admission processes;
- d) Identification of resources that may be needed for student success in education (e.g. disability support services, supported education);
- e) Learning about how to apply for college and completion of the Free Application for Federal Student Aid (FAFSA).

DVI staff will ensure students are provided information, counseling, and guidance on the options available for secondary transition and postsecondary programs at institutions of higher education.

- 4) **Workplace readiness training to develop social skills and independent living** includes training on commonly expected skills that employers seek, often referred to as "soft skills." Workplace readiness training includes, but is not limited to the following:

- a) Training on communication, social and workplace etiquette, interpersonal skills, and problem solving;
  - b) Independent living and adjustment to blindness skills training;
  - c) Training on job-seeking, interviewing, completing job applications;
  - d) Financial literacy, benefits planning;
  - e) Understanding employer expectations and soft skills;
  - f) On-site workplace readiness during a work-based learning experience.
- 5) **Instruction in self-advocacy, including peer mentoring**, refers to a student's ability to effectively communicate, convey, negotiate, and assert their own interests and needs. These skills enable the student to advocate for support services and accommodations that may be necessary in training and employment. Instruction in self-advocacy includes, but is not limited to, the following:
- a) Training on disability disclosure;
  - b) Learning how to request accommodations or supports;
  - c) Peer mentoring;
  - d) Participation in youth leadership activities;
  - e) Instruction on disability rights, laws, and responsibilities;
  - f) Attendance at self-advocacy workshops, seminars, or conferences.

Students will have access to instruction in self-advocacy through internal DVI staff, advocacy groups, and other external partners.

## 9.6 Four Coordination Activities

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The following four Coordination Activities involve working with LEAs, Workforce Boards, Employers and One-stop Centers:

- 1) **Attending IEP meetings:** The Pre-ETS Navigator is invited by the school or notified by the TVI. The Pre-ETS Navigator is the primary point of contact to attend IEP meetings for eligible and potentially eligible students with disabilities. The Pre-ETS Navigator invites the VR Counselor when the IEP is for an eligible student with a disability and the VR Counselor attends IEP meetings when the Pre-ETS Navigator is unavailable.
- 2) **Developing work opportunities by working with local workforce development boards, one-stop centers and employers:** VR Counselors and Employment Specialists attend

local one-stop meetings and coordinate with employers to develop programs and activities for students with disabilities.

- 3) Coordinating with schools to ensure the provision of Pre-ETS<sup>37</sup>.
- 4) Attending person-centered planning meetings for individuals receiving services under title XIX of the Social Security Act: DVI designates staff to attend any meetings for a student who is blind or has low vision.

### **9.7 Nine Authorized Activities**

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Fiscal Forecasting<sup>38</sup> is the process for determining the amount of reserve funds DVI has available to move from the five required Pre-ETS to authorized activities. Funds remaining after the provision of the required activities may be used to improve the transition of students with disabilities from secondary to postsecondary education or an employment outcome. DVI Administrators review expenditures on the five required Pre-ETS and associated DVI staff salary dollars. Any funds remaining out of the 15% allotment are allocated towards the following authorized services:

- 1) Implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces;
- 2) Developing and improving strategies for consumers with intellectual disabilities and consumers with significant disabilities to live independently; participate in postsecondary education experiences; and obtain, advance in, and retain competitive integrated employment;
- 3) Providing instruction to VR Counselors, school transition personnel, and other persons supporting students with disabilities;
- 4) Disseminating information about innovative, effective, and efficient approaches to achieve the goals of this section;
- 5) Coordinating activities with transition services provided by local educational agencies under the IDEA;

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<sup>37</sup> For more information, see Section 9.9: Outreach and Coordination with Education.

<sup>38</sup> For more information, see Chapter 15: Authorization of Services.

- 6) Applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel, in order to better achieve the goals of this section;
- 7) Developing model transition demonstration projects;
- 8) Establishing or supporting multi-State or regional partnerships;
- 9) Disseminating information and strategies to improve the transition to postsecondary activities of consumers who are members of traditionally unserved and underserved populations.

## **9.8 State Wideness**

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DVI is uniquely positioned to ensure that all eligible students with disabilities are identified to make the five required Pre-ETS available statewide to those students who may need them. In addition to the VR Program, DVI also houses the Education Program with teachers of the visually impaired (TVI) who provide instruction and consultation services to all students with disabilities who are blind and visually impaired. This provides DVI a direct link to these students who may need Pre-ETS. The VR Counselor and Pre-ETS Navigator provide the five required Pre-ETS, in addition to offering them through contracted providers. All Pre-ETS offered through contracted providers are available statewide.

The DVI VR Counselor and the Pre-ETS Navigator will coordinate with the TVI to ensure Pre-ETS are provided to all students who are blind or visually impaired who may need such services. Coordination includes sharing the Education Program student count with VR in order to forecast the number of students who are blind or visually impaired who may need Pre-ETS. The Pre-ETS Navigator also partners with the TVI at Education-hosted events so students can be introduced to and become familiar with the Pre-ETS Navigator, the VR Program, and the services available to both potentially eligible and eligible VR consumers.

## **9.9 Service Provision and Delivery**

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Students are typically referred for Pre-ETS by a TVI; however, a referral can be made by anyone, including the student, TVI, school, family, guardian or other caregiver and submitted via email to DVI's Pre-ETS Resource Mailbox at [infoDVI@delaware.gov](mailto:infoDVI@delaware.gov) . Once a referral is received, the Pre-ETS Navigator will schedule a meeting with the student and family to explain VR and Pre-ETS as well as encouraging application to the VR Program. DVI staff will verify the information contained in the referral is accurate; they meet the definition of a student with a disability for DVI purposes and verify the needs of the student. Based on existing information from a TVI, the IEP, an Eye Specialist, and the student/family meeting, the Pre-ETS Navigator and/or VR Counselor will assist the student with identifying service needs and preferences utilizing

informed choice. The Pre-ETS Navigator and the VR Counselor will coordinate services provided by DVI staff and/or purchased services from a vendor.

Services are often provided in the school and are offered in a group setting or on an individual basis depending on the availability of students and the location of the service(s) provided. When more than one student is available, services will be provided in a group setting as long as that is consistent with the needs of the students. When only one student is available, services will be provided on an individual basis. The VR Counselor and Pre-ETS Navigator provide the five required Pre-ETS at the student's school or at a location convenient for the student. DVI staff use tools such as O\*Net, federally funded sources, the World of Work Inventory (WOWI), and the Career Compass for career development.

Students can also receive services through contracted providers based on the student's needs and preferences. Services are documented using monthly reports submitted to the VR Counselor by the provider of the Pre-ETS, indicating what Pre-ETS was completed and how the student is progressing. The Pre-ETS Navigator monitors and evaluates purchased services by completing periodic drop-ins to check the progress of the students and work with the VR Counselor and the vendor should issues arise. Student outcomes are measured with pre- and post-surveys and through reports provided by vendors.

### **9.10 Outreach and Coordination with Education**

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DVI Director, Deputy Director, Social Services Senior Administrator, VR District Administrator, VR Counselors, Pre-ETS Navigators, and TVIs will develop and maintain collaborative relationships through a variety of opportunities with State and Local education agencies, including districts, charter schools, alternative school programs, and postsecondary education institutions, to identify students with disabilities in need of Pre-ETS. DVI maintains an MOU with the Department of Education and DVI Education Unit as well as an MOU with the Division of Vocational Rehabilitation<sup>39</sup> in order to delineate roles and responsibilities for education services, transition services, including Pre-ETS and transition services under IDEA, to avoid duplication or supplanting of services.

VR Counselors meet with the DVI Education Unit on a quarterly basis to identify and provide outreach to students who are blind or visually impaired and their families who are known to DVI's Education Unit. In addition, the DVI Pre-ETS Navigator and VR Counselor attend IEP

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<sup>39</sup> For more information, see Section 1.10: Coordination with Delaware Division of Vocational Rehabilitation (DVR).

meetings, family and parent nights, and other Education-sponsored events to conduct outreach and inform schools, students, and families about DVI services.

DVI staff coordinate monthly with DE Department of Education, DVR, Division of Developmental Disability Services (DDDS), local education agency transition teams, community rehabilitation providers, and families through the Statewide Transition Cadre meetings. Cadre meetings provide an opportunity for State agencies to regularly network with, provide updates to, and receive feedback from the transition community. In addition, the Cadre meeting provides attendees an opportunity to collectively address gaps in services for students with disabilities.

### **9.11 Reasonable Accommodations, Auxiliary Aids and Services**

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DVI will ensure no qualified student with a disability is denied Pre-ETS based on disability. If a student with a disability requires a reasonable accommodation, auxiliary aid, or other service to access or participate in Pre-ETS, DVI may provide the required accommodation when no other entity is responsible for its provision. Reasonable accommodation, auxiliary aids, and services shall be provided in accordance with DVI's policies and procedures<sup>40</sup>.

Personally prescribed devices and services<sup>41</sup> do not meet the definition of auxiliary aids and services and may not be charged to the Pre-ETS reserve; however, they could be provided to eligible students with disabilities in accordance with an IPE using non-reserved funds.

### **9.12 Individualized Plan for Employment**

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DVI staff will work closely with students to assist them with developing their IPE<sup>42</sup>. The IPE will be developed as soon as possible but no longer than 90 days after the date of determination of eligibility or within 90 days of high school exit, whichever comes first. For students who are enrolled in an educational program working toward a high school diploma, the IPE will include a high school diploma as a service. When a student requires services to identify a specific goal, DVI will assist the student to develop an IPE with a projected post-school outcome<sup>43</sup> within a particular career field. An IPE with a projected post-school employment outcome should outline the activities, including all Pre-ETS the student needs, that will guide the student's career exploration and identification of a vocational goal based upon informed choice. The projected

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<sup>40</sup> For more information, see Section 2.9: Auxiliary Aids and Services.

<sup>41</sup> For more information, see Chapter 12: Rehabilitation and Assistive Technology.

<sup>42</sup> For more information, see Chapter 4: Comprehensive Assessment and Individualized Plan for Employment.

<sup>43</sup> For more information, see Section 8.3: Projected Post-School Outcome.

post-school employment outcome will be revised to a specific vocational goal once the career exploration process is complete.

### **9.13 Additional VR Services for Eligible Students with Disabilities on an IPE**

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In accordance with the [Federal Register Notice of Interpretation \(NOI\)](#), 15% reserved funds may be used for costs associated with providing certain VR services **to eligible students with disabilities, in accordance with approved IPEs, who need those services to benefit from Pre-ETS**. Those additional VR services include the following:

- Assessment Services
- VR Counseling and Guidance
- Information and Referral Services
- Maintenance
- Transportation
- Personal Assistance Services
- Rehabilitation Teaching & Orientation and Mobility Services
- Rehabilitation Technology
- Family Services
- Job Coaching Services

### **9.14 Participation in Cost of Services**

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Potentially eligible students with disabilities are exempt from a financial needs test and financial participation in the cost of Pre-ETS. However, eligible individuals would not be exempted from a financial needs test<sup>44</sup>.

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<sup>44</sup> For more information, see Chapter 14: Financial Need.

## **9.15 Students Who No Longer Meet the Definition of a Student with a Disability or No Longer Need Pre-Employment Transition Services**

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### **Potentially Eligible and Eligible Students**

Potentially eligible and VR eligible students may receive Pre-ETS for as long as they meet the definition of a "student with a disability." When a student achieves the objectives and outcome intended in receipt of Pre-ETS and is no longer communicating a need for additional Pre-ETS—

- 1) They continue to be reported as a student with a disability in VICR until they no longer satisfy the definition and can return for services at any time so long as they meet the definition of a "student with a disability."
- 2) They can also decide to apply for VR services and receive Pre-ETS and/or additional individualized VR services included in an IPE.

### **Eligible Students**

Once a student has applied for VR services and been determined eligible, all services the student may need, including any Pre-ETS, are included on the IPE.

- 1) A student will continue to receive Pre-ETS they may need until—
  - a) The individual no longer meets the definition of a student with a disability. They will continue to receive any additional individualized VR services they need as outlined on their IPE.
  - b) The student has completed all Pre-ETS needed. They will continue to receive any additional individualized VR services they may need included in their IPE.

## **9.16 Time Tracking for DVI Staff**

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Every employee of DVI that spends time on Pre-ETS activities is required to complete Pre-ETS monthly time certification using the contact log in VICR detailing the number of hours spent on the five required services, the four coordination activities, and, when applicable, the nine authorized activities.

All Pre-ETS monthly time certifications must be signed by the employee and the employee's direct supervisor, and then sent to the DHSS Fiscal Advisor. Pre-ETS are managed in VICR through the method, contact, and requisition sections within the consumer case.

The DHSS Fiscal Advisor is responsible for the maintenance and audit of Pre-ETS time certifications.

## 9.17 Documentation Requirements

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Regarding the case record, the VR Counselor—

- Enters potentially eligible students with disabilities in VICR to status 03;
- Moves the case in VICR to status 17 for consumers that have applied, been determined eligible, have developed an IPE, and is a student with a disability while enrolled in secondary education and appropriately documents information necessary for Pre-ETS and additional VR services eligible to be charged to the 15% reserve;
- Clearly documents when Pre-ETS are provided in a group or individual setting;
- Clearly document how the additional VR services support the consumers ability to participate in Pre-ETS;
- Maintains progress reports and communications with professionals providing the service and the consumer; and
- Documents additional support and services provided to the student, including partnerships with other agencies and other comparable services and benefits, when appropriate.

At any time, Pre-ETS or other VR services are terminated, the VR Counselor must document the reasons as well as provide the consumer with their appeal rights.

## 9.18 Internal Controls

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DVI incorporates a variety of internal controls to ensure the provision of Pre-ETS, management of the 15% reserve, and the tracking and reporting of staff time:

- DVI administration quarterly case reviews;
- Quality assurance policy outlining additional internal control measures, including case documentation audits;
- VICR controls included in VICR manual;
- DVI Grants Management processes; and
- Training related to policy/regulatory (including updates and changes) best practices and outcomes.

## Chapter 10: Education and Training

### General Policy Overview

In accordance with 34 CFR §361.48(b)(6), DVI offers a variety of education and training services to assist individuals with visual impairments in achieving their employment goals. Education and training services are diverse and address the various needs and abilities of DVI consumers. These services include, but are not limited to, the following:

- Academic training;
- Career and technical training;
- Credential-specific training;
- Work readiness programs;
- Registered apprenticeships;
- On-the-job training (OJT); and
- Work experience opportunities.

Training environments encompass community colleges, technical colleges, public universities, health-related institutions, private postsecondary institutions, employment settings, and specialized training providers.

Furthermore, DVI supports training at different levels, including the following:

- Secondary school diploma;
- Secondary school equivalency;
- Completion of an IEP;
- Vocational adjustment;
- Skill-specific training;
- Training-specific credentials;
- Certificates;
- Associate degrees;
- Bachelor's degrees;
- Master's degrees; and
- Doctorates.

DVI staff conduct a variety of assessments (e.g., consumer abilities, labor market information) to assist the consumer in exercising informed choice in selecting a training program necessary to build the skills to achieve the desired employment goal in the IPE.

## Chapter 10 Sections

### 10.1 Determining the Need for Education and Training Services

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VR Counselors play a crucial role in assessing the need for education and training services for their consumers. To ensure effective decision-making through informed choice, VR Counselors should consider the following, as applicable:

- **Conduct the necessary assessments.** Begin by assessing the consumers skills, abilities, interests, and employment goals through standardized assessments, interviews, and vocational evaluations, as needed.
- **Utilize labor market information (LMI).** Research current labor market trends, job demand, and growth projections in relevant industries to identify viable career pathways and training opportunities.
- **Explore educational options.** Research and recommend appropriate educational or training programs based on the consumers career goals, considering factors such as program accreditation, reputation, best value purchasing, and potential for employment upon completion.
- **Provide support services.** Assist the consumer in exploring the need for support services such as transportation, childcare, disability accommodations, and financial aid resources to address barriers to education and training participation.
- **Consider individual circumstances.** Take into account the consumer's personal circumstances, including disabilities, health conditions, family responsibilities, and financial constraints, when determining the feasibility and appropriateness of education or training services.
- **Collaborate with other professionals.** Work collaboratively with other professionals, such as educators, employers, medical professionals, community agencies, and disability resource centers, to develop comprehensive plans and support networks for customers pursuing education or training goals.

When it is determined that education and training services are necessary to achieve the consumer's employment goal, the services, including any support services, are included in the IPE and signed by both the consumer and the VR Counselor. The IPE must include the

evaluation criteria, including the grade level requirements, time required to complete training, full-time or part-time attendance, and how progress will be measured.

When education and training services are denied, reduced, or terminated, DVI must document in the case record the reasons and must provide the consumer with their appeal rights.

## 10.2 Comparable Services and Benefits

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DVI cannot financially support education and training services until maximum efforts have been made to secure grant assistance and other comparable services and benefits to pay (in whole or in part) for that training.

The following comparable services and benefits include, but are not limited to, the following:

- [Delaware Department of Education](#) programs (**required** for all DVI consumers)
  - Student Excellence Equals Degree (SEED) Program
  - INSPIRE Program
  - [Academic Common Market](#) (Southern Regional Education Board)
  - Delaware Scholarships
  - Other
- [DE Connected Degree Programs](#)
- Federal student aid (such as Pell Grants, waivers, and work-study)
- Disability services offices on college and university campuses
- Title I Adult and Youth programs
- Other State agencies
- Other

The VR Counselor must document all applications, denials/approvals, and research to seek comparable benefits and services in the case record. The VR Counselor can support up to one semester (or equivalent) if the consumer has applied for comparable services and benefits but is awaiting denial or approval.

If the consumer is not eligible for SEED (or other free education programs) based on previous grades, the VR Counselor must thoroughly assess the feasibility of education and training services to ensure the consumer has the ability to successfully complete the program.

### 10.3 Recipients of Social Security Disability Benefits

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Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) are exempt from the requirement to participate in the cost of VR services, including education and training services, regardless of income.

SSI and SSDI recipients are not exempt from the requirement to seek comparable services and benefits for all services, such as tuition exemptions, Federal financial aid that does not require repayment, or other free or low-cost services that are readily available to the consumer.

### 10.4 Public Education and Training Services

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VR Counselors must follow the education and training program tiered approach when selecting the most appropriate institution to promote the consumer's informed choice and ability to succeed.

#### Step 1

Delaware Technical Community College (DelTech) must be used when the required program is available. The consumer must apply for the SEED program before additional financial support is considered.

- **Available Program:** When the consumer's required program is available, it should be used by the consumer. When DelTech is not feasible (e.g., due to accommodations, unique needs/circumstances) for the consumer, the VR Counselor must provide clear justification for seeking other programs.
- **Unavailable Program:** When the consumer's required program is not available at DelTech, the VR Counselor must document that the consumer must seek education and training services elsewhere.

#### Step 2

Other Delaware State schools must be used after determining DelTech is not available or feasible.

- **Available Program:** When the consumer's required program is available at another Delaware school, it should be used by the consumer. When the institution is not feasible (e.g., due to accommodations, unique needs/circumstances) for the consumer, the VR Counselor must provide clear justification for seeking out-of-state programs.
- **Unavailable Program:** When the consumer's required program is not available at any other Delaware school, the VR Counselor must document that the consumer must seek out-of-state education and training services.

### Step 3

Out-of-state education and training institutions can be considered when all Delaware options have been exhausted. The VR Counselor must work with the consumer to identify the most appropriate institution that is both cost effective and meets the unique needs of the consumer. Education and training institutions included in the [Academic Common Market](#) must be considered first, as Delaware in-state tuition rates may be available.

- All out-of-state education and training services must be approved by the VR District Administrator before being included in the consumer's IPE.

### 10.5 Career and Technical Education and Training Services

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Career and Technical schools offer a variety of education and training programs designed to prepare students for specific careers or industries. These schools provide vocational and technical training in fields such as healthcare, cosmetology, culinary arts, automotive technology, and information technology, among others.

These schools play a vital role in meeting the demand for skilled workers in various industries and contribute to economic growth and workforce development in Delaware. Many programs within these schools may hold programmatic accreditation from industry-specific accrediting bodies. This accreditation ensures that programs meet established standards of quality and rigor and may lead to recognized credentials.

The VR Counselor must ensure that Career and Technical Schools—

- Have been approved by the appropriate licensing entity;
- Offer approved curricula; and
- Hold a license to operate a career school or college.

When Career and Technical education (CTE) is required for the consumer's employment goal and included in the IPE, or IPE amendment, the VR Counselor can support the training program at its published rate. If there is no published rate, the VR Counselor can approve up to the same rates as established by the University of Delaware.

### 10.6 Career and Technical Education

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CTE programs allow Delaware students the chance to earn early college credits, industry-recognized credentials, and work experience while still in high school. To earn a living wage in today's economy, students are encouraged to pursue education beyond high school. This education can include a two-year or four-year college degree, certification program,

apprenticeship, formal job training, or military service. The type of education a student chooses depends on their unique interests and skills.

For youth with visual impairments who are receiving transition services from DVI, participation in CTE programs is encouraged. The VR Counselor may support the student in successfully completing CTE programs, in collaboration with the secondary school, beyond what the school is required to provide and included in the IPE.

### 10.7 Other Training Services

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DVI provides other training that is provided by an employer, training provider, or school. This provision allows DVI to be adaptive and responsive to the unique needs of each consumer, ensuring comprehensive support. VR Counselors may provide "other training" when—

- Standard training options do not fully address the consumer's specific needs or goals.
- There is a need for highly specialized or emerging skill sets not covered by existing programs.
- The consumer requires additional support to overcome unique barriers to employment.
- Tailored training is necessary to achieve the objectives outlined in the IPE.

This flexibility ensures that VR services remain consumer-centered, responsive, and effective in helping consumers achieve their employment goal and succeed in their careers.

Other training services include, but are not limited to, the following:

- **On-the-job training (OJT) Services:** Provided to teach the consumer specific job skills and is provided by a prospective employer. The consumer is paid during training, with an agreed upon percentage being reimbursed by DVI. It is expected that the consumer will remain in the same or a similar job upon successful completion. In establishing an OJT site, the employer must outline the course of training and assure that adequate time will be devoted to the instruction and supervision of the consumer/employee on the job. OJT services must include—
  - An agreement between DVI, the consumer, and the employer;
  - OJT services included in the IPE;
  - Clearly outlined skills expected to be achieved, including how the achievement of these skills will be evaluated;
  - The responsibilities of each party;

- Frequency of contacts, team meetings, progress reports, and DVI reimbursement; and
- Any other applicable needs not otherwise listed.

The OJT service must be included in the IPE and signed by the VR Counselor and consumer prior to initiating the services. The consumer/employee's hours in the OJT period shall be limited to a maximum of 40 hours per week for a period of up to three months. Reimbursement to the employer shall be no more than 75% of the consumer's initial earnings, reduced to no more than 25% of the consumer's earnings at the end of the program.

The following is an example:

- A consumer participates in a three-month OJT, making \$15 an hour for 30 hours a week ( $\$15 \times 30 \text{ hr.} \times 4 \text{ weeks} = \$1,800$  per month/ $\$5,400$  total).
  - Month 1: Employer is reimbursed at 75% = \$1,350
  - Month 2: Employer is reimbursed at 50% = \$900
  - Month 3: Employer is reimbursed at 25% = \$450
- Monthly (or more) progress reports must be provided to show the development of skills and overall success in the job.
- **Work-Based Learning Experience Services (WBLE)<sup>45</sup>:** Offered to teach the consumer specific job skills; provided by a prospective employer. A WBLE can be provided by a number of employers to offer consumers experiences in specific industries while learning basic employment skills.

A WBLE is provided using the same requirements as OJTs, with the following exceptions:

- There is no expectation that the consumer be hired on with the employer;
- The WBLE does not fill an open position with the employer; and
- The WBLE can be provided at the rate of 100%, as negotiated by the VR Counselor and the employer.

WBLE requirements include internships, apprenticeships, and other customized training programs.

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<sup>45</sup> The WBLE in this chapter refers to a non-Pre-Employment Transition Services (Pre-ETS) WBLE.

- **Adult Education:** Assistance with obtaining a high school diploma, GED, or improving literacy and numeracy skills. Adult education can be provided by DVI when deemed necessary. When adult education services are required for the consumer's employment goal and included in the IPE, or IPE amendment, the VR Counselor can support the training program at the institution's rate.
- **Other Training:** Due to the individualized nature of VR services, there may be a number of other types of education and training, as well as schools or training providers available to provide those trainings. For any training type not covered by this policy, the VR Counselor must follow the most applicable type of training, document the justification and the need for the training, and receive VR District Administrator approval prior to including in the IPE.

## 10.8 Room and Board

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DVI may provide maintenance payments to the consumer, or a third-party landlord, for room and board when required as a result of the consumer's participation in education and training services.

To qualify for room and board, the consumer must—

- Be participating in education and training that is more than 50 miles away from their home;
- Choose on-campus housing when available and meets the accommodation needs or other unique circumstances of the consumer;
- Understand that off-campus room and board can only be provided when—
  - No on-campus options are available;
  - On-campus options are available, but the consumer chooses to find off-campus room and board due to disability, training, or other reasons. In these instances, room and board can only be provided at the on-campus room-and-board rates.

When the VR Counselor agrees to providing room and board, the case record must include clear justification (including supporting documentation) related to the needs and informed choice of the consumer, how room and board is necessary to complete the education or training program, how it meets the criteria above, and any disability-related needs or accommodations for room and board.

## **10.9 Out-of-State Education and Training Services**

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When out-of-state training is deemed necessary by the VR Counselor, but the same training is available in the State of Delaware, VR will pay tuition equivalent to Delaware's in-state resident rate at the University of Delaware.

In the case of out-of-state travel, meal allowances and travel expenses should not exceed limits as established by the State of Delaware and/or the Department of Health and Social Services.

All out-of-state training and travel require VR District Administrator approval.

## **10.10 Credential Attainment and Measurable Skill Gains (MSG)**

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Education and training services may result in MSGs (e.g., report card, training progress) and a recognized credential (e.g., bachelor's degree, vocational license). All credentials and MSGs achieved during participation in VR services, when included in the IPE, must be entered in VICR and include supporting documentation in the case file.

## **10.11 Documentation Requirements**

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The case record must contain, as applicable, the following:

- Move the case in VICR to Status 18 when agreed to by the VR Counselor and consumer and included in the IPE;
- Maintain all documents related to training progress in the case record (e.g., report cards, transcripts, progress reports);
- Document the appropriate Credentials and MSGs in VICR, once supporting documentation is achieved;
- Maintain communications with the training institution and the consumer; and
- Receive written approval by VR District Administrator when required.

## **10.12 Internal Controls**

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DVI incorporates a variety of internal controls to ensure the accuracy of the provision of education and training services required for the employment goal:

- DVI administration quarterly case reviews;
- Quality assurance policy outlining additional internal control measures, including case documentation audits;

- VICR controls included in VICR manual;
- VR Administrator approval for out-of-state training;
- Training related to policy/regulatory (including updates and changes) best practices, and outcomes.

## Chapter 11: Adjustment to Blindness Training

### General Policy Overview

Adjustment to blindness trainings, also known as orientation and mobility training or rehabilitation training for the visually impaired, are comprehensive programs designed to help individuals who are Blind or have significant vision loss adapt to their condition and maintain independence. These trainings cover a wide range of skills and techniques to ensure that participants can navigate their environment safely and confidently, perform daily tasks, and achieve a high quality of life. Key components of these trainings typically include the following:

- Orientation and Mobility (O&M);
- Daily Living skills (independent living skills);
- Communication skills;
- Psychosocial support;
- Vocational Rehabilitation (VR);
- Assistive Technology training; and
- Leisure and recreational skills.

All written communication with an individual must be supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual. In addition, when contact with a referral is difficult to establish, reasonable attempts must be made before declining the referral, and those attempts must be documented in the case record.

DVI staff work collaboratively across all programs to empower individuals experiencing blindness or visual impairments, with the skills and confidence needed to live independently and fully participate in society despite their vision loss.

## Chapter 11 Sections

### Chapter 11.1 DVI Programs

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DVI is organized into three major programs. These programs are supported by additional services within DVI and offered to qualified consumers.

PROGRAMS	DESCRIPTION
Education	<p>The Education Team works in coordination with the Delaware Department of Education and local education agencies (LEAs) in Delaware. DVI provides traveling and teaching services for students with visual impairments. Services may begin as early as birth to children and their families through the child youth counselor services. In the preschool years, teachers for the visually impaired begin working with students in their home school districts to ensure that children can access their school day curriculum through technology supports and foundational skills, such as Braille instruction.</p>
Employment	<p>The Vocational Rehabilitation Team provides supportive services to persons with visual impairments and blindness in gaining meaningful career opportunities. The VR program offers business consulting services to companies in the community looking to diversify their workforce through recruitment from DVI's talent pool.</p> <p>The Business Enterprise Program (BEP) Team offers self-employment opportunities to interested entrepreneurs with blindness in the areas of food service, vending, and small business kiosks. The BEP is part of the longstanding National Randolph-Sheppard Program, developing partnership opportunities between State agencies for the visually impaired and Blind entrepreneurs.</p>
Independent Living Services	<p>The Independent Living Services Team provides adaptive techniques and devices that assist consumers in maintaining their independent lifestyle in their homes and in the community. Examples of services include organizational skills, kitchen safety skills, appliance use, personal resource management skills, communication assistance, and social/recreational opportunities.</p>

PROGRAMS	DESCRIPTION
DVI Support Services	DVI Support Services include accessible instructional and educational materials, Orientation & Mobility training, assistive technology training, and low vision services.

### 11.2 Adjustment to Blindness Referrals

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A referral is a consumer who has contacted or has been placed in contact with DVI to inquire about the possibility of obtaining program services but has not applied or been qualified for services. To be considered a referral, DVI must have the individual’s name and contact information. Referrals may contact DVI by phone, email, or in person.

DVI staff must collect referral information and email to the DVI Program Manager for the specific program requested (i.e., VR, Education, ILS) on the date received and should include, as available, the following:

- Name (first and last)
- Legal guardian (if applicable)
- Preferred method of contact (telephone, email)

### 11.3 DVI Program Eligibility

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DVI eligibility requirements vary across programs. After a referral has been made to a specific program, or multiple programs, DVI staff will follow the eligibility requirements necessary for those services, as quickly as possible.

DVI staff will work collaboratively to ensure that information (e.g., eye reports) that supports and/or impacts the eligibility for other programs within the organization, will be shared, as appropriate.

### 11.4 Out-of-State Training Programs

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DVI often supports out-of-state training that is not available in the State of Delaware. When adjustment to blindness services are not available at DVI or otherwise in the State, DVI staff can support travel costs, tuition and fees, room and board, and other necessary services required to actively participate in the program.

Commonly supported out-of-state trainings include the [Carroll Center for the Blind](#) in Newton, Massachusetts, and the [Perkins School for the Blind](#) in Watertown, Massachusetts. These

training programs offer curriculum focused solely on individuals with blindness or visual impairments, and unlike DVI, have the resources for certified staff to provide intense residential structured training.

DVI staff can support other out-of-state training, when appropriate for the unique needs of the consumer. All out-of-state training must be approved by the VR District Administrator.

### **11.5 Out-of-State Travel**

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In the case of out-of-state travel, meal allowances and travel expenses should not exceed limits as established by the State of Delaware and/or the Department of Health and Social Services.

### **11.6 Documentation Requirements**

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The case record for VR services, must contain, as applicable, the following:

- Referral information;
- Shared information across DVI programs; and
- Other applicable information not otherwise listed

### **11.7 Internal Controls**

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DVI incorporates a variety of internal controls to ensure the accuracy of the provision of DVI's adjustment to blindness services necessary for the consumer to be successful in training and employment:

- DVI administration quarterly case reviews;
- Quality assurance policy outlining additional internal control measures, including case documentation audits;
- Streamlined referral processes upon entry to DVI to ensure prompt and equitable handling of referrals across all programs; and
- Training related to policy/regulatory (including updates and changes) best practices and outcomes.

## **Chapter 12: Rehabilitation and Assistive Technology**

### **General Policy Overview**

In accordance with 34 CFR §361.48(b)(17), §361.5(c)(6) and (45), DVI will ensure access to rehabilitation technology services to DVI consumers to meet their individualized needs. This is

aimed at improving their independence, productivity, and ability to achieve their employment goals.

Rehabilitation technology means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, consumers with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology (AT) devices, and AT services, which are used interchangeably throughout this chapter.

By addressing these needs, DVI fosters a supportive and inclusive environment needed to access and use AT to pursue fulfilling careers.

## Chapter 12 Sections

### 12.1 Determining the Need for AT Services

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The VR Counselor, in collaboration with the consumer, must consider the following basic criteria when providing rehabilitation technology services:

- Must be necessary to identify, select, and/or train on AT aids and devices that meet the individualized needs of the consumer;
- Must be necessary to address barriers that affect the consumer's ability to secure employment; and
- Must be necessary to afford the consumer the opportunity to make informed choices in the selection and acquisition of AT aids and devices.

### 12.2 Purchasing AT Services

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VR Counselors may purchase an assistive or adaptive device when it is required to conduct assessments and address a consumer's vocational needs. Technologically advanced products not shown to be effective by independent clinical evidence are not likely to meet a consumer's vocational needs in a cost-effective manner and should not be purchased with VR funds unless an exception is made by the VR District Administrator and necessary to meet the consumer's individualized needs.

The VR Counselor should provide the following to ensure that the AT is reasonable, necessary, and allowable, in order for the consumer to participate in VR services and employment.

- **Evaluation:** Required for most AT purchases to identify each consumer's specific AT needs based on their disabilities, functional capacity limitations, and job-related tasks.

These evaluations are provided by the DVI Training Center as an in-house service or purchased from approved AT evaluation providers.

- **Purchases:** AT devices and services necessary to support DVI consumers in achieving their educational and vocational goals; purchased by DVI.
- **Training:** AT training from DVI or approved providers to help consumers effectively use AT for education, employment, communication, and daily activities; provided or procured by DVI.

Equipment needing repair and replacement can be provided by the VR Counselor when the repair is directly related to participation in VR services and employment. If, for any reason, the consumer requests that DVI repurchase the same equipment (e.g., lost, broken, out of date), VR District Administrator approval is required.

### 12.3 Issuing AT Equipment

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When AT services are agreed upon by the VR Counselor and consumer, the responsibilities of each party must be documented, including the use, maintenance, and ownership. When AT equipment is authorized for a consumer, it must be sent to the VR office, unless exceptions are approved by the VR District Administrator.

The consumer must sign the Receipt of Equipment and Tools form to agree to the specific equipment that was transferred to their possession. The DVI staff member who releases the equipment to the consumer must ensure each item is accounted for on the form and that both parties sign. A copy of the signed form is given to the consumer, and the original is filed in the case file.

### 12.4 Ownership of Equipment

---

While the consumer is actively participating in VR services, the equipment belongs to, and is the responsibility of DVI. Once the consumer is successfully employed in CIE and their VR case is closed, this transfers ownership to the consumer.

At any time the equipment is no longer needed for participation in VR services or employment, the consumer must return the equipment to DVI. Due to consumer circumstances, the VR Counselor can determine that the returning of the equipment would ultimately cause unnecessary harm to the consumer. Exceptions can be approved by the VR District Administrator.

## 12.5 Comparable Services and Benefits & Financial Needs Assessment

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Due to the nature of rehabilitation/assistive technology and auxiliary aids for consumers with sensory impairments, technology is considered both; therefore, rehabilitation/assistive technology is exempt from both comparable services benefit and financial needs.

## 12.6 Documentation Requirements

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The case record must contain, as applicable, the following:

- Case notes and/or IPE including:
  - Type of service;
  - Goal of service;
  - Specific provider;
  - Begin and end dates of service;
  - Justification for services (including documentation of best value for purchased goods and services);
  - Information about available comparable benefits; and
  - Information about how the consumer exercised informed choice.
- Case movement in VICR using the appropriate status that relates to the services being provided and current stage of the VR process (Status 12, 14, 16, 17, 18, 20, 24).

The VR Counselor is responsible for using sound judgment in the use of these. At any time rehabilitation/assistive technology services are terminated, the VR Counselor must document the reasons as well as provide the consumer with their appeal rights.

## 12.7 Internal Controls

---

DVI incorporates a variety of internal controls to ensure the accuracy of the provision of rehabilitation/assistive technology devices and services:

- DVI administration quarterly case reviews;
- Quality assurance policy outlining additional internal control measures, including case documentation audits;
- VICR controls included in VICR manual;
- Training related to policy, regulations, best practices, and intended outcomes.

## Chapter 13: Support Services

### General Policy Overview

In accordance with 34 CFR §361.48(b), DVI provides a range of VR services to consumers who have applied or have been determined eligible for VR services. Support services are provided to DVI consumers when they need additional support in order to participate in VR activities, as appropriate to meet each consumer's need(s) and consistent with the IPE and employment goal.

In accordance with 34 CFR §361.5(c)(34) (maintenance), §361.5(c)(56) (transportation), §361.5(c)(22) (family member), and §361.5(c)(38) (personal assistance), DVI will provide necessary support services to assist the consumer in preparing for, securing, retaining, advancing in, or regaining an employment outcome that is consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Support services are subject to DVI's requirement to seek the availability of comparable services and benefits and to apply the financial need assessment policy. These services can only be provided after the completion of the financial needs assessment and must be reviewed at least annually, or at any time there is a major life event (e.g., marriage, employment).

DVI staff must document the need for each service and how it is required to support one or more of the VR services, necessary to participate in DVI and meet the employment goal for the consumer. VR Counselors must use sound judgement in providing the services in this chapter to ensure dependency is not created and the consumer is making progress in their rehabilitation path.

### Chapter 13 Sections

#### 13.1 Maintenance

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Maintenance services are when DVI provides monetary support to a consumer for expenses (e.g., food, shelter, clothing) that are in excess of their normal living expenses necessitated by their participation in an assessment for determining eligibility, scope of VR needs, and the receipt of VR services under an IPE.

When maintenance is provided, the consumer is required to provide receipts to document the actual costs of the service and use of the funds. If the consumer is also receiving public assistance, care should be taken by the VR Counselor to ensure that the public assistance agency does not consider maintenance as income to the consumer. Maintenance payments should be clearly identified in all public assistance cases as payments for expenses incurred in receiving VR services, not as income to the consumer.

In the case of out-of-state travel, meal allowances and travel expenses should not exceed limits as established by the State of Delaware and/or the Department Health and Social Services.

### **13.2 Personal Assistance Services**

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Support services encompass a variety of services provided by one or more individuals to assist consumers with performing daily activities both on and off the job. These services are aimed at increasing the consumer's autonomy and ability to manage daily tasks, ultimately facilitating their integration into employment. They are provided as part of DVI services, including Trial Work Experiences (TWE), and may include training in managing, supervising, and directing personal assistant services.

The service is designed to help a consumer with on-the-job activities or job-related daily living activities that the consumer would perform themselves if they did not have a disability. When the VR Counselor provides personal assistance services, the following must occur:

- The case record must contain a letter of medical necessity or evidence thereof from collaboration with organizations such as Medicaid or Home Health Care Organizations prior to funding request.
- An evaluation of need from a qualified professional (e.g., occupational therapist, physical therapist, registered nurse, or a comprehensive rehabilitation center) must be included to ensure that DVI-provided supports will meet the consumer's needs.
- When the evaluation confirms the need for personal assistance services, they may be included as supportive services in the IPE. In no instance will personal assistance services be provided as the sole service.
- The consumer is expected to recruit, hire, train, and supervise the personal assistance service provider. Therefore, consumers for whom these services are planned must have demonstrated a level of self-direction and competence to handle these responsibilities.
- If the assistant is hired as the consumer's employee, the consumer must assume the legal obligations of an employer, including withholding taxes and other payroll deductions. The personal assistant cannot be an employee of DVI.
- When necessary, the VR Counselor may act as a facilitator, assisting the consumer in identifying potential personal assistance service providers.
- Payment for personal assistance services may not be made to a member of a consumer's family (i.e., spouse, sibling, parent, stepparent, grandparent, children, or spouse of children).

- Personal assistance services may not exceed the number of hours necessary to engage in VR services.
- When a consumer attending an out-of-state training facility needs personal assistance services, these services may be paid at the approved Federal rate.
- In the absence of compelling reasons to maintain services, the provision of personal assistance services shall be suspended to coincide with a training program suspending operation for the summer, holidays, or intercession break.

Personal assistance services require VR District Administrator approval prior to authorizing such services.

### **13.3 Transportation Services**

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When consumers are participating in DVI services and/or employment that requires transportation assistance, DVI can provide these services in accordance with the IPE or prior to an IPE when transportation is needed to access DVI or participate in the assessment process for determining eligibility or the scope of VR needs (e.g., getting to and from medical evaluations).

Transportation is financial support that can be paid directly to the consumer or a third party who will provide the transportation. Transportation services may not be used to pay for any "normal living expenses." Regardless of the reason for transportation services, they must be provided by the most economical and effective carrier that meets the consumer's disability-related needs and informed choice.

DVI pays for the use of the consumer's vehicle for transportation when this is the most economical and effective method, using the Federal mileage rates.

### **13.4 Services to Family Members**

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DVI services may be extended to family members of an applicant or consumer if it is deemed necessary to facilitate the achievement of their employment goals. Such services are arranged, purchased, or provided only when the consumer's ability to begin or continue their IPE would be compromised without them, potentially leading to unnecessary delays in achieving the employment goal. These services are provided solely to family members who meet the defined criteria of a family member and when comparable services or benefits are unavailable through existing community resources or agencies.

For purposes of receiving DVI services, a family member means a person—

- 1) Who either—
  - a) Is a relative or guardian of an applicant or eligible consumer; or

- b) Lives in the same household as an applicant or eligible consumer;
- 2) Who has a substantial interest in the well-being of that consumer; and
- 3) Whose receipt of DVI services is necessary to enable the applicant or eligible consumer to achieve an employment outcome.

If a consumer has minor children and requires childcare to complete planned VR activities, the VR Counselor may assist in exploring the availability of childcare services. Examples of VR activities may include diagnostic services, physical restoration, training, and employment services.

The Department of Health and Social Services (DHSS) provides [resources for childcare services](#) across the State of Delaware. When DVI determines that childcare services are necessary to be provided, the VR Counselor must follow the DHSS designated rates.

### **13.5 Other Goods and Services**

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DVI may provide other goods and services determined necessary for consumers to achieve their employment goal and included in their IPE. Other goods and services encompass a broad range of supports tailored to the unique needs of each consumer that are not included in any other service categories. These goods and services include, but are not limited to, the following:

- Occupational licenses;
- Tools and equipment; and
- Uniforms

Other goods and services must be based on consumer circumstances. Careful consideration must be given as to whether or not the service could be provided under some other section of this chapter such as maintenance, transportation, or services to family members.

### **13.6 Documentation Requirements**

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The case record must contain, as applicable, the following:

- Case notes and/or IPE including—
  - Type of service;
  - Goal of service;
  - Specific provider;
  - Begin and end dates of service;

- Justification for services (including documentation of best value for purchased goods and services);
- Information about available comparable benefits; and
- Information about how the consumer exercised informed choice.
- Case movement in VICR using the appropriate status that relates to the services being provided and current stage of the VR process (Status 12, 14, 16, 17, 18, 20, 24).

The VR Counselor is responsible for using sound judgment in the use of these services. At any time, support services are terminated, the VR Counselor must document the reasons as well as provide the consumer with their appeal rights.

### **13.7 Internal Controls**

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DVI incorporates a variety of internal controls to ensure the accuracy of the provision of support services when necessary to support VR career and training services:

- DVI administration quarterly case reviews;
- Quality assurance policy outlining additional internal control measures, including case documentation audits;
- VICR controls included in VICR manual; and
- Training related to policy, regulations, best practices, and intended outcomes.

## **Authorization and Payment of Services Policies**

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### **Chapter 14: Financial Needs Assessment – Consumer Contribution**

#### **General Policy Overview**

In accordance with 34 CFR §361.54 (participation of consumers in cost of services based on financial need), DVI utilizes a financial needs assessment to determine the extent of the consumer participation in the cost of VR services for eligible consumers and consumers receiving services through trial work experiences (TWE). DVI requires the application of a financial needs assessment before non-exempt paid VR services can be provided under an IPE.

Consumers must complete the Financial Statement (DVI/VR-04) prior to receiving any non-exempt paid service. Based on the results of the Financial Statement, the VR Counselor and consumer will determine the appropriate consumer contribution (if applicable) toward non-exempt paid services. The agreed upon allocation of the consumer's contribution must be documented in VICR and the IPE.

DVI staff must follow the Department of Health and Social Services (DHSS) income limits, based on the Federal poverty level, to calculate the consumers financial contribution.

### Countable Income Limits for Federal Poverty Level

Any exceptions to this policy must be approved by the Social Services Senior Administrator and documented in VICR and the case file. Based on the fiscal conditions of the agency, DVI reserves the right to waive the financial needs requirement.

## **Chapter 14 Sections**

### **14.1 Consumers Subject to Financial Needs Assessment**

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All eligible consumers are subject to the determination of financial need, except those who are recipients of SSI/SSDI. Completion of the Financial Statement (DVI/VR-04) is optional for consumers who are recipients of SSI/SSDI, if this may assist with information relevant to IPE planning (e.g., benefits planning).

### **14.2 Exempt Services**

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Regardless of a consumer's income, DVI will not require financial contribution for the following services:

- Assessment services, except those services provided under a trial work experience, that are not diagnostic in nature;
- VR counseling and guidance;
- Job-related services, including job search and placement assistance, job retention services, follow-up services, etc.;
- Information and referral services;
- Personal assistance services;
- Interpreter and reader services;
- Any auxiliary aid or service the consumer requires under section 504 of the Rehabilitation Act or the Americans with Disabilities Act (ADA) to participate in the vocational rehabilitation program.

A consumer who is not exempt may be required to participate in paying the cost of services not exempt from financial contribution.

### 14.3 Applying the Financial Needs Assessment

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#### Step 1

The VR Counselor reviews the completed Financial Statement (DVI/VR-04) with the consumer. Make any corrections and/or updates as needed. Ensure that all parties (e.g., consumer, family) understand the Financial Needs Assessment and the impact it may or may not have on VR services.

#### Step 2

Using the results of the financial calculations in the form, the VR Counselor determines the total cost of goods or services (i.e., available income) for the consumer to contribute toward their IPE or TWE plan.

#### Step 3

The VR Counselor follows the requirements in this manual in developing the IPE, use of comparable services and benefits, fee schedules, and all other applicable policies. Once the IPE has been drafted, the VR Counselor will negotiate with the consumer on how their contribution will be applied.

Examples include the following:

- The consumer may agree to pay for the total cost of one of their services (e.g., books and supplies); or
- The consumer may agree to pay for 1/3 of each purchased service (e.g., books and supplies, tuition, therapy).

#### Step 4

The VR Counselor and the consumer must understand and agree to each party's contribution to the services outlined and signed in the IPE prior to any authorizations for such services.

### 14.4 VR Counselor Responsibilities

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Establishing financial needs for each consumer is the responsibility of the VR Counselor, with the consumer's entire financial situation considered. The VR Counselor may not provide services to anyone who has the resources to pay for such services, except those described as exempt, unless there are extenuating circumstances. A VR Counselor may use their professional discretion to document extenuating consumer circumstances where requiring consumer contribution toward non-exempt paid services would potentially cause harm or prevent the consumer from engaging in meaningful employment and independence. Any exceptions,

including extenuating circumstances, to this policy must be approved by the VR District Administrator and documented in the case record.

The determination of financial need must be completed prior to the development of an IPE and before services are provided in the Trial Work Experience (TWE). Professionalism, skillful counseling, and judgement are required in determining and explaining financial need and negotiation of financial participation. The financial needs assessment must not be used as a means to "screen out" or discourage consumers from participating in the VR program. Consumers should understand the benefit of unpaid services available as well as the exempted services.

#### **14.5 Annual Review/Reconsideration of Financial Need**

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DVI requires the following:

- Financial need will be re-evaluated annually; or
- Whenever financial or other circumstances regarding the consumer change significantly; whichever occurs sooner.

Examples of circumstances include, but are not limited to, the following:

- Marriage or divorce;
- Other change of dependent status;
- Significant change in income; and
- Significant change/amendment to IPE.

The reconsideration of financial need must be documented in VICR, including any approvals, updated Financial Statements (DVI/VR-04) and explanation of changes.

#### **14.6 Disagreement or Refusal**

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If the consumer or, as appropriate, consumer's representative disagrees with the outcome of the determination of financial need, the consumer has the right to have the determination reviewed. This will be done following DVI's appeal process<sup>46</sup>.

For all consumers (except SSI/SSDI recipients), refusal to complete the Financial Statement (DVI/VR-04) will constitute not meeting financial need criteria. This means that only the services

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<sup>46</sup> For more information on DVI's appeal process, see Section 1.6: Appeals and Due Process.

exempt from financial need<sup>47</sup> may be provided. No other services may be funded until the consumer completes the required form and financial need is established.

#### **14.7 Documentation Requirements**

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The case record must contain, as applicable, the following:

- All Financial Statements (DVI/VR-04) completed by the consumer;
- The IPE (and subsequent amendments) and TWE plans must include the agreed upon services, outlining the required consumer contribution based on their financial need;
- Annual review of financial needs; and
- Case notes and approvals, as needed.

#### **14.8 Internal Controls**

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DVI incorporates a variety of internal controls to ensure the accuracy of the application of financial needs assessments and when the consumer must contribute toward the cost of services:

- DVI administration quarterly case reviews;
- Quality assurance policy outlining additional internal control measures, including case documentation audits;
- VICR controls included in VICR manual; and
- Training related to policy, regulations, best practices, and intended outcomes.

### **Chapter 15: Authorization of Services**

#### **General Policy Overview**

In accordance with 2 CFR, Part 200 and 34 CFR 362 Subpart C, DVI is responsible for administering Federal and State funds efficiently and effectively. DVI responsibilities include budgeting, allocating, and overseeing administrative and case service budgets as well as Federal and State performance goals.

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<sup>47</sup> For more information on services exempt from financial need, see Section 14.2: Exempt Services.

All DVI staff (including administration) must follow the policies and procedures included in the [Budget and Accounting Policy Manual](#), and outlined in this chapter.

## Chapter 15 Sections

### 15.1 VR Service Provision

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DVI must ensure that each consumer receives only those services required to determine program eligibility, the needs of the consumer, and to achieve the CIE identified in the IPE.

VR services must—

- Be allowable, allocable, necessary, and reasonable;
- Assist a consumer with a disability in preparing for, securing, retaining, advancing in, or regaining a CIE outcome;
- Are consistent with a consumer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice; and
- Follow the respective service policy and procedures outlined in this manual.

### 15.2 Fiscal Authority Levels

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DVI bases fiscal authority levels based on the dollar amount of services. Purchased services that are in excess of the designated fiscal authority level must be approved by the next authority level designee.

The fiscal authority levels are as follows:

- VR Counselor I: Requires VR District Administrator approval (Authorizations and IPE)
- VR Counselor II and Senior VR Counselor: Up to \$2,500
- VR Social Services Senior Administrator and VR District Administrator: Up to \$7,500
- VR Deputy/VR Director: Above \$7,500

### 15.3 Requisition Process

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DVI purchased services must go through a requisition process in order to authorize and pay for the service. Once included in the IPE, or if allowable to be provided prior to an IPE (e.g., assessments), the VR Counselor must create a requisition in VICR.

DVI must follow these steps:

**Step 1:** The VR Counselor or Administrative Assistant creates a requisition in VICR.

**Step 2:** The VR Counselor approves the requisition and creates the authorization (obligation date) and selects—

- Pay through Credit Card or
- Create Purchase Order (PO)

**Step 3:** When authorized through a PO and an invoice is received, the Administrative Assistant emails it to fiscal at [dvipurchaseadmin@delaware.gov](mailto:dvipurchaseadmin@delaware.gov).

**Step 4:** The VR Counselor or Administrative Assistant must include a receipt for the purchased service or good within seven days of the consumer receipt.

- When a receipt is not included in the case record, the VR Counselor must document all attempts to obtain the receipt (e.g., consumer, vendor, email/phone) and consult with the VR District Administrator and the DVI Fiscal Advisor (as needed).

**Step 5:** The VR Counselor or Administrative Assistant follows the remaining steps outlined in the Grants Manual.

**Step 6:** The Administrative Assistant tracks the PO and "ok to pay" when approved by the VR Counselor. The Administrative Assistant adds to the DVI tracking spreadsheet and sends to the DVI Fiscal Advisor to monitor until services or goods are paid.

DVI staff must document all circumstances in case notes in VICR and include any supporting documentation in the case file to ensure the case record is complete.

#### 15.4 Documentation Requirements

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The case record must contain, as applicable, the following:

- Supporting documentation (e.g., bids, receipts);
- Required approvals (i.e., fiscal authority levels);
- Justification of need for each service or good; and
- Other applicable information not otherwise listed or included in the DVI Procurement Standards Manual and the [Budget and Accounting Policy Manual](#).

#### 15.5 Internal Controls

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DVI incorporates a variety of internal controls to ensure the accuracy of the expenditure of funds when authorizing services for DVI consumers:

- DVI administration quarterly case reviews;

- Quality assurance policy outlining additional internal control measures, including case documentation audits;
- VICR budget controls;
- Detailed procedures in the DVI Grants Manual and the [Budget and Accounting Policy Manual](#);
- Department of Health and Social Services fiscal support and monitoring ; and
- Training related to policy/regulatory (including updates and changes), best practices and outcomes.

## VR Employment Related Services Policies

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### Chapter 16: Employment Services

#### General Policy Overview

In accordance with 34 CFR §361.48(b)(12), DVI provides Employment Services to consumers to assist in the achievement of a CIE outcome. DVI staff must provide employment services in accordance with this policy chapter and applicable provider contracts.

Employment services are an essential part of a consumer's IPE and must be consistent with the consumer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. Employment services can be provided by DVI staff, in-house or through contracted provider services.

Employment services—

- Train and prepare a consumer for the job search;
- Help consumers gain positions that meet their consumer needs; and
- Assist consumers with job skills training, when needed, to keep a job.

A consumer's job placement must match the needs of the consumer and the business. The consumer's job placement must be in a work environment that is—

- Competitive;
- Integrated; and
- Full-time (or most hours the consumer can work).

## Chapter 16 Sections

### 16.1 Roles and Responsibilities for Employment Services

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#### DVI

DVI approves, and monitors providers' performance and adherence to DVI standards. Prior to approval to provide employment services, providers are required to enter into a contract and agree to DVI's Scope of Work and State of Delaware vendor requirements. Once a contract is approved, providers are monitored by DVI as to their effectiveness and consumer/VR Counselor level of satisfaction. At the conclusion of the contract period, providers will have to follow the steps for an extension or new contract approval.

It is emphasized that DVI is under no obligation to approve or authorize services to any vendor and reserves the right to revoke or discontinue any provider contract at any time. Revocation of approval is subject to appeal by the provider and will be directed to the DVI Division Director who will coordinate with the State of Delaware contracting office.

#### Consumer

The role of the consumer in the VR process is to consider information and make informed choices about services that the consumer believes will help them achieve a successful employment outcome. Consumers should be actively involved in developing an IPE with the help of a VR Counselor.

Consumers must—

- Attend meetings with the VR Counselor and other staff members;
- Attend scheduled appointments with service providers and prospective employers;
- Communicate issues to the VR Counselor and participate in problem solving;
- Make and implement decisions;
- Identify needed resources; and
- Expect to work in a CIE situation that is consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

#### VR Counselor

The primary role of a VR Counselor in the provision of employment services is to ensure that consumers reach their employment goals. The VR Counselor arranges, purchases, and/or provides the employment services included in the consumer's IPE in a timely manner and ensures that services meet both DVI standards and consumer needs.

The VR Counselor also monitors a consumer's progress and provides feedback, VR counseling and guidance, and encouragement. As needed, the VR Counselor recommends changes or adjustments to the IPE based on the consumer's circumstances and progress.

Although a consumer's IPE or IPE amendment may include purchased employment services through a provider, the VR Counselor remains actively involved with the consumer and the provider throughout the duration of the employment services.

VR Counselors should maintain monthly contact with the consumer and the employment services provider. DVI staff document these contacts and the consumer's progress through provider progress reports and in case notes in VICR.

### **Provider/Vendor**

The provider/vendor—

- Follows the expectations and requirements outlined in the vendor contract;
- Provides the requested services and written reports for all consumers;
- Provides milestones, when agreed to and authorized for, to enable the consumer to maintain or advance in employment;
- Provides written reports to the VR Counselor on consumer progress;
- Communicates on a regular basis with the consumer (and representative, as appropriate), the VR Counselor, and the employer (as needed), when working to resolve concerns, issues, or disagreements;
- Communicates with the VR Counselor and provides timely invoice for services provided; and
- Meets with the VR Counselor and consumer, when necessary.

The provider should maintain monthly contact with the consumer and the VR Counselor. The provider documents these contacts and the consumer's progress in monthly progress reports.

### **16.2 Vendor/Provider Fee Schedule**

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DVI provides employment services by the VR Counselor and/or through provider contracts which outline milestones and payments, documentation and service expectations, and requirements as a DVI vendor. DVI staff must follow all policies, contracts, and agreements that outline SE requirements.

[Current provider contracts can be found here.](#)

### 16.3 Community-Based Assessment

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A Community-Based Assessment may be necessary to explore and assess a consumer's vocational interests, skills, and preferences related to specific jobs in the community. The length of time and activities to be conducted within the Community-Based Assessment are agreed upon by the VR Counselor, the consumer, and the chosen provider.

The main objective is for the consumer to be provided with the opportunity to "try out" an occupation in a real work situation. With supervision, the consumer works alongside other employees performing actual job tasks. Throughout the assessment, the consumer is systematically observed in a variety of situations and environments. The consumer provides input throughout each assessment on how they feel about the experience. Feedback is also requested from worksite personnel with whom the consumer works. Information gained from the assessment is used towards assisting the consumer to clarify their job skill strengths, interests, and abilities.

The goals and objectives of a community-based assessment include the following:

- Skills and abilities required to perform preferred work activities;
- Limitations and support needs related to task performance and work environment;
- Interaction with supervisors and coworkers;
- Ability to handle stress in the work environment;
- Preferred learning styles and ability to transfer skills;
- In which jobs, tasks, and work environments the greatest potential is displayed;
- Environmental factors that would assist with job success, and those to be avoided;
- The jobseeker's personal system of support that may assist with achieving employment goals; and
- Any other information learned that can be shared with the VR Counselor and consumer's support team that will help them achieve their employment goals.

#### Documentation of Services

Additionally, the Community-Based Assessment must address the consumer's conditions for employment, which may include temperature, shift work/time of day, medication/restoration needs, natural supports, etc. The provider will address any other areas of concern throughout the assessment process both in writing and in person with the VR Counselor. Upon completion of assessments, the vendor will submit documentation of assessments utilizing the Career Profile Assessment form.

The VR Counselor must maintain regular contact with both the provider and the consumer to ensure that the assessment is meeting the needs of the consumer and that the results will assist the customer in exercising informed choice regarding employment opportunities.

DVI staff must document the progress and outcomes of this service and any additional documentation, as appropriate, in the case record.

#### **16.4 Job Placement Assistance**

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VR Counselors provide job placement assistance to all consumers of VR services. When necessary, the VR Counselor can purchase job placement assistance services to help the consumer find suitable job opportunities through job search assistance, resume development, interview preparation, and job matching services.

When these services are agreed upon in the IPE, the provider will use the DVI Placement Agreement to define the job characteristics and associated services considered appropriate to conduct job development and placement services for consumers. The provider will submit monthly progress reports using the DVI Development, Placement & Coaching Report.

The consumer is considered placed in employment once they have accepted a job offer consistent with their vocational goal, their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice and have begun employment.

DVI staff must document the progress and outcomes of this service and any additional documentation, as appropriate, in the case record.

#### **16.5 Job Coaching**

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The job coach will provide direct employment services at the job site to assist the employer while teaching the consumer the skills needed to learn and maintain employment, provide the necessary prompts and possible behavioral support, and build natural supports to ensure continued success at work.

These services may include, but are not limited to, the following:

- Attending employer training;
- Meeting with the worksite supervisors;
- Reviewing, training, and teaching essential job duties;
- Providing customized training for learning job tasks (as a supplement to employer training);
- Performing onsite follow-up checks to ensure employment needs are being met;

- Providing direct interventions on the job;
- Identifying and setting up accommodations and assistive technology in coordination with employer and DVI;
- Building natural supports for continued success in employment;
- Shadowing and observation necessary to determine progress and strategize for additional supports and interventions;
- Understanding the needs of continued training as fading and stabilization is occurring;
- Developing an understanding of the work culture and employer policies (e.g., breaks, check-ins, calling in sick, social interactions);
- Work conditioning and hardening; and
- Support and encouragement.

DVI staff must document the progress and outcomes of this service and any additional documentation, as appropriate, in the case record.

### **16.6 Replacement Services**

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Each employment service is paid only once per case, within a 12-month period of placement. For example, if a job seeker stops participating (e.g., loses job, quits, or changes their mind) at any given point in the process and the case remains open with the same service provider, payment for services will resume from the point at which the job seeker stopped participating. However, DVI recognizes that consumers experience unique circumstances that may require them to be reengaged or restart the process. Replacement services occurring within the initial 12 months will not be paid a second time unless approved by the VR District Administrator.

### **16.7 Employment Outcome and Case Service Record Closure**

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DVI staff must follow the employment outcome and closure requirements<sup>48</sup> to ensure the case record documentation requirements are met. VR program exit and post-exit data must be accurately reported in the case record and Case Service Report (RSA-911), including supporting documentation, dates, wages and hours at exit, and reason for exit/case closure. This data is

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<sup>48</sup> For more information on closure requirements, see Chapter 20: Case Closures and Transfers.

necessary to ensure requirements of the VR program regulations, WIOA Performance Measures, and Annual Performance Report are met.

### **Closure – Achieved an Employment Outcome**

The case record of a consumer will be closed when the consumer satisfies requirements for successful employment in CIE.

### **Closure – Did Not Achieve an Employment Outcome**

The case record of a consumer who did not achieve an employment outcome in CIE will be closed when the consumer—

- 1) Indicates that they do not want to pursue CIE, or that they wish to pursue nonintegrated, noncompetitive employment, resulting in the case being closed as ineligible for the VR program; or
- 2) Cites other circumstances that prevent the participation in VR services, has decided to no longer participate in the VR program, is unable to locate, or has otherwise requested their case be closed.

To the extent a consumer chooses to pursue work that is beyond the scope of the VR program (i.e., nonintegrated, noncompetitive), DVI staff shall provide the proper referrals to other community resources best suited to meet their needs.

## **16.8 Documentation Requirements**

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The case record must contain, as applicable, the following:

- Moves the case to the appropriate VICR statuses (Status 12, 14, 16, 17, 18, 20, 24) during the life of the case. At a minimum, the case will be in Employment Ready Status 20 and moved to Employed Status 22 when agreed to by the VR Counselor and consumer and appropriately documents information related to the initiation and conclusion of the employment services;
- Maintains all documents related to employment services in the case record (e.g., assessments, provider progress reports, case notes);
- Maintains progress reports and communications with professionals providing the service and the consumer; and
- Receives written approval by the VR District Administrator when required.

At any time employment services are terminated, the VR Counselor must document the reasons as well as provide the consumer with their appeal rights.

## 16.9 Internal Controls

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DVI incorporates a variety of internal controls to ensure the accuracy of the provision of employment services:

- DVI administration quarterly case reviews;
- Contract, budget, and allocation reports reviewed by the DVI director regularly;
- Provider contracts outlining additional internal control measures;
- VICR is updated to include all service(s) and fees included in provider contracts;
- Performance Evaluation and Standard reviews for DVI staff;
- VR District Administrative approval (e.g., timelines, service cost); and
- Training related to policy, regulations, best practices, and intended outcomes.

## Chapter 17: Self-Employment Services

### General Policy Overview

In accordance with 34 CFR §361.48(b)(19), DVI may provide self-employment services<sup>49</sup> to consumers aiming to start their own businesses. Self-employment is a viable option when it is deemed the best path to achieving employment goals. DVI can provide support for self-employment following the guidelines outlined in this chapter, with VR Counselors and consumers working together throughout the process. It is crucial to recognize that starting a business takes time and purchases must comply with Delaware State policies. All involved parties should be prepared for the lengthy process of developing and implementing a business plan if approved.

DVI staff are encouraged to consult with supervision throughout the duration of a self-employment goal to ensure that needs of both the consumer and DVI are being met.

### Chapter 17 Sections

#### 17.1 DVI Support of Self-Employment Goals

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When self-employment is determined to be the appropriate means to an employment outcome, DVI will provide assistance with services based on the individual needs of the

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<sup>49</sup> For more information about self-employment in the Business Enterprise Program (BEP), see Chapter 18: Business Enterprise Program.

consumer and the industry. Assistance and services may include, but are not limited to, the following:

- Referral to community resources for basic business courses, assistance in developing a business plan, and assistance in business start-up;
- Training services required to gain the skills necessary for the industry;
- Purchase of specific goods and services in accordance with an approved IPE and with this policy; and
- Purchase of other VR services needed to successfully achieve self-employment.

DVI can also assist DVI consumers who are already self-employed. These business plans must be carefully reviewed prior to agreement in an IPE. The review will include, at a minimum, the following:

- Review of the current operations and financial status of the business;
- Review (or development) of a business plan; and
- Exploration of options that address the consumer's needs.

All self-employment goals require completed business plans to be presented to the VR Counselor, VR District Administrator, and any other necessary individuals (e.g., lenders, attorneys). When approval is recommended by the VR Counselor, final approval is made by the VR District Administrator.

## **17.2 Restrictions**

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DVI will not—

- Be the only funding source of a self-employment enterprise;
- Refinance or repay debts;
- Reimburse for prior expenses;
- Fund the acquisition, construction or modification of real estate, except to the extent necessary to make the property accessible to the consumer operating the business;
- Purchase or lease any type of vehicle that is needed for the business;
- Sign a lease or purchase any building or land;
- Fund business license renewals;

- Support a business that does not comply with all relevant State, Federal, and local laws and regulations;
- Support businesses that are highly speculative in nature, those organized as non-profits, or those where the business plan demonstrates that DVI's successful closure criteria would not be met;
- Refinance existing debt; nor
- Purchase "good will" – an intangible saleable asset associated with the reputation of a business and its relationship with its customers.

As part of the business plan development, all consumers will thoroughly explore and obtain multiple funding sources, will share in the risk of starting a business, and will ultimately assume the risk of owning a business. Consumers requesting support for their venture are expected to provide a minimum equity investment of 10% of the total start-up cost.

### **17.3 Roles and Responsibilities**

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Both the VR Counselor and consumer have roles and responsibilities related to the exploration, implementation, and monitoring of a successful self-employment plan. Minimally, the roles and responsibilities include the following:

#### **VR Counselor**

- Assist the consumer in locating information about self-employment prior to deciding to pursue self-employment;
- Assess the consumer's potential for self-employment;
- Assist the consumer in obtaining the skills and tools necessary for the business;
- Guide and support the consumer through the self-employment process;
- Provide the consumer with information on community resources that can provide support during the self-employment process (e.g., [VR Self-Employment Guide](#), small business development centers (SBDC), Small Business Administration (SBA), contracted Self-Employment Consultant);
- Review and evaluate the consumer's business plan to determine when it is ready to present to the VR District Administrator for review;
- Participate in the VR District Administrator review of the business plan;
- Continue to identify and coordinate other rehabilitation services that may be required by the consumer; and

- Develop an IPE with the consumer to identify the services, timelines, funding sources, evaluation, and progress, and all other details needed to ensure clear understanding of expectations of all parties.

### **Consumer**

- Participate in a DVI assessment to determine whether self-employment is appropriate;
- Prepare and submit a business plan using the [VR Self-Employment Guide](#) or other business plan prototype that includes the required elements of a business plan;
- Identify funding sources for the business;
- Present their business plan to the VR Counselor;
- Implement the business plan to establish the business, including securing funding to support the business plan, and providing quarterly financial statements to DVI after the business has been established for up to one year after the case is closed from DVI<sup>50</sup>; and
- Participate in DVI services, including maintaining contact, responding to requests, etc.

### **17.4 Assessment and Feasibility**

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A self-employment goal is a large investment of time and resources for both the consumer and for DVI. To increase the possibility of a successful self-employment outcome, an assessment must be completed prior to proceeding with the self-employment process. The VR Counselor relies on the information gathered in the assessment to determine whether self-employment or business ownership is an employment outcome consistent with the consumer's unique strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice.

The assessment should take place soon after the consumer expresses interest in self-employment. Information gathered during the assessment should be documented in a case note. It should include, but not be limited, to a discussion around the following issues:

- The consumer's previous experience in the employment area including related employment and/or education;
- The consumer's ability to interact appropriately with the public;

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<sup>50</sup> For more information, see Chapter 22: WIOA Performance Accountability System (including Post-Exit Reporting).

- The availability of assistance and support from the consumer's family;
- The consumer's preliminary concept of the proposed business;
- The consumer's willingness and ability to locate, secure, and use other funding sources;
- Whether the consumer has the physical and mental capabilities to meet the work requirements of the proposed business (O\*Net should be used as a resource); and
- Potential barriers to successful achievement of the self-employment goal and possible solutions to address each of the barriers.

The [VR Self-Employment Guide](#) includes a Readiness Self-Assessment that can be used to assist the consumer in exploring all aspects related to readiness of starting a business. It is designed to be administered in an interview with the consumer and is an open-source document designed specifically for use by VR. The inventory covers five target areas:

- 1) Why self-employment;
- 2) Start-up funding;
- 3) Business skills;
- 4) Needed accommodations; and
- 5) Other challenges.

Additionally, the self-employment assessment addresses three specific areas critical to the success of the consumer achieving a successful employment outcome through self-employment:

- 1) **Concept Feasibility:** Complete business description and competitive edge; clear and logical concept; clear list of "voids" (i.e., what the consumer does not yet have that will be necessary to successfully enter self-employment);
- 2) **Market Feasibility:** Knowing the potential customers within the geographic area as well as knowing the geographic area where potential customers are located, understanding competitors within that geographic area, and who is on the outside of the area but selling in;
- 3) **Financial Feasibility:** Understanding what it would cost anyone to start this business; knowing where resources/potential resources are located.

## 17.5 Preparation

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After completion of the assessment, including the readiness self-assessment worksheet, the VR Counselor will meet with the consumer to determine whether they should continue to pursue

self-employment. If self-employment is not a viable employment outcome, the VR Counselor and consumer should continue with VR counseling and guidance and an exploration of an appropriate employment goal.

If the decision is made to continue to pursue self-employment, the VR Counselor and consumer should discuss whether they are ready to begin preparing the business plan. The VR Counselor and consumer should also determine whether the consumer will need additional skill training prior to or at the same time they are developing the business plan.

Training may be provided to raise the consumer's skills to a level where self-employment can be considered a feasible employment outcome. Small business development centers and other community resources can be explored as possible sources for training related to self-employment.

Examples of training include the following:

- Coursework related to the establishment and management of a small business enterprise;
- Coursework in the principles of accounting or business law; and
- Coursework to learn to develop a marketing plan.

## **17.6 Business Plan**

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After the completion of the assessment, if the VR Counselor and consumer agree to continue to pursue self-employment, the consumer should begin to develop a business plan using either the Business Plan Outline from [VR Self-Employment Guide](#) or another business planning tool that includes the required elements of a business plan. Again, the VR Counselor and consumer should discuss the various community resources available for assistance with this process, and appropriate referral(s) should be made.

### **Contents of the Business Plan**

A business plan is a comprehensive document describing all relevant aspects of the self-employment enterprise. It is the basis for planning the business and provides the rationale for requesting DVI's support for the business.

The business plan will be submitted to the VR Counselor for review. There should be significant detail in each section of the business plan for DVI to evaluate the strength of the business plan and the resources available to support the business. VR Counselors should use the list below when reviewing business plans to determine whether they contain the required information.

The business plan, at a minimum, must contain the following elements:

- **Cover sheet:** The name, address, and phone number of the business and the name and contact information (if different from above) of the person who wrote the business plan.
- **Executive summary:** A one- to two-page overview providing highlights of the business plan.
- **Table of contents:** A listing of the major sections of the business plan.
- **Business and industry description:** A detailed description of the business including, but not limited to, the following:
  - Who it will serve;
  - What products or services will be offered;
  - Number of employees; and
  - Goals of the venture.
- **Management, organization, and operations plan:** A detailed description of who is involved in the business and how the business will be staffed, including, but not limited to, the following:
  - Identifying staff
  - Qualifications and respective roles of staff;
  - Organizational chart;
  - Description of hiring practices; and
  - How business operations will be accomplished.
- **Marketing plan and analysis:** A detailed plan for marketing the business, including, but not limited to, the following:
  - Description of the target market and the analysis to determine the market need;
  - Summary of the current and future competition;
  - Strengths and weaknesses of the business; and
  - Detailed marketing strategy.
- **Financial plan and statements:** A detailed financial description, including, but not limited to, the following:
  - Operating costs;
  - Projected expenses and revenues;

- Cash flow analysis;
- Breakeven analysis;
- Balance sheet; and
- Income statement.

The projections identified in the financial plan will provide the basis for benchmarks for determining the stability and progress of the business. These benchmarks will be used in determining when case closure is appropriate.

- **Supporting documents:** Any additional documents related to the business, including, but not limited to, the following:
  - Leases, patents, licenses, insurance, and other legal documents;
  - Current credit report, resumes of critical personnel;
  - Letters of intent and memorandums of understanding;
  - Regulatory documents, assurances that the business complies with all relevant State, Federal, and local laws and regulations; and
  - Other documents related to the specific business.

### **17.7 Assurance of Other Resources**

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DVI cannot fully fund a self-employment venture. Consumers must seek funding from at least three sources and inform their VR Counselor of the outcomes. They also need to assure DVI that they have funding for project costs not covered by DVI, which must be detailed in their business plan. In-kind contributions related to the business may be considered as additional funding. Examples of acceptable assurances include SBA approval letters, bank approval letters, or proof of personal assets.

### **17.8 DVI Services that Support Self-Employment**

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Specific services available in an IPE relative to self-employment that assist the consumer who is visually impaired or Blind in preparing for, securing, retaining, or regaining an employment outcome that is consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice of the consumer, include, but are not limited to, the following:

- VR counseling and guidance;
- Information and referral,

- Adjustment to blindness services;
- Occupational licenses, tools, equipment, and initial stocks and supplies;
- Technical assistance and other consultative services to conduct market analysis, develop business plans, and otherwise provide resources to consumers who are pursuing self-employment or establishing a small business operation as an employment outcome;
- Training services; and
- Restoration services, including assistive technology.

### **17.9 Approval Process**

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The VR Counselor will work with the consumer to ensure the business plan is complete, agreed upon by the VR Counselor, and in compliance with DVI requirements.

Subsequent to review and recommended approval by the VR Counselor, the VR District Administrator will determine the final approval. The review will include consideration (a) the recommendations of the Business Plan Review Committee; (b) implications of disability factors; and (c) specific goods/services requiring administrative approval. If the business plan is approved, the VR Counselor will work with the consumer to prepare the IPE or IPE amendment to include Self-Employment as a goal and to initiate the required services.

#### **The Appeal Process**

Consumers who are dissatisfied with the decision (e.g., denial of self-employment, denial of specific services requested for self-employment) made by DVI can contact the Client Assistance Program (CAP) and/or follow the appeal procedures<sup>51</sup>.

DVI-purchased services must—

- Be included in the Business Plan and the IPE;
- Be made in accordance with purchase approval requirements;
- Be made in accordance with DVI VR procurement regulations; and
- Include authorizations prepared and coded with the established procedures.

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<sup>51</sup> For more information on the appeals procedure, see Section 1.6: Appeals and Due Process.

## 17.10 Quarterly Financial Reporting

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Consumers are required to provide quarterly financial reports (e.g., IRS quarterly statements, quarterly profit and loss statements) to DVI after the business has been established, for up to one year after the case is closed from DVI, due to DVI's Federal reporting requirements.

The reports must include the following information:

- Cash position;
- Sales and other receipts;
- Costs of goods sold;
- Itemized expenses;
- Net profit; and
- All outstanding liabilities.

This information will be used to determine the income generated by the business. When compared to the financial projections in the business plan, these reports will also be useful in evaluating the stability of the business.

## 17.11 Case Closure

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The development and profitability of businesses often require significant time and effort. Profit and loss statements offer valuable insight into a business's financial health, aiding VR Counselors in deciding when to close a consumer's case.

Federal regulations outline specific criteria that must be met before deeming a consumer's employment outcome successful. While these criteria do not stipulate precise monetary amounts or weekly work hours to be deemed competitively employed, consumers must earn at least the legal minimum wage for their hours worked.

Criteria for determining successful self-employment closure<sup>52</sup>—

- The consumer has achieved the employment outcome as listed on the IPE;

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<sup>52</sup> For more information on case closure requirements, see Chapter 20: Case Closures and Transfers.

- The employment is consistent with the consumer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;
- The employment is in the most integrated setting possible consistent with the consumer's informed choice;
- The consumer has maintained the employment for at least 90 days;
- The consumer and the VR Counselor consider the employment outcome to be satisfactory and agree that the consumer is performing well on the job.

### **17.12 Documentation Requirements**

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The case record must contain, as applicable, the following:

- Moves the case to the appropriate statuses (Status 12, 14, 16, 17, 18, 20, 24) during the life of the case. At a minimum, the case will be in Employment Ready Status 20 and moved to Employed Status 22 when agreed to by the VR Counselor and consumer and appropriately documents information related to the initiation and conclusion of the self-employment services;
- Maintains all documents related to self-employment in the case record (e.g., business plan, assessments, case notes);
- Maintains progress reports and communications with professionals providing the service and the consumer; and
- Receives written approval by the VR District Administrator when required.

At any time self-employment services are terminated, the VR Counselor must document the reasons as well as provide the consumer with their appeal rights.

### **17.13 Internal Controls**

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DVI incorporates a variety of internal controls to ensure the accuracy of the provision of self-employment as an employment goal in the IPE:

- DVI administration quarterly case reviews;
- Quality assurance policy outlining additional internal control measures, including case documentation audits;
- VICR controls included in VICR manual;
- VR District Administrator Approval;
- Training related to policy, regulations, best practices, and intended outcomes.

## Chapter 18: Business Enterprise Program (BEP)

### General Policy Overview

The Randolph-Sheppard Act, also known as the Business Enterprise Program (BEP), is a landmark piece of legislation in the United States that aims to empower Blind consumers through entrepreneurship and self-sufficiency. Enacted in 1936, the Act provides opportunities for Blind consumers to operate food service, vending, and other small businesses on Federal properties, such as government buildings, military installations, and public facilities. The primary goal of the Randolph-Sheppard Act is to promote economic independence and equal participation in society for consumers who are Blind by offering them the chance to manage and own their own businesses. As a result of this legislation, many Blind consumers have been able to establish thriving businesses, achieve financial independence, and create lasting social impact, while simultaneously enriching the diversity and inclusivity of the American business landscape.

DVI provides BEP opportunities to those who are eligible to receive services under the VR program. The VR Counselor refers qualified, interested consumers to the BEP Director and partners on any support services needed to become successfully employed as a BEP vendor. VR Counselors must maintain and document ongoing contact with the consumer and BEP staff during their training and employment, until all parties agree to closure of the VR case.

### Chapter 18 Sections

#### 18.1 Enrollment

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DVI staff must follow the Recruitment and Training for Blind Vendors Guide when consumers are interested in pursuing a career as a BEP vendor. Once approved and enrolled in the program, the VR Counselor must include all necessary services in the IPE and include BEP Vendor as the intended employment outcome.

The enrollment criteria and process include the following:

- 1) Certified as legally Blind by an ophthalmologist or optometrist:
  - a) Not more than 20/200 central visual acuity in the better eye with corrective lens;  
or
  - b) An equally disabling loss of vision, as evidenced by a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees;
- 2) Minimum 18 years of age (internships may begin as early as age 16);

- 3) VR Counselors must provide/coordinate all applicable assessments and evaluations according to the BEP qualified checklist;
- 4) Ability to perform the physical requirements of operating a BEP facility (reasonable accommodations apply) according to the BEP qualified checklist;
- 5) Participation in a collaborative interview between the VR Counselor, a BEP representative, and two licensed Blind vendors, after completion of the BEP qualified checklist;
- 6) At the conclusion of the interview process, the consumer will be informed of enrollment or denial (including appeal procedures) into BEP.

DVI must document information used to develop and/or amend the IPE in case notes in VICR. This includes the rationale and results of any assessments conducted, and rehab technology needed to assess and develop the capacities to perform in a work environment, the qualified checklist, and results of the interview process.

## **18.2 Training**

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When a DVI consumer is enrolled in BEP, they will begin the training process in collaboration with their VR Counselor and BEP representative. The VR Counselor must explain to the consumer the nature and purpose of each phase of becoming a BEP Operator and include all services in the IPE. BEP training is completed in two phases: Classroom and On-the-Job Training (OJT).

### **Phase 1: Classroom Training**

Classroom training includes a variety of modules, certifications, and exams necessary to ensure knowledge and ability to successfully operate a vending facility.

- 1) The Chicago Lighthouse Business Enterprise Program Licensee Training (BEPLT); National Association of Blind Merchants (NABM)
- 2) ServSafe® Food Manager Training
- 3) State of Delaware BEP Blind Vendor Training

### **Phase 2: OJT**

OJT includes a minimum of a 12-week training, funded at the minimum wage rate and hours per week in coordination with the consumer, VR Counselor, and BEP representative. The intended outcomes of the OJT include, but are not limited to, the following:

- 1) Financial literacy;

- 2) Working independently;
- 3) Communicating effectively; and
- 4) Customer service skills.

After successful completion of the classroom and OJT training, as well as probationary status, the trainee moves from a "trainee" to a certified "licensee candidate," who is now eligible to apply to operate a vacant BEP location. If the trainee is unsuccessful, the BEP Director may extend the probationary period for an additional three months in agreement with the VR Counselor and documented in the case record.

### **18.3 Licensure**

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When a DVI consumer is eligible for BEP licensure, they will begin the business and licensure process in collaboration with their VR Counselor and BEP representative. The business and licensure process includes, but is not limited to, the following:

- 1) Obtaining a Federal Employee Identification Number (EIN) and business registration with the State of Delaware;
- 2) Establishment of a business bank account;
- 3) A minimum one-year "working test" under Licensee status. A provisional vendor shall practice every facet of small business operation; inventory, cash handling safeguards and procedures, acceptable accounting practices, hiring/terminating employees, payroll, purchasing, customer service, and maintenance of equipment;
- 4) Licensed Blind Vendor status is obtained after successfully demonstrating the ability to operate a small business according to the facets listed above;
- 5) If there are not available locations, the training certification will only be considered for one year. If no successful location assignment is given within a year, the candidate will need to be retrained. During this time, the candidate must attend any meetings and training courses available.

### **18.4 Fee Schedule**

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The services associated with BEP should be included in the IPE in order to authorize for DVI support. The following fee schedule includes potential services necessary for BEP completion.

Service	Estimated Cost	Additional Information
Pre-Requisite Skill Development	Based on consumer needs/provider	These costs are dependent on the type of training/testing needed and the vendor for where the training will be provided (e.g., keyboard skills, academic proficiency).
BEPLT – Full Tuition to NABM	\$4,500	<a href="#"><u>Additional Information</u></a>
BEPLT – Consumer Courses to NABM	\$500 per course	<a href="#"><u>Additional Information</u></a>
Travel Expenses for BEP On-Site Course Work	Based on consumer needs/provider	These costs are dependent on the consumer's home base and can include lodging and travel costs.
12-Week OJT	TBD	Paid to the OJT trainer
Travel Expenses for the 12-Week OJT	Based on consumer needs/provider	These costs are dependent on the location of the OJT site and the consumer's home base and can include lodging and travel costs.
Uniforms/Maintenance/Tools/Rehabilitation Technology/Licensure Fees, etc.	Based on consumer needs/provider	Based on the needs of the consumer and in accordance with DVI service policy

DVI must ensure that the case record reflects the information listed in the fee schedule on all authorizations and include progress reports as required throughout this Chapter.

## 18.5 Credential Attainment and Measurable Skill Gains (MSG)

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BEP licensure meets the definition of both a Credential and MSG under the WIOA performance indicators, and DVI staff must follow set policies<sup>53</sup> to ensure achievements throughout the BEP process are accurately reflected in VICR.

### Enrollment

Once a consumer is officially accepted and enrolled in the BEP program, the VR Counselor must document the date and type (i.e., postsecondary voc/tech) of enrollment as well as supporting documentation in the case (e.g., BEP documentation, case notes).

### Measurable Skill Gains (MSG)

A consumer can earn a variety of MSGs during their BEP training. The VR Counselor must obtain a copy of the progress reports and/or proof of skills attained for the case file and must be documented in VICR as an MSG (i.e., date attained training milestone or skill progression). The dates of the supporting documentation must match the dates in VICR.

- 1) **Classroom Training:** Successful completion of each training results in a Training Milestone and/or Skill Progression MSG.
  - a) BEPLT Completion
    - Module 1-8 completion: Training Milestone MSG
    - Module 9-12 completion -- including passage of the final exam: Skill Progression MSG
  - b) State of Delaware Blind Vendor Training completion: Training Milestone MSG
- 2) **On-the-Job Training (OJT):** Successful completion of each training results in a Training Milestone MSG.
  - a) OJT completion: Training Milestone MSG
- 3) **Provisional Status Training:** Successful completion of a minimum one-year "working test" (the final requirement to become licensed as a Blind Vendor) results in a Training Milestone MSG.

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<sup>53</sup> For more information, see Chapter 24: Credential Attainment and Measurable Skill Gains.

- a) Training completion: Training Milestone MSG

### **Credential Attainment**

Once a consumer achieves their BEP license, the VR Counselor must obtain a copy of the license for the case file and to be documented in VICR as a Credential (i.e., data attained license). The dates of the supporting documentation must match the dates in VICR.

### **18.6 Documentation Requirements**

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The case record must contain, as applicable, the following:

- Documentation related to referral and enrollment in BEP;
- Case notes in VICR documenting ongoing contact with the consumer and BEP staff;
- Progress reports associated with each phase of BEP;
- Credential attainment and MSG supporting documentation in the case record and documented in VICR;
- Documentation of any fee schedule approvals that go beyond the VR Counselor's level of authority;
- Copies of all license and business records for the hard case record; and
- Requirements associated with successful closure of the VR case<sup>54</sup> (minimum one-year of employment prior to being licensed and eligible for closure).

At any time, BEP services are terminated, the VR Counselor must document the reasons as well as provide the consumer with their appeal rights.

### **18.7 Internal Controls**

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DVI incorporates a variety of internal controls to ensure the accuracy of the provision and monitoring of the BEP program:

- DVI administration quarterly case reviews;
- Quality assurance policy outlining additional internal control measures, including case documentation audits;

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<sup>54</sup> For more information, see Chapter 20: Case Closures and Transfers.

- VICR controls included in VICR manual;
- Supervisory approval of fees above the VR Counselor approval level; and
- Training related to policy, regulations, best practices, and intended outcomes.

## Chapter 19: Supported Employment Services Program

### General Policy Overview

In accordance with 34 CFR §363, 34 CFR §361 and title VI of the Rehabilitation Act of 1973, as amended, DVI provides Supported Employment (SE) Services to consumers with the most significant disabilities to assist in the achievement of a Competitive Integrated Employment<sup>55</sup> outcome. DVI staff must provide SE services in accordance with this policy chapter, applicable provider contracts, and using funds allotted (i.e., title VI funds according to §363.4).

SE is determined necessary during the comprehensive assessment of needs, which includes rehabilitation, career, and long-term success needs. All consumers who require SE services must have the goal of achieving SE in CIE on their IPE and follow reporting and documentation requirements in VICR. Once a consumer is placed in employment, SE funding may be used for any ongoing SE services and, if the consumer is a youth, extended services.

Because consumers who require SE services need extended services through an outside agency (e.g., Developmental Disability Agency, Mental Health Agency) or through natural supports (e.g., family, employer), DVI staff are required to maintain appropriate and up-to-date release of information forms necessary to coordinate services, funding needs, and long-term supports.

### Chapter 19 Sections

#### 19.1 Definitions

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##### Supported Employment 34 CFR §361.42(c)(53)

SE means CIE, including customized employment, or employment in an integrated work setting in which a consumer with a most significant disability, including a youth with a most significant disability, is working on a short-term basis (earning less than a competitive wage) toward CIE that is individualized, and customized, consistent with the unique strengths, abilities, interests,

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<sup>55</sup> For more information, see Section 1.7: Competitive Integrated Employment.

and informed choice of the consumer, including with ongoing support services for consumers with the most significant disabilities—

- 1) For whom CIE has not historically occurred, or for whom CIE has been interrupted or intermittent as a result of a significant disability; and
- 2) Who, because of the nature and severity of their disabilities, need intensive SE services and extended services after the transition from VR services, in order to perform and/or maintain this work.

#### **SE Services 34 CFR §361.42(c)(54)**

SE services is defined as ongoing support services, including customized employment, and other appropriate services needed to support and maintain a consumer with a most significant disability, including a youth with a most significant disability, in SE that are—

- 1) Organized and made available, singly or in combination, in such a way as to assist an eligible consumer to achieve CIE;
- 2) Based on a determination of the needs of an eligible consumer, as specified in an IPE;
- 3) Provided by DVI for a period of time not to exceed 24 months, unless under special circumstances the eligible consumer and the VR Counselor jointly agree to extend the time to achieve the employment outcome identified in the IPE; and
- 4) Following transition, as post-employment services that are unavailable from an extended services provider and that are necessary to maintain or regain the job placement or advance in employment.

#### **Ongoing Support Services 34 CFR §361.42(c)(37)**

Ongoing Support Services, as used in the definition of SE, means services that—

- 1) Are needed to support and maintain a consumer with a most significant disability, including a youth with a most significant disability, in SE;
- 2) Are identified based on a determination by DVI staff of the consumer's need as specified in an IPE;
- 3) Are provided by DVI from the time of job placement until transition to extended services, unless post-employment services are provided following transition, and thereafter by one or more extended services providers throughout the consumer's term of employment in a particular job placement;

- 4) Include an assessment of employment stability and provision of specific services or the coordination of services at or away from the worksite that are needed to maintain stability based on—
  - a) At a minimum, twice-monthly monitoring at the worksite of each consumer in SE; or
  - b) If under specific circumstances, especially at the request of the consumer, the IPE provides for off-site monitoring, twice monthly meetings with the consumer.
- 5) Consist of—
  - a) Any particularized assessment supplementary to the comprehensive assessment of rehabilitation needs;
  - b) The provision of skilled job trainers who accompany the consumer for intensive job skill training at the work site (i.e., job coaching, job support/intervention);
  - c) Job development and training;
  - d) Social skills training;
  - e) Regular observation or supervision of the consumer;
  - f) Follow-up services, including regular contact with the employers, the consumers, the parents, family members, guardians, advocates, or authorized representatives of the consumers, and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement;
  - g) Facilitation of natural supports at the worksite;
  - h) Any other service identified in the scope of VR services for consumers, described in § 361.48(b); or
  - i) Any service similar to the foregoing services.

**Short-Term Basis 34 CFR §363.1(c)**

A consumer with a most significant disability, whose SE in an integrated setting does not satisfy the criteria of CIE<sup>56</sup>, is considered to be working on a short-term basis toward CIE so long as the consumer can reasonably anticipate achieving CIE—

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<sup>56</sup> For more information, see Section 1.7: Competitive Integrated Employment.

- 1) Within six months of achieving an SE outcome; or
- 2) In limited circumstances, within a period not to exceed 12 months from the achievement of the SE outcome, if a longer period is necessary based on the needs of the consumer, and the consumer has demonstrated progress toward competitive earnings based on information contained in the case record.

DVI believes that all consumers with disabilities can achieve CIE, including SE in CIE, and supports Short-Term Basis in a limited capacity. When circumstances arise that would fall under this provision, DVI staff must consult with the VR District Administrator and document the circumstances, approval, and steps that will be taken in VICR.

### **Extended Services 34 CFR §361.5(c)(19)**

Extended services are ongoing support services and other appropriate services that are—

- 1) Needed to support and maintain a consumer with a most significant disability, including a youth with a most significant disability, in SE;
- 2) Organized or made available, singly or in combination, in such a way as to assist an eligible consumer in maintaining SE;
- 3) Based on the needs of an eligible consumer, as specified in an IPE;
- 4) Provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource, after a consumer has made the transition from support from DVI; and
- 5) Provided to a youth with a most significant disability by DVI, in accordance with this policy, not to exceed four years, or at such time that a youth reaches age 25 and no longer meets the definition of a youth with a disability, whichever occurs first. DVI may not provide extended services to a consumer with a most significant disability who is not a youth with a most significant disability.

### **Customized Employment (CE) 34 CFR §361.5(c)(11)**

CE means CIE, for a consumer with a significant disability, that is –

- 1) Based on an individualized determination of the unique strengths, needs, and interests of the consumer with a significant disability;
- 2) Designed to meet the specific abilities of the consumer with a significant disability and the business needs of the employer; and
- 3) Carried out through flexible strategies, such as—
  - a) Job exploration by the consumer; and

- b) Working with an employer to facilitate placement, including—
  - i. Customizing a job description based on current employer needs or on previously unidentified and unmet employer needs;
  - ii. Developing a set of job duties, a work schedule and job arrangement, and specifics of supervision (including performance evaluation and review) and determining a job location;
  - iii. Using a professional representative chosen by the consumer, or if elected self-representation, to work with an employer to facilitate placement; and
  - iv. Providing services and supports at the job location.

DVI does not currently have providers who are certified and able to provide CE services, including as an SE service, nor has it established policies, procedures, or rate methodologies for such services. DVI is committed to the expansion and improvement of services; therefore, as providers become certified in CE and services become available, DVI will enter into a contract to further meet the needs of its consumers with significant disabilities.

#### **Youth with a Disability 34 CFR §361.5(c)(58)**

Youth with a disability means a consumer with a disability who is not—

- 1) Younger than 14 years of age; and
- 2) Older than 24 years of age.

### **19.2 Roles and Responsibilities for SE Services**

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#### **DVI Responsibilities**

DVI approves and monitors SE providers' performance and adherence to DVI standards. Prior to approval to provide SE services, providers are required to enter into a contract and agree to DVI's Scope of Work and State of Delaware vendor requirements. Once a contract is approved, providers are monitored by DVI as to their effectiveness and consumer/VR Counselor level of satisfaction. At the conclusion of the contract period, providers will have to follow the steps for an extension or new contract approval.

It is emphasized that DVI is under no obligation to approve or authorize services to any vendor and reserves the right to revoke or discontinue any provider contract at any time. Revocation of approval is subject to appeal by the provider and will be directed to the DVI Division Director who will coordinate with the State of Delaware contracting office.

## **VR Counselor/DVI Staff Responsibilities**

- Determining VR eligibility and significance of disability;
- Conducting a Comprehensive Assessment of Rehabilitation Needs to identify the consumer's primary employment factors;
- Providing VR Counseling and Guidance;
- Determining the appropriate type of intervention (e.g., SE);
- Providing informed choice regarding possible providers/vendors;
- Developing a cooperative plan with the consumer and the family, other agencies, and local service providers;
- Adding the appropriate service to the IPE and authorizing according to DVI's fee schedule and provider contract milestones;
- Coordinating, facilitating, problem solving, and communicating with the consumer (and their representative, as appropriate), Job Coach, and other necessary agencies, including setting clear expectations of each party's roles and responsibilities (Note: Holding SE team meetings, at least quarterly, but as often as necessary, will ensure success with this important step.);
- Working with employers to resolve problems (e.g., issues with the consumer, job coach, and/or accommodations);
- Assessing the need for Assistive Technology on the job;
- Identifying continued barriers to employment and steps needed to address these barriers to increase the likelihood of success of the consumer;
- Ensuring that all invoices are processed and paid in a timely manner and in accordance with vendor contracts; and
- Negotiating additional placements, milestones, and other VR services necessary to assist consumer in becoming successfully employed and reaching maximum potential.

## **Consumer (and Representatives, as appropriate) Responsibilities**

- Meeting with the VR Counselor when scheduled, and fully participating in the IPE and services being provided to reach the SE in CIE outcome;
- Meeting with the job coach when scheduled and fully participating in placement and work activities intended to result in permanent employment;
- Being proactive and involved to the maximum extent possible in the job search process;

- Meeting with the VR Counselor and provider, when necessary;
- Following through with requested job placement activities (e.g., interviews);
- Communicating with the VR Counselor, provider, and Extended Services agency, when needed; and
- Working to learn the essential functions of the job, to the maximum extent possible.

### **Provider/Vendor Responsibilities**

- Following the expectations and requirements outlined in the vendor contract;
- Providing the requested services and written reports for all consumers;
- Providing SE milestones, when agreed to and authorized for, to enable the consumer to maintain or advance in employment;
- Providing written reports to the VR Counselor on consumer progress;
- Communicating on a regular basis with the consumer (and representative, as appropriate), the VR Counselor, and the Extended Services agency, when working to resolve concerns, issues, or disagreements;
- Communicating with the VR Counselor and providing timely invoice for services provided; and
- Meeting with the VR Counselor and consumer, when necessary.

### **19.3 Vendor/Provider Contract**

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DVI provides SE services through provider contracts which outline SE service milestones and payments, documentation and service expectations, and requirements as a DVI vendor.

Additionally, DVI may have agreements with State agencies, a private nonprofit organization, employer, or any other appropriate resource which funds and/or provides SE and extended services following the provision of DVI SE services. DVI staff must follow all policies, contracts, and agreements that outline SE requirements.

For more information, see [current provider contracts](#) as well as [current State plan goals and priorities around SE service provision](#).

## 19.4 Contents of the IPE for SE

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For consumers with an employment goal of SE in CIE, the IPE shall include all of the basic requirements<sup>57</sup>.

Additionally, in accordance with 34 CFR §361.46(b), the following requirements must be addressed in the IPE—

- 1) The specific SE services to be provided by DVI and the job stabilization criteria that will define the point at which it is appropriate for extended services to be implemented;
- 2) The expected extended services needed, which may include natural supports;
- 3) Identification of the source of extended services -- if extended services are not available at the time of IPE development, a description of the basis for concluding that there is a reasonable expectation that those sources will become available;
- 4) Provision for periodic monitoring (at a minimum, monthly) to ensure that the consumer is making satisfactory progress toward meeting the weekly work requirement established in the IPE by the time of transition to extended services;
- 5) Provision for the coordination of services provided under an IPE with services provided under other individualized plans established under other Federal or State programs such as Education, Medicare/Medicaid, Mental Health Agency, Developmental Disabilities Agency, etc.;
- 6) To the extent that job skills training is provided, identify that the training will be provided on site; and
- 7) Placement in a CIE setting for the maximum number of hours possible based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of consumers with the most significant disabilities.

DVI staff must document the progress of the IPE, VR services, SE services, progress and outcomes of the consumer, and any additional documentation, as appropriate, in VICR and in the hard file. During the provision of SE services, once the consumer has been placed in an employment setting, DVI staff must document the periodic monitoring (item 4 above) of a

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<sup>57</sup> For more information, see Chapter 4: Comprehensive Assessment and Individualized Plan for Employment.

consumer's SE progress and needs in case notes as well as through progress reports from the vendor.

### **19.5 SE Funds**

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SE Title VI funds must be used for the provision of SE services only after the consumer has secured employment. Title VI funds are to be first method of funding SE services; however, if at any time title VI funds are exhausted, title I funds may be used to continue/provide SE services. Allowable SE services using title VI funds include the following:

- SE services;
- Ongoing support services;
- VR extended services; and
- Post-employment services.

All VR services provided under an IPE that are necessary for SE consumers to achieve their employment outcome (prior to SE services) must be provided using title I funds. These services include, but are not limited to, the following:

- Job development and placement;
- Situational assessments;
- Skills training;
- Interview clothing; and
- Assistive technology.

Proper allocation and tracking of SE services, including use of title VI funds, is a crucial aspect of managing the program. DVI has processes in place to ensure SE costs are allocated to the proper source of funds, including the following:

- 50% reserve of title VI allotment for the provision of SE services, including extended services, for youth with the most significant disabilities;
- No less than a 10% of non-Federal expenditures are used as match toward the 50% allotment reserved for SE services, including extended services, for youth with the most significant disabilities; match must be met by September 30 of the FFY of appropriation in order to fully expend or carryover any unobligated portion of the reserved funds; and
- Administrative costs for title VI are not to exceed 2.5%.

DVI staff must provide timely authorizations for SE services included in the consumer's IPE, in accordance with the provider contracts and fiscal service codes to ensure the correct use of funds.

### **19.6 Assessment – Milestone #1**

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A written Career Profile/Assessment is required for consumers for whom SE is the intended outcome. The assessment must document the consumer's ability to successfully participate in SE and the need for ongoing support services in order to perform competitive work. The assessment includes the following:

- An in-person intake that reviews functional limitations, assistive technology, transportation, and interests related to employment;
- Identification of barriers to employment and remediation strategies;
- Areas of interest as they relate to employment;
- Identification of work-related skills and experiences;
- Life skills assessment, general work behaviors (social, communication, interpersonal, time management skills) in all settings and as they relate to employment;
- Abilities and aptitudes; and
- Recommendations.

DVI staff must authorize this service under an IPE, using title I funds, in accordance with this policy. DVI staff must document the progress and outcomes of this milestone and any additional documentation, as appropriate, in the case record.

### **19.7 Job Development – Milestone #2**

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The SE Team (Consumer, and representative, as appropriate; VR Counselor, Job Coach, Extended Service Agency, etc.) will meet to review the Career Profile/Assessment and collaborate in the development of the Job Placement Plan. The Job Placement Plan will include, but is not limited to, the following:

- Identification of the Vocational Goal;
- Resume;
- Target wage/salary;
- Target hours desired per week;
- Interview preparation; and

- Job search activities.

Additionally, the SE Team shall address the consumer's conditions for employment, which may include temperature, shift work/time of day, medication/restoration needs, natural supports, etc.

DVI staff must authorize this service under an IPE, using title I funds, in accordance with this policy. DVI staff must document the progress and outcomes of this milestone and any additional documentation, as appropriate, in the case record.

### **19.8 Job Placement – Milestone #3**

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The consumer is considered placed in employment once they have accepted a job offer consistent with their vocational goal, their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, and have begun employment.

Upon placement, the SE Team will agree on the number of hours needed for SE services (job coaching), and monitor (at a minimum, twice monthly) and document the consumer's SE progress and needs in case notes as well as through progress reports from the provider.

DVI staff must authorize this service under an IPE, using title I funds, in accordance with this policy. DVI staff must document the progress and outcomes of this milestone and any additional documentation, as appropriate, in the case record.

### **19.9 Job Coaching – Milestone #4**

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The Job Coach (based on approved vendor contracts) will provide direct SE services at the job site to assist the employer while teaching the consumer the skills needed to learn and maintain employment, provide the necessary prompts and possible behavioral support, and build natural supports to ensure continued success at work. These services may include, but are not limited to, the following:

- Attending employer training;
- Meetings with the worksite supervisors;
- Reviewing, training, and teaching essential job duties;
- Individualized training for learning job tasks (as a supplement to employer training);
- Performing onsite follow-up checks to ensure employment needs are being met;
- Providing direct interventions on the job;
- Identifying and setting up accommodations and assistive technology in coordination with employer and DVI;

- Building natural supports for continued success in employment;
- Shadowing and observation necessary to determine progress and strategize for additional supports and interventions;
- Understanding the needs of continued training as fading and stabilization is occurring;
- Developing an understanding of the work culture and employer policies (e.g., breaks, check-ins, calling in sick, social interactions);
- Work conditioning and hardening; and
- Support and encouragement.

SE services are provided by DVI for a period of time not to exceed 24 months, unless under special circumstances in which the eligible consumer and the VR Counselor jointly agree to extend the time to achieve the employment outcome identified in the IPE.

DVI staff must consult with supervision prior to extension past the 24-month timeframe to evaluate the justification and need. This approval must be documented in VICR.

DVI staff may authorize this service under an IPE, using title VI funds. If title VI funds are not available, title I funds are to be used for job coaching. All funds are to be used accordance with this policy. DVI staff must document the progress and outcomes of this milestone and any additional documentation, as appropriate, in the case record.

### **19.10 Fading and Stabilization**

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In addition to the twice monthly check-ins with the consumer by DVI staff, the SE Team will convene monthly during the job coaching/stability phase to assess and update the Job Placement Plan. As appropriate, the job coach will fade SE services while working toward stability.

The provider will continue to provide SE services, as agreed upon, until the consumer has—

- Achieved stability as their highest level of functioning ability (as agreed upon by the SE team), which can be measured by the following examples:
  - Amount of support needed to successfully complete job tasks;
  - Understanding of employee requirements and expectations; and
  - SE team agrees on the transition of extended services due to the long-term need for continued success;
- Received SE Services for 24 months from time of placement; or

- A youth with a most significant disability who has received Extended Services by DVI, in accordance with this policy, not to exceed four years, or at such time that a youth reaches age 25 and no longer meets the definition of a youth with a disability, whichever occurs first.

DVI staff may authorize this service under an IPE, using title VI funds. If title VI funds are not available, title I funds are to be used for job coaching. All funds are to be used in accordance with this policy. Fading and stabilization must be documented in the case record through case notes, Job Placement Plan, and provider progress forms.

### **19.11 Long-Term Support/Extended Services – Milestone #5**

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When the consumer has achieved stabilization, the SE Team will review the planned transition to Extended Services to assure—

- The consumer expresses satisfaction with their employment;
- The employer is satisfied with the job performance of the consumer/employee and understands who to contact for support as needed;
- The Extended Services Agency has agreed to the transition plan and continued support of Extended Services;
- The Extended Service provider is capable and responsible to provide long-term employment follow-up, in accordance with the Extended Services Agency's policies;
- The SE Team agrees that the consumer's DVI case can be closed, and services will continue without DVI support, after a 90-day period; and
- The SE Team has discussed the need for post-employment services (34 CFR §361.5(c)(41)) that may be provided by DVI through an amended IPE, prior to case closure.

DVI staff may authorize this service under an IPE, using title VI funds. If title VI funds are not available, title I funds are to be used for job coaching. All funds are to be used in accordance with this policy. DVI staff must document the progress and outcomes of this milestone and any additional documentation, as appropriate, in the case record.

### **19.12 Replacement Services**

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Each SE milestone is paid only once per case, within a 12-month period of placement. For example, if a job seeker stops participating (e.g., loses job, quits, or changes their mind) at any given point in the milestone process and the case remains open with the same service provider, payment for services will resume from the point at which the job seeker stopped participating.

However, DVI recognizes that consumers experience individualized circumstances that may require them to be reengaged or restart the process. Replacement services occurring within the initial 12 months will not be paid a second time unless approved by supervision.

### **19.13 Employment Outcome in SE**

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A DVI consumer with a most significant disability who is employed in CIE or who is employed in an integrated setting working on a short-term basis to achieve CIE will be considered to have achieved an employment outcome in SE when all of the following conditions have been met:

- 1) The consumer has completed SE services (except for any other services listed on the IPE that are provided to consumers working on a short-term basis toward the achievement of CIE in SE). A consumer has completed SE services when --
  - a) The consumer has received up to 24 months of SE services; or
  - b) The VR Counselor and consumer determined that an extension of time to provide SE services beyond 24 months is necessary to support and maintain the consumer in SE before transitioning to Extended Services and that extension of time has concluded;
- 2) The consumer has transitioned to extended services provided by either DVI for youth with the most significant disabilities, or another provider;
- 3) The consumer has maintained employment and achieved stability in the work setting for at least 90 days after transitioning to extended services; and
- 4) The employment is individualized and customized consistent with the strengths, abilities, interests, and informed choice of the consumer.

DVI staff must document these conditions in VICR and obtain job information verified by the consumer (i.e., signature) on the job coaching progress report, by a pay sub for wages earned, and/or a letter from employer prior to case closure. This information must include the start date of employment, the consumer's stability date (when moved to Status 22 to start the 90 days) and the number of hours worked and hourly wages.

### **19.14 Work Incentives and Benefits Counseling**

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Because a large number of consumers in need of SE are also receiving Social Security Administration (SSA) Benefits, DVI staff shall be conscious of this need and provide both Benefits Counseling and Financial Coaching services as early and as often as needed.

These services enhance consumer success in achieving their employment goals by increasing their understanding of SSA work incentives and the role of earned income in achieving their life goals. Services may include the following:

- Overview of personal financial skills and knowledge, including budgeting, banking, debt, credit, and financial tools and resources;
- Development of a Personal Finance Plan, aligning financial and work/life goals; and/or
- Work Incentives Planning, including a SSA Benefits Planning Query (BPQY) to clarify benefit types and amounts, and a full report with recommendations.

DVI staff must include this service in the IPE, document the need and progress in case notes, file all progress reports from the provider in the hard file, and follow the fee schedule outlined in the provider contract.

### **19.15 Program Exit and Case Service Record Closure**

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DVI staff must follow the program exit and closure requirements outlined in Chapter 20: Case Closures and Transfers of this policy manual to ensure case record documentation requirements are met. Exit and post-exit data must be accurately reported in the case record and RSA-911, including supporting documentation, dates, wages and hours at exit, reason for exit/case closure and that the circumstances outlined in this chapter are followed. This data is necessary to ensure requirements of the VR program regulations, WIOA Performance Measures, and Annual Performance Report are met.

#### **Closure – Achieved an Employment Outcome**

The case record of a consumer with a most significant disability, including a youth with a most significant disability, who has achieved an employment outcome in SE in CIE will be closed concurrently with the achievement of the employment outcome in SE when the consumer—

- 1) Satisfies requirements for successful rehabilitation in CIE; and
- 2) Is not receiving extended services or any other VR service provided by DVI.

#### **Closure – Did Not Achieve an Employment Outcome**

The case record of a consumer with a most significant disability, including a youth with a most significant disability, who did not achieve an employment outcome in SE in CIE will be closed when the consumer—

- 1) Indicates that they do not want to pursue CIE, or that they wish to pursue nonintegrated, noncompetitive employment, resulting in the case being closed as ineligible for the VR program; or

- 2) Cites other circumstances that prevent the participation in SE or other VR services, has decided to no longer participate in the VR program, is unable to locate, or has otherwise requested their case be closed.

To the extent a consumer chooses to pursue work that is beyond the scope of the VR program (i.e., nonintegrated, noncompetitive), DVI staff shall provide the proper referrals to other community resources best suited to meet their needs.

### **19.16 Documentation Requirements**

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The case record must contain, as applicable, the following:

- Moves the case to the appropriate VICR statuses (Status 12, 14, 16, 17, 18, 20, 24) during the life of the case. At a minimum, the case will be in Employment Ready status 20 and moved to Employed status 22 when agreed to by the VR Counselor and consumer and appropriately documents information related to the initiation and conclusion of the Supported Employment services;
- Maintains all documents related to SE services in the case record (e.g., assessments, provider progress reports, case notes);
- Maintains progress reports and communications with professionals providing the service and the consumer;
- Maintains progress reports and communications with professionals providing extended services required for successful transition and closure; and
- Receives written approval by VR District Administrator when required.

At any time, SE services are terminated, the VR Counselor must document the reasons as well as provide the consumer with their appeal rights.

### **19.17 Internal Controls**

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DVI incorporates a variety of internal controls to ensure the accuracy and appropriateness of SE service provision and SE funds:

- DVI administration quarterly case reviews;
- Contract, budget, and allocation reports reviewed by the DVI director regularly;
- SE provider contracts outlining additional internal control measures;
- VICR includes funding codes for the provision of SE services, including specific codes for each funding source;

- VICR is updated to include all service(s) and fees included in provider contracts;
- Performance Evaluation and Standard reviews for DVI staff;
- Supervisory and administrative approval (e.g., timelines, service cost); and
- Training related to policy, regulations, best practices, and intended outcomes.

## VR Program Exit Policies

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### Chapter 20: Case Closures and Transfers

#### General Policy Overview

DVI consumers exit the VR program for a variety of reasons, which results in their VR case being closed. The VR Counselor may close the consumer's case record when it is determined that:

- The consumer is not eligible or is no longer eligible;
- Services have been provided and the consumer has achieved a CIE outcome under an IPE; or
- The consumer is not interested in services, is not cooperating, or is otherwise unavailable for services or there are no resources available for extended ongoing support services for supported employment.

The VR regulations outline certain criteria for closing the case record for a consumer who has achieved an employment outcome and is considered successfully rehabilitation. Additionally, there are stages in the VR process where a consumer case record was closed for other reasons and is not considered successfully rehabilitated. The types of case record closures include the following:

- **Closed Successful** – Employed in CIE after receiving services under an IPE (34 CFR §361.56);
- **Closed Unsuccessful** –
  - Did not achieve employment in CIE after receiving services under an IPE; or
  - Case closed prior to receiving services under an IPE;
- **Closed as an applicant** – Prior to an eligibility determination or TWE (34 CFR §361.44); and
- **Closed Ineligible** – Determined ineligible or no longer eligible for the VR program (34 CFR §361.43).

A case record closure should only occur after an interactive communication process that clearly involves the consumer, to the maximum extent possible, in the decision to close the case record from any status. This requires the VR Counselor to ensure that the consumer understands the reasons closure is appropriate per policy and their due process appeal rights. In some cases, a consumer may be unavailable, unable to locate, or otherwise unable to participate in the decision to close the case record. In this event, a good faith effort should be made and documented in VICR showing that the VR Counselor has attempted to involve the consumer in the closure decision. In the unfortunate event of a consumer's death, the VR Counselor may close the case record immediately upon documenting verification either through third party report, or obituary, of the consumer's death<sup>58</sup>.

## Chapter 20 Sections

### 20.1 Closed Successful

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A consumer's case can be closed successfully once they achieve a CIE outcome. A successful employment outcome means:

- The consumer has entered, advanced in, or retained full- or part-time employment, including customized employment, self-employment (including BEP), and supported employment;
- The consumer's employment setting is considered both competitive and integrated<sup>59</sup>;
- The employment is consistent with the consumer's goal on their IPE and their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;
- The consumer has maintained the job for an appropriate period of time, but not less than 90 days, necessary to ensure the stability of the employment outcome;
- The consumer no longer needs VR services;
- The consumer and VR Counselor consider the employment outcome to be satisfactory and agree that the consumer is performing well in the employment; and

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<sup>58</sup> For more information, see Appendix A: DVI Status Codes.

<sup>59</sup> For more information, see Chapter 1: Purpose, Informed Choice, and General Considerations.

- The consumer has been informed through appropriate modes of communication of the availability of post-employment services<sup>60</sup>.

## 20.2 Employment Outcomes

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When a consumer successfully maintains CIE and meets the criteria for a successful closure (i.e., minimum of 90 days, the employment conditions remain stable, the consumer has achieved a satisfactory level of self-sufficiency, and the consumer is highly likely to retain the employment long-term), the VR Counselor should prepare the case for closure by completing the closure checklist. Successfully rehabilitated closures include the following:

- **Competitive Integrated Employment:** Most consumers will fit under this option. VR Counselors should review the criteria for CIE to ensure that the employment outcome meets all criteria<sup>61</sup>.
- **Self-Employment (except BEP):** Refers to work-for-profit or fees including operating one's own business, farm, shop, or office. Competitive self-employment must yield an income that is comparable to the income received by other consumers who are not consumers with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills<sup>62</sup>.
- **State Managed Business Enterprise Program (BEP):** Refers to Randolph Sheppard vending facilities and other small businesses operated by consumers with significant disabilities under the management and supervision of the State VR agency. Includes home industry where the work is done under the management and supervision of the State VR agency in the consumer's own home or residence for wages, salary, or on a piece-rate<sup>63</sup>.
- **Supported Employment in Competitive Integrated Employment:** This means CIE with ongoing supports achieved through SE services<sup>64</sup>.

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<sup>60</sup> For more information, see Chapter 5: General Service Provision.

<sup>61</sup> For more information, see Chapter 1: Purpose, Informed Choice, and General Considerations.

<sup>62</sup> For more information, see Chapter 17: Self-Employment Services.

<sup>63</sup> For more information, see Chapter 18: Business Enterprise Program.

<sup>64</sup> For more information, see Chapter 19: Supported Employment Services Program.

## 20.3 Employment Verification

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DVI is required to document the start date of employment, including employment gained prior to VR services. In these cases, the VR Counselor must document how the services contributed to retaining or advancing employment. Supporting Documentation is required to validate the employment achieved by the consumer.

Employment Verification be obtained through a variety of methods, including, but not limited to, the following:

- Pay stub identifying the consumer's start date and employment status; or
- DVI Employment Verification Form with **detailed Case Notes** signed by the VR Counselor in the case record; or
- CRP Employment Verification Form; or
- Verification from the employer (on company letterhead) attesting to a consumer's employment status (including dates) and earnings; or
- IRS Tax Forms.

VR Counselors must document at least one of these options during the 90-day period (or more) in Status 22. The VR Counselor should supplement the supporting documentation through case notes, in order to provide the necessary employment information at the time the case is moved into Status 22 and at the time of exit (Status 26).

Employment information must include (at a minimum) the following:

- Start date of employment
- Employer
- Employment Title
- Weekly hours
- Hourly wage
- Benefits/Insurance
- SOC code
- Employment verification method

Consumers must be notified in writing of the intent to close their case, both at the time the case is moved to Status 22 (employed with the intent to close) and 10 days prior to the closure. This notification must detail the circumstances of the consumers' employment, the availability

of post-employment services, and the steps to take to request the case to remain open. Once the case is closed, the consumer is notified in writing to confirm the case has been closed, appeal rights, and how to reapply for VR services in the future, if needed.

The date of exit/closure is the date the VR Counselor completes and signs the closure confirmation letter, which must be consistent with the closure date in VICR, documented in the case file and mailed to the consumer.

### **Case Notes**

When DVI has exhausted all efforts to gain verification, but is unsuccessful, case notes including justification for not providing formal verification can be used. When this option is used by the VR Counselor, the following parameters must be met:

- 1) Include specific details:
  - a) Applicable dates (e.g., start date of employment, date the information was received);
  - b) Names and/position (e.g., who provided the information, employer name); and
  - c) Timeframes and employment details as applicable (e.g., employment dates, hours worked per week, hourly wage, benefits)
- 2) Justification for not providing formal documentation. Examples include the following:
  - a) VR Counselor cannot get verification of the start date of employment but was able to speak to the consumer and employer via phone/email;
  - b) VR Counselor received pay stubs during the 90 days of employment, but at closure was only able to verify employment status via the telephone with the consumer and the employer.

### **20.4 Closed Unsuccessful**

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Consumers must be notified in writing of the intent to close their case 10 days prior to the closure. Once the case is closed, the consumer is notified in writing to confirm the case has been closed, appeal rights, and how to reapply for VR services in the future, if needed.

The date of exit/closure is the date the VR Counselor completes and signs the closure confirmation letter, which must be consistent with the closure date in VICR, documented in the hard case file and mailed to the consumer.

## **20.5 Closed as an Applicant Without Determining Eligibility**

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A consumer's record of services may be closed without a determination of eligibility in cases where the consumer declines to participate in or is unavailable to complete an assessment for determining eligibility and priority of services. DVI must document multiple and varied attempts (i.e., email, letter, phone) to contact the consumer to encourage participation prior to closing as an applicant, prior to a determination of eligibility.

Consumers must be notified in writing of the intent to close their case 10 days prior to the closure. Once the case is closed, the consumer is notified in writing to confirm the case has been closed, appeal rights, and how to reapply for VR services in the future, if needed.

The date of exit/closure is the date the VR Counselor completes and signs the closure confirmation letter, which must be consistent with the closure date in VICR, documented in the case file, and mailed to the consumer.

## **20.6 Closed Ineligible**

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Upon completion of the assessment for eligibility determination, if DVI determines that a consumer is ineligible for VR services, or that a consumer receiving services under an IPE is no longer eligible for services, DVI must—

- 1) Make the determination only after providing an opportunity for full consultation with the consumer or, as appropriate, with the consumer's representative;
- 2) Provide an Ineligibility Letter, signed and dated by the VR Counselor, informing the consumer of the ineligibility determination, which includes:
  - a) The rationale for the determination of ineligibility;
  - b) Notification of their appeal rights, including the Client Assistance Program (CAP);  
and
  - c) The effective date of the determination;
- 3) If the determination of ineligibility was based on the inability to benefit from VR services due to the significance of the disability, the case record must include the results of a TWE<sup>65</sup>.

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<sup>65</sup> For more information, see Section 3.5: Trial Work Experience.

- 4) Refer the consumer to other programs that are part of the one-stop service delivery system under WIOA that can address the consumer's training or employment-related needs; or to Federal, State, or local programs or service providers, including, as appropriate, independent living programs and extended employment providers, best suited to meet their rehabilitation needs, if the ineligibility determination is based on a finding that the consumer has chosen not to pursue, or is incapable of achieving, an employment outcome as defined in §361.(c)(15).

The determination of ineligibility has been made when the VR Counselor completes and signs the Ineligibility Letter, which must be consistent with the date in VICR, documented in the hard case file and mailed to the consumer.

### **20.7 Closed as Potentially Eligible Student with a Disability**

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DVI may provide Pre-ETS to potentially eligible students with disabilities, prior to applying for the VR program<sup>66</sup>.

### **20.8 Case Record Transfers**

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Consumers may request or require a case transfer to work with another VR Counselor during their VR services. Examples of case transfer reasons include, but are not limited to, the following:

- Client moves out of the area/city/county;
- One location is more convenient than another for the consumer;
- Consumer request;
- Irreconcilable differences between VR Counselor and consumer;
- Results of mediation, administrative decision. or fair hearing;
- Result of formal grievance, complaint. or investigation;
- Conflict of interest or personal relationship; and
- DVI operational priorities.

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<sup>66</sup> For more information, see Chapter 9: Pre-Employment Transition Services.

All case transfers must be approved by the Social Services Senior Administrator. The VR Counselor must follow the following process in order to initiate the case transfer. This should be done as soon as possible to not delay service provision to the consumer.

- 1) Document the reasons for the transfer thoroughly in VICR;
- 2) Complete the closure checklist to ensure that the case record is current and accurately reflects the consumer's circumstances;
  - a) If errors or missing information is identified in the case record, the VR Counselor must make every effort to make corrections, including case notes describing the corrections, prior to transferring the case;
- 3) Submit the case record to the Social Services Senior Administrator for review:
  - a) If case is not appropriate for case transfer (e.g., errors, missing documentation, consumer concerns) the case will be given back to the original VR Counselor and consultation provided in steps to rectify in order to transfer the case;
  - b) If case is appropriate for case transfer, the Social Services Senior Administrator will assign a new VR Counselor and transfer the case record in VICR;
- 4) The VR Counselor receiving the case record must make immediate attempts to contact the consumer and continue with their rehabilitation plan.

## **20.9 Reasons for Closure/Exit**

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DVI must accurately document the reason a consumer's case is being closed, regardless of the status or outcome of the case. Documentation in the case record (e.g., case notes) should clearly describe what the reason is and why the VR Counselor selected the corresponding option in VICR. The reasons available to select are as follows:

### **Ineligibility Reasons**

- The consumer was determined eligible for the VR program; however, the consumer was no longer eligible because they no longer wished to seek CIE, or the disability prevented the consumer's ability to seek CIE;
- The consumer was found to have no disabling condition, no impediment to employment, or did not require VR services to prepare for, secure, retain, advance in, or regain CIE;
- The consumer applied for VR services pursuant to section 511 of the Rehabilitation Act and was determined ineligible because they did not wish to seek CIE; or

- Following Trial Work Experience(s), the consumer was determined ineligible because the consumer was unable to benefit due to the severity of their disability.

### Other Reasons

- **Health/Medical:** Consumer is hospitalized or receiving medical treatment that is expected to last longer than 90 days and precludes entry into CIE or continued participation in the program.
- **Death of the Consumer**
- **Reserve Forces Called to Active Duty:** Consumer is a member of the National Guard or other reserve military unit of the armed forces and is called to active duty for at least 90 days.
- **Criminal Offender:** Consumer entered a correctional institution (e.g., prison, jail, reformatory, work farm, detention center) or other institution designed for confinement or rehabilitation of criminal offenders.
- **Transferred to Another Agency:** Consumer needs services that are more appropriately obtained elsewhere, including other VR agencies (e.g., DVR, out-of-state VR). Transfer to another agency indicates that appropriate referral information is forwarded to the other agency so that the agency may provide services more effectively.
- **Achieved Competitive Integrated Employment Outcome**
- **Extended Employment:** Consumers who received services and were placed in a non-integrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act (34 CFR §361.5(c)(18)).
- **Extended Services Not Available:** Consumer has received VR services but requires long-term extended services for which no long-term source of funding is available.
- **Unable to Locate or Contact:** Consumer has relocated or left the state without a forwarding address, or when the consumer has not responded to repeated attempts to contact the consumer by mail, telephone, text, or email.
- **No Longer Interested in Receiving Services or Further Services:** Consumer actively chose not to participate or continue in the VR program. Also use this code to indicate when a consumer's actions make it impossible to begin or continue a VR program. Examples would include repeated failures to keep appointments for assessment, counseling, or other services.

- **Short-Term Basis Period:** Consumer achieved supported employment in integrated employment but did not earn a competitive wage after exhausting the short-term basis period.
- **All Other Reasons:** For all other reasons not included above, this option should be used minimally and clearly documented.

More than one "Reason for Closure/Exit" may be possible. Circumstances can create confusion or misrepresent the actual reason someone is leaving the VR program. VR Counselors should consistently select the reason that best describes the consumer's circumstances and consult with supervision as needed.

## 20.10 Documentation Requirements

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The case record must contain, as applicable, the following:

- Supporting documentation to validate the employment information;
- Documentation to validate a successful closure in CIE and criteria outlined in this policy;
- Case notes in VICR documenting ongoing contact with the consumer and circumstances around the reason for closure;
- Completion of the closure page in VICR that includes the data, employment details, and other reporting requirements at the time of exit/closure; and
- Case movement in VICR using the appropriate status that relates to the services being provided and the type of closure (Status 08, 30, 26, 28, 30).

When a case is closed from VR services, at any stage of the VR process, the VR Counselor must document the reasons as well as provide the consumer with their appeal rights.

## 20.11 Internal Controls

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DVI incorporates a variety of internal controls to ensure the accuracy of case closures when a DVI consumer exits the program:

- DVI administration quarterly case reviews;
- Quality assurance policy outlining additional internal control measures, including case documentation audits;
- VICR controls included in VICR manual;
- Required closure/transfer checklist;

- Supervisory approval of VRC IIs (senior counselors do not need approval); and
- Training related to policy, regulations, best practices, and intended outcomes.

## VR Reporting and Performance Policies

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### Chapter 21: The Consumer Record and Case Documentation

#### General Policy Overview

In accordance with 34 CFR §361.47, DVI is required to maintain a record of services for each consumer served. VICR is the case management system used by DVI to record the necessary consumer data required for the Case Record Report (RSA-911) and the Workforce Innovation and Opportunity Act (WIOA) consumer data necessary for the Annual Report (ETA 9169). DVI also maintains hard file records for each consumer that includes personal information, VR program data, and supporting documentation. DVI staff, including VR Counselors, are responsible for the following:

- Fully learning and utilizing VICR;
- Ensuring accuracy of data input into VICR;
- Validating data through source documentation, where applicable;
- Maintaining hard file records (in addition to VICR); and
- Requesting professional development and training when needed.

In accordance with 34 CFR §361.12, DVI must implement policies and procedures that ensure the proper and efficient administration of the VR program, including those necessary to carry out all functions for which the State is responsible under this program. DVI staff shall be responsible for the timely provision of accurate data collection and financial accountability necessary for the operation of DVI's management, and to meet the requirements under 34 CFR §361.40.

The purpose of the consumer record and case documentation is two-fold. Maintaining consumer records that have clear, concise, and consistent documentation is imperative to assuring compliance with Federal regulatory requirements and is correlated with effective VR Counselor-consumer relationships and success. DVI must uphold the highest level of integrity and ethical conduct when it comes to case documentation.

#### Chapter 21 Sections

## 21.1 Case Record

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The following must be documented in VICR:

- Documentation supporting the decision made regarding eligibility (eligible and ineligible), order of selection, and significance of disability (in accordance with 34 CFR §361.42 and §361.43);
- Documentation supporting the development of a vocational goal, services, and outcome measures;
- IPE and amendments (in accordance with Section 102(b)(3) of the Act, as amended and 34 CFR §361.45 and §361.46);
- Periodic reviews (minimum Annual Review) and evaluations of the IPE;
- Documentation supporting the provision of SE services;
- Specific data needed for all students with disabilities receiving Pre-ETS, including potentially eligible students with disabilities;
- Consumer's rights and responsibilities and informed choice, including request for an appeal and any decision or action resulting from that request (in accordance with 34 CFR §361.57);
- If a consumer with a significant disability requires an exploration of abilities, capabilities, and capacity to perform in realistic work situations through the use of trial work experiences (TWE)<sup>67</sup> to determine whether the consumer is an eligible consumer, documentation supporting the need for, and the plan relating to, that exploration and documentation regarding the periodic assessments carried out during the trial work experiences in accordance with the requirements under 34 CFR §361.42(e);
- Information supporting the decision to close a consumer's case record, including verification of CIE (in accordance with 34 CFR §361.5(c)(9)) and documentation that the services provided under the IPE contributed to the achievement of the employment outcome and all provisions under 34 CFR §361.56 have been satisfied;

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<sup>67</sup> For more information, see Chapter 3: Eligibility and Trial Work Experience.

- Documentation that describes the justification for closing an applicant's or consumer's record of services if that closure is based on reasons other than ineligibility, including, as appropriate, documentation indicating that the State unit has satisfied the requirements in 34 CFR §361.44;
- Information to support the decisions and actions of DVI in providing, denying, or altering services and, as necessary, information to comply with case management needs, including direct payment receipts and documentation.

If a DVI consumer believes information in the case record is inaccurate or misleading, the request/changes and content of the discussion with the consumer will be documented in the case record, including any involvement or decisions through supervisory channels, in accordance with 34 CFR §361.38(c)(4).

## **21.2 VR Status Codes**

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VICR collects and stores consumer data based on the status of their VR case (e.g., applicant, potentially eligible student, training and education program, employed, exited/case closed). The VR process is not linear and is built to meet the individualized needs of the consumer. While under the provision of DVI, consumers can move in and out of statuses<sup>68</sup> depending on their needs and circumstances. DVI counselors should take a person-centered approach when providing services.

## **21.3 Case Service Report (RSA-911)**

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DVI consumer data collected through the Case Service Report (RSA-911, PD 19-03) is used to describe the performance of the VR and Supported Employment programs in the Annual Report to the Congress and the President as required by Sections 13 and 101(a)(10) of the Rehabilitation Act, as amended. RSA-911 data is used to assess the performance of the VR program through the calculation of evaluation standards and performance indicators as required by Section 106 of the Rehabilitation Act, which must be consistent with the common performance accountability measures established in Section 116 of title I of WIOA for the core programs of the workforce development system. In addition, the data captured through the RSA-911 during the conduct of the annual reviews and periodic onsite monitoring of VR agencies is required by Section 107 of the Rehabilitation Act to examine the effectiveness of

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<sup>68</sup> For more information, see Appendix A: DVI VR Status Codes.

DVI's performance. Finally, the RSA-911 data is used widely by researchers for disability-related analyses and reports across the country.

DVI is required to maintain a case record for each potentially eligible student, referral, applicant, and eligible consumer to ensure the timely provision of services and to allow for accurate Federal and State reporting. A record of service includes information maintained in VICR and the hard file. A service record is opened either when a consumer applies for VR services (Status 02) or, in the case of a student with a disability that is solely receiving Pre-ETS, a date is reported for Start Date of Pre-Employment Transition Services (Status 03). These dates initiate the quarterly reporting requirement for all consumers with an open service record.

The case service record is considered closed when the consumer has a Date of Exit and all of the required Data Elements, including the post-exit Data Elements, when required, have been reported. For a student with a disability who solely received Pre-ETS and has not applied to receive other VR services, the service record is closed when the student is no longer receiving such services.

DVI must submit RSA-911 data on a quarterly basis, no later than 45 days after the end of each quarter in accordance with the following schedule:

REPORTING PERIOD	REPORT DUE DATE
July 1 - September 30	November 15
October 1 - December 31	February 15
January 1 - March 31	May 15
April 1 - June 30	August 15

So that DVI can be considered to have met the data submission requirement, the data must be accurate and submitted in accordance with the timeline above.

#### **21.4 RSA-911 VR Service Data Elements**

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DVI must report a variety of data on all consumers who receive services. RSA-911 data is collected by DVI staff and entered in VICR throughout the life of the consumer's case with

required data entry at various stages during the rehabilitation process. This policy manual includes requirements for all data collected through the RSA-911<sup>69</sup>.

In accordance with 34 CFR §361.48, allowable services under the VR program (including Pre-ETS) are documented in the RSA-911. For purposes of the WIOA Annual Report (ETA-9169), VR services are designated as Career Services, Training Services, or Other Services.

### **Career Services**

- Pre-ETS Job Exploration Counseling
- Pre-ETS Counseling on Enrollment Opportunities for Postsecondary Education
- Pre-ETS Workplace Readiness Training
- Pre-ETS Instruction in Self-Advocacy
- Assessment Services\*<sup>70</sup> (RSA 1)
- Diagnosis and Treatment of Impairments (RSA 2)
- VR Counseling and Guidance\* (RSA3)
- Job Search Assistance (RSA 14)
- Job Placement Assistance (RSA 15)
- Short-Term Job Supports (RSA 16)
- Supported Employment Services (RSA 17)
- Information and Referral Services\* (RSA 25)
- Benefits Counseling\* (RSA 26)
- Customized Employment Services (RSA 27)
- Extended Services (RSA 36)

### **Training Services**

- Pre-ETS Work-Based Learning Experiences (RSA 30)
- Graduate College or University Training (RSA 4)
- Four-Year College or University Training (RSA 5)

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<sup>69</sup> For more information, see Chapter 2: Referrals and Applications.

<sup>70</sup> \*Denotes services that can be provided prior to the development of an IPE.

- Junior or Community College Training (RSA 6)
- Occupational or Vocational Training (RSA 7)
- On-the-Job Training (RSA 8)
- Registered Apprenticeship Training (RSA 9)
- Basic Academic Remedial or Literacy Training (RSA 10)
- Job Readiness Training (RSA 11)
- Disability-Related Skills Training\* (RSA 12)
- Miscellaneous Training (RSA 13)
- Randolph Sheppard Entrepreneurial Training (BEP RSA 34)
- Customized Training (RSA 35)
- Work-Based Learning Experience\* (RSA 37)

#### **Other Service**

- Transportation\* (RSA 18)
- Maintenance\* (RSA 19)
- Rehabilitation Technology\* (RSA 20)
- Personal Assistance Services\* (RSA 23)
- Technical Assistance Services (RSA 24)
- Reader Services\* (RSA 21)
- Interpreter Services\* (RSA 22)
- Other Services (RSA 28)

DVI staff must accurately document the services that were provided to a consumer in the quarter in which they were provided. VR services can be provided by VR agency staff (in-house), through Agency Purchase (authorizations), and/or through comparable benefits. The provision of these services must be documented in the case record where appropriate (e.g., IPE, case notes, supporting documentation) and reflected in the RSA-911 quarterly report, through timely and accurate input into VICR. Service provision must also follow the corresponding policy outlined in this manual.

#### **21.5 VR Counselor Responsibilities**

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The VR Counselor is responsible for each case record on their caseload, which includes, but is not limited to, the following:

- Verify that each case record is complete, accurate, and in compliance with all Federal and State laws, regulations, and policies. (Note: Each chapter in this DVI policy manual provides documentation requirements for specific services.);
- Manage caseload regarding case movement, sufficiently balancing requirements and service needs among eligibility, employment planning, and service implementation;
- Maintain a flow of service records progressing to successful employment outcomes; a well-managed caseload is essential to providing timely services, assessing consumer needs, and keeping accurate case records;
- Ensure all consumers receive timely and adequate services, including being available for counseling and guidance, returning phone calls/emails, responding to letters, keeping appointments, and advocating for the consumer, when appropriate;
- Maintain contact with the consumer at a minimum of every 30 days, and document that contact. However, because the needs of consumers vary, more frequent contact could be required based on a consumer's circumstances. Regardless, the timeframe for contact shall be documented and mutually agreed upon by the consumer and the VR Counselor during active participation in the VR process; and
- Maintain a professional, ethical, and productive interaction between the consumer and the consumer's representative(s) as appropriate, to enable the best opportunity for achieving a successful employment outcome.

## 21.6 Case Notes

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Case notes must be current, professional, and objective based on the interaction with the consumer and/or their respective representative. VR Counselors must keep these parameters in mind when using case note documentation:

- Case notes must be timely. Documentation must be entered into VICR within five business days of the event; if it is not in the case file, it is as if it did not occur.
- Case notes must be written objectively and factually; if any opinions or professional judgements are made, those must be clearly identified as such.
- Only details relevant to the provision of services are recorded.
- Case notes are free from derogatory or emotive language unless using direct quotes pertinent to the case.

- Documentation must be written so it can be clearly understood by anyone who has access to the case. (Note: Case notes may be seen by a supervisor, an auditor, a judge, or the consumer themselves, among others.)
- Do not omit relevant information.
- One case note is written per event (e.g., meeting, phone call, email, letter).
- In some instances, it is illegal to change, white-out, or otherwise alter case notes after the fact. If a change must be made to correct an error or omission, the change can be recorded as a new and separate case note. In addition to outlining the error or omission as part of this new case note, it is advisable to provide an explanation for its earlier absence or inaccuracy. A case note should never be amended or changed in light of additional information obtained at a later date. This should always constitute a new case note.

### **21.7 VICR Access and Security**

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VICR has safeguards in place to provide security and access permissions for certain staff and to ensure the confidentiality of consumers' information. These safeguards are outlined in the VICR manual and by the IT department.

### **21.8 Date-Stamping Documentation**

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All paper documents must be date-stamped with the date they were received prior to being uploaded into VICR and placed in the hard file, when appropriate. For example, if a consumer mails in a copy of their high school diploma, it must be date-stamped the date it is received.

### **21.9 Internal Controls**

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DVI incorporates a variety of internal controls to ensure the accuracy of case records:

- DVI administration quarterly case reviews;
- DVI staff use of closure checklists to ensure documentation and the case record is complete;
- Quality assurance policy outlining additional internal control measures, including audits case documentation;
- VICR controls included in VICR manual;
- Performance Evaluation and Standard reviews for DVI staff; and
- Training related to policy, regulations, best practices, and intended outcomes.

## Chapter 22: WIOA Performance Accountability System (including Post-Exit Reporting)

### General Policy Overview

Section 116 of WIOA (34 CFR 361 Subpart E) establishes performance accountability indicators and performance reporting requirements to assess the effectiveness of States and local areas in achieving positive outcomes for consumers served by the workforce development system's six core programs. These six core programs are the Adult, Dislocated Worker, and Youth programs, authorized under WIOA title I and administered by Department of Labor (DOL); the Adult Education and Family Literacy Act (AEFLA) program, authorized under WIOA title II and administered by Education Department (ED); the Employment Service program authorized under the Wagner-Peyser Act, as amended by WIOA title III and administered by DOL; and the Vocational Rehabilitation (VR) program authorized under title I of the Rehabilitation Act of 1973, as amended by WIOA title IV and administered by ED.

WIOA provides a historic opportunity to align performance-related definitions, streamline performance indicators, integrate reporting, and ensure comparable data collection and reporting across all six of these core programs, while also implementing program-specific requirements related to data collection and reporting. This policy chapter follows the requirements of Section 116, (34 CFR 361 Subpart E) and sub-regulatory guidance. Additionally, DVI will follow supplement guidance that describes the process for negotiated levels of performance and the two instances in which a State may be sanctioned: 1) performance failure or 2) failure to report.

Under the requirements of WIOA 116, DVI must partner with the Delaware Division of Vocational Rehabilitation (DVR) due to title IV having both Blind (DVI) and General (DVR) VR programs in the State. The negotiation process, performance success or failure, levels of performance, sanctions, and Annual Report requirements are all conducted as title IV, not consumer VR programs.

### Chapter 22 Sections

#### 22.1 Definitions

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##### Reportable Consumer (34 CFR §361.150(b))

- Consumer has completed an application; or
- Requested services from the VR Program; or

- Is a potentially eligible student with a disability receiving Pre-ETS prior to application for VR services<sup>71</sup>.

Reportable consumers are not included in the calculation of performance; however, information is collected on these consumers in the case record (VICR and hard file) and submitted in the RSA-911 quarterly report.

**Participant** (34 CFR §361.150(a)(1))

- Meets the definition of reportable consumer; and
- Is determined eligible for vocational rehabilitation services, has an approved and signed IPE, and has begun receiving services under the IPE.

**Exit** (34 CFR §361.150(c)(2))

- Has achieved a CIE outcome and the case record is closed;
- Has not achieved an employment outcome; or
- Has been determined ineligible or no longer eligible after receiving services.

Exit date is based on the date the case record is closed. A consumer will not be considered as meeting the definition of exit from the VR program if the consumer's case record is closed because the consumer has achieved a SE outcome in an integrated setting but not in CIE.

**Period of Participation (POP)**

The period of time beginning when an consumer becomes a participant and ending on the participant's date of exit from the program.

A new period of participation is counted each time a participant re-enters and exits the program, even if exits occur during the same program year.

POPs differ from the Measurable Skill Gains indicator as it is not exit-based. Therefore, the participant begins a new period of participation with each program year that they are enrolled in an education or training program that leads to a recognized postsecondary credential or employment<sup>72</sup>.

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<sup>71</sup> For more information, see Chapter 9: Pre-Employment Transition Services.

<sup>72</sup> For more information, see Chapter 24: Credential Attainment and Measurable Skill Gains.

## Program Year (PY)

The program year is from July 1 through June 30 each year. All reporting requirements discussed in this chapter follow a PY.

### 22.2 Primary Indicators of Performance

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Under section 116(b)(2)(A) of WIOA, there are six primary indicators of performance:

- 1) **Employment Rate – 2nd Quarter After Exit:** The percentage of participants who are in unsubsidized employment during the second quarter after exit from the program.
- 2) **Employment Rate – 4th Quarter After Exit:** The percentage of participants who are in unsubsidized employment during the fourth quarter after exit from the program.
- 3) **Median Earnings – 2nd Quarter After Exit:** The median earnings of participants who are in unsubsidized employment during the second quarter after exit from the program.
- 4) **Credential Attainment:** The percentage of those participants enrolled in an education or training program (excluding those in on-the-job training [OJT] and customized training) who attain a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program.

A participant who has attained a secondary school diploma or its recognized equivalent is included in the percentage of participants who have attained a secondary school diploma or its recognized equivalent only if the participant also is employed or is enrolled in an education or training program leading to a recognized postsecondary credential within one year after exit from the program.

- 5) **Measurable Skill Gains:** The percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress, towards such a credential or employment.

Depending on the type of education or training program, documented progress is defined as one of the following:

- Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level;
- Documented attainment of a secondary school diploma or its recognized equivalent;

- Secondary or postsecondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the State unit's academic standards;
- Satisfactory or better progress report towards established milestones, such as completion of OJT or completion of one year of an apprenticeship program or similar milestones from an employer or training provider who is providing training; or
- Successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks such as knowledge-based exams.

**6) Effectiveness in Serving Employers:** WIOA sec. 116(b)(2)(A)(i)(VI) requires the U.S. Departments of Labor and Education (i.e., the Departments) to establish a primary indicator of performance for effectiveness in serving employers.

### **22.3 Exclusions from the Performance Calculations**

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A participant is excluded from the Performance Indicators for the following reasons:

- The participant exits the program because they have become incarcerated in a correctional institution or has become a resident of an institution or facility providing 24-hour support, such as a hospital or treatment center during the course of receiving services as a participant.
- The participant exits the program because of medical treatment, and that treatment is expected to last longer than 90 days and precludes entry into unsubsidized employment or continued participation in the program.
- The participant is deceased.
- The participant exits the program because the participant is a member of the National Guard or other reserve military unit of the armed forces and is called to active duty for at least 90 days.
- The participant, who was determined to be eligible for program services, is later determined not to have met the program's eligibility criteria. For example, a consumer may be presumptively eligible in accordance with program regulations, and later, the consumer is found to be too severely disabled to benefit from VR services. As another example, a participant may decide, after receiving some services under an IPE, to pursue sheltered employment in a noncompetitive or nonintegrated setting. Because a consumer must pursue a CIE outcome, and sheltered employment does not meet this

definition, this consumer would be determined to be no longer eligible for the VR Program.

Exclusion from the Performance Indicators means that DVI is not responsible for the outcomes for participants who exit the program for these reasons. DVI is not responsible for reporting post-exit data, and they will not be included in the numerators or denominators related to the performance calculations.

## **22.4 Barriers to Employment**

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Participant characteristics, including barriers to employment, are included in the Statistical Adjustment Model (SAM) provided to the core programs (in accordance with §116(b)(3)(A)(v)(II) of WIOA). The results of the SAM are used during the negotiation process, including estimated level of performance and an adjusted level of performance.

As defined in WIOA Section 3(24), an "consumer with a barrier to employment" means they are a member of one or more of the following populations:

- Displaced homemakers
- Low-income consumers
- consumers with disabilities
- Older consumers
- Ex-Offenders
- Homeless consumers
- Foster care youth
- English language learner
- Consumers who are basic skills deficient
- Consumers facing cultural barriers
- Migrant and seasonal farmworker
- Will exhaust TANF within two years
- Single parent (including single pregnant women)
- Long-term unemployment

DVI staff are expected to accurately document all of the barriers to employment a participant is experiencing at the time of the initial IPE in VICR.

## 22.5 Core Program – Co-enrollment

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Co-enrollment refers to the number of consumers who are co-enrolled in any of the programs in WIOA §1116(b)(3)(A)(ii). These six core programs are the Adult, Dislocated Worker, and Youth programs, authorized under WIOA title I and administered by DOL; the Adult Education and Family Literacy Act (AEFLA) program, authorized under WIOA title II and administered by ED; the Employment Service program authorized under the Wagner-Peyser Act, as amended by WIOA title III and administered by DOL; and the Vocational Rehabilitation (VR) program authorized under title I of the Rehabilitation Act of 1973, as amended by WIOA title IV and administered by ED.

DVI staff are expected to accurately document all of the core programs a VR consumer is involved in at the time of IPE and during their period of participation.

## 22.6 DVI Staff Responsibility

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DVI staff are responsible for ensuring the following items are completed:

- All consumers are notified during the orientation, intake, and at time of exit that they may be contacted six months and one year after case closure to check on their employment and education status;
- All consumers' contact information and preferred method for accessing print is complete, accurate, and current;
- Social security numbers are obtained whenever possible;
- IPEs include all credentials the consumers requires to obtain their job goal, including a secondary school diploma;
- All MSG and Credentials Attained during program participation are complete, accurate, and current in VICR for each consumer enrolled in or who has completed a credential; and
- Employment information in VICR is complete and accurate for each consumer who is closed in CIE.

Assigned staff are responsible for the collection of post-exit information; therefore, VR Counselors and support staff must ensure the case record is complete and accurate at time of exit.

## 22.7 Unemployment Insurance (UI) Data Matching

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Each quarter, the State of Delaware employers are required to report employment data for employees with a Social Security Number to the Delaware Unemployment Insurance Program. Verifying employment status and wages earned using UI wage records is the most efficient method but is not an option for all exited consumers.

DVI may not be able to match wage records for exited consumers who meet the following criteria (non-exhaustive):

- No social security number;
- Self-employed;
- Federal and military employees;
- Some agriculture workers; and
- Some religious organizations and non-profit employees.

DVI may be able to match wages for consumers employed in other States using the State Wage Interchange System (SWIS), to validate employment of those who exit DVI and are employed in another State.

## 22.8 Supplemental Wage Information

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For consumers listed above, where data matching through UI/SWIS is unavailable, DVI will use supplemental wage information. Any exited consumer who does not appear in the UI/SWIS Wage Records database must be contacted as close to the end of the 2<sup>nd</sup> and 4<sup>th</sup> quarters after exit as possible to determine if they are employed.

The following are acceptable forms of supplemental wage information:

- Self-report via a DVI follow-up survey (self-reported) signed and dated by the consumer; or
- Tax documents and employer records, including:
  - Copies of quarterly tax payment forms to the Internal Revenue Service, such as a Form 941 (Employer's Quarterly Tax Return);
  - Copies of at least two pay stubs; or
  - A signed verification from the employer on company letterhead attesting to a consumer's employment status and earnings.

DVI staff case note indicating the exited consumer is employed is not sufficient. Supplemental wage information must be stored in the case record and documented in VICR. DVI will assign staff to complete the sending, collection and tracking of survey results following the post-exit reporting timeline in the next section.

## 22.9 Post-Exit Reporting Timeline

DVI collects and reports the post-exit employment and credential attainment information from exited consumers (who exited for reasons included in the calculations of performance) who meet the criteria in the table below:

Consumer Cohort Quarter	Credential Information (Attainment and Enrollment)	Employment Information (UI/SWIS/Supplemental Wage)
1 <sup>st</sup> Quarter After Exit	<ul style="list-style-type: none"> <li>• Consumers who had a credential on the IPE but exited prior to attainment</li> <li>• Consumers who completed a secondary credential during program participation but did not enroll in a postsecondary program prior to exit</li> </ul>	<ul style="list-style-type: none"> <li>• Exited consumers who completed a secondary credential during the program participation</li> </ul>
2 <sup>nd</sup> Quarter After Exit	<ul style="list-style-type: none"> <li>• Consumers who had a credential on the IPE but exited prior to attainment</li> <li>• Consumers who completed a secondary credential during program participation but did not enroll in a postsecondary program prior to exit</li> </ul>	<ul style="list-style-type: none"> <li>• All exited consumers included in the calculations of performance</li> </ul>
3 <sup>rd</sup> Quarter After Exit	<ul style="list-style-type: none"> <li>• Consumers who had a credential on the IPE but exited prior to attainment</li> <li>• Consumers who completed a secondary credential during program participation but did not enroll in a postsecondary program prior to exit</li> </ul>	<ul style="list-style-type: none"> <li>• Exited consumers who completed a secondary credential during the program participation</li> </ul>

Consumer Cohort Quarter	Credential Information (Attainment and Enrollment)	Employment Information (UI/SWIS/Supplemental Wage)
4 <sup>th</sup> Quarter After Exit	<ul style="list-style-type: none"> <li>• Consumers who had a credential on the IPE but exited prior to attainment</li> <li>• Consumers who completed a secondary credential during program participation but did not enroll in a postsecondary program prior to exit</li> </ul>	<ul style="list-style-type: none"> <li>• All exited consumers included in the calculations of performance</li> </ul>

The post-exit data required for the employment rates for the 2<sup>nd</sup> and 4<sup>th</sup> quarters after exit must be reported to RSA within two quarters. Final reporting ends after the 6<sup>th</sup> quarter after exit report for all consumers included in the calculations for performance.

**22.10 Post-Exit Reporting Process**

DVI must follow the procedures below, on a quarterly basis for all exited consumers included in the calculations of performance.

- 1) DVI staff will ensure all case closures employment and credential information and documentation is complete by the end of the quarter.
- 2) Consumers are notified in their closure letter that DVI may contact them regarding their employment and education status in the year following their exit date.
- 3) Six weeks after the last day of each quarter, DVI's Social Services Senior Administrator matches UI/SWIS wage detail records for employment information for applicable consumers, followed by generating a report that identifies all exited consumers who—
  - a) Do not appear in UI or SWIS wage detail,
  - b) Had a credential on their IPE but did not attain it prior to exit; or
  - c) Completed a secondary credential during program participation but did not enroll in a postsecondary program prior to exit.
- 4) The DVI's Social Services Senior Administrator sends the reports to applicable staff (i.e., administration, supervision) to complete follow-up using supplemental wage information. The report lists all consumers who must be contacted to collect supplemental wage or credential attainment information and will be assigned to the appropriate staff.

- 5) The DVI staff assigned will send a VICR template letter and follow up survey to each consumers on the report requesting employment status, earnings, and credential information (if applicable). All documents must be stored in the case record.
- 6) The DVI staff assigned will attempt at minimum two additional contacts using the preferred and other methods (e.g., phone, email, letter) to obtain the information. All attempted contacts must be appropriately case noted in VICR. If DVI is unable to reach the consumer after the third attempt or receive the follow-up survey completed by the timeline necessary, the consumer's employment information is recorded as unemployed.
- 7) Supporting Documentation for Supplemental Wage or Credential Attainment must be documented in VICR and stored in the case record. Data matching through UI/SWIS will be recorded in VICR and the RSA-911 report, and accessible for review at any time.
- 8) The DVI Social Services Senior Administrator will audit a percentage of UI/SWIS wage detail records and supplemental wage information records to ensure documentation is complete and accurate prior to submitting in the RSA-911 report.

### **22.11 Negotiations and Sanctions**

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The Departments developed supplemental guidance outlining the process for negotiating levels of performance, as required by WIOA §116(b)(3)(A)(iv) and the two instances in which a State may be sanctioned.

- DVI must include expected levels of performance for each performance indicator in the initial submission of the Combined State Plan and in the required two-year modification. Expected levels of performance are the levels of performance proposed by the State and must be available for public comment.
- Negotiated levels of performance are the levels of performance mutually agreed to by DVI and the Rehabilitation Services Administration (RSA) under the U.S. Department of Education. The approved State Plan and the required two-year modification must reflect two years of negotiated levels of performance.
- The Statistical Adjustment Model (SAM) will provide the following two major functions in performance negotiations and assessment of State performance:
  - It is one of the factors used when coming to agreement on the negotiated levels of performance. It is used to account for the economic conditions and the characteristics of participants to be served by DVI (estimated levels of performance).

- It will be used at the close of a PY to adjust the negotiated levels of performance for the actual economic conditions experienced and actual characteristics of participants served; these are the adjusted levels of performance.
- The term "sanctions" refer to the reduction of the Governor's discretionary funds by 5% of the maximum available amount in the PY. The Governor's reserve funds are awarded under WIOA title I; however, the reduction of these funds can be due to the failure of any of the six core programs. The following two types of failure can lead to sanctions:
  - Failure to report; and
  - Failure to meet adjusted levels of performance.

DVI must partner with DVR for all requirements under this section that represent WIOA title IV. The programs will work together to submit the expected levels of performance in the State Plan, to negotiate levels of performance, and to submit the annual report.

### **22.12 Annual Performance Report**

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The Annual Performance Report (ETA-9169), required by WIOA §116(d)(2) and §361.160, is due by October 1 of each program year. The Annual Report includes participant information for both DVI and DVR for the respective PY using the four quarters of RSA-911 reports.

The Annual Report includes the following:

- Total number of consumers served;
- Total number of consumers who exited;
- Consumers with barriers to employment;
- Co-enrollment in one or more of the WIOA core programs;
- Consumer characteristics (including age, sex, race, and ethnicity);
- Total number of consumers who received career services;
- Total number of consumers who received training services;
- Amount of funds spent on career services;
- Amount of funds spent on training services;
- Average cost per consumer for those consumers who received career services and training service; and
- Information on the performance levels achieved for the primary indicators of performance.

DVI will partner with DVR to ensure consistent methodologies necessary to ensure accurate data and timely submission of the report and to validate the accuracy of the data pre-populated by RSA.

### **22.13 Internal Controls**

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DVI incorporates a variety of internal controls to ensure the accuracy of collecting, documenting, and reporting related to the performance accountability system.

- DVI administration quarterly case reviews;
- Quality assurance policy outlining additional internal control measures, including audits of post-exit reporting validity, supporting documentation and adherence to policy;
- VICR controls included in VICR manual;
- Regular use of RSA-911 error checks (i.e., RSAMIS error checks), RSA dashboards, and VICR reports; and
- Training related to policy, regulations, best practices, and intended outcomes.

## **Chapter 23: Data Validation**

### **General Policy Overview**

The requirements in 34 CFR §361.47 and 34 CFR §361.56, taken together, require DVI to maintain supporting documentation in a consumer's case record, particularly regarding eligibility determinations, development of the IPE, services provided, and case closure. It is important to note that the use of an electronic case management system (i.e., VICR) does not remove the requirement for DVI to maintain either hard copies or scanned copies of required supporting documentation in the consumer's case record. An electronic case management system is merely a data-entry process that is susceptible to data-entry errors. Requiring staff to note the source of the employment data does not solely provide the documentation necessary to ensure data validity and reliability.

Following Federal and VR-specific guidance (e.g., RSA's Monitoring and Technical Assistance Guide, Audit Compliance Supplements), DVI must develop data validation procedures to ensure the information collected and reported is valid and reliable.

### **Chapter 23 Sections**

#### **23.1 Purpose of Data Validation**

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The purposes of data validation procedures, under WIOA §116(d)(5), for jointly required performance data are as follows:

- To verify that the performance data reported by DVI are valid, accurate, reliable, and comparable across programs;
- To identify anomalies in the data and resolve issues that may cause inaccurate reporting;
- To outline source documentation required for common data elements; and
- To improve program performance accountability through the results of data validation efforts.

### **23.2 Data Validation Procedures**

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Data validation means ensuring the information reported in the case record, including VICR and the hard file, and Federal reporting, is true, accurate, and as applicable, supported by source documentation. Data validation procedures are embedded throughout the policy and procedure manual, within fiscal and administrative implementation procedures, and are a critical component of DVI's quality assurance activities and fiscal oversight.

Training of staff on data validation, including the importance of data accuracy and internal controls, occurs annually through formal staff trainings, as well as during any specific policy update or added process due to areas of risk or concern.

DVI data validation administrative procedures include, but are not limited to, the following:

- Annual and targeted case reviews;
- VICR caseload reports;
- Analysis of quarterly RSA-911 error reports;
- Ongoing staff training;
- Data Analytics (e.g., RSA data dashboards, Tableau);
- New Counselor oversight (e.g., signatures, limited approval levels);
- Federal and State corrective action plan amendments and tracking;
- Personnel action (e.g., training, professional development/evaluation); and
- Other.

### **23.3 Correction Procedures**

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DVI staff will ensure that data submitted in VICR is timely, accurate, and valid. Nonetheless, there are instances where corrections to data are necessary and justifiable. Most errors can be fixed directly in VICR; however, there are specific errors requiring DVI to coordinate directly with RSA following the Case Service Report (RSA-911) Correction Procedures.

When correcting errors in the case record RSA-911 data, such as an incorrect "reason for exit" or incorrect date of birth, the following information must be case-noted:

- The original data;
- The corrected data; and
- The reason for the correction,

When DVI identifies reporting errors and anomalies in the RSA-911 data, they will reassess the effectiveness of its internal controls to inform whether they should be enhanced to strengthen data collection and reporting and, ultimately, avoid future errors in reporting.

### **23.4 WIOA Supporting Documentation**

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DVI must validate common data elements required for data collection under WIOA §116. Source documentation types include cross-matching through third-party sources, self-attestation by the consumer, case notes by DVI staff, and electronic records.

DVI source documentation requirements can be found in [Appendix C: VR Program Supporting Documentation C](#).

### **23.5 VR Supporting Documentation**

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In addition to the data validation required for WIOA, DVI must validate VR-specific data elements required by the Rehabilitation Act of 1973, as amended, and its implementing regulations, through source documentation. Source documentation<sup>73</sup> includes case notes by DVI staff, DVI forms and letters, third-party documentation, and electronic records.

### **23.6 Internal Controls**

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These data validation procedures are internal control processes for DVI, to ensure validation and accuracy of data reported by DVI. Additionally, DVI incorporates internal controls to ensure DVI's compliance with this policy:

- DVI administration quarterly case reviews;
- Quality assurance policy outlining additional internal control measures, including audits of VICR input validity, supporting documentation and adherence to policy;

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<sup>73</sup> For more information, see Appendix C: VR Program Supporting Documentation.

- VICR controls included in VICR manual;
- Regular use of RSA-911 error checks (i.e., RSA Management Information System [RSAMIS] error checks), RSA dashboards, and VICR reports;
- Training related to policy, regulations, best practices, and intended outcomes.

## Chapter 24: Credential Attainment and Measurable Skill Gains (MSG)

### General Policy Overview

WIOA Section 116 of WIOA (34 CFR 361 Subpart E) establishes performance accountability indicators, which include the Credential Attainment (CA) rate and Measurable Skill Gains (MSG) rate. Education and training can lead to long-term employment success, higher earnings, and opportunities for career advancement for the consumers served by DVI. The education performance indicators are reported to RSA quarterly, at the time they are achieved. VR Counselors will record CAs and MSGs that occur in conjunction with an agreed-to training objective in the IPE required to meet the consumer's employment goal.

This policy chapter follows the requirements of WIOA Section 116 (34 CFR 361 Subpart E) and sub-regulatory guidance. Supporting documentation must be included in the case record in order to validate the data submitted in VICR and the RSA-911<sup>74</sup>.

### Chapter 24 Sections

#### 24.1 Credential Attainment Rate Defined

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The CA rate is the percentage of those participants enrolled in an education or training program (excluding those in OJT and customized training) who attained a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program.

A participant who has attained a secondary school diploma or its recognized equivalent is included in the percentage of participants who have attained a secondary school diploma or its recognized equivalent only if the participant also is employed or is enrolled in an education or training program leading to a recognized postsecondary credential within one year after exit from the program.

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<sup>74</sup> For more information, see Chapter 23: Data Validation.

This indicator measures attainment of the following two types of credentials: A recognized **postsecondary** credential, or a **secondary** school diploma or its recognized **equivalent**.

- The CA rate includes all participants in education or training programs that lead to a recognized postsecondary credential and those with the goal of attaining a secondary school diploma or recognized equivalent on their IPE. If the participant does not have a goal of a secondary school diploma or recognized equivalent on their IPE, they will not be included in the indicator, even if they attain the diploma or equivalent.
- A participant will only be included in the credential attainment rate once per period of participation, regardless of the number of credentials they earn. However, DVI staff are required to report all credentials earned during participation in the program. For example, if a participant earns a high school diploma and an occupational license, the VR Counselor is required to document both, and the occupational license will be the only credential included in the CA rate for the participant.
- As required in WIOA section 116(b)(2)(A)(iii), participants who obtain a secondary school diploma or its recognized equivalent must also meet an additional condition before they are counted as a successful outcome and included in the numerator of the credential attainment indicator. These participants must be employed or enrolled in an education or training program leading to a recognized postsecondary credential within one year following exit.
- When a participant earns a secondary school diploma or recognized equivalent, but also earns a postsecondary credential during program participation, they will no longer be held to this special rule. This special rule only pertains to participants who exit the VR program and only achieved a secondary credential.

## 24.2 Types of Recognized Credentials

A recognized postsecondary credential is defined as a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the Federal or State government, or an associate or bachelor's degree, as well as graduate degrees.

Types of Accepted Credentials	Examples
Secondary school diploma or recognized equivalent	<ul style="list-style-type: none"> <li>• High school diploma</li> <li>• GED</li> <li>• High School Equivalency Test</li> </ul>
Associate degree	<ul style="list-style-type: none"> <li>• AS Marketing</li> <li>• AS Accounting</li> </ul>

Types of Accepted Credentials	Examples
Bachelor's degree	<ul style="list-style-type: none"> <li>• BS Social Work</li> <li>• BS Graphic Design</li> </ul>
Graduate degree	<ul style="list-style-type: none"> <li>• MS Rehabilitation Counseling</li> <li>• MBA – Business Admin.</li> </ul>
Occupational licensure	<ul style="list-style-type: none"> <li>• Registered Nurse</li> <li>• Barbering license</li> <li>• BEP</li> </ul>
Occupational certificate, including Registered Apprenticeship and Career and Technical Education certificates	<ul style="list-style-type: none"> <li>• Welding certificate</li> <li>• Plumbing Registered Apprenticeship</li> </ul>
Occupational certification	<ul style="list-style-type: none"> <li>• Automotive Service Excellence certification</li> <li>• Job Corps – Career Technical Training certification</li> </ul>
Other recognized certificates of industry/occupational skills completion sufficient to qualify for entry-level or advancement in employment	<ul style="list-style-type: none"> <li>• Other</li> </ul>

Certificates must recognize technical or industry/occupational skills for the specific industry or occupation rather than general skills related to safety, hygiene, etc., even if such general skills certificates are broadly required to qualify for entry-level employment or advancement in employment.

Examples that Do NOT Meet the WIOA Definition of Credential
Special Education Certificate of Completion
Work/Career Readiness Certifications (workforce development boards)
Completion of Orientation and Mobility Training
OSHA 10, CPR, First Aid – Other common job-related safety and health hazard training certifications
DVI sponsored On-the-Job Training (OJT) or Customized Training

<b>Examples that Do NOT Meet the WIOA Definition of Credential</b>
Transportation skills attainment
Soft skills training
General computer and security certificates
Comprehensive transition programs (CTP) that may not lead to a recognized postsecondary credential

### **24.3 Secondary Organizations Awarding Recognized Credentials**

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A secondary school diploma (or alternate diploma) (commonly referred to as high school diploma) is one that is recognized by the State of Delaware and that is included for accountability purposes under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by Every Student Succeeds Act (ESSA). A secondary school equivalency certification signifies that a student has completed the requirements for a high school education.

The types of recognized equivalents, for those not covered under ESEA, that would satisfy this performance indicator are those recognized by the State of Delaware. DVI accepts secondary credentials as defined under Delaware Administrative Code, Title 14: 900:

- Verification of the successful completion of the assessment that evaluates high school level skills in the areas of English Language Arts, Math, Science and Social Studies. (e.g., GED, HiSET)

### **24.4 Postsecondary Organizations Awarding Recognized Credentials**

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A recognized postsecondary credential is awarded in recognition of a consumer's attainment of measurable technical or industry/occupational skills necessary to obtain employment or advance within an industry/occupation. These technical or industry/occupational skills are generally based on standards developed or endorsed by employers or industry associations.

DVI accepts credential verification by a variety of organizations and institutions that award recognized postsecondary credentials, including the following:

1. State Educational Agency, including Public Career and Technical Education Facilities;
2. Higher Education Institutions and programs eligible to participate in the Federal student financial aid programs (e.g., community colleges and universities both public and private and programs that are FAFSA-eligible);

3. Higher education institutions that are formally sanctioned or chartered by the governing bodies of Native American Tribes;
4. A professional industry, employer organization or product manufacturer/developer using a valid reliable assessment of a consumer's knowledge, skill, and abilities (e.g., Microsoft IT Professional (MCITP), National Institute for Metalworking Skill, Inc., Machining Level I credential);
5. The Office of Apprenticeship (Federal and State);
6. A public regulatory agency which awards a credential or license that is necessary to obtain employment in a particular profession or occupation (e.g., licenses awarded by the [Delaware Division of Professional Regulation](#));
7. Programs approved by the Department of Veterans Affairs to offer education benefits; and
8. Job Corps, which issues certificates for completing career training programs that are based on industry skills standards and certification requirements.

Not all credentials by these entities meet the definition of recognized postsecondary credential. It is crucial that DVI staff understand the types of credentials that meet the definition under WIOA to ensure accurate reporting for the CA rate.

#### **24.5 Credential Attainment Documentation Requirements**

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Credentials are to be documented at the time they are achieved by the consumer. Prior to recording in VICR, VR Counselors must obtain supporting documentation of the credential and maintain the documentation in the hard file. Credentials should correspond to the training objectives identified on the participant's IPE, necessary to achieve the employment goal.

VR Counselors must complete the following:

- Include the education or training program on the IPE and document how the service is being provided (e.g., VR staff in-house, purchase, comparable benefit);
- Document the date a consumer enrolled in an education or training program that leads to a secondary school diploma, recognized equivalent and/or postsecondary education (Note: If a consumer was already enrolled at the time of IPE, the enrollment date should be the date of the initial IPE.);
- Document the interim progress (MSG) toward the credential, following the MSG guidelines in this chapter;

- Document the date and type of credential attained by the consumer. The date of the credential should correspond to the date it was awarded or the last date of attendance (if credential award date is not available), not the date the VR Counselor received the documentation. For example, a consumer who attains a credential at the completion of spring semester in postsecondary education may not provide the VR Counselor the documentation until the following month. The VR Counselor should accurately document when the credential attainment was achieved (e.g., May 16, XXXX) rather than when it was reported to DVI (e.g., June 20, XXXX);
- Include supporting documentation in the hard file;
- Document the date the consumer completed or disenrolled from their education or training program, including the reason (e.g., consumer dropped out of training program)

#### **24.6 Measurable Skill Gains (MSG) Rate Defined**

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The MSG rate is the percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains; documented academic, technical, occupational, or other forms of progress towards such a credential or employment.

This indicator measures the interim progress toward the following two types of credentials: A **recognized postsecondary** credential, or a **secondary** school diploma or its **recognized equivalent**, or **employment**.

- The MSG rate is not an exit-based indicator. It includes all participants in education or training programs that lead to a recognized postsecondary credential, a secondary school diploma or recognized equivalent on their IPE. It also includes participants who are enrolled in a training program that leads to employment (e.g., On-the-Job Training, Customized Training).
- A participant will be included in the MSG rate once per program year, for each year they are enrolled in an education or training program during their period of participation<sup>75</sup>. Similar to documenting credentials, DVI staff are required to report all MSGs earned during participation in the program for each participant. For example, if a participant achieves an MSG for both fall and spring semesters in postsecondary education, the VR

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<sup>75</sup> For more information, see Section 22.1: Definitions.

Counselor is required to document both, and the spring (or most recent) MSG will be the only one included in the MSG rate for the participant.

- A participant can earn an MSG (passing a semester) in secondary education while working toward achieving a secondary school diploma or recognized equivalent. The achievement of a secondary school diploma or recognized equivalent can be documented as both a secondary credential and an MSG.

## 24.7 Types of Measurable Skill Gains (MSG)

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MSGs are intended to capture important progressions through pathways that offer different services based on program purposes and participant needs. Depending upon the type of education or training program in which a participant is enrolled, documented progress is defined as one of the following:

- 1) Documented achievement of at least one **educational functioning level** of a participant who is receiving instruction below the postsecondary education level ([Delaware Adult Education](#));
  - a) Documenting an Educational Functioning Level (EFL) gain through a pre- and post-test showing the participant's measured progress (such as an increased Reading/Math/English level measured through a TABE, ABLE, or BEST);
  - b) Documenting an EFL gain while enrolled in adult high school programs that leads to a secondary school diploma or its recognized equivalent may measure and report an educational gain through the awarding of credits or Carnegie units; or
  - c) Documenting an EFL gain for participants who exit a program below the postsecondary level and enroll in postsecondary education or training during the program year. This applies to participants enrolled in a basic education program. (Note: Concurrent enrollment in postsecondary training and adult education does not meet the definition of increase in educational functioning level.)
- 2) Documented attainment of a **secondary school diploma or its recognized equivalent**;
  - a) Documented achievement of a high school diploma and recognized equivalents (e.g., GED, HiSET) awarded by Delaware's secondary schools and Adult Education Programs. (Note: *Special Education certificates are not considered a Credential, therefore MSG are not applicable and should not be documented as such.*)
- 3) **Secondary or postsecondary transcript or report card** for a sufficient number of credit hours that shows a participant is meeting the State of Delaware's academic standards;
  - a) **Secondary Education**

- i. Successful completion of a semester in a secondary school program: This includes students who are seeking a high school diploma or recognized equivalent on their IPE. VR Counselors should review the participant's report card to ensure that the student has successfully passed all courses. "Passing" refers to the minimum grade required to receive credit hours for completion of a course. If the report card indicates the participant dropped out of school, was removed from the institution, or any other conditions that indicate removal on academic or conduct grounds, then the consumer did not achieve a MSG.

**b) Postsecondary Education**

- i) Full-time students must complete at least 12 hours/credits for one semester at a 2.0 GPA or higher.
- ii) Part-time students must complete at least 12 hours/credits over the course of two consecutive semesters at a 2.0 GPA or higher (e.g., 6 credits earned during the Fall semester and 6 credits earned during the following Spring semester). For part-time students, the MSG occurs and is documented in VICR in the program year that the 12th credit hour is obtained.
- iii) Other recognized education program in which the participant is enrolled including, but not limited to, semesters, trimesters, quarters, and clock hours for the calculation of credit hours when they achieve the equivalent of this MSG.

**4) Training Milestones:** Satisfactory or better progress report towards established milestones, such as completion of OJT or completion of one year of an apprenticeship program or similar milestones from an employer or training provider who is providing training;

- a) Documented successful completion of a DVI or partner-sponsored OJT program by the employer/trainer validating the skills attained by the participant.
- b) Documented milestones achieved through Randolph-Sheppard training leading toward the Business Enterprise Program (BEP) license or certification.
- c) Documented milestones through Registered Apprenticeship Training (or similar type of training) progress reports by the employer or training provider. Progress reports may include milestones completed as the participant masters the required job skills or steps to complete the program and increases in pay or

performance as a result from newly acquired skills. (Note: Pre-ETS Work-Based Learning Experiences are general in nature; therefore, they are not included as an MSG.)

5) **Skills Progression:** Successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks such as knowledge-based exams.

a) Documentation includes the results indicating a passing score on a certification or licensure exam, occupational skills exams, and knowledge-based exams.

Types of Accepted MSG	Example
1. Educational Functioning Level (EFL)	<ul style="list-style-type: none"> <li>• Increased reading level from 8<sup>th</sup> grade to 9<sup>th</sup> grade documented by TABE pre- and post-tests</li> </ul>
2. Secondary school diploma or its recognized equivalent	<ul style="list-style-type: none"> <li>• High school diploma</li> <li>• High School Equivalency Test (HiSET)</li> <li>• GED</li> </ul>
3. Secondary and postsecondary transcript or report card	<ul style="list-style-type: none"> <li>• Secondary report card (passing semester)</li> <li>• Postsecondary transcript (12 credits)</li> </ul>
4. Training milestone achieved by Satisfactory performance	<ul style="list-style-type: none"> <li>• OJT successful completion</li> <li>• Registered Apprenticeship progress report</li> <li>• BEP training and OJT milestones</li> </ul>
5. Skills progression	<ul style="list-style-type: none"> <li>• NCLEX exam results</li> <li>• HVAC exam results</li> </ul>

MSGs document academic, technical, occupational, or other forms of progress towards recognized credentials and employment. Therefore, DVI staff must not document MSG for achievements that are general in nature, disability adjustment training, or do not lead to specific skills required for a particular occupation.

Examples that Do NOT Meet the Definition of a WIOA MSG
Yearly progression in Special Education while working toward a Certificate of Completion
Transportation Skill Attainment (e.g., mastering use of public transportation)
Mastery of Orientation and Mobility skills

<b>Examples that Do NOT Meet the Definition of a WIOA MSG</b>
General skills gained as part of the IPE for activities that do not relate to training and education
Vocational Evaluation assessments and aptitude tests
Documentation of attainment of Microsoft Office skills in JAWS
Soft skills training

## **24.8 Measurable Skill Gains (MSG) Documentation Requirements**

MSGs are to be documented at the time they are achieved by the participant. Prior to recording in VICR, VR Counselors must 1) obtain supporting documentation of the type of MSG and 2) maintain the documentation in the hard file. MSGs should correspond to the training objectives identified on the consumer's IPE (e.g., high school diploma, BEP license) necessary to achieve the employment goal.

VR Counselors must complete the following:

- Include the education or training program on the IPE, and document how the service is being provided (i.e., staff in-house, purchase, comparable benefit);
- Document the date a participant enrolled in an education or training program that leads to a secondary school diploma, recognized equivalent, postsecondary education, or employment (Note: If a participant was already enrolled at the time of IPE, the enrollment date should be the date of the initial IPE);
- Document the date and type of MSG achieved by the participant. The date of the MSG should correspond to the date it was achieved or the last date of attendance (if MSG achievement date is not available), not the date in which the VR Counselor received the documentation. For example, a participant who achieves an MSG at the completion of the fall semester in postsecondary education may not provide the VR Counselor the documentation until the following month. The VR Counselor should accurately document when the achievement was made (e.g., December 16, XXXX) rather than when it was reported to DVI (e.g., January 10, XXXX);
- Include supporting documentation (See Appendix X) in the hard file;
- Document the date the participant completed or disenrolled from their education or training program, including the reason (e.g., participant dropped out of training program

due to increased effects of their disabling condition, or participant completed welding certification training program). (Note: This is a crucial step to ensure an accurate count of participants in DVI's denominator during each PY's performance calculations.)

## **24.9 Documentation Requirements**

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DVI staff must follow documentation procedures outlined in this policy, in accordance with the VICR Manual and Data Validation requirements in Appendix C.

## **24.10 Internal Controls**

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DVI incorporates a variety of internal controls to ensure the accuracy of collecting, documenting, and reporting MSG and credential attainment:

- DVI administration quarterly case reviews, which include targeted reviews on MSG and credential attainment;
- Quality assurance policy outlining additional internal control measures.
- VICR controls included in VICR manual;
- Regular use of RSA-911 error checks (i.e., RSAMIS error checks), RSA dashboards, and VICR reports; and
- Training related to policy, regulations, best practices, and intended outcomes.

## Appendices

### Appendix A: DVI VR Status Codes

The VR Counselor provides services in accordance with DVI policy, utilizing the Visually Impaired Client Record (VICR) case management system. The system uses status codes and is designed to collect data. The system is also used in the following ways:

- Case management tool for VR Counselors;
- Tool to meet the reporting requirements of the Federal RSA-911 report;
- Aid to report consumer progress and status in the VR process; and
- Aid in evaluating VR Counselor and agency performance.

Note: Comprehensive Status descriptions follow table.

<b>Prior to Application</b>	<b>Status</b>
Referral for VR Services	00
Potentially eligible student with a disability (Pre-ETS only)	03
<b>Application</b>	
Application for VR Services – Eligibility Pending	02
Pre-Service – Order of Selection (OOS) Waiting List	04
Trial Work Experience (TWE) – Eligibility Pending	06
<b>Eligible</b>	
Determined Eligible for VR Services – IPE Pending	10
<b>Service (IPE)</b>	
IPE Completed – Services Pending	12
VR Counseling & Guidance Services Only	14
Restoration Services – Physical/Mental	16
Transition Services – Youth with Disability (Ages 14-24)	17
Training & Education Services	18
Employment Ready – Job Search	20
Services Interrupted	24
<b>Employed</b>	
Employed – Competitive Integrated Employment (CIE)	22
<b>Exited (Case Closed) – Successfully Employed</b>	
Exited from VR Services due to CIE	26
<b>Exited (Case Closed) – Other than Employed</b>	
Closed as referral, applicant, or determined ineligible	08
Closed after IPE without employment	28
Closed after eligibility, but prior to IPE services	30
Closed from OOS Waiting List	38

Post-Employment Services	
Post-Employment Services Required (under an IPE)	32
Post-Employment Services Completed	33

**Comprehensive Status descriptions are as follows:**

**Status 00 Referral for VR Services:** Used when a consumer is referred to VR, the referral is documented in VICR and must be scheduled to meet with a VR Counselor within 30 days.

**Status 02 Application for VR Services:** Used when a consumer has completed an application for the VR program, participated in an intake appointment (if available) and the 60-day timeframe for eligibility begins.

**Status 03 Potentially Eligible Student with a Disability (SWD):** Used when SWD who are receiving Pre-Employment Transition Services (Pre-ETS) prior to VR application.

**Status 04 Pre-Service Order of Selection (OOS) Waiting List:** Used when consumers are eligible for VR services but are not in an open priority category.

**Status 06 Trial Work Experience (TWE):** Use when eligibility is pending due to needing a TWE to determine if the consumer with a disability can benefit from VR services in terms of an employment outcome or their disability is too severe/significant.

**Status 10 Eligibility Determination:** Use when a consumer is determined eligible for VR services, a pending IPE is in development, and the 90-day timeframe for IPE begins.

**Status 12 IPE completed:** Used when a consumer's services are pending and remains in Status 12 until a service is initiated.

**Status 14 VR Counseling & Guidance Services Only:** Use when counseling and guidance is the only VR service, under an IPE, required by a consumer to gain employment.

**Status 16 Restoration Services:** Use when visual, physical, and/or medical restoration services are the only or major service provided under an IPE.

**Status 17 Transition Services:** Use when a consumer is a youth with disability (ages 14-21) receiving transition and VR services, including students with disabilities receiving Pre-ETS under an IPE.

**Status 18 Training & Education Services:** Use when a consumer is engaged in a training or education program (e.g., disability skills training, college, OJT) under an IPE.

**Status 20 Employment Ready:** Use when a consumer has completed other VR services (e.g., restoration, training) and is engaged in searching for employment under an IPE.

**Status 22 Employed:** Use when a consumer is employed in Competitive Integrated Employment (CIE) that matches the IPE employment goal and remains in this status for a minimum of 90 days before the VR Counselor closes the case successfully (Status 26).

**Status 24 Services Interrupted:** Use when a consumer requests a delay or halt of VR services or is not currently meeting the terms and conditions of the IPE.

**Status 26 Successfully Employed/Rehabilitated:** Use when a consumer exits the VR program, after receiving services under an IPE, due to gainful employment in competitive integrated employment (minimum of 90 days).

**Status 32 Post-Employment Services (PES) Required:** Use when PES (short-term and within one year of exit – Status 26) are needed for the consumer to maintain or advance employment.

**Status 33 Post-Employment Services:** Use when a consumer has completed PES and case is closed.

**Status 08 Closed Prior to Eligibility:** Use when a consumer's case is closed as a referral (Status 00), applicant (Status 02) or has been determined ineligible for the VR program.

**Status 28 Closed after IPE without Employment:** Use when a consumer exits the VR program, after receiving services under an IPE, due to reasons other than successfully employed/rehabilitated (i.e., Status 14, 16, 18, 24).

**Status 30 Closed after eligibility, but prior to IPE services:** Use when a consumer exits the VR program after being determined eligible for VR services, but prior to the development and receipt of services under an IPE (i.e., Status 10, 12).

**Status 38 Closed from OOS Waiting List:** Use when a consumer exits the VR program from the OOS waiting list, prior to the development and receipt of services under and IPE (Status 04).

## Appendix B: WIOA Supporting Documentation

WIOA Section 116 requires DVI to validate the performance data submitted in VICR and the RSA-911 through supporting (or source) documentation to ensure that reports are valid and reliable. This appendix follows the requirements outlined in Chapter 23: Data Validation.

The supporting documentation may include multiple sources (e.g., case notes and third-party records) which will further validate the accuracy of each data element; however, it MUST include at least one of the following:

Data Element	VICR Name & Location	Definition	Supporting Documentation (See Chapter 23: Data Validation and Chapter 21: Consumer Record and Case Documentation)
<b>DE 127:</b> Start Date of Initial VR Service on or After IPE	Client RSA Data: 'Dates Data' Screen	<p>§361.150(a)(1)</p> <p>The <b>Date of Program Entry</b> is the date on which the consumer became a VR participant.</p>	<ul style="list-style-type: none"> <li>Signed IPE</li> <li>Documented services (in-house, purchased and/or comparable benefit)</li> <li>Electronic Records</li> </ul> <p><i>The date of program entry in VICR <u>MUST</u> match the date of the IPE and/or initial service after IPE.</i></p>
<b>DE 353:</b> Date of Exit	Client RSA Data: 'Dates Data' Screen	<p>§361.47(a)(14), §361.47(a)(15), §361.43 or §361.56</p> <p>The <b>Date of Exit</b> is the date the consumer exited the VR or SE program consistent with the requirements in the regulations.</p>	<ul style="list-style-type: none"> <li>DVI Program Exit Letter – Copy of letter sent to consumer</li> </ul> <p><i>The date of exit in VICR <u>MUST</u> match the date of the exit letter.</i></p>
<b>DE 355:</b> Reason for Exit	Client RSA Data: 'At Exit Data' Screen	<p>§361.150(c)(2), §361.47(a)(14), and §361.47(a)(15)</p> <p>The <b>Reason for Exit</b> identifies the reason the consumer exited the VR program.</p>	<ul style="list-style-type: none"> <li>DVI Program Exit Letter – Copy of letter sent to consumer that explains the reason for exit</li> <li><i>Detailed</i> case notes* signed by the counselor in the case record</li> <li>Electronic Records</li> <li>Information from institution, facility, or partner agency</li> </ul>

Data Element	VICR Name & Location	Definition	Supporting Documentation (See Chapter 23: Data Validation and Chapter 21: Consumer Record and Case Documentation)
		<i>(This data element relates to the performance indicator Denominators)</i>	<ul style="list-style-type: none"> <li>• Obituary</li> </ul>
Training DE's	Client RSA Data: 'Services Provided Data' Screen	§361.48(b)(6)  The <b>type of training service</b> must be identified on the IPE and consistent with the employment goal. VR must record all training services provided in whole or by part, VR In-house, Purchased, and Comparable Benefits.	<ul style="list-style-type: none"> <li>• Copy of enrollment record</li> <li>• <i>Detailed</i> case notes* signed by the counselor in the case record</li> <li>• Training Institution documentation</li> <li>• Electronic Records</li> <li>• Signed IPE/Amendments including services provided</li> </ul>
<b>DE 84:</b> Enrolled in Postsecondary Education or career or technical training	Client RSA Data: 'Education Data' Screen	§361.155(a)(1)(iv)  Record when a participant is <b>enrolled in a postsecondary education program</b> that leads to a credential at any point during VR participation under an IPE.  <i>(This data element relates to the Credential Attainment Rate Denominator)</i>	<ul style="list-style-type: none"> <li>• Copy of enrollment record</li> <li>• <i>Detailed</i> case notes* signed by the counselor in the case record</li> <li>• Postsecondary Education School Records</li> <li>• Electronic Records</li> <li>• Transcript or Report Card</li> </ul> <p>Data Match with postsecondary data system</p>
<b>DE 78:</b> Enrolled in Secondary Education	Client RSA Data: 'Education Data' Screen	§361.155(a)(1)(iv)  Record when a participant is either already <b>enrolled in a</b>	<ul style="list-style-type: none"> <li>• Copy of enrollment record</li> <li>• <i>Detailed</i> case notes* signed by the counselor in the case record</li> <li>• Secondary Education School Records</li> </ul>

Data Element	VICR Name & Location	Definition	Supporting Documentation (See Chapter 23: Data Validation and Chapter 21: Consumer Record and Case Documentation)
		<p><b>secondary education program</b> at the time of IPE or become <b>enrolled in a secondary education program</b> (at or above the 9<sup>th</sup> grade level) with the goal of achieving a secondary school diploma on the IPE.</p> <p><i>(This data element relates to the Credential Attainment Rate Denominator.)</i></p>	<ul style="list-style-type: none"> <li>• IEP Documentation</li> <li>• Electronic Records</li> <li>• Transcript or Report Card</li> </ul> <p>Data Match with K-12 data system</p>
<p><b>DE 400:</b> Enrolled in a Recognized Secondary School Equivalency Program</p>	<p>Client RSA Data: 'Education Data' Screen</p>	<p>§361.155(a)(1)(iv)</p> <p>Record when a participant is either already <b>enrolled in a recognized secondary equivalency program</b> at the time of IPE or become <b>enrolled in a recognized secondary equivalency program</b> (at or above the 9<sup>th</sup> grade level) with the goal of achieving a secondary school equivalency (e.g., GED) on the IPE.</p> <p><i>(This data element relates to the Credential Attainment Rate Denominator.)</i></p>	<ul style="list-style-type: none"> <li>• Copy of enrollment record</li> <li>• <i>Detailed</i> case notes* signed by the counselor in the case record</li> <li>• Adult Education School Records</li> <li>• Electronic Records</li> <li>• Transcript or Report Card</li> </ul>

Data Element	VICR Name & Location	Definition	Supporting Documentation (See Chapter 23: Data Validation and Chapter 21: Consumer Record and Case Documentation)
<b>DE 376:</b> Date Enrolled in Post-Exit Education or Training Program Leading to a Recognized Postsecondary Credential	Client RSA Data: 'Employment & Post-Exit Data' Screen	§361.155(a)(1)(iv)(B)  Record the <b>date the participant enrolled in an education or training program</b> that leads to a recognized postsecondary credential within one year (365 days) of exit from the program.  <i>(This data element relates to the Credential Attainment Rate Numerator.)</i>	<ul style="list-style-type: none"> <li>• Copy of enrollment record</li> <li>• <i>Detailed</i> case notes* signed by the counselor in the case record</li> <li>• Postsecondary Education School Records</li> <li>• Transcript or Report Card</li> <li>• Data Match with postsecondary data system</li> </ul> <p><i>The date of post-exit enrollment in an education or training program <u>MUST</u> match the date of the supporting documentation.</i></p>
<b>DE 379:</b> Employment – First Quarter After Exit	Client RSA Data: 'Employment & Post-Exit Data' Screen	§361.155(a)(1)(iv)(B)  Record the participant's <b>employment status in the first quarter after exit</b> – in competitive integrated employment. This is only required when necessary to document credential attainment for students who attained a secondary education credential.  <i>(This data element relates to the Credential Attainment Rate Numerator.)</i>	<ul style="list-style-type: none"> <li>• UI/SWIS wage data match</li> <li>• Supplemental Wage Information (i.e., follow up survey, pay stubs, IRS tax forms)</li> <li>• <i>Detailed</i> case notes* <u>verified by the employer</u> and signed by the counselor in the case record</li> <li>• Verification from the employer (on company letterhead) attesting to an consumer's employment status and earnings</li> </ul>
<b>DE 383:</b> Employment –	Client RSA Data: 'Employment &	§361.155(a)(1)(i)	<ul style="list-style-type: none"> <li>• UI/SWIS wage data match</li> <li>• Supplemental Wage Information</li> </ul>

Data Element	VICR Name & Location	Definition	Supporting Documentation (See Chapter 23: Data Validation and Chapter 21: Consumer Record and Case Documentation)
Second Quarter After Exit	Post-Exit Data' Screen	Record the participant's <b>employment status in the second quarter after exit</b> – in competitive integrated employment.  <i>(This data element relates to the Employment Rate in the Second Quarter After Exit Numerator.)</i>	(i.e., follow up survey, pay stubs, IRS tax forms) <ul style="list-style-type: none"> <li>• Detailed case notes* <u>verified by the employer</u> and signed by the counselor in the case record</li> <li>• Verification from the employer (on company letterhead) attesting to an consumer's employment status and earnings</li> </ul>
<b>DE 385:</b> Quarterly Wages – Second Quarter After Exit	Client RSA Data: 'Employment & Post-Exit Data' Screen	§361.155(a)(1)(iii)  Record the <b>total quarterly earnings</b> (total wages) during the second quarter after exit from the VR program.  <i>(This data element relates to the Median Earnings in the Second Quarter After Exit Numerator.)</i>	<ul style="list-style-type: none"> <li>• UI/SWIS wage data match</li> <li>• Supplemental Wage Information (i.e., follow up survey, pay stubs, IRS tax forms)</li> <li>• Detailed case notes* <u>verified by the employer</u> and signed by the counselor in the case record</li> <li>• Verification from the employer (on company letterhead) attesting to an consumer's employment status and earnings</li> </ul>
<b>DE 386:</b> Employment – Third Quarter After Exit	Client RSA Data: 'Employment & Post-Exit Data' Screen	§361.155(a)(1)(iv)(B)  Record the participant's <b>employment status in the third quarter after exit</b> – in competitive integrated employment. This is only required when necessary to document credential attainment for students who attained a secondary education	<ul style="list-style-type: none"> <li>• UI/SWIS wage data match</li> <li>• Supplemental Wage Information (i.e., follow up survey, pay stubs, IRS tax forms)</li> <li>• Detailed case notes* <u>verified by the employer</u> and signed by the counselor in the case record</li> <li>• Verification from the employer (on company letterhead) attesting to an consumer's employment status and earnings</li> </ul>

Data Element	VICR Name & Location	Definition	Supporting Documentation (See Chapter 23: Data Validation and Chapter 21: Consumer Record and Case Documentation)
		<p>credential.</p> <p><i>(This data element relates to the Credential Attainment Rate Numerator.)</i></p>	
<p><b>DE 389:</b> Employment – Fourth Quarter After Exit</p>	<p>Client RSA Data: 'Employment &amp; Post-Exit Data' Screen</p>	<p>§361.155(a)(1)(ii)</p> <p>Record the participant's <b>employment status in the fourth quarter after exit</b> – in competitive integrated employment.</p> <p><i>(This data element relates to the Employment Rate in the Fourth Quarter After Exit Numerator.)</i></p>	<ul style="list-style-type: none"> <li>• UI/SWIS wage data match</li> <li>• Supplemental Wage Information (i.e., follow up survey, pay stubs, IRS tax forms)</li> <li>• <i>Detailed</i> case notes* <u>verified by the employer</u> and signed by the counselor in the case record</li> <li>• Verification from the employer (on company letterhead) attesting to an consumer's employment status and earnings</li> </ul>
<p><b>DE 81-82:</b> Secondary Credentials</p>	<p>Client RSA Data: 'Education Data' Screen</p>	<p>§361.155(a)(1)(iv)</p> <p>The date a participant <b>attained a secondary school diploma or its recognized equivalent</b> after receiving services under an IPE and becoming a participant.</p> <p><i>(This data element relates to the Credential Attainment Rate Numerator.)</i></p>	<ul style="list-style-type: none"> <li>• Copy of credential</li> <li>• <i>Detailed</i> case notes* signed by the counselor in the case record – <u>documenting information attained from education or training provider</u></li> <li>• Secondary Education School Records</li> <li>• Follow-up survey</li> </ul> <p><i>The date of credential attainment in VICR <b>MUST</b> match the date of the supporting documentation.</i></p>
<p><b>DE 87-95:</b> Postsecondary Credentials</p>	<p>Client RSA Data: 'Education Data' Screen</p>	<p>§361.155(a)(1)(iv)</p> <p>The date a participant</p>	<ul style="list-style-type: none"> <li>• Copy of credential</li> <li>• <i>Detailed</i> case notes* signed by the counselor in the case record –</li> </ul>

Data Element	VICR Name & Location	Definition	Supporting Documentation (See Chapter 23: Data Validation and Chapter 21: Consumer Record and Case Documentation)
		<p><b>attained a postsecondary credential</b> (AD, BD, MD, GD, Voc/Tech License, Certificate, Certification) after receiving services under an IPE and becoming a participant.</p> <p><i>(This data element relates to the Credential Attainment Rate Numerator.)</i></p>	<p><u>documenting information attained from education or training provider</u></p> <ul style="list-style-type: none"> <li>• Postsecondary Education School Records</li> <li>• Follow up survey</li> <li>• Data Match with postsecondary data system</li> </ul> <p><i>The date of credential attainment in VICR <b>MUST</b> match the date of the supporting documentation.</i></p>
<p><b>DE 85:</b> Date Enrolled During Program Participation in an Education or Training Program Leading to a Recognized Postsecondary Credential or Employment</p>	<p>Client RSA Data: 'Education Data' Screen</p>	<p>§361.155(a)(1)(v)</p> <p>The <b>date a participant is enrolled in an education or training program that leads to a recognized postsecondary credential or employment</b> – and who are achieving measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress, towards such a credential or employment. (Including secondary education)</p> <p><i>(This data element relates to the MSG Rate Denominator.)</i></p>	<ul style="list-style-type: none"> <li>• Copy of enrollment record</li> <li>• <i>Detailed</i> case notes* signed by the counselor in the case record</li> <li>• Secondary Education and Postsecondary Education School Records</li> <li>• Transcript or Report Card</li> </ul> <p><i>The date of MSG enrollment in VICR <b>MUST</b> match the date of the supporting documentation.</i></p>

Data Element	VICR Name & Location	Definition	Supporting Documentation (See Chapter 23: Data Validation and Chapter 21: Consumer Record and Case Documentation)
<b>DE 343:</b> MSF - EFL	Client RSA Data: 'Dates Data' Screen	§361.155(a)(1)(v)(A)  The <b>Date of EFL</b> – documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level during a program year.  <i>(This data element relates to the MSG Rate Numerator.)</i>	<ul style="list-style-type: none"> <li>• Pre and post test results measuring EFL gain</li> <li>• Adult High School Transcripts showing EFL gain through the awarding of credits or Carnegie units</li> <li>• Postsecondary education or training enrollment (verified through a data match, survey documentation or program notes)</li> <li>• <i>The date of MSG in VICR <u>MUST</u> match the date of the supporting documentation.</i></li> </ul>
<b>DE 344:</b> MSG – Secondary	Client RSA Data: 'Dates Data' Screen	§361.155(a)(1)(v)(B)  The <b>Date of Secondary</b> – documented attainment of a secondary school diploma or its recognized equivalent during a program year.  <i>(This data element relates to the MSG Rate Numerator.)</i>	<ul style="list-style-type: none"> <li>• Copy of credential</li> <li>• <i>Detailed case notes*</i> signed by the counselor in the case record – <u>documenting information attained from education or training provider</u></li> <li>• Secondary Education School Records</li> <li>• Follow up survey</li> <li>• <i>The date of MSG in VICR <u>MUST</u> match the date of the supporting documentation.</i></li> </ul>
<b>DE 345:</b> MSG – Secondary or Postsecondary Transcript/ Report Card	Client RSA Data: 'Dates Data' Screen	§361.155(a)(1)(v)(C)  The <b>Date of Secondary or Postsecondary Transcript or Report Card</b> for a sufficient number of credit hours that shows a participant	<ul style="list-style-type: none"> <li>• Secondary Education Report Card</li> <li>• Postsecondary Education Transcript</li> <li>• <i>The date of MSG in VICR <u>MUST</u> match the date of the supporting documentation.</i></li> </ul>

Data Element	VICR Name & Location	Definition	Supporting Documentation (See Chapter 23: Data Validation and Chapter 21: Consumer Record and Case Documentation)
		<p>is meeting the State unit's academic standards.</p> <p><i>(This data element relates to the MSG Rate Numerator.)</i></p>	
<p><b>DE 346:</b> MSG – Training Milestone</p>	<p>Client RSA Data: 'Dates Data' Screen</p>	<p>§361.155(a)(1)(v)(D)</p> <p>The <b>Date of Training Milestone</b> – satisfactory or better progress report, towards established milestones, such as completion of OJT or completion of 1 year of an apprenticeship program or similar milestones, from an employer or training provider who is providing training.</p> <p><i>(This data element relates to the MSG Rate Numerator.)</i></p>	<ul style="list-style-type: none"> <li>• OJT Form or Progress Report</li> <li>• BEP Hadley Training and OJT completion</li> <li>• Registered Apprenticeship Progress Reports</li> <li>• Contract and/or evaluation from the employer or training provider</li> <li>• <i>The date of MSG in VICR <u>MUST</u> match the date of the supporting documentation.</i></li> </ul>
<p><b>DE 347:</b> MSG – Skills Progression</p>	<p>Client RSA Data: 'Dates Data' Screen</p>	<p>§361.155(a)(1)(v)(D)</p> <p>The <b>Date of Skills Progression</b> – successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skills as evidenced by trade-related</p>	<ul style="list-style-type: none"> <li>• Results of knowledge-based exam or certification of completion</li> <li>• Documentation demonstrating progress in attaining technical or occupational skills</li> <li>• Documentation from training provider or employer</li> <li>• Copy of a credential that is required for a particular occupation and only is earned</li> </ul>

Data Element	VICR Name & Location	Definition	Supporting Documentation (See Chapter 23: Data Validation and Chapter 21: Consumer Record and Case Documentation)
		benchmarks such as knowledge-based exams.  <i>(This data element relates to the MSG Rate Numerator.)</i>	after the pages of an exam  <ul style="list-style-type: none"> <li>• <i>The date of MSG in VICR <u>MUST</u> match the date of the supporting documentation.</i></li> </ul>

**Additional Resources**

DVI Policy and Procedure Manual:

- Chapter 24: Credential Attainment and Measurable Skill Gains
- Chapter 22: WIOA Performance Accountability System

**\*Case Note Supporting Documentation**

Case Noting should only be used as supporting documentation (where allowable) when no other options are available. Case notes should always accompany any other forms of supporting documentation in a case record. When this option is used by the VR Counselor, the following parameters must be met:

- 1) Include specific details:
  - a) Applicable dates (e.g., participant enrollment date, date the information was received)
  - b) Names and/position (e.g., who provided the information, vendor name, training institution name, employer name)
  - c) Timeframes the information is applicable (e.g., what year is the participant is enrolled in secondary education [e.g., at or above 9<sup>th</sup> grade], what semester is the participant enrolled in postsecondary education [e.g., Fall Semester 2020])
  - d) Employer verification (i.e., case notes verified by the employer where allowable)
- 2) Justification for not providing formal documentation – For example:
  - a) VR Counselor cannot get verification of the enrollment date of a recognized education program but was able to speak to the registration office via phone.
  - b) VR Counselor received pay stubs during the 90-days of employment, but at closure was only able to verify employment status via the telephone with the consumer and the employer.

**Appendix Acronyms**

- AD Associate Degree
- BD Bachelor's Degree

CA	Credential Attainment
CIE	Competitive Integrated Employment
CRP	Community Rehabilitation Program/Provider
DE	Data Elements (RSA-911)
DVI	Delaware Division for the Visually Impaired
GED	General Education Development (Recognized Secondary School Equivalency)
GD	Graduate Degree
IEP	Special Education – Individualized Education Program
IPE	Individualized Plan for Employment
IRS	Internal Revenue Service
MD	Master's Degree
MSG	Measurable Skill Gain
OJT	On-the Job Training
SE	Supported Employment
TECH	Technical
UI	Unemployment Insurance
VICR	Visually Impaired Client Record: Case Management System
VOC	Vocational
VR	Vocational Rehabilitation Program
WIOA	Workforce Innovation and Opportunity Act

## Appendix C: VR Program Supporting Documentation

DVI staff must validate the data submitted in VICR and the RSA-911 through source documentation that follows the requirements outlined the Rehabilitation Act of 1973, as amended, its implementing regulations, and the DVI Policy and Procedure Manual.

The supporting documentation may include multiple sources (e.g., case notes and third-party records) which will further validate the accuracy of each data element (PD 19-03); however, it **MUST** include at least one of the following:

Data Element	VICR Name & Location	Definition	Supporting Documentation (See Chapter 23: Data Validation and Chapter 21: Consumer Record and Case Documentation)
<b>DE 7:</b> Date of Application	Client RSA Data: 'Dates Data' Screen	§361.41(b)(2)  The <b>Date of Application</b> is the date on which the consumer applied for DVI. (See Chapter 2: Referrals and Applications)	<ul style="list-style-type: none"> <li>• Signed Application</li> <li>• Signed Acknowledgement form</li> <li>• The application received via [mail/fax/drop off] and date stamped when received by DVI</li> </ul> <p><i>The application date in VICR <b>MUST</b> match the signature date on the application/form, or it must match the date stamp if received by mail/fax or dropped off at the VR office.</i></p>
<b>DE 38:</b> Date of Eligibility Determination	Client RSA Data: 'Dates Data' Screen	§361.41(b)(1) and §361.47(a)(1)  The <b>Date of Eligibility Determination</b> is the date on which the eligibility determination was completed and signed by a qualified VR Counselor employed by DVI (including agreed upon extension).	<ul style="list-style-type: none"> <li>• Signed Functional Capacity worksheet to support the disability and priority category</li> <li>• Signed Eligibility or Ineligibility Determination Letter – Copy of letter sent to consumer</li> <li>• Eligibility Extension (if applicable)</li> </ul> <p><i>The date on the eligibility source documentation <b>MUST</b> match the date in VICR.</i></p>

Data Element	VICR Name & Location	Definition	Supporting Documentation (See Chapter 23: Data Validation and Chapter 21: Consumer Record and Case Documentation)
<p><b>DE 398:</b> Date of Initial IPE</p>	<p>Client RSA Data: 'Dates Data' Screen</p>	<p>§361.47(a)(6)</p> <p>The IPE is effective on the date on which both the VR Counselor and consumer reach agreement, as indicated by the signatures and dates on the IPE (initial/amendments). If the two signatures bear different dates, the later date should be considered the effective date of the IPE.</p>	<ul style="list-style-type: none"> <li>• A copy of all signed IPE/amendments</li> <li>• IPE Extension (if applicable)</li> </ul> <p><i>The latest signature date on the IPE <u>MUST</u> match the date in VICR.</i></p>
<p><b>DE 350:</b> Start Date of Employment in Primary Occupation</p> <p><b>DE 356:</b> Employment Outcome at Exit</p>	<p>Client RSA Data: 'Employment &amp; Post-Exit Data' Screen</p>	<p>§361.56</p> <p>The <b>Start Date of Employment in Primary Occupation</b> is the date when the consumer becomes employed in their identified IPE goal and the 90-day timeframe may begin.</p> <p>The <b>Employment Outcome at Exit</b> describes the employment outcome the consumer achieved when the case record was closed (i.e., CIE). This outcome should match the identified IPE goal</p>	<ul style="list-style-type: none"> <li>• Pay stub identifying the consumer's start date and employment status; or</li> <li>• DVI Employment Verification Form with <i>detailed</i> case notes* signed by the counselor in the case record; or</li> <li>• CRP Employment Verification Form; or</li> <li>• Verification from the employer (on company letterhead) attesting to a consumer's employment status (including dates) and earnings; or</li> <li>• IRS Tax Forms</li> </ul>

Data Element	VICR Name & Location	Definition	Supporting Documentation (See Chapter 23: Data Validation and Chapter 21: Consumer Record and Case Documentation)
		and be after the consumer is employed for at least 90-days.	
<b>DE 359:</b> Hourly Wage at Exit	Client RSA Data: 'Employment & Post-Exit Data' Screen	<p>§361.47(a)(9) and §361.5(c)(9)(i)</p> <p>The consumer's <b>hourly wage</b> at exit in the employment outcome consistent with the employment goal on the IPE.</p> <p>The documentation must include the consumer's hourly wage, or average hourly rate if compensated through commission, along with the minimum wage rate for the location where the consumer is employed (Federal, State, or local, whichever is higher).</p>	<ul style="list-style-type: none"> <li>• Pay stub identifying the consumer's start date and employment status; or</li> <li>• DVI Employment Verification Form with <i>detailed</i> case notes* signed by the counselor in the case record; or</li> <li>• CRP Employment Verification Form; or</li> <li>• Verification from the employer (on company letterhead) attesting to an consumer's employment status (including dates) and earnings; or</li> <li>• IRS Tax Forms</li> </ul>
<b>DE 353:</b> Date of Exit	Client RSA Data: 'Dates Data' Screen	<p>§361.47(a)(14) and §361.47(a)(15)</p> <p>The <b>Date of Exit</b> is the date the consumer exited the VR or SE program consistent with the requirements in the regulations.</p>	<ul style="list-style-type: none"> <li>• DVI Program Exit Letter – Copy of letter sent to consumer</li> </ul> <p><i>The date of exit in VICR <u>MUST</u> match the date of the exit letter.</i></p>

Data Element	VICR Name & Location	Definition	Supporting Documentation (See Chapter 23: Data Validation and Chapter 21: Consumer Record and Case Documentation)
<b>DE 354:</b> Type of Exit	Client RSA Data: 'At Exit Data' Screen	§361.47(a)(14) and §361.47(a)(15)  The <b>Type of Exit</b> is a description of the consumer's status in the program at the time of case closure.	<ul style="list-style-type: none"> <li>• DVI Program Exit Letter – Copy of letter sent to consumer</li> </ul> <i>Detailed case notes*</i> signed by the counselor in the case record

**\*Case Note Supporting Documentation**

Case Noting should only be used as supporting documentation (where allowable) when no other options are available. Case notes should always accompany any other forms of supporting documentation in a case record. When this option is used by the VR Counselor the following parameters must be met:

- 1) Include specific details:
  - a) Applicable dates (e.g., participant enrollment date, date the information was received)
  - b) Names and/position (e.g., who provided the information, vendor name, training institution name, employer name)
  - c) Timeframes the information is applicable (e.g., what year is the participant is enrolled in secondary education [e.g., at or above 9<sup>th</sup> grade], what semester is the participant enrolled in postsecondary education [e.g., Fall Semester 2020])
- 2) Justification for not providing formal documentation – For example:
  - a) VR Counselor cannot get verification of the enrollment date of a recognized education program but was able to speak to the registration office via phone.
  - b) VR Counselor received pay stubs during the 90-days of employment, but at closure was only able to verify employment status via the telephone with the consumer and the employer.

**Other Documentation Requirement**

Documentation requirements exist at every stage of the VR process. Every VR case record will include a variety of VR Counselor documentation, supporting documentation and VICR data, depending on their circumstances. These documentation requirements include, but are not limited to, the following (See applicable policy chapter for details):

- Case notes\* documenting all interactions with or on behalf of the consumer, decision making, ethical dilemma resolutions, supervisory consults/approvals, vendor contacts, progress notes, etc.
- Releases of Information
- Authorizations and contract documents
- Trial Work Experience Documents
- Assessments/Evaluations
- Diagnoses/Disability Documentation
- Correspondence (i.e., meeting case notes, emails, letters)
- WIOA source documentation for Credentials and Measurable Skill Gains (MSG)
- Other

### **Appendix Acronyms**

CIE	Competitive Integrated Employment
CRP	Community Rehabilitation Program/Provider
DE	Data Elements (RSA-911)
DVI	Delaware Division for the Visually Impaired
IPE	Individualized Plan for Employment
IRS	Internal Revenue Service
SE	Supported Employment
VICR	Visually Impaired Client Record: Case Management System
VR	Vocational Rehabilitation Program
WIOA	Workforce Innovation and Opportunity Act

## Appendix D: Functional Capacities

The VR Counselor identifies serious limitations in functional capacities which are a result of a consumer's disability. These functional capacities are used to determine the severity of disability and priority of services under and Order of Selection (OOS). The severity and priority categories include the following:

- Consumer with a Disability (D);
- Consumer with a Significant Disability (SD); or
- Consumer with a Most Significant Disability (MSD).

The following include the functional capacities and examples for the VR Counselor to consider when determining the level of severity, in terms of an employment outcome. See Chapter 3 of the policy manual for additional information and requirements.

Functional Capacity Definition	Serious Limitation Examples
<p><b>Mobility:</b> The consumer's ability to move about or access their environment independently.</p>	<ul style="list-style-type: none"> <li>• Inability to travel to and from work (including accessing public transportation) without assistance (e.g., special training, vehicle modification).</li> <li>• Needs modifications, adaptive technology, or accommodations (not typically required for other employees) to move around or access the workplace (e.g., modifications to a workstation or work environment (ramps or elevators), scooter, wheelchair, cane, or other mobility aid, service animal).</li> <li>• Inability to leave one's common environment without the assistance of a personal care attendant, mental health worker, job coach, or independent living specialist.</li> <li>• Requires routine and permanent assistive device(s), (e.g., guide, dog, chair, crutches) to be mobile in home and community work.</li> <li>• Other <b>serious</b> mobility limitations in terms of an employment outcome.</li> </ul>
<p><b>Communication:</b> The consumer's ability to communicate through speech and/or the ability to receive communication through their senses of vision and hearing.</p>	<ul style="list-style-type: none"> <li>• Requires modifications, adaptive technology, or accommodations (not typically required for other people) to communicate effectively and efficiently, in writing or orally, with people without disabilities (e.g., they need an interpreter, Braille, reader, hearing aid to understand speech on the job, specialized computer software).</li> </ul>

Functional Capacity Definition	Serious Limitation Examples
	<ul style="list-style-type: none"> <li>• Does not demonstrate understanding of simple requests or is unable to understand one-to-two step instructions given through an interpreter.</li> <li>• Has severely impaired expressive or receptive communication skills, either oral or written.</li> <li>• Is unintelligible to non-family members or the general public due to difficulty with expressive communication.</li> <li>• Other <b>serious</b> communication limitations in terms of an employment outcome.</li> </ul>
<p><b>Self-Care:</b> The consumer's ability to do routine activities of daily living in an independent manner.</p>	<ul style="list-style-type: none"> <li>• Cannot perform personal finance activities (i.e., handling money, budgeting) without assistance.</li> <li>• Is unable to perform activities of daily living without assistance (e.g., loss of manual dexterity or coordination sufficient that they cannot perform personal hygiene tasks, dress self, prepare own meals, take medication, etc. without assistance).</li> <li>• Cannot live independently without supports, nor manage time (e.g., making/keeping appointments).</li> <li>• Uses assistive or adaptive devices for self-care, such as a cane, braces, upper limb orthotics, or grab bars.</li> <li>• Other <b>serious</b> self-care limitations in terms of an employment outcome.</li> </ul>
<p><b>Self-Direction:</b> The consumer's ability to organize, structure, and manage activities in a manner which best serves the consumer.</p>	<ul style="list-style-type: none"> <li>• Is unable to provide informed consent for life issues without the assistance of a court appointed legal representative or guardian; or has been declared legally incompetent.</li> <li>• Is unable to understand rights or responsibilities in judicial or other proceedings even with utilization of an interpreter.</li> <li>• Is unable to perform work in an integrated setting without support because is unable to tell time, manage time, and/or stay on task without assistance.</li> <li>• Is unable to perform work outside sheltered environment.</li> <li>• Other <b>serious</b> self-direction limitations in terms of an employment outcome</li> </ul>

Functional Capacity Definition	Serious Limitation Examples
<p><b>Interpersonal Skills:</b> The consumer's ability to interact in a socially acceptable manner with co-workers, supervisors, peers, and the general public.</p>	<ul style="list-style-type: none"> <li>• Requires frequent intervention from teacher or supervisor in order manage behaviors</li> <li>• Has a disfigurement, deformity or disability related behavior so pronounced as to cause social rejection or difficulty interacting with others.</li> <li>• Inability to communicate or respond appropriately to supervision, co-workers, or the public.</li> <li>• Consistently demonstrates behavior toward others which is considered offensive, unpredictable, or explosive.</li> <li>• The consumer demonstrates significant social withdrawal which has resulted in an inability to prepare for or succeed in work</li> <li>• Other <b>serious</b> interpersonal skill limitations in terms of an employment outcome.</li> </ul>
<p><b>Work Tolerance:</b> The consumer's ability to carry out required physical and cognitive work tasks in an efficient and effective manner over a sustained period of time.</p>	<ul style="list-style-type: none"> <li>• Is unable to perform sustained work for more than 4 hours per day.</li> <li>• Requires frequent or extended periods of time away from work due to necessary treatments or medical problems.</li> <li>• Safety issues are of frequent/chronic concern in the workplace (e.g., side effects of medication, lack of medication, disability factors).</li> <li>• Lacks the capacity or endurance to perform duties without modifications, adaptive technology and/or accommodations, not typically required for other employees (e.g., cannot sustain 8-hour workday, needs extra rest periods, needs adjustments in starting and ending times, needs shorter workday or week)</li> <li>• Other <b>serious</b> work tolerance limitations in terms of an employment outcome.</li> </ul>
<p><b>Work Skills:</b> Refers to the specific job skills required to carry out work functions as well as the consumer's ability to benefit from</p>	<ul style="list-style-type: none"> <li>• Is unable to perform work tasks outside of a sheltered work environment.</li> <li>• Is unable to perform several types of work tasks (regardless of training) due to disabling condition.</li> </ul>

Functional Capacity Definition	Serious Limitation Examples
training in these work functions.	<ul style="list-style-type: none"> <li>• Needs frequent or routine individualized accommodations in performing the job (e.g., job coach, work adjustment, visual aids, adaptive aids)</li> <li>• Work history shows frequent negative aspects due to disability (e.g., 4 or more job changes per year, numerous long periods of unemployment, record of poor performance, negative termination(s) or poor references).</li> <li>• Has no work experience or transferable skills due to disability.</li> <li>• Needs close supervision to complete tasks (i.e., need for continuous prompting to maintain attention to work task).</li> <li>• Other <b>serious</b> work skill limitations in terms of an employment outcome.</li> </ul>

## Appendix E: IPE Form

### Individualized Plan for Employment (IPE) – Vocational Rehabilitation

#### General Information

Consumer Name	Plan Number	Case ID
Employment Goal	Start Date	Expected End Date
SOC Code	Annual Review Date	
Plan Type (Check all that apply. Check only if applicable.)		
<input type="checkbox"/> Supported Employment	<input type="checkbox"/> Self-Employment Plan	
<input type="checkbox"/> Retention Plan	<input type="checkbox"/> Transition	

#### Reason for Selecting Employment Goal

<input type="checkbox"/> This is a good choice given my abilities and disability(s).
<input type="checkbox"/> I am currently doing this type of work.
<input type="checkbox"/> I have explored options and am confident in my choice.
<input type="checkbox"/> I have a job offer to do this type of work.
<input type="checkbox"/> I have completed training and/or have the skills to do this type of work.
<input type="checkbox"/> It aligns with my IEP through my high school.
<input type="checkbox"/> It aligns with my strengths, priorities, interests, abilities, and capabilities.
<input type="checkbox"/> The labor market outlook for this type of work is promising.
Employment Goal Reason Narrative:
IPE Evaluation Criteria:

#### Services Required to Meet Employment Goal

1. Service:	
Estimated Start Date	Estimated End Date
Description/Service Justification (how and why service was arranged):	
Service Provider(s):	

Funding Source (Check all that apply.)	
<input type="checkbox"/> VR staff provided service	<input type="checkbox"/> Purchased service
<input type="checkbox"/> Comparable Benefit	
Sources of Comparable Benefit (if applicable):	
<input type="checkbox"/> Consumer is responsible for financial contribution toward this service. Based on the DVI Financial Participation Form, the contribution includes (if applicable):	
Evaluation Criteria (specific to this service):	

2. Service:	
Estimated Start Date	Estimated End Date
Description/Service Justification (how and why service was arranged):	
Service Provider(s):	
Funding Source (Check all that apply.)	
<input type="checkbox"/> VR staff provided service	<input type="checkbox"/> Purchased service
<input type="checkbox"/> Comparable Benefit	
Sources of Comparable Benefit (if applicable):	
<input type="checkbox"/> Consumer is responsible for financial contribution toward this service. Based on the DVI Financial Participation Form, the contribution includes (if applicable):	
Evaluation Criteria (specific to this service):	

3. Service:	
Estimated Start Date	Estimated End Date
Description/Service Justification (how and why service was arranged):	
Service Provider(s):	
Funding Source (Check all that apply.)	
<input type="checkbox"/> VR staff provided service	<input type="checkbox"/> Purchased service
<input type="checkbox"/> Comparable Benefit	
Sources of Comparable Benefit (if applicable):	
<input type="checkbox"/> Consumer is responsible for financial contribution toward this service. Based on the DVI Financial Participation Form, the contribution includes (if applicable):	
Evaluation Criteria (specific to this service):	

**Rehabilitation Technology Services**

Rehabilitation Technology Services, and other DVI services, have been addressed and are:

- not appropriate or needed at this time; or
- included in IPE.

**Consumer Responsibilities (Check all that apply.)**

Participation Responsibilities
<input type="checkbox"/> I understand the importance of attendance and punctuality.
<input type="checkbox"/> I will attend all scheduled meetings and appointments.
<input type="checkbox"/> I will report any changes applicable to my VR services to my VR Counselor immediately, including address, phone number, and email.
<input type="checkbox"/> I will provide any required documentation in a timely manner to my VR Counselor (e.g., estimated costs, assessment results, progress reports, receipts).
<input type="checkbox"/> I will engage in VR services only after they are included in my signed IPE.

<input type="checkbox"/> I will pay for the services, as applicable, in accordance with this IPE.
<input type="checkbox"/> I will participate in an Annual Review of my IPE.
<input type="checkbox"/> I will contact my VR Counselor if I am struggling with any of my services in order to determine potential assistance to support my success.
<input type="checkbox"/> I will report any address or telephone number change to my counselor immediately.
<input type="checkbox"/> I will follow my treatment program (including medications as prescribed).
<input type="checkbox"/> I will not quit my program or make any changes without contacting my counselor first.
<input type="checkbox"/> Other:
<b>Education and Training Service Responsibilities</b>
<input type="checkbox"/> I will achieve satisfactory academic progress.
<input type="checkbox"/> I will provide my term/semester transcript or report card or other training progress report to my VR Counselor, as soon as it is available.
<input type="checkbox"/> I will apply for financial aid each academic year.
<input type="checkbox"/> Other:
<b>Employment Responsibilities</b>
<input type="checkbox"/> I will cooperate with all job placement efforts and make every effort to secure employment and learn my job.
<input type="checkbox"/> I will consistently look for employment.
<input type="checkbox"/> I will return any equipment or rehabilitation technology that is no longer being used for my training program, employment, or services listed in my IPE.
<input type="checkbox"/> When employment is secured, I will provide the details of this employment to my VR Counselor, as requested.
<input type="checkbox"/> I understand that I may be contacted up to a year after my case is closed in order to verify employment details and my continued success.
<input type="checkbox"/> Other:
Consumer Responsibilities Narrative (if applicable):

**VR Counselor Responsibilities**

I will provide information throughout the rehabilitation process through the modes of communication that work best for you.
I will explain each process, policy, and procedure necessary to understand DVI services and to assist you in making an informed choice about your goals, services, and IPE.
I will be a partner and advocate in your vocational rehabilitation journey.

I will provide VR Counseling and Guidance, as needed.
I will assist with any forms and/or processes required in my IPE and my rehabilitation process.
I will respect your privacy and keep all information about you confidential, only releasing information that you provide through written consent.
I will respond to your needs in a timely manner.
I will provide agreed-upon services and items promptly.
I will assist you in amending your IPE as changes are needed.
I will continually provide information on your rights and remedies, the Client Assistance Program (CAP), and how to contact CAP.
Other:
VR Counselor Responsibilities Narrative (if applicable):

### IPE Conditions and Approvals

I have developed this IPE and/or have fully participated in its development. I have selected the specific employment goal, services, and service providers stated above. My employment goal reflects my unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice. My VR Counselor has reviewed my rights and responsibilities with me. I have received a copy of this IPE and any other applicable information, including CAP and other dispute resolution processes.

I understand this IPE will be reviewed and evaluated periodically. It may be changed at any appropriate time, but only with my involvement and participation. If changes are made, they will be put in writing and a copy will be provided to me. At minimum, this IPE will be reviewed annually. Additionally, I have been informed of the availability of post-employment services once I have found competitive integrated employment. An assessment of my need for post-employment will be made, as appropriate, and any services will be included in a Plan amendment.

I understand and acknowledge that my signature on this IPE represents my agreement that DVI will be the provider of the Social Security Administration Ticket, if applicable.

<b>Consumer Signature</b>  <a href="#">Consumer Signature here</a>	<b>Date Signed</b>
<b>Representative or Parent/Guardian (required for minor)</b>	Date Signed

<b>VR Counselor Signature</b> <b>VR Counselor Signature here</b>	Date Signed
<b>VR Supervisor (if applicable)</b>	Date Signed