

**Department of Employment, Training and Rehabilitation  
Rehabilitation Division**



**Participant Services  
Policy Manual**

**Bureau of Vocational Rehabilitation**

**Bureau of Services to the Blind and Visually Impaired**

**Policy Version 9**

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# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Table of Contents

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- Section 1: Authority, Mission, Equal Rights and Residency (Revised 11/16/2023)
- Section 2: Effective Communication
- Section 3: Informed Choice
- Section 4: Referral of Participants
- Section 5: Ticket to Work Program
- Section 6: Application and Intake (Revised 09/15/2023)
- Section 7: Financial Need and Participation
- Section 8: Eligibility Determination for VR
- Section 9: Order of Selection
- Section 10: Counseling and Guidance, Assessment of Vocational Rehabilitation Needs (AVRN) and Individualized Plan for Employment (IPE) (Revised 09/15/2023)
- Section 11: Reserved (Blank)
- Section 12: Scope of VR Services Overview (Revised 09/15/2023)
  - 12.1 Medical/Psychological/Dental/Hearing Loss/Blindness/Substance Use (Revised 09/15/2023)
  - 12.2 Work Based Exploration, Learning and Training Experiences
  - 12.3 Employment Development, Job Placement, Job Retention, Job Coaching and Service Coordination
  - 12.4 Customized Employment
  - 12.5 Post-Secondary Education and Other Vocational Training at Vocational Training Facilities
  - 12.6 Transportation
  - 12.7 Vehicle and Home Modification

# **REHABILITATION DIVISION: BVR / BSBVI**

## **Participant Services Policy Manual**

### **Table of Contents**

---



12.8 Maintenance and Services to Family Members

12.9 Post-Employment Services

Section 13: Supported Employment

Section 14: Students and Youth with Disabilities

Section 15: Self-Employment

Section 16: Comparable Services and Benefits

Section 17: Equipment and Tool Purchase / Inventory

Section 18: Purchases and Payments of Goods and Services, Authorizations, Cash Pays and Authority Levels

Section 19: Closures

Section 20: Participant's Service Record

Section 21: Confidentiality – Protection and Release of Information

Section 22: Fair Hearing and Mediation Procedures (Revised: 02/13/2024)

Section 23: Cooperation with Other Agencies

Section 24: Formal Case Review Process

Section 25: Older Individuals Who Are Blind (Revised 02/15/2024)

Section 26: Implementation of New Policies

Section 27: Workplace Safety, Disruptive Behavior and Expected Code of Conduct

Section 28: Inappropriate or Improper Use of VR Funds or If Fraud Occurs

  

Definition of Terms / Acronyms (Revised 02-16-2024)

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 1, Title: Authority, Mission, Equal Rights and**  
**Residency**

---



**Contents**

Background ..... 1

Laws, Regulations and Authorities ..... 1

Federal Common Performance Measures ..... 2

Duties of the Administrator ..... 2

Mission, Vision, and Core Values..... 3

Equal Rights..... 3

Residency ..... 4

Outreach to Underserved Populations ..... 4

**Background**

The Bureau of Services to the Blind and Visually Impaired (BSBVI) and the Bureau of Vocational Rehabilitation (BVR) are agencies of the Rehabilitation Division (Division) which are primarily concerned with vocational and other rehabilitation needs of individuals with disabilities. The Division functions under the Department of Employment, Training and Rehabilitation (DETR). Each Bureau employs rehabilitation counselors and technicians who assist program participants in understanding the rehabilitation process and accessing the Bureaus' programs. The Division also employs staff who administer, evaluate, provide clerical and administrative support, or perform other functions in order to carry out the Division's programs. Division staff must comply with State of Nevada personnel ethical requirements. Counseling staff also follow the CRCC (Commission on Rehabilitation Counselor Certification) professional code of ethics found at [CRC Code of Ethics](#).

*Note: The Division's interpretation of advocacy and advocate on behalf of individuals with disabilities as described in the CRC Code of Ethics is to provide support, service coordination and empowerment. The Division's interpretation does not obligate the Division to represent individuals with disabilities in their relationships or dealings with third parties, whether the relationship or dealings are legal or otherwise.*

**Laws, Regulations and Authorities**

This manual relies on the following Federal and State laws and regulations and other authorities:

- The Rehabilitation Act Amendments of 1973, as amended
  - [Rehabilitation Act of 1973, as amended](#)
- Public Law (PL) 113-128 The Workforce Innovation and Opportunity Act (WIOA)
  - [PL 113-128 WIOA](#)

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 1, Title: Authority, Mission, Equal Rights and Residency

---



- Title 34 – Education, Code of Federal Regulations (CFR) Parts 361, 363 and 367
  - [34 CFR 361 State of Vocational Rehabilitation Services Program](#)
  - [34 CFR 363 The State Supported Employment Services Program](#)
  - [34 CFR 367 Independent Living Services for Older Individuals Who Are Blind](#)
- Nevada Revised Statutes (NRS) chapters 232.900-960, 426 and 615
  - [NRS 232 State Departments](#)
  - [NRS 426 Persons with Disabilities](#)
  - [NRS 615 Vocational Rehabilitation](#)
- Nevada Administrative Code (NAC) Chapters 232.210-330, 426 and 615
  - [NAC 232 State Departments](#)
  - [NAC 426 Persons with Disabilities- Establishment and Operation of Vending Facilities on Public Property](#)
  - [NAC 615 Vocational Rehabilitation](#)

#### **Federal Common Performance Measures**

The Division's performance is measured as required by Section 116 of Workforce Innovation and Opportunity Act (WIOA). The following are the six primary indicators of performance:

- Employment Rate – 2nd Quarter After Exit
- Employment Rate – Fourth Quarter After Exit
- Median Earnings – 2nd Quarter After Exit
- Credential Attainment
- Measurable Skill Gains
- Effectiveness in serving employers

The Division utilizes an electronic case management system to collect, validate, and report on the above performance measures. The Division reports these measures to the Rehabilitation Services Administration quarterly and annually.

#### **Duties of the Administrator**

The Administrator of the Division is responsible for:

- The administration of the BSBVI, the BVR and any other program administered by the Division which the Administrator considers appropriate to incorporate into the State Plan before submission to the federal government.
- The administration, through the Bureaus of the Division, of the provisions of NRS 426.518 to 426.720, inclusive, chapter 615, NRS 232.900 to 232.960, inclusive,

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 1, Title: Authority, Mission, Equal Rights and Residency

---



and all other provisions of law relating to the functions of the Division and its Bureaus.

- The preparation of a State Plan, which serves as the basis for Nevada's operation and administration of the vocational rehabilitation program; and
- Upon receiving federal approval of the State Plan, for the distribution of copies of the approved State Plan to every field office operated by either Bureau and other appropriate entities.

The State Plan will be developed and updated annually or when there is a significant and relevant change in the information or the assurances contained in the Plan, the administration or operation of the Plan or in the organization, policies or operation of DETR or the Division. In developing and revising the State Plan, the Administrator shall consider, among other things, the amount of funding available from the federal government for the programs of the Division, the conditions under which such funds are accepted and the limitations of Nevada legislative appropriations for the programs.

#### **Mission, Vision, and Core Values**

**Mission:** Actively engaging with Nevada businesses to understand their employment needs; and creating innovative programs that develop the strengths, priorities, and talents of individuals with disabilities; ensuring that Nevada works for everyone.

**Vision:** A skilled and inclusive Nevada workforce.

**Core Values:**

- |                  |  |
|------------------|--|
| • Integrity      | Be fearless to do the right thing          |
| • Respect        | Treat others with dignity                  |
| • Commitment     | Show up with intention every day           |
| • Accountability | Do your best in your actions and decisions |
| • Transparency   | Be open, ethical and trustworthy           |
| • Optimism       | Believe you can.                           |

#### **Equal Rights**

##### **Compliance With Anti-Discrimination and Anti-Retaliation Provisions of the Rehabilitation Act and All Other Federal and State Statutes Pertaining to Discrimination:**

It is the agency's policy to be in full compliance with all federal and state statutes prohibiting discrimination based on the nature or severity of your disability, age, race, color, ethnicity, natural origin, gender/ sex, gender identity, sexual orientation, religion, or political affiliation or belief as provided for by the Rehabilitation Act of 1973, as

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 1, Title: Authority, Mission, Equal Rights and Residency

---



amended; the Americans with Disabilities Act of 1990, as amended found at [ada.gov](http://ada.gov); the Equal Employment Opportunity Act of 1964, as amended found at [EEOC.gov](http://EEOC.gov); and Nevada Revised Statutes 613 and 651 found at [NRS 613 Employment Practices](#) and [NRS 651 Public Accommodations](#). The agency will not intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by statute, and will provide reasonable accommodation, including auxiliary aids and services, for individuals with disabilities upon their request. Furthermore, retaliation, intimidation, threats, coercion, or discrimination against any individual because they complained, testified, assisted or participated in any manner in an investigation, proceeding or hearing is prohibited.

#### **Residency**

There are no residency requirements for eligibility purposes. However, to receive services, an individual must be legally authorized to work in the United States, must physically be present in the state and available to participate in services in Nevada. The Division will pay costs associated with traveling to Nevada for assessment and service provision only in cases where Nevada has agreed with a bordering state to provide services to a specific community within that state that, which by nature of its location, is more accessible to Nevada's VR program than it is to the VR program of the State in which the community is situated.

In the case of *Tarango v. State Industrial Insurance System* (117 Nev. 444), the Supreme Court of Nevada ruled that unauthorized workers are prohibited from receiving vocational rehabilitation benefits. ([Tarango v. SIIS](#))

#### **Outreach to Underserved Populations**

The agency is committed to ensuring equitable access to its services, programs, and resources for all residents, including underserved populations. The agency is dedicated to proactive outreach efforts aimed at reducing disparities and improving access to services among historically marginalized communities.

The primary objective is to establish a framework for conducting outreach to underserved populations to promote inclusivity, diversity, and equal access to vocational rehabilitation services. The agency aims to reduce barriers to access and enhance engagement with underserved communities.

#### **Responsibilities**

Rehabilitation Division leadership and management are responsible for implementing and overseeing the outreach activities to underserved populations. Agency staff are

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 1, Title: Authority, Mission, Equal Rights and Residency

---



responsible for adhering to these guidelines and actively participating in outreach efforts.

#### Guidelines

1. Identification of Underserved Populations
  - The agency will regularly identify and assess the needs of underserved populations within its jurisdiction. This may include but is not limited to ethnic and racial minorities, low-income individuals, immigrants, refugees, and LGBTQIA+ people with disabilities.
2. Culturally Competent Outreach
  - The agency will develop culturally competent outreach strategies to engage with underserved populations effectively such as in person and digital strategies. These strategies will respect the cultural, linguistic, and social norms of the communities being served.
3. Community Partnerships
  - The agency will collaborate with the Nevada Equal Rights Commission, community-based organizations, advocacy groups, and local leaders to leverage their expertise and networks for outreach efforts.
4. Accessible Information
  - The agency will ensure that all communication materials, including websites, brochures, and forms, are accessible and available in multiple languages as needed.
5. Community Events and Workshops
  - The agency will host town hall meetings, seminars, and community events in areas with high concentrations of underserved populations to provide information and solicit feedback.
6. Equitable Resource Allocation
  - The agency will work to reduce disparities in access to vocational rehabilitation services.
  - The agency will ensure funding is equitable and available to underserved populations receiving vocational rehabilitation services.
7. Data Collection and Evaluation
  - The agency will regularly collect data on the impact of outreach efforts, including participation rates among underserved populations, and use this information to refine outreach strategies.
8. Training and Capacity Building
  - The agency will train staff members on cultural competence, diversity, and inclusion to ensure that staff interactions with participants in underserved populations are informed, respectful, and welcoming.

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 1, Title: Authority, Mission, Equal Rights and Residency**

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9. Feedback Mechanisms

- The agency will establish feedback mechanisms, such as surveys or advisory councils, to allow underserved populations to voice their concerns, suggestions, and experiences with vocational rehabilitation services.

10. Periodic Review

- The agency will periodically review agency guidelines to ensure their effectiveness and relevance to the changing needs of participants in underserved populations.

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 2, Title: Effective Communication**

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**Effective Communication**

Federal civil rights laws and the Rehabilitation Act's principle of Informed Choice require that the Rehabilitation Division ensure that its communications with individuals with disabilities are as effective as its communications with others. The Division will ensure that appropriate auxiliary aids and services are available at no cost to meet the disability related communication needs of each participant. Auxiliary aids and services will be provided for effective communication, where necessary, to afford qualified individuals with hearing, visual, cognitive or other disabilities an equal opportunity to participate in any aspect of the vocational rehabilitation program.

When the Division determines what type of auxiliary aids or services will be provided to a participant, the Division will give primary consideration to the communication requests of the participant. The Division offers a wide range of services, specialized aids, and supports that enable participants to access, comprehend and respond to information that is being communicated. These include the use of American Sign Language (ASL) Interpreters, Certified Deaf Interpreters (CDI), Certified Hearing Interpreters (CHI), video relay, text telephones (TTY), Relay Nevada, open and closed-captioned video, Braille, large print materials, simple language materials, augmentative communication devices, materials in electronic format, and other modes that may be identified by the individual, or as appropriate, their authorized representative.

Participants will not be required to provide their own interpreters or other auxiliary aids and services. However, if a participant makes an informed choice to use their own interpreter or otherwise provide their own auxiliary aids and services, the Division will respect that request. The Division will allow a participant who specifically requests to use their own interpreter only if the interpreter agrees to provide such assistance, and reliance on the interpreter is appropriate under the circumstances.

Participants will receive timely information regarding the steps for requesting and obtaining auxiliary aids and services from the Division.

If a participant wishes to seek further assistance or file a complaint about auxiliary aids or services, the Division will, in accordance with its Fair Hearing and Mediation Process, promptly address and resolve the complaints and will ensure that a participant is provided the auxiliary aids and services they need to participate effectively in the Division's programs.

The Division will not provide disability accommodations that are the legal responsibility of another party or service provider. The Division is not required to provide auxiliary aids or services that it can demonstrate would result in a fundamental alteration to the vocational rehabilitation program or in an undue financial or administrative burden to the Division. If the Division demonstrates that the provision of an auxiliary aid or service

# **REHABILITATION DIVISION: BVR / BSBVI**

## **Participant Services Policy Manual**

### **Section 2, Title: Effective Communication**

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would result in a fundamental alteration or an administrative or financial burden, the Division will still provide any other auxiliary aids or services that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, participants receive the Division's services.

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 3, Title: Informed Choice

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#### **Overview of Informed Choice**

Applicants and individuals eligible for Vocational Rehabilitation (VR) services are active and full partners in the VR process, making meaningful choices during the assessments for determining eligibility and VR needs, the selection of an employment outcome, services needed to achieve the outcome, entities providing the services and methods used to secure the services.

Informed choice means participants obtain sufficient information regarding the range of options available and an understanding of the potential pros and cons of each option, as well as an understanding of the limitations of the Division, as they make decisions throughout their VR cases.

Informed choice does not imply unlimited choices or that the Counselor must agree with “any” choice made by the participant. Although the participant’s choices are given serious consideration, they are not binding obligations. Participants are primarily responsible for making and carrying out decisions regarding their VR cases, however, those choices must be agreed to by the Counselor employed by the Division.

Informed choice must be implemented within set regulatory boundaries and ethical considerations of the Division.

Informed Choice is mentioned multiple times in the Code of Federal Regulations (CFR) and in the Rehabilitation Act. The primary concepts of Informed Choice can be found in [34 CFR 361.52 Informed Choice](#).

#### **Responsibilities**

Informed choice increases the responsibilities of the VR participant. The Counselor will use their knowledge and expertise to facilitate the process and provide support in assisting the participant to exercise informed choice while, to the extent possible, the participant takes the primary responsibility for gathering information and making and carrying out decisions.

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 4, Title: Referral of Participants

---



#### Contents

Referral of Participants.....	1
Referral of Youth Seeking Subminimum Wage Employment .....	1
Referral of Individuals Participating in Subminimum Wage Employment .....	1
Career Counseling, Information and Referral (CCI&R) Services .....	2
Referral of Employees and/or Relatives of Employees .....	2

#### Referral of Participants

Inquiries regarding Vocational Rehabilitation or other services will be answered by the involved staff member, referred to a more knowledgeable staff member or referred to the Client Assistance Program (CAP).

Individuals referred to Vocational Rehabilitation (VR) will be contacted in a reasonable amount of time and invited:

- To watch the online orientation video and complete a questionnaire through the online portal at [Department of Employment Training and Rehabilitation- Rehabilitation Division](#)
- To complete an application and attend an intake

During the application process, individuals referred to VR may also be referred to other Federal, State or other programs that may be better suited to meet their needs.

#### Referral of Youth Seeking Subminimum Wage Employment

Prior to entering subminimum wage employment with an entity holding a special wage certificate under Section 14(c) of the Fair Labor Standards Act of 1938, as amended, a youth must complete certain actions which VR must document per [34 CFR 397 Limitations on use of subminimum wage](#).

Information and Referral services are provided once every six months during the 1st year of the youth's employment at subminimum wage, and annually thereafter. Career counseling, information and referral services may be provided as part of this review.

#### Referral of Individuals Participating in Subminimum Wage Employment

34 CFR 397.40 [What are the responsibilities of a designated State unit for individuals with disabilities, regardless of age, who are employed at a subminimum wage?](#)

The agency must provide or coordinate provision of career counseling and information and referral services to individuals with disabilities who are earning subminimum wage

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 4, Title: Referral of Participants

---



and are known by the agency, to be employed by an entity holding a special wage certificate under Section 14(c) of the Fair Labor Standards Act.

These individuals may be known by the agency through involvement in the VR process, self-referral, referral from the Client Assistance Program or another agency or referral from an entity (an employer, contractor or subcontractor of an entity) holding a special wage certificate under Section 14(c) of the Fair Labor Standards Act, or through other methods.

#### **Career Counseling, Information and Referral (CCI&R) Services**

Career counseling must be provided in a manner that is:

- Understandable to the individual with a disability.
- Facilitates independent decision making and informed choice as the individual makes decisions regarding opportunities for competitive integrated employment and career advancement, including opportunities for supported and/or customized employment.
- May include referrals for benefits planning especially with regards to the interplay between earned income and income-based financial, medical and other benefits.

The agency may contract with other entities, including paid vendors to provide these services; however, these services may not be provided by an entity holding a special wage certificate under Section 14(c) of the Fair Labor Standards Act.

Referrals made by an employer (who holds a special wage certificate under Section 14(c) of the Fair Labor Standards Act) with fewer than 15 employees earning subminimum wage: In addition to Career Counseling and Referral Services, within 30 days of the referral the agency must also inform the individual of self-advocacy, self-determination, and peer mentoring and training opportunities available in the community.

#### **Referral of Employees and/or Relatives of Employees**

Applicants who are VR employees or relatives or household members of VR employees will be referred to a Rehabilitation Counselor outside of the office in which the employee works.

If an employee or employee's relative has a case currently open in the same office as the employee, the case will be transferred to another location.

# **REHABILITATION DIVISION: BVR / BSBVI**

## **Participant Services Policy Manual**

### **Section 5, Title: Ticket to Work Program**

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#### **Ticket to Work Program**

The Ticket to Work (TTW) program is part of Social Security Administration's Ticket to Work and Work Incentives Improvement Act. It is a free and voluntary program available to people ages 18 through 64 who are blind or have a disability and who receive Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits.

The goals of the Ticket to Work Program are to:

- Offer beneficiaries with disabilities expanded choices when seeking service and supports to enter, re-enter, and/or maintain employment;
- Increase the financial independence and self-sufficiency of beneficiaries with disabilities; and
- Reduce and, whenever possible, eliminate reliance on disability benefits.

Many work incentives are available to SSA beneficiaries whether or not their Ticket is being used. A limited number of additional benefits are available to SSA beneficiaries from the TTW program, and those benefits can only be used if the Ticket has been placed "In-Use" with a State Vocational Rehabilitation (VR) agency or "Assigned" to an approved Employment Network (EN). The Ticket cannot be "Assigned" to an EN and "In-Use" with a State VR agency at the same time; however, collaborated efforts may be coordinated.

#### **Timely Progress Reviews (TPR) / Continuing Disability Reviews (CDR)**

While the participant's Ticket is "In-Use", SSA may excuse them from medical Continuing Disability Reviews (CDR) as long as they are actively participating in the program and meeting SSA's Timely Progress goals. [SSA Ticket to Work](#)

The consequences of not meeting the Timely Progress goals may result in medical CDR's.

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 6, Title: Application and Intake**

---



**Contents**

Application for Services..... 1  
    Individuals Seeking Uncompensated Employment:..... 3  
    Reapplication after Closure Due to a Repeated, Marked or Pronounced Pattern of Refusing to Cooperate:..... 3  
    Client Assistance Program and Fair Hearing:..... 3  
Pre-intake and Intake ..... 3  
    Voter Registration:..... 3  
Individual’s Representative ..... 3  
Eligibility Determination..... 3

**Application for Services**

An individual is considered to have submitted an application when the individual or the individual's representative, as appropriate:

- Completes one of the below actions:
  - Has completed and signed an agency application form.
    - Evidence of signature may be, as appropriate, a witnessing mark, audiotape.
    - Deaf, Hard of Hearing or Speech Impaired callers can dial 711 through text telephone (TTY) to connect with relay operators to conduct calls with VR. Other methods may included Internet Protocol Relay (IP Relay), Video Relay Services (VRS), or Voice Carry Over (VCO).
  - Has completed a common intake application form in a one-stop center requesting vocational rehabilitation services; or
  - Has otherwise requested services from the agency.

and

- Has provided the agency information necessary to initiate an assessment to determine eligibility; and
- Is available to complete the assessment process.

The formal date of an application is the date the agency receives the application via any modality.

Nevada has established an online process for application submission. Individuals interested in services are directed to watch the online orientation video and complete the application through the online portal at [Nevada Vocational Rehabilitation](#). After VR receives the completed application, the individual is scheduled and notified of their

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 6, Title: Application and Intake

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intake appointment and method with assigned counselor.

If an individual needs an accommodation due to disability or if the individual seeking to apply for services doesn't have access to the internet to complete the application for vocational rehabilitation services, the individual should contact one of the District Offices:

Northern District Office  
Attention: Global Scheduler  
1325 Corporate Blvd.  
Reno, NV 89502  
(775) 823-8100

Southern District Office  
Attention: Global Scheduler  
3016 W. Charleston Blvd., Suite 200  
Las Vegas, NV 89102  
(702) 486-5230

A Rehabilitation Counselor may review and screen an applicant who has applied for service, to learn if the person would be more suitably served by another employment-focused program or social services program. Submission of an application does not guarantee an individual will be determined eligible for services.

If the individual with a disability makes an informed choice not to pursue an employment outcome under the vocational rehabilitation program prior to this referral the agency must: (See [34 CFR 361.37 Information and referral programs](#))

- Explain the purpose of the vocational rehabilitation program is to assist the individual to achieve a competitive integrated employment outcome
- Provide the individual with information concerning the availability of employment options and of VR services to assist the individual to achieve an employment outcome
- As applicable, explain that services can be provided to eligible individuals in an extended employment setting, if necessary, for purposes of training or otherwise preparing for employment in an integrated setting (if these services cannot be provided in an integrated setting)
- Inform individuals who initially choose not to pursue a competitive integrated employment outcome that they can seek VR services at a future time if they choose to pursue a competitive integrated employment outcome
- As applicable, refer the individual to Social Security Administration to obtain information concerning the ability to work while receiving Social Security benefits.
- As applicable, refer individuals to the Older Individuals Who Are Blind Program.

When referring individuals to other Federal or State Programs the individual should be provided:

- A notice of the referral
- Information identifying a specific point of contact within the agency to which the individual is referred
- As applicable, information and advice regarding the most suitable services to

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 6, Title: Application and Intake

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assist the individuals to prepare for, secure, retain or regain employment

#### **Individuals Seeking Uncompensated Employment:**

VR services are intended to assist individuals to achieve competitive integrated employment, including supported or customized employment. VR does not support uncompensated outcomes such as homemaker or unpaid family worker.

#### **Reapplication after Closure Due to a Repeated, Marked or Pronounced Pattern of Refusing to Cooperate:**

If a participant's previous case was closed based on a repeated, marked or pronounced pattern of refusing to cooperate another case will only be opened if the participant is willing to address the issues that resulted in the previous case being closed and agrees to a reasonable plan of cooperation. The case will only remain open as long as the individual cooperates, follows through and makes progress as agreed.

#### **Client Assistance Program and Fair Hearing:**

Applicants are provided information on the availability of the Client Assistance Program (CAP) and Fair Hearing Process at the time of application.

#### **Pre-intake and Intake**

Pre-intake is completed following an application for services. The pre-intake is an initial contact with the counseling team to prepare for the intake appointment including processing documents.

A participant's intake is an interview utilizing concepts from person-centered planning and informed choice. The intake is an important step in the VR process to review the program and discuss the applicant's needs and goals to obtain competitive integrated employment.

#### **Voter Registration:**

All applicants will be provided the opportunity to register to vote.

#### **Individual's Representative**

The applicant may choose to have another individual represent them at any time during the VR process,

#### **Eligibility Determination**

The qualified rehabilitation professional will make an eligibility determination within the timeframes pursuant to [34 CFR 361.41 Processing referrals and applications](#).

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 6, Title: Application and Intake

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[RSA Technical Assistance Circular, RSA-TAC-12-04](#), RSA maintains that it is permissible for more than one VR agency to provide services to an individual at the same time, so long as the services provided by each are not duplicated. When a participant has a case open in another state a release of information will be obtained from the participant or his/her representative allowing the two agencies to collaborate in order to ensure there is no duplication of services.

#### Contents

Financial Need and Participation .....	1
Exemptions Based on Financial Need .....	1
Limitations .....	2
Exemption for Certain Goods and Services .....	2
Exceptions for Extenuating Circumstances .....	3

#### Financial Need and Participation

Participants, who are not otherwise exempt, are expected to participate in the cost of IPE services and non-assessment services provided as part of Trial Work Experience(s) Plans. Financial participation will be assessed prior to signing the IPE. Financial participation must be reassessed whenever the individual's financial situation significantly changes and/or at the end of each Plan year during the annual review. If a comparable benefit will pay for a portion of the goods or services, the comparable benefit will be applied first. Financial participation will be based on the remaining amount. If VR pays part of or in full for goods or services, for which the participant has financial participation responsibility, they are required to reimburse VR for the costs.

All participants will be required to submit proof of income upon request to VR to assess their financial participation. Examples of acceptable proof of income include:

- Current Federal Income Tax Return or other valid income documentation if a tax return is unavailable
- Current Temporary Assistance for Needy Families (TANF) award letter
- Current Supplemental Nutrition Assistance Program (SNAP) award letter
- Social Security due to disability benefit documentation
  - Examples of acceptable Social Security documentation for verification of benefits due to a disability include a current Social Security award letter or a Benefit Query (BPQY)
    - Unacceptable documents include an annual cost of living adjustment or COLA letter and/or Social Security 1099 forms

#### Exemptions Based on Financial Need

Individuals who receive one or more of the following government benefits are exempt from financial participation:

- Participants who receive Social Security benefits due to disability:
  - SSDI (for a disability).
  - Individuals receiving a Childhood Disability Benefit (CDB) – for a disabled adult child drawing social security off a parent's work record, or

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 7, Title: Financial Need and Participation

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- SSI;  
Note: In keeping with [34 CFR 361.54\(b\)\(3\)\(ii\)](#) and as clarified in [RSA-TAC-22-03: Prohibition Against Applying Financial Needs Tests or Requiring Cost Participation as a Condition for the Receipt of Vocational Rehabilitation Services for SSI and SSDI Recipients](#), VR is prohibited against applying for a financial needs test or requiring financial participation as a condition for providing VR services to an individual who has been determined eligible for Social Security benefits under Titles II or XVI of the Social Security Act.
- Temporary Assistance for Needy Families (TANF).
- Supplemental Nutrition Assistance Program (SNAP) (formerly known as Food Stamps).

In addition, individuals are exempt from financial participation if their adjusted gross family income is less than 250% of the U.S. Health and Human Services (HHS) Poverty Guideline. The poverty guideline is updated annually and is available at: [ASPE Dept. of Health & Human Services- poverty guidelines](#).

#### **Limitations**

- Individuals exempt from financial participation will still be required to seek out comparable benefits applicable to their services.
- Participants will be responsible for the cost of goods or services which are above the amount the Division would normally fund or for expenditures that are not included in the IPE.
- Participants are responsible for the costs of goods and services that are obtained prior to official pre-authorization by the Division.
- Participants will be responsible for a portion of a self-employment plan.

#### **Exemption for Certain Goods and Services**

The following goods and services are exempt from financial participation, regardless of whether or not the individual is exempt based on financial needs:

- Assessments for determining eligibility
- Assessments for determining rehabilitation needs, including, as appropriate, assessment of rehabilitation technology needs;
- Vehicle modifications;
- Vocational rehabilitation counseling and guidance, including information and support services needed to assist the participant in exercising informed choice;
- Pre-Employment Transition Services as defined in the Workforce Innovation and Opportunity Act (WIOA);
- Referral services needed to secure services from other agencies;
- Job related services, such as job search and placement assistance, job retention services, job coaching and follow along services;

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 7, Title: Financial Need and Participation

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- Personal assistance services;
- O&M Training and Rehabilitation Instruction; and
- Auxiliary aids or services ([28 CFR 35.104 Judicial Administration-Nondiscrimination on the basis of disability in state and local government-Definitions](#)), such as interpreter services and reader services that an individual requires as an accommodation under the law in order for the individual to participate in the program.

#### **Exceptions for Extenuating Circumstances**

Exceptions to financial participation may be granted with written approval when rigid adherence could seriously jeopardize the participant's opportunity to achieve the rehabilitation objectives and an employment outcome.

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 8, Title: Eligibility Determination for VR

---



#### Contents

A. Timeline .....	1
B. Assessment of Eligibility and Eligibility Requirements .....	1
C. Presumptive Eligibility.....	2
D. Eligibility Extension .....	2
E. Trial Work Experiences.....	3
F. Ineligibility Determinations.....	3

#### A. Timeline

Counselors must conduct an assessment of eligibility and make an eligibility determination within a reasonable period of time, not to exceed 60 days after the individual has submitted an application except if eligibility is extended or if participating in a trial work experience.

#### B. Assessment of Eligibility and Eligibility Requirements

1. The assessment of eligibility must be conducted in the most integrated setting possible consistent with the participant’s needs and informed choice. To the extent possible, existing information should be used to determine eligibility, however, if available data is insufficient to make an eligibility determination, an assessment of additional data may be obtained as described in [34 CFR 361.42 Assessment for determining eligibility and priority for services](#).
2. Pursuant to federal rules, laws and regulations, an applicant is eligible for services if it is determined that:
  - a) The applicant has a physical or mental impairment (disability);
  - b) The physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant;
  - c) The applicant requires VR services to prepare for, secure, retain, advance in, or regain employment consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice;
  - d) The applicant can benefit from VR services in terms of an employment outcome. This requirement is presumed. Prior to a determination that an individual is unable to benefit or is ineligible due to the severity of the disability, trial work experiences, with appropriate supports, must be provided.;
  - e) The applicant has legal status to work in the United States; and
  - f) The applicant must intend to achieve a competitive integrated employment outcome consistent with their unique strengths, resources, priorities,

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 8, Title: Eligibility Determination for VR

---



concerns, abilities, capabilities, interest and informed choice. An individual who submits an application shall be presumed to have a goal of an employment outcome unless they indicate otherwise. \* This is not to be construed as creating an entitlement to any VR services.

Eligibility requirements are applied without respect for the applicant's particular employment needs or anticipated service costs. The applicant's income is also not a factor in determining eligibility; however, may be a factor in determining financial participation.

An individual cannot be determined eligible only to correct an acute condition in the absence of a need for other substantial rehabilitation services.

Rehabilitation Act as Amended indicates an individual currently engaging in illegal drug use is not considered an individual with a disability, the Act also indicates an individual currently using illegal drugs shall not be excluded if otherwise entitled to services [see: [The Rehabilitation Act as Amended - Section 7 \(20\)\(C\)](#) ].

#### **C. Presumptive Eligibility**

A presumptive eligibility determination must be made whenever possible. Applicants who receive Social Security benefits under Title II or Title XVI of the Social Security Act are presumed eligible for vocational rehabilitation services. Verification of Social Security benefits must be obtained in a timely manner.

Participants will be required to submit proof of Social Security benefits due to disability upon request to VR to determine presumptive eligibility for VR services.

- Examples of acceptable Social Security documentation for verification of benefits due to a disability include:
  - Current Social Security award letter
  - Benefit Query (BPQY)
    - Unacceptable documents include an annual cost of living adjustment or COLA letter and/or Social Security 1099 forms.

#### **D. Eligibility Extension**

If exceptional and unforeseen circumstances beyond the control of the agency preclude the counselor from making an eligibility determination within 60 days, an eligibility extension may be completed if the counselor and applicant agree to a specific extension of time. Eligibility extensions must be time limited, agreed upon and signed by the counselor and applicant utilizing agency developed forms. See federal regulations at [34 CFR 361.41 \(b\) \(1\) \(i\) Processing referrals and applications- Exceptional and](#)

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 8, Title: Eligibility Determination for VR**

---



[unforeseen circumstances beyond the control of the DSU preclude making eligibility determinations.](#)

**E. Trial Work Experiences**

Prior to determining an applicant with a significant disability is incapable of benefiting from VR services, in terms of an employment outcome due to the severity of the applicant's disability, the counselor must conduct an exploration of the applicant's abilities, capabilities and capacity to perform in realistic work situations. This is done by completing a written Trial Work Experience plan.

Trial work experience plans must be time limited, agreed upon and signed by the counselor and the applicant utilizing agency developed forms. Trial Work Experience plans must include real work experiences where appropriate supports such as assistive technology devices and services, personal assistance services, job coaching or other supports needed to accommodate the employments needs of the individual will be provided.

An eligibility determination will be made once sufficient evidence is obtained to determine whether or not the participant can benefit in terms of an employment outcome based on the severity of their disability.

To the extent possible, trial work experiences must be provided in competitive integrated work settings consistent with the informed choice and rehabilitation needs of the individual.

Individuals who were previously determined eligible for services must have also been provided an evaluation of their capacity to perform in realistic work settings (trial work experiences) prior to a determination that they are no longer eligible due to the severity of the disability.

**F. Ineligibility Determinations**

Ineligibility may be determined if an individual does not meet eligibility requirements. This determination can only be made after an appropriate assessment of eligibility has been carried out, including a review of existing data.

The requirements for ineligibility determinations are found in [34 CFR 361.43 Procedures for ineligibility determination.](#)

# **REHABILITATION DIVISION: BVR / BSBVI**

## **Participant Services Policy Manual**

### **Section 8, Title: Eligibility Determination for VR**

---



An ineligibility determination will be made for youth seeking a certificate to enter subminimum wage employment with an entity holding a special wage certificate under Section 14(c) of the Fair Labor Standards Act of 1938.

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 9, Title: Order of Selection

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#### Order of Selection

In the event that the Bureau is unable to serve all eligible individuals due to limited resources, those with “most significant” disabilities will be served first through an Order of Selection (OOS) procedure. Under OOS, participants are placed on a prioritized waiting list by level of significance of disability and are served when funding and resources are available in accordance with [34 CFR 361.36 Ability to serve all eligible individuals: order of selection for services](#).

The agency has adequate resources to serve all eligible individuals and has not instituted an Order of Selection.

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 10, Title: Counseling and Guidance, Assessment of Vocational Rehabilitation Needs (AVRN) and Individualized Plan for Employment (IPE)

---



#### Contents

I. Rehabilitation Counseling .....	1
II. Assessment of Vocational Rehabilitation Needs (AVRN) .....	1
A) Federal Requirements .....	1
B) Agency Requirements when Determining a Vocational Goal .....	2
C) Agency Requirements when Determining IPE Services .....	2
III. Limitations on Services.....	3
IV. Individualized Plan for Employment (IPE) .....	3
A) Federal Requirements .....	3
B) Additional Nevada Requirements .....	4

#### **I. Rehabilitation Counseling**

Provision of quality counseling and guidance is a key component to Rehabilitation Counseling and is critical to the mission of the State VR Agency. This service is an integral component to the delivery of services which is provided throughout the life of the VR case.

#### **II. Assessment of Vocational Rehabilitation Needs (AVRN)**

The Assessment of Vocational Rehabilitation Needs (AVRN) is a transparent process of exploring vocational options; determining how disability related barriers to employment can be diminished, accommodated or eliminated; and exploring how other vocational needs can be met in order to assist the participant to make informed choices, that have a high probability of leading to sustainable employment, regarding:

1. The employment outcome (vocational goal) and
2. The nature and scope of vocational rehabilitation services to be included in the IPE.

#### **A) Federal Requirements:**

To the extent possible the employment outcome and IPE services must be determined based on the data used for the assessment of eligibility and, as appropriate, in accordance with confidentiality requirements, information from other programs such as education officials, Social Security Administration, and information provided by the individual and the individual's family. If additional data is necessary, a comprehensive

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 10, Title: Counseling and Guidance, Assessment of Vocational Rehabilitation Needs (AVRN) and Individualized Plan for Employment (IPE)

---



assessment to determine the participant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice, including the need for supported employment, must be conducted in the most integrated setting possible consistent with the informed choice of the individual.

#### **B) Agency Requirements when Determining a Vocational Goal:**

1. Required Considerations:  
The counselor provides vocational counseling and guidance to assist the participant in determining the direction of the employment plan outcome (vocational goal). Participants are expected to actively engage in the research for this process. When identifying potential employment goals, the counselor and participant will consider various aspects to narrow down vocational options to one goal that has a high probability of leading to long-term sustainable employment, including consideration for: short and long-term goals, individual participant needs and interests, labor market and employment trends, and the pros and cons of vocational options.
2. Before Finalizing a Chosen Goal or Amending an IPE Goal:  
The counselor and participant must agree that the goal will be a good match and has a high probability of leading to sustainable employment.
3. Informed Choice and Limitations on Vocational Goals:  
Participants are expected to make informed decisions regarding their employment outcome/vocational goal, and their decision will be taken into consideration.

#### **C) Agency Requirements when Determining IPE Services:**

Required Services. The following services must be adequately provided for or addressed as applicable to the needs of the individual:

1. Vocational Counseling and Guidance
2. Services that will accommodate, diminish, or eliminate barriers to employment due to the disability
3. Measurable Skill Gains and Credentials
4. Other services needed to reach the specific vocational goal chosen
5. Services or actions needed to address non-disability related barriers to employment (as applicable)
6. Services integral to entering or obtaining employment
7. Services to develop good work habits, appropriate social skills and/or to identify and address reasons for previous job losses

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 10, Title: Counseling and Guidance, Assessment of Vocational Rehabilitation Needs (AVRN) and Individualized Plan for Employment (IPE)

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8. Job retention services to promote sustainable employment success

### **III. Limitations on Services**

Services are subject to other requirements I, including, but not limited to financial participation, comparable benefits, requirements found in scope of services, conditions regarding the purchase of goods and services, etc.

While participants should make an informed decision regarding vocational services, a “want” is not always a vocational need. The Division will not fund services that are not necessary for the achievement of the employment outcome and cost-effective methods will be considered.

### **IV. Individualized Plan for Employment (IPE)**

The IPE is a participant’s roadmap to successful employment. The IPE is not a contract, but rather an agreement made in good faith, which delineates the employment outcome and services to be provided that are needed to achieve the outcome.

The IPE describes timelines, the criteria for evaluating progress toward the outcome, and the participant’s responsibilities for reaching the employment outcome. The federal regulations pertaining to IPEs are found at: [34 CFR 361.45 Development of the individualized plan for employment](#) and [34 CFR 361.46 Content of the individualized plan for employment](#).

#### **A) Federal Requirements:**

##### **Definition of a Participant**

The federal regulations frequently refer to “eligible individuals or, as appropriate, the individual’s representative.” The term “participant” is used by the agency with the assumption that its use includes the phrase “or, as appropriate, the individual’s representative.”

##### **Definition of a Rehabilitation Counselor**

References to the Rehabilitation Counselor refer to a qualified Rehabilitation Counselor employed by the Rehabilitation Division of Nevada’s Department of Employment, Training and Rehabilitation.

1. Participant Options and Information Needs for IPE Development

An eligible participant may choose to develop all or part of the IPE with or without assistance. Assistance is available from a qualified rehabilitation counselor

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 10, Title: Counseling and Guidance, Assessment of Vocational Rehabilitation Needs (AVRN) and Individualized Plan for Employment (IPE)

---



employed by VR or as appropriate, a counselor not employed by VR, a disability advocacy organization or assistance from other resources. Regardless of the option chosen, the IPE must be completed on the Division's forms, and agreed to and signed by both the participant and the Rehabilitation Counselor employed by VR.

The availability of the Client Assistance Program (CAP) and Fair Hearing information is provided to participants in writing at the time of IPE development (included under terms and conditions of the IPE).

#### 2. Timeline

The IPE must be developed as soon as is reasonably possible, but not later than 90 days after an eligibility determination. In extenuating circumstances, the counselor and participant may agree to an extension of time. IPE Development Extensions must be time limited, agreed upon and signed by the counselor and participant utilizing agency developed forms. Generally, IPE development extensions occur when more time is needed to mutually agree on the proposed vocational goal and/or required services.

#### 3. Mandatory Federal Procedures are described at [34 CFR 361.45\(d\) Development of the individualized plan for employment- Mandatory procedures](#)

#### 4. Content of the IPE: Mandatory Federal Components are described at [34 CFR 361.46 Content of the individualized plan for employment](#)

- a. Description of the employment outcome
- b. Services needed to achieve the employment outcome
- c. Timelines for achievement of the employment outcome and services
- d. Service providers and procurement methods
- e. Criteria to evaluate progress
- f. Terms and conditions- responsibilities of the Division and the participant
- g. Supported Employment aspects, if applicable
- h. Post-Employment terms and conditions
- i. Employment Network (EN) services– Under the Ticket to Work and Self-Sufficiency Program, if applicable and the participant has their Ticket assigned to an EN

### **B) Additional Nevada Requirements:**

#### 1. Employment Outcome/Vocational Goal

Federal regulations require a description of the specific employment outcome (or projected outcome for students with disabilities receiving transition services) that

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 10, Title: Counseling and Guidance, Assessment of Vocational Rehabilitation Needs (AVRN) and Individualized Plan for Employment (IPE)

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is consistent with the individual's primary employment factors; therefore, Nevada does not endorse the use of generic goals.

#### 2. Services

- In addition to the federal requirements, at a minimum the IPE services should include:
  - Counseling and Guidance Services
  - Job placement services, as applicable
  - Job seeking skills and soft skills, as applicable
  - Skills training if needed to enter the field
  - Services to address functional limitations
  - Services to remove barriers to enable participants to obtain and/or maintain employment
- The description of services should be specific for the services being provided.
- Service costs and dates must be a realistic estimate for each service.

#### 3. Informed Choice

Participants will exercise informed choice regarding the employment outcome, services chosen, and procurement methods.

#### 4. IPE Timelines

The IPE includes realistic time frame estimates for service provision and achievement of the employment outcome.

#### 5. Responsibilities

Services include the responsibility of each party, specifies who is providing the services, and outlines expectations and responsibilities.

#### 6. Evaluation Criteria

Services include evaluation criteria which are measurable statements for reaching the vocational goal and each IPE service.

#### 7. IPE Rationale

Justification and rationale for the included services and vocational goal are documented and reflected on the IPE.

#### 8. IPE Services and Expenditure Approval

IPEs must be approved before obtaining signatures and providing services.

#### 9. Changes to the IPE/IPE Amendments

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 10, Title: Counseling and Guidance, Assessment of Vocational Rehabilitation Needs (AVRN) and Individualized Plan for Employment (IPE)

---



IPE changes, including but not limited to those concerning the vocational goal, services, and/or increase service costs, require an IPE amendment and approval before obtaining signatures and providing services.

#### 10. IPE Annual Reviews

IPE Annual Reviews document the participant's progress toward achievement of the employment outcome. They occur as often as necessary, but no less than annually.

#### 11. Expired IPE and Individual IPE Services

Participants will be notified in writing with appeal rights of an upcoming expiring IPE and/or individual IPE services.

#### **Other Annual Review Requirements:**

At the time of the annual review release of information forms are reviewed and renewed, as appropriate; and financial participation is re-evaluated.

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy and Procedures Manual**  
**Section 11, Title: Reserved**

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**Section 11 Reserved**

Reserved for future use.



### Contents

Scope of Services Available.....	1
Restrictions.....	3
Provider (Vendor) Requirements for Provision of Services.....	4
Services for Groups of Individuals.....	4
Services to Employers.....	5

### Scope of Services Available

Vocational Rehabilitation Services are services described in the Individual Plan for Employment (except assessment of eligibility and assessment of vocational rehabilitation needs which may be provide prior to an IPE) necessary to assist an individual in preparing for, securing, retaining, advancing in or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice of the individual. [34 CFR 361.48 Scope of vocational rehabilitation services for individuals with disabilities](#) Scope of Services available may include, as appropriate to the vocational rehabilitation needs of each participant:

1. Assessment for determining eligibility, priority for services and vocational rehabilitation needs including, if appropriate, an assessment by personnel skilled in rehabilitation technology.
2. Vocational rehabilitation counseling and guidance, including information and support services to assist a participant in exercising informed choice.
3. Referral and other services necessary to help applicants and eligible participants secure needed services from other agencies including workforce development partners, Medicaid, public institutions of higher education or other agencies participating in an Interagency Agreement if such services are not available under the Rehabilitation Act.
4. Job related services, including job search and placement assistance, job retention services, job coaching and follow up or follow along services.
5. Vocational and other training services, including personal and vocational adjustment training, on-the-job training, books, tools and other training materials, except that no training or training services in an institution of higher education (universities, colleges, community or junior colleges, vocational schools, technical institutes, or hospital schools of nursing or any other postsecondary education institution) may be paid for with funds under this part unless maximum efforts have been made by the Division and the individual to secure grant assistance in whole or in part from other sources to pay for that training.

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 12, Title: Scope of VR Services Overview

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6. Diagnosis and treatment of physical and mental impairments when financial support is not readily available from alternative sources, such as health insurance or other comparable benefits. The Division is a vocational provider; therefore, restoration must be achievable within a reasonable period of time and be tied to the achievement of an employment outcome.
7. Maintenance for additional costs incurred while participating in an assessment for the determination of eligibility and vocational rehabilitation needs or while receiving services under an IPE. Maintenance is monetary support provided to a participant for expenses, such as food, shelter and clothing that are in excess of the normal expenses of the participant and that are necessitated by the individual's participation in an assessment for determining eligibility and vocational rehabilitation needs or the participant's receipt of vocational rehabilitation services under an IPE.
8. Transportation, including adequate training in the use of public transportation systems, which is provided in connection with the assessment of eligibility, or the provision of another service described in this Section and needed by the participant to achieve an employment outcome.
9. Personal assistance services while the participant is on-the-job or while an individual is receiving other services described in this Section.
10. Interpreter services, provided by qualified personnel, for individuals who are deaf or hard of hearing or deaf-blind and reader services for individuals who are blind.
11. Rehabilitation teaching services and orientation and mobility services for participants who are blind.
12. Occupational licenses, tools, equipment, initial inventories and supplies.
13. Technical assistance and other consultation services to conduct market analyses, develop business plans and otherwise provide resources, to the extent such resources are authorized to be provided through the statewide workforce development system, to eligible individuals who are pursuing self-employment, telecommuting or establishing a small business operation as an employment outcome.
14. Rehabilitation technology, including telecommunications, sensory and other technological aids and devices, and assistive devices including, but not limited to hearing aids, low vision aids and wheelchairs.
15. Transition services for students and youth that facilitate the transition from school to post-secondary life, such as achievement of an employment outcome in competitive integrated employment or pre-employment transition services.
16. Supported Employment Services.
17. Customized Employment.
18. Services to encourage qualified individuals to pursue advanced training in science, technology, engineering, mathematics (including computer science), medicine, law or business.
19. Select services to family members of an applicant or participant if necessary, to

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 12, Title: Scope of VR Services Overview

---



enable the participant to achieve an employment outcome.

20. Specific post-employment services needed to assist an individual to retain, regain, or advance in employment.

21. Other goods and services determined necessary for the participant to achieve an employment outcome.

### Restrictions

**The nature and scope of the services outlined are subject to the following restrictions:**

1. All services are subject to appropriate level review and approval.
2. All services are subject to the Financial Participation Guidelines.
3. All services must be a part of the IPE and must be necessary to achieve an employment outcome specified in the IPE or the IPE amendment or be services necessary to complete the assessment of eligibility or vocational rehabilitation needs.
4. Nevada has a preference for In-State Services.
5. VR must be wise stewards of public funds; therefore, services will be provided in cost-effect manners that still meet the vocational needs of the individual.
6. All goods and services must be pre-authorized. The inclusion of a good or service on the IPE is not considered pre-authorization.
7. Services are subject to the availability of comparable benefits, which must be used in whole or in part for the cost of the service.
8. The agency will not pay any outstanding debt, including student loans, an applicant or program participant has incurred prior to the current case being opened, or any debt incurred during the case.
9. Firearms, explosives or other items and materials generally considered to be lethal weapons will not be provided or paid for by the agency.
10. The agency will not pay fees and fines an individual is personally responsible for.
11. Division funds cannot be used for acquisition of real property or construction on real property (except under specific conditions permitted by the authorizing statute) per Education Department General Administrative Regulations (EDGAR) at [34 CFR 76.533 Acquisition of real property; construction](#).
12. Services may be suspended for reasons such as; lack of follow through or cooperation, failure to make reasonable progress in your IPE, threatening or violent behavior or additional information becoming available that may affect the success of the IPE.
13. Marijuana is illegal under federal law, therefore Division funds cannot be used to pay for any service involved in obtaining, possessing, using, handling or distributing marijuana (including but not limited to obtaining medical marijuana cards, and medical appointments or prescriptions to obtain medical marijuana) or to support occupations in the marijuana industry or employment in any occupation that would involve the possessing, manufacturing, distribution, packaging, handling or selling

of marijuana.

14. Background checks to request criminal history information on VR participants are PROHIBITED except for situations indicated below. VR will neither process nor receive a copy of the report.

- Purposes of Private Investigator's Licensing Board
- Fingerprint cards for security guards and real estate license background checks
- Background checks and fingerprint cards for other licenses (teachers, state employees, childcare workers etc.)
- Sheriff's card, when there is a letter of intent to hire from the employer
- Other similar circumstances when needed for employment or licensing

Exceptions to the above restrictions may be granted with written request and approval when rigid adherence could seriously jeopardize the participant's opportunity to achieve the rehabilitation objective and an employment outcome. Requests for policy exceptions are considered on a case by case basis and must be submitted in writing to the Rehabilitation Counselor.

#### **Provider (Vendor) Requirements for Provision of Services**

All services will be provided by qualified personnel who meet the appropriate State licensure or certification requirements or national standards, to the extent that such standards exist. Providers of services must have a Division approved contract or service agreement.

Providers must take steps to ensure the confidentiality of participant records and information provided by VR, consistent with the agency requirements.

#### **Services for Groups of Individuals**

##### [34 CFR 361.49 Scope of vocational rehabilitation services for groups of individuals with disabilities](#)

Federal regulations allow for the provision of certain services for the benefit of groups of individuals with disabilities. Services to groups may be provided sequentially or simultaneously. "Services for a group" does not necessarily mean all services are provided at the same time.

These services may include but are not limited to:

- Services to small businesses operated by individuals with significant disabilities which may be improved by management and supervision services provided by the State VR Agency, along with the acquisition by the State VR agency of vending facilities or other equipment and initial stocks and supplies (e.g., Business Enterprise of Nevada – BEN Program).

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 12, Title: Scope of VR Services Overview

---



- Grants to Community Rehabilitation Programs (CRP's). Such programs must be used to promote integration into the community and prepare individuals with disabilities for competitive integrated employment including supported employment and customized employment. (These projects must meet criteria maintained by the Division).
- The use of telecommunications systems that have the potential for substantially improving Vocational Rehabilitation delivery methods and developing appropriate programming to meet the particular needs of individuals with disabilities.
- Special services to provide non-visual access to information for individuals who are blind, including the use of telecommunications, Braille, sound recordings, or other appropriate media.
- Captioned television, films or video cassettes for individuals who are deaf or hard of hearing.
- Tactile materials for individuals who are deaf-blind.
- Other special services that provide information through tactile, vibratory, auditory and visual media.
- Technical assistance to businesses that are seeking to employ individuals with disabilities.
- Consultation and technical assistance to assist state and local educational agencies in planning the transition of students with disabilities from school to post-secondary life, including employment.
- Transition services to youth and students with disabilities, including pre-employment transition services for students who may not yet applied or been determined eligible for VR services, for which a VR counselor works in concert with educational agencies, providers of job training programs, providers of services under the Medicaid program, entities designed by the State to provide services to individuals with developmental disabilities, centers for independent living, housing and transportation authorities, workforce development systems, and businesses and employers.
- The establishment, development or improvement of assistive technology demonstration, loan, reutilization or financing programs in coordination with the activities authorized under the Assistive Technology Act of 1998 to promote access to assistive technology for individuals with disabilities and employers.

All services to groups must abide by the requirements maintained by the Division and approved by Administration. Some services to groups may be limited to groups of applicants and/or individuals eligible for Vocational Rehabilitation Services.

#### **Services to Employers**

##### [34 CFR 361.32 Provision of training and services for employers](#)

The agency may also educate and provide services to employers who have hired or are

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 12, Title: Scope of VR Services Overview

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interested in hiring individuals with disabilities served by the State VR Program including:

- Providing training and technical assistance to employers regarding the employment of individuals with disabilities, including disability awareness and the requirements of the Americans with Disabilities Act and other employment-related laws.
- Working with employers to:
  - Provide opportunities for work-based learning experiences (including internships, short-term employment apprenticeships, and fellowships) and opportunities for pre-employment transition services
  - Recruit qualified applicants who are individuals with disabilities
  - Train employees who are individuals with disabilities
  - Promote awareness of disability-related obstacles to continued employment
- Provide consultation, technical assistance and support to employers on workplace accommodations, assistive technology, and facilities and workplace access through collaboration with community partners and employers across states and nationally, to enable the employers to recruit, job match, hire and retain qualified individuals with disabilities who are recipients of vocational rehabilitation services.
- Assist employers with utilizing available support for hiring or accommodating individuals with disabilities.

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

Subsection 12.1, Title: Scope of Services;

Medical/Psychological/

Dental/Hearing Loss/Blindness/Substance Use

---



### Contents

Overview .....	1
Medical / Psychological Treatment.....	1
Telecommunications, Sensory and other Technology Devices .....	2
Dental Services .....	2
Services to Individuals with Deafness or Hearing Loss .....	2
Services for Individuals with Blindness or Visual Impairments .....	4
Substance Use Disorders.....	5

### Overview

The agency provides physical and psychological treatment services in accordance with [34 CFR 361.5 \(c\) \(39\) Applicable definitions: Physical and mental restoration services](#).

An individual cannot be determined eligible only to correct an acute condition in the absence of a need for other substantial rehabilitation services.

Physical and psychological treatment services require recommendation by the treatment professional and, as appropriate, review by the agency's specialty consultants. Any services provided for an individual to attend physical and psychological treatment must be agreed to in the Individualized Plan for Employment (except assessments conducted prior to the IPE). Physical and psychological treatment services are subject to comparable benefits and financial participation, as applicable. The agency will not pay missed appointment fees, nor may the provider bill the participant when no service has been provided.

The participant is expected to make reasonable progress toward achievement of an employment outcome for the agency to continue funding physical and psychological treatment. While the agency may participate in the costs of treatment, it does not represent itself as an expert. Questions will be directed to the provider.

### Medical / Psychological Treatment

Agency funding of medical, psychological, psychiatric, or corrective surgical assessments or treatment require reports to ensure the assessment and treatment are focused on assisting the individual to meet employment objectives. Reports may also be

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

Subsection 12.1, Title: Scope of Services;

Medical/Psychological/

Dental/Hearing Loss/Blindness/Substance Use

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required if the agency is providing support services for an individual to attend assessments or treatment.

Limitations and restrictions apply when utilizing agency funds for the following medical/psychological services:

- Experimental non-traditional treatment
- Acupuncture
- Homeopathic treatment
- Interventions to change primary/secondary sexual characteristics

### **Telecommunications, Sensory and other Technology Devices**

Telecommunications, sensory and other technological services will be performed by licensed individuals in accordance with State law or certification regulations.

### **Dental Services**

Dental or orthodontic disorders are not generally considered disabilities for the purpose of determining eligibility. Thus, eligibility may not be determined based solely on the need for routine dental care or acute dental conditions. The agency will only cover the portion of dental restoration services that is essential to relieve the impairment or barrier to employment.

### **Services to Individuals with Deafness or Hearing Loss**

#### **Overview**

Participants with a non-progressive, congenital, or long-standing hearing loss or deafness may be determined eligible for VR services based on appropriate documentation of the hearing loss or deafness. The agency provides services for the diagnosis and treatment of hearing loss and deafness.

#### **Provision of Hearing Aids**

A recent audiology evaluation is not required if the individual does not require a new hearing aid(s) or other services directly related to alleviating the hearing loss, and if the participant and counselor determine this evaluation is unnecessary to meet the vocational and/or medical restoration needs of the individual.

For all other participants, a current diagnostic statement within the past six (6) months from a qualified audiologist or other qualified hearing professional is required to provide

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

Subsection 12.1, Title: Scope of Services;

Medical/Psychological/

Dental/Hearing Loss/Blindness/Substance Use

---



hearing aids or other services directly related to alleviating the hearing loss. An ENT evaluation must be obtained if it is recommended by the audiologist or other qualified hearing professional.

### **Qualified Hearing Professional**

Audiology and hearing aid evaluations and prescriptions, or an audiology consult must be provided by a certified audiologist. Hearing aid dispensing and other services can be provided by a qualified hearing professional. Acceptable licensure and certification types can be found on the State of Nevada Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board.

### **Evaluations**

#### **Audiology Evaluation**

An audiology evaluation is required for a rapidly progressive hearing loss or if hearing aid purchase is intended.

#### **Hearing Aid Recommendation**

A hearing aid recommendation is required for the purchase of prescribed hearing aids.

A hearing aid recommendation is not required for the purchase of over the counter (OTC) Hearing Aids.

### **Purchase of Hearing Aid(s)**

The agency can purchase over the counter (OTC) and prescriptive hearing aids.

The purchase of over the counter (OTC) hearing aids

- requires three vendor quotes
- VR does not guarantee that OTC hearing aids will fully meet the participant's functional and employment needs as they don't require a prescription or hearing evaluation

The purchase of prescriptive hearing aids requires the following to be completed by the audiologist within the last 6 months:

- audiology evaluation
- hearing aid recommendation

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Subsection 12.1, Title: Scope of Services;

#### Medical/Psychological/

#### Dental/Hearing Loss/Blindness/Substance Use

---



- ENT evaluation, if recommended by the audiologist or other qualified hearing professional

If the participant currently has hearing aid(s) and there is no change in hearing loss, the devices will be evaluated to determine if they are repairable. VR will not purchase a new hearing aid(s) either OTC or prescriptive for an individual if VR has previously funded hearing aid(s) for the individual within the last five years unless there is a significant change in the hearing loss or functional requirements per an audiologist or other qualified hearing professional.

The agency will not replace prescriptive or OTC hearing aids that are lost, damaged by accident, or neglect. It is recommended that the participant discuss manufacturer's warranty information with the provider/vendor of the hearing aids to understand the limits of the warranty. The participant may purchase additional coverage on their own.

### **Provision of Cochlear Implant Services**

For employment needs, the agency will support the provision of cochlear implants; including implantation surgery, maintenance, repair, aural rehabilitation program (training), and necessary medical follow up appointments. Requests will be evaluated on a case by case basis.

To meet state and federal regulations and professional standards for the provision of cochlear implants, there must be a medical statement that, based on an examination, there is no medical contraindication to implantation or training; a prescription by an otologist or otolaryngologist; and a statement from an audiologist indicating that the participant cannot achieve functional hearing from a hearing aid or other means of amplification and supporting the use of the implant.

### **Services for Individuals with Blindness or Visual Impairments**

The Division has two programs to serve individuals with blindness or visual impairments:

1. The Bureau of Services to the Blind and Visually Impaired Vocational Rehabilitation (VR) unit may serve individuals interested in working (or maintaining their current job) whose visual impairment creates a substantial barrier to employment.
2. The Older Individuals Who Are Blind Program may serve individuals with a visual impairment, age 55 or older, who need assistance to maintain their independence.

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

Subsection 12.1, Title: Scope of Services;

Medical/Psychological/

Dental/Hearing Loss/Blindness/Substance Use

---



Participants found eligible for VR services based on legal blindness may be provided an audiology examination and evaluation of their hearing if it appears or it is reported there is also a hearing loss. For employment needs, the agency will fund disability related residential training programs. Requests will be evaluated on a case by case basis.

Participants who are pursuing employment and are determined eligible for VR services based on legal blindness or a severe visual impairment that affects activities of daily living or mobility will be afforded the opportunity of an evaluation of mobility and daily living skills.

### Provision of Bioptic Telescopic Devices

The application process to operate a motor vehicle while wearing a bioptic telescopic device is defined in [Nevada Administrative Code \(NAC\) 483.405](#) (Driver's License- License to operate a motor vehicle while wearing the device: Application), eligibility requirements are defined in [Nevada Administrative Code \(NAC\) 483.410](#) (Driver's License- License to operate motor vehicle while wearing device: Requirements for eligibility), and restrictions are defined in [Nevada Administrative Code \(NAC\) 483.415](#) (Driver's License- License to operate motor vehicle while wearing device: Restrictions). Other driving alternatives will be considered.

### Substance Use Disorders

#### **Overview**

While the Rehabilitation Act as Amended indicates an individual currently engaging in illegal drug use is not considered an individual with a disability, the Act also indicates an individual currently using illegal drugs shall not be excluded if otherwise entitled to services [see: [The Rehabilitation Act as Amended - Section 7 \(20\)\(C\)](#) ].

#### **Substance Use Disorder as a Sole Disability**

An individual currently engaging in illegal drug use is not considered an individual with a disability in the absence of another condition that qualifies as a disability. To be determined eligible for services based solely on a diagnosis of substance use disorder, the individual must meet the following minimum criteria:

1. The participant must be participating in a treatment program certified by the state or national certification board or seeing a licensed or certified practitioner;  
or,
2. The participant must have completed a certified treatment program within the last

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Subsection 12.1, Title: Scope of Services;

#### Medical/Psychological/

#### Dental/Hearing Loss/Blindness/Substance Use

---



two years and is participating in a maintenance/aftercare program or recognized support group (e.g., Alcoholics Anonymous (AA)/Narcotics Anonymous (NA)); and,

3. There must be reasonable belief the participant is abstinent and has completed thirty (30) consecutive days of abstinence at the time of the eligibility determination; and,
4. The individual must have a substantial impediment to employment as a result of the substance use disorder.

#### Case Closure for Failure to Cooperate

If an individual who has been determined eligible based solely on substance use disorder is using illegal drugs or abusing substances and VR becomes aware, or reports substance misuse, the participant will receive written notice that continued use will lead to case closure. If further use occurs, or the participant tests positive on a drug test after notice, their case will be closed based on non-cooperation.

#### **Substance Use in Conjunction with another Qualifying Disability**

An individual actively using illegal drugs (including marijuana and medical marijuana which are illegal under federal law) or abusing substances may be eligible for services if they are made eligible on the basis of another disability and meets all other eligibility criteria including the ability to benefit from services in terms of an employment outcome. Consideration of positions/employers requiring pre-employment drug screens will be discussed between the counselor and participant to explore and assess the effects of substance usage on employment. The participant will be expected to take appropriate action and cooperate in services to remove barriers to employment caused by illegal drug usage or substance misuse.

If the counselor has reason to believe an individual cannot benefit from services in terms of an employment outcome the use of a trial work experience is warranted.

#### Case Closure for Failure to Cooperate

Attempts will be made to solicit a participant's cooperation in addressing employment related barriers caused by illegal drug use or substance misuse. The participant will be informed in writing that their case will be closed if they do not take appropriate action and cooperate in services to remove these barriers.

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Subsection 12.2, Title: Scope of VR Services; Work Based Exploration, Learning and Training Experiences**

---



**Contents**

I. Overview ..... 1

II. Work Based Assessments ..... 2

    A) Situational Assessments ..... 2

    B) Community Based Assessment (CBA)..... 2

III. Work Based Learning Experiences for Students or Work Based Training Experiences for Adults ..... 2

IV. On-the-Job Training (OJT)..... 3

**I. Overview**

Work based exploration, learning or training experiences may include work exploration and skills assessment activities such as:

- Work Assessment activities such as a Situational Assessment (SA) conducted at a Community Rehabilitation Program (CRP) and a Community Based Assessment (CBA)
- Work Based Learning Experiences for Transition Students or Work Based Training Experiences for Adults
- On-the-Job Training (OJT)

**Work Based Learning Experiences for a student** with a disability, provided as pre-employment transition services, **may be provided either prior to the IPE or as part of the IPE.** If the student requires more individualized transition services, VR services or supportive services under section 103(a) of the Rehabilitation Act and [34 CFR 361.48 \(b\) Scope of vocational rehabilitation services for individuals with disabilities: Services for individuals who have applied for or been determined eligible for vocational rehabilitation services](#), can be arranged.

The participant will have responsibilities with On-the-Job Training and Work Based Training Experiences, such as but not limited to: making informed choices throughout the process, completing and passing a drug test if required, actively engaging in activities, notifying employer and rehabilitation counselor regarding scheduling and any other concerns, and planning for outside conflicts that will affect participation. The OJT Agreement is not a legally binding contract but rather is an agreement made in good faith. It may be modified in writing or terminated by any of the parties concerned.

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Subsection 12.2, Title: Scope of VR Services; Work Based**  
**Exploration, Learning and Training Experiences**

---



## **II. Work Based Assessments**

### **A) Situational Assessments**

Situational assessments (SA) evaluate the individual's abilities, behaviors and preferences in a semi-controlled competitive, integrated work setting through a Community Rehabilitation Program (CRP). The assessment uses real work experiences for determining an individual's capabilities and preferences as well as work related limitations and needs.

Participant must complete and pass a drug test prior to participating in a SA.

#### **Work Adjustment**

Work adjustment may be evaluative in nature or may be included as a planned IPE service. It utilizes an individualized series of techniques, methods and processes to evaluate, measure and/or increase a participant's ability to develop general values, attitudes, and behaviors appropriate for a work environment.

#### **Work Hardening**

Work hardening may be evaluative in nature or may be included as a planned IPE service. It is an individualized work process involving the participant in real work tasks that are structured and graded to evaluate, measure and/or progressively increase physical tolerances, stamina, endurance and productivity.

### **B) Community Based Assessment (CBA)**

A CBA involves the assessment of the performance of actual job duties in a real work setting within the community. Performance is supervised by an employee/manager or owner of the worksite. The Division utilizes a staffing agency with a State of Nevada approved contract to provide workers' compensation, payroll and other related services.

The reimbursement rate for a participant's wages will be the State's minimum wage.

*Note: Minimum wage means 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), (e.g., the Federal Minimum wage) or applicable State Minimum wage law.*

Participant must complete and pass a drug test prior to participating in a CBA.

## **III. Work Based Learning Experiences for Students or Work Based Training Experiences for Adults**

### **Work Based Learning Experiences for Students**

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Subsection 12.2, Title: Scope of VR Services; Work Based Exploration, Learning and Training Experiences**

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Work Based Training Experiences for students with disabilities is a pre-employment transition service. It may include in-school or after school opportunities, or experiences outside the traditional school setting that are provided in an integrated environment in the community (to the maximum extent possible).

Work Based Training Experiences for Adults

Work Based Training Experiences for adults may be provided that provides participants the opportunity to develop hands-on skills at a real worksite in the community without being an employee of the worksite.

**Work Based Learning or Training Experiences:**

1. Volunteer Work Based Learning or Training Experience:

Volunteer, unpaid experience provides the participant the opportunity to gain an understanding of jobs on the job site. The work site must have an active volunteer program, a formal training agreement in place and provide workers compensation or liability coverage as required by Nevada Revised Statutes.

2. Paid Work Based Learning or Training Experiences:

In these experiences, the participant is provided paid training at a worksite without being an employee of the employer

Work based learning and training experience wages are considered wages for the purposes of income tax and may affect calculation of some benefits or entitlements, thus, the participant must plan accordingly.

VR will not pay wages for work based learning or training experiences for practicums and internships that are part of a degree program or for which the participant is receiving college credit.

**IV. On-the-Job Training (OJT)**

On-the-Job Training enables a participant to learn the tasks, routine and skills of an assigned job at the actual worksite while on the employer's payroll. VR or another entity is reimbursing the employer for all or part of the employee's wages or benefits during the training period. OJT is intended to result in continued or permanent employment in the assigned job or in a closely related job at the conclusion of the training period. OJT offers a wide range of preparatory opportunities and is adaptable to the unique needs and abilities of participants.

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Subsection 12.2, Title: Scope of VR Services; Work Based**  
**Exploration, Learning and Training Experiences**

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Comparable Benefits

Community Partners and Workforce Development agencies receiving funding under WIOA may be able to fund OJT's. They should be explored and utilized as appropriate.

OJT Trainee Wages and Fringe Benefits

Trainees are deemed employees of the employer. Trainees shall be compensated in accordance with the federal Fair Labor Standards Act (FLSA) at the rate, including periodic increases, as other persons employed by the employer in the same or similar jobs. It is the policy of the Rehabilitation Division that participants in OJT's, at a minimum, must be paid the State Minimum Wage.

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Subsection 12.3, Title: Scope of VR Services; Employment Development, Job Placement, Job Retention, Job Coaching and Service Coordination

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#### **Contents**

I. Job Readiness .....	1
II. Placement Requirements .....	1
Entry Level Placements or Survival Jobs.....	1
III. Choosing a Placement Provider .....	2
IV. Provision of Services by Paid Placement Providers.....	2
V. 700-Hour Program .....	2
VI. Job Retention Services .....	3
VII. Job Coaching or Service Coordination.....	3

#### **I. Job Readiness**

Job Ready is when the participant has all the necessary training and tools needed with supports in place to begin seeking employment in their chosen vocational goal. This is different for each participant, because each participant has different skills, abilities, interests, and vocational goals.

#### **II. Placement Requirements**

The goal of VR is placement into a sustainable, quality position, consistent with the individual’s IPE goal. However, while working toward an IPE goal, a participant may need a “survival job”, to pay living expenses, or an “entry level job” to gain work experience, develop skills, practice new skills or address reasons for previous job losses, while working toward the IPE goal.

VR does not support any placements in establishments that pay under the table; that are related to the sex trades or human trafficking; or occupations in the marijuana industry or employment in any occupation that would involve the possessing, manufacturing, distribution, packaging, handling or selling of marijuana.

#### **Entry Level Placements or Survival Jobs**

**Entry-level placements** are jobs designed to provide an individual, such as a transition student, entry-level work experience to assist them to learn about the world of work and develop good work habits; or to provide an individual work experience in a particular field.

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Subsection 12.3, Title: Scope of VR Services; Employment Development, Job Placement, Job Retention, Job Coaching and Service Coordination

---



**Survival jobs** are jobs that provide an individual the means needed to pay for basic living expenses such as food, shelter, and medical care.

Placement into an entry-level or survival job involves providing supports or assistance to help the individual obtain a competitive integrated job in order to provide the participant work experience, increase work skills and/or provide survival income as the participant prepares for employment within their IPE vocational goal.

The survival or entry-level job should be meaningful and assist the participant to reach their IPE goal.

### **III. Choosing a Placement Provider**

Participants who need a basic level of job search assistance and support will be referred to internal (the internal job development team) and external resources (EmployNV Career Hubs).

Only those individuals who require extensive supports should be referred to a paid provider for job placement services.

### **IV. Provision of Services by Paid Placement Providers**

Job obtainment is a collaborative effort whether or not a paid provider is utilized. The authorizing of a paid provider does not relieve the participant of their responsibility to put forth maximum effort to obtain meaningful, sustainable employment consistent with their primary employment factors.

### **V. 700-Hour Program**

Assists individuals with disabilities certified by the Rehabilitation Division to secure employment in State agencies.

- Temporary position limited to 700 hours service
- Priority hiring lists
- Must be certified by a Rehabilitation Counselor employed by the Rehabilitation Division to be placed on a 700-hour list
- Position may lead to a permanent appointment
  - Time worked in 700-hour appointment counts toward probation period of the longer-term appointment
- Must be able to perform the essential functions of the position with or without reasonable accommodation as per NRS [284.317](#)

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Subsection 12.3, Title: Scope of VR Services; Employment Development, Job Placement, Job Retention, Job Coaching and Service Coordination

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- Nevada Revised Statute (NRS) [284.327](#); and Nevada Administrative Code (NAC) [284.416](#) outline the provisions of the program

#### **VI. Job Retention Services**

An individual may need additional assistance once employed in order to maintain employment. The participant and counselor will discuss and decide on appropriate job retention services and include them in the IPE as necessary.

#### **Requirements Once Employment Begins:**

##### Extra Level of Support

As applicable and appropriate, particularly if the participant requires an extra level of support follow along services from a paid provider in accordance with the contract may be authorized.

#### **VII. Job Coaching or Service Coordination**

Job coaching supports are available to participants to help them maintain employment. Service coordination can also be provided if an individual needs assistance beyond their own ability and the assistance cannot be readily provided by another appropriate party. Job coaching and service coordination services will be provided in accordance with their signed IPE.

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Subsection 12.4, Title: Scope of VR Services; Customized Employment**

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**Customized Employment**

[Customized Employment 34 CFR 361.5\(c\)\(11\)](#) is competitive integrated employment, for an individual with a significant disability, for whom traditional job placement methods have not been or are unlikely to be successful. It is designed to assist employment seekers who have traditionally been excluded from consideration for employment due to the pre-set demands of competitive personnel practices; and involves a relationship between an employer and an employee that is negotiated to meet the needs of both parties, is based on specific contributions made by the employee that is paid for by the employer at or above minimum wage.

**See definition of terms for the specific definition of customized employment**

Customized employment goes beyond providing accommodations or adapting an existing job to meet the needs of the individual or providing accommodations for an individual to perform an existing job. Customized employment involves an extensive discovery process to identify an individual's strengths, needs and interests and the creation or significant reshaping, and restructuring of a job so that it is "customized" to the identified strengths, needs and interest of the individual and to meet the business needs of an employer.

**Customized Employment in Conjunction with Supported Employment:**

While an individual does not need to meet the criteria for supported employment to be referred for customized employment, in many instances, individuals who qualify for supported employment services will also benefit from customized employment.

The largest distinction between Supported and Customized Employment services is the process of discovery. The discovery process involves the participant, the VR counselor, the participant's legal guardian or representative, participant's family, regional center staff, other community rehabilitation program staff, direct support staff, and contracted providers. As the goal of the discovery process is to obtain detailed knowledge of the individual's strengths, it may be time intensive. At the end of the discovery process the participant and their support team will work closely with an employer to tailor a job description or opportunity that meets the participant and employer's needs.

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Subsection 12. 5, Title: Scope of VR Services: Post-**  
**Secondary Education and Training at Vocational Training**  
**Facilities**

---



**Contents**

I. Overview .....	2
II. Post-Secondary Training .....	2
<b>A. Considerations</b> .....	3
<b>B. Funding for Post-Secondary Training</b> .....	3
1. Overview and Requirements .....	3
<b>Comparable Benefits</b> .....	3
<b>Financial Needs</b> .....	3
<b>Preference for In-State Public Institutions</b> .....	3
<b>College Selection</b> .....	3
<b>VR’s Contribution:</b> .....	4
<b>Payment Approval</b> .....	4
<b>Full-Time Attendance</b> .....	4
<b>Audited Classes</b> .....	4
<b>Change in Majors and Credit Limitations</b> .....	4
<b>Graduate Level Training</b> .....	4
2. Funding: Educational Expenses .....	5
<b>Tuition</b> .....	5
<b>Books</b> .....	5
<b>Supplies</b> .....	5
<b>Fees</b> .....	5
<b>Computers</b> .....	5
<b>Tutoring</b> .....	5
<b>Transportation</b> .....	5
<b>Maintenance</b> .....	5
3. Funding: Private and Out-of-State Institutions and In State Institutions not within Commuting Distance .....	6
<b>Overview and Requirements</b> .....	6
<b>Transportation and Maintenance</b> .....	6
<b>SNAP and other similar government assistance as a comparable benefit</b> .....	7

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Subsection 12. 5, Title: Scope of VR Services: Post-Secondary Education and Training at Vocational Training Facilities

---



<b>Housing</b> .....	7
<b>Meals</b> .....	7
4. <b>Funding: Comparable Benefits</b> .....	7
<b>A. Overview</b> .....	7
<b>B. Allowed Exceptions</b> .....	7
<b>C. Required Exploration</b> .....	7
<b>WIOA Funded Partners</b> .....	7
<b>Free Application for Federal Student Aid (FAFSA)</b> .....	8
Denials of the Pell Grant .....	8
<b>D. Distance Learning: Post-Secondary</b> .....	9
III. <b>Training at a Vocational Training Center or Facility</b> .....	9
<b>A. Overview and Considerations</b> .....	9
<b>B. Funding Requirements</b> .....	10
IV. <b>Continuing Education Units or Credits (CEU's/CEC's)</b> .....	10

#### **I. Overview**

VR may support post-secondary education and vocational training necessary to achieve the employment outcome identified in the IPE. The goal of VR sponsored training is employment rather than education alone.

The requirements in this section express the general rules that apply unless extenuating circumstances warrant an exception. Participants requesting exceptions must submit a written request that documents the extenuating circumstances and provides a detailed rationale for the exception. The counselor will submit exceptions to the agency representative who will decide on the exception.

The counselor may directly assist (e.g., write the rationale based on information reported by the participant) or provide services to assist a participant (e.g. transcription of a tape-recorded request) who is unable to independently complete a written request for exception due to their disability.

#### **II. Post-Secondary Training**

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Subsection 12. 5, Title: Scope of VR Services: Post-Secondary Education and Training at Vocational Training Facilities

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#### A. Considerations

Participants are expected to participate in thorough career exploration activities prior to the provision of post-secondary training.

Comprehensive Transition and Post-Secondary (CTP) program: a program that offers a college experience to students with intellectual disabilities at an institution of higher education approved by the U.S. Department of Education. CTP programs are eligible for Financial Aid. Agency support will be determined on a case by case basis.

#### B. Funding for Post-Secondary Training

##### 1. Overview and Requirements

It is the policy of the Division that:

**Comparable Benefits:** Utmost effort must be made by the participant to obtain comparable benefits.

**Financial Needs:** A financial needs test will be imposed. The family income will be counted when the participant is listed on an income tax return regardless of the age of the participant. In addition, parental income will be considered until age 24 unless the person has been determined "independent" under FAFSA (Free Application for Federal Student Aid) rules after submitting a FAFSA application **or** the individual's Expected Family Contribution (EFC) under FAFSA is zero.

However, per federal regulation, a financial needs test will not be applied when considering the payment of tuition, books and supplies at an in-state public institution if the participant receives SSI for a disability or SSDI. SSI/SSDI recipients must still complete the FAFSA in order to determine the availability of comparable benefits.

**Preference for In-State Public Institutions:** VR has established a preference for in-state public institutions.

**College Selection:** Students must complete all available classes at the most cost effective local public college (such as a community college) or pay the cost difference between the most cost effective local public college and the more expensive program.

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Subsection 12. 5, Title: Scope of VR Services: Post-Secondary Education and Training at Vocational Training Facilities

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**VR's Contribution:** Equals the post-secondary educational expenses consistent with agency requirements, minus the total of all applicable grant monies, comparable benefits, and the participant's financial participation amount (if any).

**Payment Approval:** VR written approval is required prior to services being provided and must be included in the IPE or assessment of VR needs. VR will not make payments on a loan the participant or their family has incurred.

**Full-Time Attendance:** Participants pursuing a degree program utilizing VR funding are expected to attend full-time.

**Audited Classes:** Nevada VR does not pay for classes that are audited. All classes taken that are VR-sponsored must be required to reach the vocational goal.

**Change in Majors and Credit Limitations:** Regardless of changes in the employment goal or major, the maximum number of credit hours a person may take and still receive VR funding is limited to 125% of the published rate required for a degree.

Changes in major emphasis, field of study or institution must be justified and supported by documentation such as transcript analysis, proposed degree plan, and labor market information; and requires VR approval. This is a collaborative process that includes the participant, school, and VR counselor.

**Graduate Level Training:** VR may support graduate level training in the STEM fields (science, technology, engineering, or mathematics, including computer science) and other fields under certain situations as stipulated below under "Advanced Degrees in Other Fields", if an individual demonstrates:

- Eligibility for VR Services.
- Previous completion of a bachelor's degree program at an institution of higher education or scheduled completion of such a degree program prior to matriculating in the program for which the individual proposes to use VR support.
- Completion of a minimum 120 hours related work experience prior to starting the advanced degree.
- Acceptance by a program at an institution of higher education in the United States, consistent with the State's policy and preference for In-State Public Institutions, that confers a master's degree; and
- Maximum effort has been expended to obtain comparable benefits.

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Subsection 12. 5, Title: Scope of VR Services: Post-Secondary Education and Training at Vocational Training Facilities

---



Graduate Level Training in Other Fields: The Workforce Innovation and Opportunity Act places an emphasis on advanced training in STEM fields. However, the agency may assist with advanced degrees in other fields if the advanced training is a minimum qualification for the employment outcome or the employer requires it in order to advance in employment.

#### 2. Funding: Educational Expenses

VR funded educational expenses must be necessary for the participant to meet the IPE vocational goal.

**Tuition:** VR's tuition assistance will be limited to classes needed to meet the degree or certificate requirements.

**Books:** VR may fund required books. Participants will be expected to purchase used books whenever possible, and any refunds will be applied to future books.

**Supplies:** Participants may require special supplies to participate in a required class. For example, science courses requiring labs and lab materials. VR does not fund general supplies.

**Fees:** VR may fund mandatory fees required of students to register for training at a post-secondary institution at a public supported in-state institution.

**Computers:** Purchase of a standard computer for academic purposes is subject to economic need and comparable benefits (e.g., Pell and other financial aid). VR generally will not purchase computers for students who are: attending a trial semester; are only taking a few classes; or who are not enrolled in a degree or certificate program.

**Tutoring:** If a comparable benefit is not available, VR may fund tutoring that is needed as a support service to regular classroom instruction.

**Transportation:** VR may provide bus passes or gas cards for participants to attend training when attending a public in-state institution within commuting distance of their home. Commuting distance is defined as 50 miles one way from the participant's home address.

**Maintenance:** VR does not fund normal living expenses that an individual would otherwise have incurred if not participating in the VR program.

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Subsection 12. 5, Title: Scope of VR Services: Post-Secondary Education and Training at Vocational Training Facilities

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#### 3. Funding: Private and Out-of-State Institutions and In State Institutions not within Commuting Distance

##### **Overview and Requirements:**

VR may fund training at private or out-of-state institutions or in-state training not within commuting distance of the participant's residence at the same level of funding that VR would provide at the most cost effective in-state publicly supported institution that is within commuting distance of the participant's residence.

As the State has established a preference for public in-state training, any additional expenses associated with private or out-of-area training such as room and board, increased tuition or fees, and travel costs become the responsibility of the participant unless an exception is warranted and approved by the agency.

##### **Transportation and Maintenance for Training Not Within Commuting Distance**

###### Overview:

VR does not fund normal living expenses that an individual would otherwise have incurred if not participating in the VR program. VR does not fund maintenance or travel for out-of-area training unless an exception is warranted and approved by the agency. VR does not fund maintenance or travel for out of area training unless the participant meets either criteria A) or B) above.

Any government assistance an individual receives toward the cost of housing, food or transportation will be considered a comparable benefit.

###### Transportation:

Long distance travel expenses are limited to one round trip per semester for participants not within commuting distance. VR generally doesn't fund local transportation to and from campus when VR is also funding housing for participants who choose to live off campus.

###### Maintenance:

Participants receiving VR funding for maintenance or meals will attend the educational institution on a full- time basis.

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Subsection 12. 5, Title: Scope of VR Services: Post-Secondary Education and Training at Vocational Training Facilities

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**SNAP and other similar government assistance as a comparable benefit:** SNAP and other similar government assistance are considered a comparable benefit when it comes to paying for living expenses and must be taken into consideration and appropriately utilized before VR pays living expenses.

**Housing:** VR has established a preference for on-campus housing at the rate of double occupancy.

**Meals:** Meals should be provided per the most cost effective methods that will meet the participant's needs.

#### 4. Funding: Comparable Benefits

##### **A. Overview:**

Federal Regulations [CFR 361.48 \(b\) \(6\) Scope of VR services for individuals with disabilities- Vocational and other training services](#) require maximum effort by the state and the individual to secure grant assistance from other sources before paying for training or training services in an institution of higher education (universities, colleges, community or junior colleges, vocational schools, technical institutes, or hospital schools of nursing).

##### **B. Allowed Exceptions:**

**Scholarships:** Monetary awards or scholarships to participants based on merit are not considered as grants or comparable benefits as long as no restrictions are placed by the organization on the use of the money. Scholarships and grants based on financial need are considered comparable benefits.

**Loans:** Student loans or any aid that must be monetarily repaid will not be counted as a comparable benefit. While a participant may choose to accept a student loan, the participant should understand the impact of and requirements for repaying the loan and make an educated and informed choice regarding this decision. Visit the Department of Education's free publication for more information: [Your Federal Student Loans: Learn the Basics and Manage Your Debt](#) or visit [U.S. Department Education website](#).

##### **C. Required Exploration:**

**WIOA Funded Partners:** Participants will be expected to explore comparable benefits from funding sources, such as WIOA partners for assistance with training costs.

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Subsection 12. 5, Title: Scope of VR Services: Post-Secondary Education and Training at Vocational Training Facilities

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**Free Application for Federal Student Aid (FAFSA):** All participants attending post-secondary education must apply for financial aid by completing and submitting the Free Application for Federal Student Aid (FAFSA) unless an exception is warranted and approved by the agency. Participants are to provide copies of FAFSA documentation to the agency.

It is the participant's responsibility to meet all deadline requirements when applying for FAFSA. Grants, financial aid provided by government agencies, and other aid will be the primary funder of educational expenses and will be subtracted from any amount that VR would otherwise pay.

#### Denials of the Pell Grant:

1. **Defaulted Student Loans or Grant Repayment:** No post-secondary training funds will be authorized for a student who owes a refund on a previous grant or is in default on any student loan, unless it has been documented that the student has made maximum effort to work out a satisfactory repayment agreement or other action has been taken to restore the participant's eligibility for Title IV federal assistance.

Visit the Department of Education's Federal Financial Aid website at [Understanding Delinquency and Default](#) to obtain additional information on discharge of debt.

The Department of Education's Federal Financial Aid website at [Debt Resolution \(myeddebt.ed.gov\)](#) explains the U.S. Department of Education's Default Resolution Group's commitment to assisting in making debt repayment a simple process and provides information on restoring eligibility for federal financial aid.

2. **Grant Repayment:** As with defaulted student loans, participants must make maximum effort to restore eligibility for Title IV federal funds before VR funding of educational expenses. Visit the Department of Education's Federal Financial Aid office at: [Grants and Scholarships- Repay Grants](#) to obtain information on grant repayment and restoring eligibility for Title IV services.
3. **Drug Conviction:** No training funds may be authorized for a person who is currently ineligible for federal financial aid due to committing a drug offense.

The Department of Education's student aid provides information on related to drug convictions at [Students With Criminal Convictions](#).

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Subsection 12. 5, Title: Scope of VR Services: Post-Secondary Education and Training at Vocational Training Facilities

---



Participants who are denied federal financial assistance based on this criterion must provide proof from the U.S. Department of Education that they have met its requirements and restored eligibility for Title IV funds before VR funds can be authorized for educational expenses. Participants should call The Federal Student Aid Information Center (1-800-433-3243) to obtain additional details on restoring eligibility for Title IV funds.

4. **Failure to Make Reasonable Progress:** VR funds will not replace grant funds or pay educational expenses that would have otherwise been paid by grant funds if the funds are lost due to a participant's failure to make reasonable progress (as defined by the school). A participant may fund their own educational expenses until they have met the school's requirement for reasonable progress and restored eligibility for Title IV funds.

#### **D. Distance Learning: Post-Secondary**

This section applies to programs that are primarily correspondence, technology or web-based distance education programs. It does not apply to an individual correspondence course that is taken as part of a traditional campus based program.

VR may authorize the provision of correspondence or technology assisted training (e.g., web-based, distance learning etc.) if necessary and appropriate to reach the participant's employment goal.

VR's funding of correspondence and distance education courses will not exceed the rate for in-state public institutions if the training is available at an in-state public institution unless an exception is approved.

### **III. Training at a Vocational Training Center or Facility**

#### **A. Overview and Considerations**

When vocational training is offered at an in-state public post-secondary institution within commuting distance of the participant, the requirements regarding funding for post-secondary education will apply even when the participant chooses to attend a private vocational school. The participant will be responsible for additional costs associated with attending the vocational school.

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Subsection 12. 5, Title: Scope of VR Services: Post-Secondary Education and Training at Vocational Training Facilities**

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**B. Funding Requirements**

General requirements regarding post-secondary education also apply to training at vocational training centers or facilities.

**C. Distance Learning Through Vocational Schools**

This section applies to programs that are primarily technology or web-based distance education programs at facilities that do not accept federal financial aid.

VR may authorize the provision of technology assisted training (e.g. web-based, distance learning etc.) if necessary and appropriate to reach the participant's employment goal.

**IV. Continuing Education Units or Credits (CEU's/CEC's)**

Courses taken for CEU's, or CEC's should be taken at the local public institution if available, unless an exception is approved.

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Subsection 12.6, Title: Scope of VR Services; Transportation

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#### Contents

Overview .....	1
Bus Passes, Paratransit Passes and Gas Cards .....	1
Vehicle Repair .....	1
Assistance with Initial Costs to Purchase a Vehicle .....	2

#### Overview

Transportation means travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service, (such as gas allowance or bus passes) including expenses for training in the use of public transportation vehicles and systems: See [34 CFR 361.5 \(c\) \(56\) Applicable definitions: Transportation](#).

#### Bus Passes, Paratransit Passes and Gas Cards

The Division may authorize bus passes, including Paratransit passes, or gas cards for an individual to participate in VR services. Depending on the type of assistance provided, activity/mileage/ride logs will be required to document transportation related services. Only VR related activity must be included on the log. The Division will accept alternative methods for transportation logs due to disability related needs.

Gas cards and fuel assistance are not automatic or a right, but may be provided to assist an individual to participate in VR activities, particularly in situations where the individual would not be able to participate in the activities without transportation assistance and public transportation is impractical. Signed gas receipts and logs are required to be submitted to VR to continue receiving gas cards and fuel assistance. Misuse of VR funded gas may result in this service being interrupted or terminated.

#### Vehicle Repair

The Bureau may repair a vehicle for a participant if:

1. It is a vocational rehabilitation need;
2. The feasibility of public and other modes of transportation has been explored and the participant's situation justifies the repair of the vehicle overuse of public or other modes of transportation; and
3. It is an integral part of an approved IPE.

The Bureau may participate in the cost of the repair but does not represent that it is an expert. Questions will be directed to the equipment dealer, mechanic and/or the

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Subsection 12.6, Title: Scope of VR Services;**  
**Transportation**

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installer.

**Assistance with Initial Costs to Purchase a Vehicle**

Providing assistance to help an individual with the initial costs to purchase a vehicle must be an identified IPE service and in direct relationship to the achievement of an employment outcome. VR will only assist with the initial **start-up costs**. This means the costs for the participant to take possession of the vehicle (a reasonable down payment, registration fees and the initial insurance binders estimate from insurance carrier) to get it on the road. This requirement applies to any vehicle which is required by law to be licensed and registered or requires a valid driver's license to operate, including motorcycles, mopeds and electric bicycles.

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Subsection 12.7, Title: Scope of VR Services; Vehicle and**  
**Home Modification**

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## **Vehicle Modification**

The Bureau may modify a vehicle for a participant if it is:

1. A vocational rehabilitation need;
2. An integral part of an approved IPE; and
3. The feasibility of public and other modes of transportation have been explored and the participant's situation justifies the modification of the vehicle over the use of other modes of transportation.

Vehicle modifications are any mechanical or structural changes to a passenger car or other motor vehicle that permit an individual with a disability to safely drive or ride as a passenger. Modification includes any or all of the following:

1. Installation of a wheelchair or scooter lift;
2. Purchase and/or installation of hand controls;
3. Alteration to the structure of the vehicle such as lowering the floor or raising the roof;
4. Installation of carpeting or paneling in the interior of a vehicle, as prescribed;
5. Specialized equipment such as a Scott's Driving System; and/or
6. Vehicle equipment packages recommended in prescriptions from driver evaluation teams such as air conditioning, navigation system, Bluetooth technology, wheelchair tie-down, power seats, heavy-duty battery, tires, vehicle handling system, etc.

**The Division may participate in the cost of the modification but does not represent that it is an expert.** Questions will be directed to the equipment dealer, mechanic and/or the installer.

## **Home Modifications**

The Division may participate in the funding of services to remove physical barriers that interfere with an individual's full participation in rehabilitation services leading to employment. The services must be needed to reach a specific IPE vocational goal.

Home modification includes fabricating, modifying, designing, and installing to accommodate the participant's documented disability as required to participate in the VR program. Division funds cannot be used for the acquisition of real property or construction on real property when assisting with home modifications. See Education Department General Administrative Regulations (EDGAR) at [34 CFR 76.533 Acquisition of real property: construction.](#)

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Subsection 12.8, Title: Scope of VR Services; Maintenance**  
**and Services to Family Members**

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**Maintenance**

Maintenance is monetary support provided to a participant for expenses, such as food, shelter and clothing that are in excess of the normal expenses of the participant and that are necessitated by the individual's participation in an assessment for determining eligibility and vocational rehabilitation needs or the participant's receipt of vocational rehabilitation services under an IPE. SNAP and other similar governmental benefits are considered a comparable benefit when it comes to living expenses and must be applied before agency funds.

See federal regulations at [34 CFR 361.5 \(c\) \(34\) Applicable definitions- Maintenance](#)

The following are examples of expenses that would meet the definition of maintenance. The examples are illustrative, do not address all possible circumstances and are not intended to substitute for individual counselor judgment.

1. The cost of a uniform or other suitable clothing that is required for an individual's job placement or job-seeking activities.
2. The cost of short-term shelter that is required in order for an individual to participate in assessment activities or vocational training at a site that is not within commuting distance of an individual's home.
3. The initial one-time costs, such as housing fees that are reasonable and within the law of the relocation area, which are required in order for an individual to relocate for a job placement.

**Services to Family Members**

The Division may provide services to members of a participant's family, when necessary, as part of the participant's rehabilitation program. Family member, for purposes of receiving vocational rehabilitation services, means an individual who is:

- A relative or guardian of an applicant or eligible individual; or
- Lives in the same household as an applicant or eligible individual; and has a substantial interest in the well-being of that individual; and
- Whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible individual to achieve an employment outcome.

See: [34 CFR 361.5 \(c\) \(22\) Applicable definitions- Family member](#), for purposes of receiving vocational rehabilitation services

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Subsection 12.9, Title: Scope of VR Services; Post-  
Employment Services**

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**Post-Employment Services**

Post-employment services may be provided after an individual has achieved an employment outcome if needed for a participant to maintain, regain, or advance in employment. The intent of post-employment services is to ensure the employment outcome remains consistent with the participant's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. The definition of post-employment services may be found in [34 CFR 361.5 \(c\) \(41\) Applicable definitions: Post-employment services](#).

Post-Employment Services are not available to employed participants once the VR case is closed (the employed participant "exits" the VR program). If a participant requires additional VR services/goods following their exit from the program, a new case must be opened.

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 13, Title: Supported Employment**

---



**Contents**

I. Overview: .....	1
II. Definitions .....	1
Supported Employment .....	1
Supported Employment Services .....	2
Ongoing Support Services.....	2
Extended Services.....	3
Extended Employment.....	3
III. Use of Supported Employment Funds.....	3

**I. Overview:**

The Supported Employment process provides individuals who, due to a most significant disability, have not historically achieved competitive integrated employment, or for whom competitive integrated employment has been interrupted or intermittent, an opportunity to pursue competitive integrated employment through the provision of intensive ongoing support services.

**II. Definitions:**

Based on [34 CFR 363.1 What is the State Supported Employment Services program?](#)

**Supported Employment** is competitive integrated employment (including customized employment, or employment in an integrated work setting in which an individual with a most significant disability, including a youth with a most significant disability, is working on a short-term basis\* toward competitive integrated employment) that is individualized and customized, consistent with the unique strengths, abilities, interests, and informed choice of the individual, including with ongoing support services for individuals with the most significant disabilities--

- For whom competitive integrated employment has not historically occurred, or for whom competitive integrated employment has been interrupted or intermittent as a result of a (most) significant disability; and
- Who because of the nature and severity of their disabilities, need intensive supported employment services and extended services (after the transition from support provided by the VR agency) in order to perform this work.

**Short-Term Basis:** The short-term basis period noted in the definition of supported employment allows a supported employment outcome to be obtained when an

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 13, Title: Supported Employment

---



individual is working in an integrated setting (but not earning competitive wages) on a short-term basis when it can be reasonably anticipated that the individual will achieve competitive integrated employment earning a competitive wage:

- (A) Within six months of achieving a supported employment outcome; or
- (B) In limited circumstances, within a period not to exceed 12 months from the achievement of the supported employment outcome, if a longer period is necessary based on the needs of the individual, and the individual has demonstrated progress toward competitive earnings based on information contained in the service record.

The use of the short-term basis provision in Nevada VR will generally be rare.

**Supported Employment Services** are ongoing support services (which may include customized employment) and other appropriate services needed to support and maintain an individual with a most significant disability, including a youth with a most significant disability, in supported employment that are—

- Organized and made available, singly or in combination, in such a way as to assist an eligible individual to achieve competitive integrated employment;
- Based on a determination of the needs of an eligible individual, as specified in an individualized plan for employment;
- Provided by VR for a period of time not to exceed 24 months, unless under special circumstances the participant and the rehabilitation counselor jointly agree to extend the time to achieve the employment outcome identified in the individualized plan for employment; and
- Provided as post-employment services, after the transition to extended service that are necessary to maintain or regain the job placement or advance in employment but are unavailable through the extended services provider.

**Ongoing Support Services** include services that—

- Are needed to support and maintain an individual with a most significant disability, including a youth with a most significant disability, in supported employment;
- Are identified based on a determination by VR of the individual's need as specified in an individualized plan for employment; and

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 13, Title: Supported Employment

---



- Are furnished by VR from the time of job placement until transition to extended services, and thereafter by one or more extended services providers throughout the individual's term of employment in a particular job placement-

**Extended Services** means ongoing support services and other appropriate services that are—

- Needed to support and maintain an individual with a most significant disability, including a youth with a most significant disability, in supported employment;
- Organized or made available, singly or in combination, in such a way as to assist an individual in maintaining supported employment;
- Based on the needs of an individual, as specified in an individualized plan for employment;
- Provided by another entity (other than VR except for a youth) such as a state agency, a private nonprofit organization, employer, or any other appropriate resource, after an individual has made the transition from support by VR; and
- May be provided to a youth with a most significant disability by VR for a period not to exceed 4 years, or when the youth reaches age 25, whichever comes first. VR may not provide extended services to an individual who is not a youth with a most significant disability.

[34 CFR 363.54 When will an individual be considered to have achieved an employment outcome in supported employment?](#)

**Extended Employment** is work performed 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 Section 14(c).

Extended employment is not considered an employment outcome for VR purposes. Services provided by VR must be for the pursuit of competitive integrated employment.

### **III. Use of Supported Employment Funds:**

The agency receives Supported Employment funding to provide supported employment services. Refer to 34 [CFR 363.4 \(What are the authorized activities under the State Supported Employment Services program?\)](#) for a description of these activities.

Per [34 CFR 363.22 \(How are funds reserved for youth with the most significant disabilities?\)](#) Fifty percent (50%) of Supported Employment funds must be reserved for

# **REHABILITATION DIVISION: BVR / BSBVI**

## **Participant Services Policy Manual**

### **Section 13, Title: Supported Employment**

---



the provision of supported employment and/or extended services for youth who are eligible for supported employment services.

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 14, Title: Students and Youth with Disabilities**



**Contents**

I. Overview/Key Definitions: ..... 1

II. Funds set aside, per federal regulation, for pre-employment transition services..... 2

III. Financial Responsibility for Pre-Employment Transition Services:..... 2

IV. Students with Disabilities: ..... 3

    1) Pre-Employment Transition Services ..... 3

    2) Assessment of Vocational Rehabilitation Needs (AVRN) & Individualized Plan for Employment (IPE):..... 4

V. Youth with Disabilities: ..... 5

    Youth Entering Subminimum Wage Employment..... 5

    Career Counseling, Information and Referral (CCI&R) Services. .... 6

**I. Overview/Key Definitions:**

**A student with a disability is an individual with a Disability who:**

- Is in an educational program (including secondary education programs, non-traditional or alternative secondary education programs including home schooling; post-secondary education programs and other recognized educational programs such as those offered through the juvenile justice system); and
- Is 16– 21 (or 22 per [NRS 388.5223](#)) years old; however, may be as young as 14 on a case by case basis to provide necessary services such as but not limited to Pre-ETS; and
- Is either:
  - Receiving transition services under the Individuals with Disabilities Education Act (IDEA); or
  - Is an individual with a disability for purposes of Section 504 of the Rehabilitation Act of 1973, as amended.

**A youth with a disability is an individual with a disability who:** is no younger than 14 years of age and who is not older than 24 years of age. A youth with a disability includes, but is not limited to, a student with a disability.

**Pre-Employment Transition Services:** The agency will provide Pre-Employment Transition Services in accordance with [34 CFR 361.48 \(a\) Scope of vocational rehabilitation services for individuals with disabilities: Pre-employment transition services](#). These are the earliest set of vocational rehabilitation services that help students identify career interests, explore career options, and provide them with opportunities to learn the skills that will prepare them for the transition to employment

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 14, Title: Students and Youth with Disabilities

---



and/or post-secondary education. These services are provided to students with disabilities, in need of such services who are either eligible for VR services or potentially eligible for VR services (students with disabilities who have not applied for or been determined eligible for VR services) **and**, based on the needs of the individual, include five activities:

- Instruction in self-advocacy (including person-centered planning that may include peer mentoring from individuals with disabilities working in competitive integrated employment).
- Workplace readiness training to develop social skills and independent living skills necessary for employment.
- Job exploration counseling.
- Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education.
- Work-based learning experiences. These consist of in-school or after school opportunities, or experiences outside the traditional school setting that are provided in an integrated environment in the community to the maximum extent possible.

If a student with a disability referred for Work Based Learning Experience requires more individualized transition services, VR services or supportive services they would need to apply for and be determined eligible for VR services, and have an approved IPE to receive such services as stipulated under section 103(a) of the Rehabilitation Act and [34 CFR 361.48 \(b\) Scope of vocational rehabilitation services for individuals with disabilities: Services for individuals who have applied for or been determined eligible for vocational rehabilitation services.](#)

#### **II. Funds set aside, per federal regulation, for pre-employment transition services**

Per [34 CFR 361.65 \(a\) \(3\) \(i\) Allotment and payment of Federal funds for vocational rehabilitation services: Reservation for pre-employment transition services](#), the agency must reserve fifteen percent (15%) of federal funding for the provision of pre-employment transition services.

Funds available and remaining after the provision of the required activities will be utilized for other authorized activities at the agency's discretion in compliance with [34 CFR 361.48 \(a\) \(3\) Scope of vocational rehabilitation services for individuals with disabilities: Pre-employment transition services: Authorized activities.](#)

#### **III. Financial Responsibility for Pre-Employment Transition Services:**

Pre-Employment Transition Services as defined in the Workforce Innovation and

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 14, Title: Students and Youth with Disabilities**

---



Opportunity Act (WIOA) are exempt from financial participation, regardless of whether or not the individual is exempt based on financial needs.

**IV. Students with Disabilities:**

**1) Pre-Employment Transition Services**

Pre-employment transition services must be available to all students with disabilities, Statewide, who need these services.

**Requirements to provide pre-employment transition services to potentially eligible students:**

To provide pre-employment transition services to students who are potentially eligible for VR services (students with documented disabilities who have not applied for or been determined eligible for VR services) there must be documentation that the student who receives these services:

1. Is currently enrolled or attending a recognized education program;
2. Is eligible to receive special education services under IDEA or is considered an individual with a disability under Section 504 of the Rehabilitation Act; and
3. Meets the age requirement for a student with a disability established in Nevada, of ages 16-21 (or 22 per NRS 388.5223); however, may be as young as 14 on a case by case basis.

**Pre-employment transition services for students with disabilities who have been determined eligible for VR services:**

Students who have been determined eligible for VR services may access pre-employment transition services through the same providers and methods as students who are potentially eligible for services.

**Discontinuation of Pre-Employment Transition Services and Case Closure:**

Pre-employment transition services shall be discontinued once an individual:

1. No longer meets the definition of a “student with a disability”, or
2. No longer needs or wants the service.

Pre-employment transition services shall not be provided to any student past age 21 (except 22 per NRS 388.5223).

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 14, Title: Students and Youth with Disabilities**

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**2) Assessment of Vocational Rehabilitation Needs (AVRN) & Individualized Plan for Employment (IPE):**

Regulations:

- For students determined eligible for services, the IPE is developed as early as possible during the transition planning process and is signed before the student leaves the school setting. See [34 CFR 361.22 Coordination with education officials](#).
- For a student with a disability receiving special education services, the IPE must be developed in consideration of the student's Individualized Education Program (IEP) and any inter-agency agreements between a local educational agency and Nevada VR. See [34 CFR 361.45 Development of the individualized plan for employment](#)

The IPE should be developed using person-centered planning and the student's informed choice. The student's IPE will be consistent with the Workforce Innovation and Opportunity Act (WIOA) by providing counseling and guidance to help with transition planning.

**Entry Level Jobs**

For youth, an entry level job can help with the transition planning process as they can learn about the world of work and workplace expectations through participation. Although VR typically focuses on more long-term employment success, for youth VR can assist with short-term employment objectives while concurrently working towards their long-term employment goal. If a student makes an informed choice to pursue entry-level work, additional vocational exploration into which type of entry-level position will occur.

**IPE Goals Requiring Post-Secondary Education or Training**

Students who choose to transition into post-secondary education or training leading to employment may be encouraged to explore occupations in science, technology, engineering, mathematics – including computer science (STEM fields).

There may be occasions when it is uncertain if the student has the ability to complete the educational requirements or reach a particular vocational goal requiring post-secondary education, therefore a trial semester may be considered and utilized.

**Projected Post School Employment Outcomes**

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 14, Title: Students and Youth with Disabilities

---



While federal regulations require a description of the specific employment that is consistent with the individual's primary employment factors outcomes, a projected post school employment outcome is allowed for students with disabilities.

**Transition Services:** are a coordinated set of activities for a student or youth with a disability that:

- Are designed within an outcome-oriented process that promotes movement from school to post-school activities including postsecondary educational, vocational training, competitive integrated employment, supported employment, continuing and adult education, adult services, independent living or community participation;
- Are based upon the individual's needs taking into account the youth's preferences and interests;
- Includes instruction, community experiences, the development of employment and other post-school adult living objectives and as appropriate the acquisition of daily living skills and functional vocational evaluation;
- Promotes or facilitates the achievement of the employment outcome identified in the youth's individualized plan for employment; and
- Includes outreach to and engagement with the parents, or as appropriate, the representative of the youth.

#### **V. Youth with Disabilities:**

Youth with disabilities are individuals age 14 to 24.

Students with disabilities are included in the category of youth with disabilities.

However, not all youth with disabilities are also students with disabilities.

- Youth age 22-24 (except when 22 per NRS 388.5223) are not students with disabilities,
- Out of school youth age 14-21 are not included in the category of students with disabilities.

Youth with disabilities who are not students (including groups of youth) may be provided transition services similar to pre-employment transition services.

#### **Youth Entering Subminimum Wage Employment**

Subminimum wage employment is not competitive integrated employment and is not the goal of VR services. VR funds are not intended to be used to facilitate placements that are not integrated or for employment paid at subminimum wage. VR funds are intended to be used to provide individuals the opportunity to try and to achieve competitive integrated employment. However, prior to entering subminimum wage employment, a youth must complete certain actions which VR must document (see [34 CFR 397 Limitations on use of subminimum wage](#)).

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 14, Title: Students and Youth with Disabilities**

---



The agency will follow the basic steps below for youth seeking employment at subminimum wage:

Step 1: Apply for VR services.

Step 2: Obtain documentation of Pre-Employment transition or transition services

Step 3: Complete career counseling, information and referral services

Step 4: Determine eligibility or ineligibility for services

Step 5: Provide career counseling, information and referral services once every six months during the 1st year of the employment at subminimum wage and annually thereafter

Step 6: Reevaluation after case closure.

If receipt of transition services under IDEA is used to meet the documentation requirements of Pre-ETS, the educational agency is responsible to provide VR documentation consistent with [34 CFR 397.30 What are the responsibilities of a local educational agency to youth with disabilities who are known to be seeking subminimum wage employment?](#)

**Career Counseling, Information and Referral (CCI&R) Services.**

Career counseling must be provided in a manner that is:

- Understandable to the individual with a disability.
- Facilitates independent decision making and informed choice as the individual makes decisions regarding opportunities for competitive integrated employment and career advancement, including opportunities for supported and/or customized employment.
- May include referrals for benefits planning especially with regards to the interplay between earned income and income-based financial, medical and other benefits.

If a youth or their guardian refuses career counseling, information and referral services, VR will not provide a certificate for subminimum wage to be used with an entity holding a special wage certificate under Section 14(c) of the Fair Labor Standards Act.



**Contents**

Introduction and Definition of Self-Employment ..... 1

Exceptions to Certain Self-Employment Requirements..... 2

Agency/Outside Reviews of Self-Employment Plans ..... 3

Limitations and Restrictions ..... 3

Ownership of Goods:..... 4

**Introduction and Definition of Self-Employment**

The Division considers self-employment as a valid employment outcome option and one that can be considered by participants and counselors as they work toward the development of an appropriate vocational goal.

“Self-employment” refers to an employment outcome in which an individual works for profit or fees in “their own” business, profession, or trade. The participant will manage and operate a business they own. Self-employment requires that the business is, at a minimum, 51% owned, controlled, and managed by the Division’s participant.

The participant will take the primary role in developing and implementing a self-employment/business plan. Participants will be referred to outside resources for assistance in examining their business ideas and feasibility. This may include but is not limited to:

- Research and data gathering
- Completing required training and technical assistance services
- Identifying and securing resources
- Determining self-employment feasibility
- Completing a viable business plan
- Obtaining a business license per Nevada Revised Statute (NRS) Chapter 76
- Completion of a credit check and/or attendance of credit counseling
- Profit/loss statements

Participants will be required to contribute toward the self-employment venture in cash, materials, or other comparable contributions. Self-employment goals must be achievable within a reasonable amount of time as agreed to by all parties. The business plan must be developed within a reasonable amount of time, not to exceed one year. Cases must be closed within a reasonable amount of time. Cases closed as having achieved a successful employment outcome will meet income and additional considerations such as business stability, revenue equaling or exceeding costs, and

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 15, Title: Self-Employment

---



that the income is comparable to income received by other individuals who are not individuals with disabilities who are self-employed in similar occupations.

“Self-employment” is intended to lead to self-sufficiency and a “livable income” (it is anticipated net income of the business will meet the individual’s basic needs). Self-employment and business ventures intended to supplement other income (such as SSI and SSDI) but not lead to self-sufficiency may receive up to \$3,000.00 in VR funding towards the self-employment plan. The Division will not support hobbies as defined by Internal Revenue Service (IRS) rules. See: [Small Business and Self-Employed Tax Center- Stages of Owning a Business- Starting a Business](#)

### **Exceptions to Certain Self-Employment Requirements**

All Self-employment requirements must abide by any other legal requirements including local, state, and federal laws and within other sections of this manual.

#### **1. Independent Contractors who do not own their own business:**

- Independent contractors who are not legally required to have a business license and who do not own their own business will not be required to complete all self-employment requirements.
- If VR expenses are estimated to be above \$2,000, an Executive Plan must be completed by the participant.

#### **2. Business Enterprise Program:** Individuals entering the Business Enterprise Program will follow all requirements of the Business Enterprise of Nevada Program in lieu of the self-employment requirements, except:

- Vocational Rehabilitation expenditures may be utilized for the business licensing fees, sales tax permit, health inspection fees and workman’s compensation insurance fees for the blind licensee, not to exceed \$2,000.

#### **3. Customized Self-Employment**

- Customized self-employment must be a recommendation that starts with the Discovery and Planning Process and the individual must be eligible for customized employment services.
- Customized self-employment is subject to both customized employment and self-employment requirements, except that other individual’s, such as the counselor, a paid provider, family members or other individuals provide, significant support, including on the job supports, and may take the lead in completing tasks the individual is not able to complete due to the nature of their disability.
- While family members or others may be assisting the individual to operate the business, the business must still be at least 51% owned by the participant.

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 15, Title: Self-Employment

---



The Division's ability to provide direct financial support for the start-up of a business is limited and should not be considered the primary funding source. Division funds will not be used for the ongoing support of a business.

#### **Agency/Outside Reviews of Self-Employment Plans**

Self-employment plans will be reviewed by the designated agency panel(s) and agency representative with the corresponding IPE level review and approval. The agency will retain the right to have the plan reviewed and obtain recommendations by an outside resource with expertise in small business development. The ultimate decision and approval will rest with the agency and will be dependent on a variety of factors including, but not limited to, total start-up costs, viability of the business plan, potential for other financial resources, the availability of funds and the impact the approval will have on agency programs and services to other participants.

#### **Limitations and Restrictions**

Self-employment services do not include any of the following services:

1. Businesses deemed illegal by the Nevada Attorney General;
2. A business that is speculative in nature such as investments in speculative real estate or stock trading;
3. Refinancing or payment of existing debt (business or personal);
4. Utility deposits that are refundable to the participant or business;
5. Salary or benefits for any owner or employee of the business;
6. The acquisition of real property or construction on real property, per Education Department General Administrative Regulations (EDGAR) 34 CFR 76.533;
7. The Division will not approve a business that sells firearms or other "lethal weapons" and/or will not provide firearms or other "lethal weapons" for occupations that require a weapon;
8. The Division will not approve a business that sells alcohol or tobacco products, or that involves the obtaining, manufacturing, packaging, possessing, using, handling, distribution or selling of marijuana, including medical marijuana, or support any self-employment venture in the marijuana industry;
9. The Division will not support a business involved in prostitution or sex trafficking;
10. Payment of any goods or services purchased prior to the approval of the business plan, the signing of the IPE and a specific "authorization for purchase" being issued;
11. Providing services for an individual in more than one business;
12. Sole source of funding for stocking a retail business with inventory for sale;
13. Subsequent to the initial start-up costs, Division funds may not be used for any on-going (not to exceed six months) operating costs; and
14. The Division will not approve a business that is considered a "hobby" under Internal Revenue Service (IRS) guidelines.

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 15, Title: Self-Employment**

---



**Ownership of Goods:**

Materials provided to an individual that were purchased solely with VR funds remains VR property until the case is closed with a successful employment outcome.

#### **Overview of Comparable Services and Benefits**

Comparable services and benefits are services and benefits that are:

1. Provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits;
2. Available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's IPE; and
3. Commensurate to the services the individual would otherwise receive from the Division.

Federal regulations require the use of comparable services and benefits in accordance with [34 CFR 361.53 Comparable Services and Benefits](#).

#### **SNAP and other similar government assistance as a comparable benefit:**

VR does not pay normal living expenses. SNAP and other similar government assistance are considered a comparable benefit when it comes to paying for maintenance services that include living expenses.

#### **Higher Education**

Comparable benefits must be examined before VR will approve any payment for training or training services in an institution of higher education per [34 CFR 361.48 \(b\) \(6\) Scope of vocational rehabilitation services for individuals with disabilities: vocational and other training](#).

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 17, Title: Equipment and Tool Purchase / Inventory**

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**Equipment and Tool Purchase / Inventory**

Tools and equipment are provided solely to achieve the goals of the Individualized Plan for Employment (IPE) or in certain circumstances independent living (for example, services included in the Individualized Plan of Service (IPS) for older individuals who are blind). It may not be sold, pawned, disposed of, or used for any purpose other than as intended in the participant's (IPE) or for independent living needs. The Division will not be responsible for replacing or upgrading equipment which has been used by other individuals or modified without authorization or knowledge of the counselor.

Participants should take measures to safeguard any equipment purchased. The Division will not replace equipment that is lost or reported as stolen, misused, or is used by individuals other than the participant.

**Tools and Equipment for a Job or Vocational Training**

Tools and equipment may be purchased by the Division when tools are needed for training or a job offer has been made to the participant that is contingent upon having tools and/or equipment, if the employer or training provider requires all employees/trainees hired or trained to do the same type of work to provide their own tools or equipment. VR does not purchase equipment or provide capital for businesses or employers except as provided for in an approved self-employment IPE.

If participant is no longer using the tools/equipment for what VR provided, it is expected the equipment be returned to the agency.

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 18, Title: Purchases and Payments of Goods and Services, Authorizations, Cash Pays and Authority Levels**

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**Purchases of Goods and Services**

All goods and services must be a part of the IPE and must be necessary to achieve an employment outcome specified in the IPE or the IPE amendment; or be services necessary to complete the assessment of eligibility or vocational rehabilitation needs.

Nevada has a preference for In-State Services. The agency must be wise stewards of public funds; therefore, goods and services will be provided in the most cost effective manner.

All vendors doing business with the State of Nevada must meet licensing requirements per Nevada Revised Statutes (NRS) Chapter 76.

All state agencies are subject to the requirements of the Nevada State Purchasing Act [NRS Chapter 333, State Administrative Manual (SAM) Chapters: 0300-Cooperative Agreements and Contracts and 1500-Purchasing].

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 19, Title: Closures**

---



**Contents**

I. Overview and General Procedures ..... 1

II. Rehabilitated Closures ..... 1

    Supported Employment..... 2

III. Other Than Rehabilitated Closures ..... 3

    a) Closures from Applicant Status..... 3

    b) Lack of Contact or Failure to Follow Through ..... 3

    d) Disability too Significant to Benefit from VR Services ..... 4

    e) Closures in Extended Employment..... 4

    f) Fraud or Inappropriate Use of VR Funds ..... 4

    g) Threatening, Violent or Harassing Behavior by a Participant..... 4

**I. Overview and General Procedures**

The agency must collect data regarding the individual's employment, wages, schooling, and similar skills or credentials gained for a year to a year and a half after case closure. It is important participants respond to the agency's attempts to collect this information.

Case closures fall into two major categories: "Rehabilitated" also known as closures with an employment outcome or successful closures, and "Other than Rehabilitated" closures which are closures that did not achieve a competitive integrated employment outcome.

Regardless the type of closure participants will be sent a closure letter that includes the reason for closure and notification of appeal rights and the availability of the Client Assistance Program at least 10 days prior to the closure date.

**II. Rehabilitated Closures**

Federal regulations (34 CFR 361.56 and CFR 361.47) require that cases closed with an employment outcome meet the following criteria and the file contains appropriate documentation: See [34 CFR 361.47 Record of services](#) and [34 CFR 361.56 Requirements for closing the record of services of an individual who has achieved an employment outcome](#).

- An employment outcome has been achieved:
  1. The participant has achieved the employment outcome that is described in their IPE.

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 19, Title: Closures**

---



2. The employment outcome is consistent with the participant's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
- An employment outcome has been maintained:
    1. The participant has maintained the employment outcome for an appropriate period of time, but not less than 90 days, necessary to ensure the stability of the employment outcome.
    2. The individual no longer needs vocational rehabilitation services.
  - Satisfactory outcome: At the end of the appropriate period described above, the participant and the counselor consider the employment outcome to be satisfactory and agree that the individual is performing well in the employment.
  - Post-employment services: The individual was informed through appropriate modes of communication of the availability of post-employment services when moved into employed status.
  - Documentation that demonstrates the services provided under the participant's IPE contributed to the achievement of the employment outcome.
  - Competitive integrated employment is compensated at or above minimum wage and the participant's wage and level of benefits is not less than that paid by the employer to employees without disabilities with similar experience who perform similar work. Or, in cases of self-employment, the income is comparable to the income received by other individuals who are not individuals with disabilities who are self-employed in similar occupations or performing similar tasks and who have similar training, experience and skills.
  - The participant's file contains supporting documentation for start date of employment in primary occupation and wage information. This documentation is required at the beginning of employment and at or near case closure. At closure need to verify employment status; still working.
  - Nevada Vocational Rehabilitation requires that employment is legal and pays appropriate federal and state taxes.

**Supported Employment**

Supported employment cases closed with a competitive integrated employment outcome must also meet additional requirements including:

- The participant must have received supported employment services (for up to 24 months or longer under certain circumstances);

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 19, Title: Closures**

---



- The individual reached the weekly work requirement identified in the IPE;
- The individual maintained employment and achieved stability in the work setting for at least 90 days after transitioning to extended services;
- The individual is no longer receiving services from VR; and
- VR is no longer providing extended services (for a youth who received extended services directly from VR). Another source of extended services must be identified, if needed, for the participant to maintain employment).

**III. Other Than Rehabilitated Closures**

Special closure requirements apply to the following types of closures:

a) Closures from Applicant Status:

Cases can only be closed from applicant status under two conditions (pursuant to [34 CFR 361.44 Closure without eligibility determination](#)):

1. The applicant declines to participate or is unavailable to complete an assessment for determining eligibility and an appropriate number of attempts were made to contact the applicant or applicant's representative, to encourage participation.

Or

2. The individual is considered ineligible for services.

b) Lack of Contact or Failure to Follow Through:

Participants will receive at least two written attempts in addition to a closure notice to resume active participation before the agency proceeds with case closure due to lack of contact or failure to follow through. However, if the participant signed an agreement of participation these attempts are not required.

c) Closure Based on Repeated, Marked or Pronounced Pattern of Refusing to Cooperate:

In cases of repeated, marked or pronounced patterns of refusing to cooperate a participant's case may be closed. This may include, but is not limited to:

- Refusing to work within the agency's guidelines to achieve an employment outcome; or
- Significant lack of progress, over time, toward achieving an employment outcome in a VR case or over multiple cases (note: if the reason for lack of progress is

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 19, Title: Closures

---



because the goal is no longer feasible or appropriate, such as when the participant has a worsening medical condition, the participant must be willing to amend the IPE and make reasonable progress toward another goal for the case to remain open); or

- Continued lack of follow through or insufficient action on the part of the participant after being provided multiple opportunities to cooperate, follow through or make progress; or
- Lack of commitment or progress toward an eligibility determination or completing an AVRN or IPE; or
- Refusing to address impediments that are creating significant barriers to employment; such as a substance abuse issues, psychiatric concerns, anger management, other behavioral concerns etc.

d) Disability too Significant to Benefit from VR Services:

Individuals incapable of achieving a competitive integrated employment outcome due to the severity of the disability will be closed.

e) Closures in Extended Employment:

Extended employment is work in a non-integrated or sheltered setting for a public or private nonprofit agency or organization or entity that holds a special wage certificate under Section 14(c) of the Fair Labor Standards. **These are not considered rehabilitated or successful closures.**

f) Fraud or Inappropriate Use of VR Funds:

Instances of fraud or misuse of VR funds will result in case closure.

g) Threatening, Violent or Harassing Behavior by a Participant:

Employers do not tolerate violence, the threat of violence, and other disruptive behavior in the workplace. It is the expectation of the Division that applicants and participants do not engage in such behaviors, as this is consistent with the goal of employment and success in the workplace. In addition, public employees are protected under [NRS 199.300](#) from threats and intimidation.

An applicant or participant who displays disruptive, threatening, violent, or destructive behavior against another applicant or participant, a VR staff member, a VR office, or any other individual involved in the provision of vocational rehabilitation services, may have VR services denied or suspended. This can include case closure when warranted.

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 20, Title: Participant's Service Record

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#### Contents

Overview .....	1
Federal Requirements for the Record of Services .....	1
Measurable Skill Gains and Credentials.....	3

#### Overview

The Rehabilitation Division will establish and maintain a service record for each applicant and/or recipient of vocational rehabilitation services, that includes to the extent pertinent, the documentation described below in accordance with [34 CFR 361.47 Record of services](#).

#### Federal Requirements for the Record of Services

1. If an applicant has been determined eligible, documentation supporting that determination in accordance with [34 CFR 361.42 Assessment for determining eligibility and priority for services](#).
2. Documentation supporting an ineligibility determination in accordance with [34 CFR 361.43 Procedure for ineligibility determination](#) if the participant is found to be incapable of achieving an employment outcome, and, as applicable, a notation of a review of the determination conducted no later than 12 months after such determination was made.
3. The justification for closing an applicant's or eligible individual's record of services (when the closure is based on reasons other than ineligibility). In addition, when closing the case of an applicant who has not yet been determined eligible for services there must be documentation that either the individual was determined ineligible for service or the individual declined to participate in or was unavailable to complete an assessment for determining eligibility in accordance with [34 CFR 361.44 Closure without eligibility determination](#), and that VR made a reasonable number of attempts to contact the applicant (or as appropriate their representative) to encourage participation.
4. Documentation supporting the determination of a significant or most significant disability.
5. Documentation supporting the need for, and the plan relating to, the exploration of abilities, capabilities, and capacity to perform in realistic work situations through the use of trial work experiences, and documentation of the periodic assessment carried out during a period of trial work experience in accordance with [34 CFR 361.42 \(e\) Assessment for determining eligibility and priority for services - Trial work experiences for individuals with significant disabilities](#).

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 20, Title: Participant's Service Record

---



6. The IPE, and any amendments consistent with the requirements under [34 CFR 361.46 Content of the individualized plan for employment \(IEP\)](#).
7. Documentation describing the extent to which the participant exercised informed choice regarding the provision of assessment services, and in the development of the IPE with respect to the selection of the specific employment outcome, the specific vocational rehabilitation services needed to achieve the employment outcome, the entity to provide the services, the employment setting, the settings in which services will be provided and the methods to procure services.
8. If the IPE provides for services in a non-integrated setting, a justification to support the need for the non-integrated setting.
9. In the event that an individual obtains competitive integrated employment, verification that the individual is compensated at or above the minimum wage and that the individual's wage and level of benefits are not less than that customarily paid by the employer for the same or similar work performed by non-disabled individuals in accordance with [34 CFR 361.5\(c\)\(9\) Applicable definitions- Competitive integrated employment](#).
10. In the event an individual achieves an employment outcome in which the individual is compensated in accordance with section 14(c) of the Fair Labor Standards Act (subminimum wage) or the case closes in extended employment (such as at a sheltered workshop) on the basis that the individual is unable to achieve a competitive integrated employment outcome or that an eligible individual through informed choice chooses to remain in extended employment, documentation of the results of the semi-annual and annual reviews required under [34 CFR 361.55 Semi-annual and annual review of individuals in extended employment and other employment under special certificate provisions of the Fair Labor Standards Act](#) of the individual's input into those reviews, and of the individual's (or if appropriate, the individual's representative) acknowledgment that those reviews were conducted.
11. Documentation concerning any action and decision involving the request by the participant for review of a Rehabilitation Counselor's determination and Fair Hearing or Mediation in accordance with [34 CFR 361.57 Review of determinations made by designated State unit personnel](#).
12. In the event, the participant requests that documentation in the record of services be amended and the documentation is not amended, documentation of the request in accordance with [34 CFR 361.38\(c\)\(4\) Protection, use, and release of personal information- release to applicants and recipients of services](#).

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 20, Title: Participant's Service Record

---



13. In the event, an individual is referred to another program through the Division's information and referral system documentation, including other components of the statewide workforce development system, on the nature and scope of services provided to the individual and on the referral itself, consistent with the requirements of [34 CFR 361.37 Information and referral programs](#).

14. For cases closed with an employment outcome documentation that demonstrates the services provided under the individual's IPE contributed to the achievement of the employment outcome in accordance with [34 CFR 361.56 Requirements for closing the record of services of an individual who has achieved an employment outcome](#).

15. In addition to #14, per [34 CFR 361.56 Requirements for closing the record of services of an individual who has achieved an employment outcome](#), further stipulates cases closed with an employment outcome are required to contain documentation that:

- The individual achieved the employment outcome described in the IPE and it is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.
- The individual maintained employment for an appropriate period of time (but not less than 90 days) to ensure the stability of the employment, and the individual no longer needs VR services.
- At the end of the appropriate period of time, the participant and rehabilitation counselor consider the employment to be satisfactory and agree the individual is performing well in employment.
- The individual was informed through appropriate modes of communication of the availability of post-employment services when they were placed into employment status.

#### **Measurable Skill Gains and Credentials**

Measurable skill gains and obtainment of credentials are important performance indicators on which the agency is evaluated. Therefore, it is important that participants provide VR documentation of any measurable skill gains or credentials obtained.

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 21, Title: Confidentiality – Protection and Release of Information

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#### Contents

I. Laws, Regulations and Authorities .....	1
II. General Provisions .....	2
III. Release of Information .....	2
General Provisions .....	2
Release of Information With Informed Written Consent: .....	2
Release of Information Without Written Consent: .....	3
IV. Confidentiality with Electronic Communication .....	4
V. Group Work (such as internal job seeking skills classes and job clubs) .....	4

#### I. Laws, Regulations and Authorities

This Section relies on the following Federal and State laws and regulations and other authorities:

- The Rehabilitation Act of 1973, as amended and the Workforce Innovation and Opportunity Act of 2014
  - [The Rehabilitation Act of 1973, as amended](#)
- 29 United States Code (USC) 709 (c)(1), 711(b)(2) and (b)(3), and 721(a)(6)(A)
  - 29 USC 709 (c)(1) at [Administration- Regulations to carry out this chapter](#)
  - 29 USC 711 (b)(2) and (b)(3) at [Evaluation-data as property of United States; availability of information](#)
  - USC 721 (a)(6)(A) at [Methods for administration- In general](#)
- 34 CFR 361.38 and 367.69
  - 34 CFR 361.38 at [Protection, use, and release of personal information](#)
  - 34 CFR 367.69 at [Special requirements pertaining to the protection, use, and release of personal information](#)
- Nevada Revised Statutes (NRS) 426.573, 426.610, 432B.220, 615.280, 615.290 and 629.061
  - NRS 426.573 at [Persons with Disabilities- Disclosure of information concerning applicant for or recipient of services](#)
  - NRS 426.610 at [Persons with Disabilities- Fair hearing before hearing officer; judicial review](#)
  - NRS 615.280 at [Vocational Rehabilitation- Hearings; judicial review](#)
  - NRS 615.290 at [Vocational Rehabilitation- Misuse of lists or records](#)
  - NRS 629.061 at [Healing Arts Generally- Inspection; copies; use in public hearing; immunity of certain persons from civil action for disclosure](#)

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 21, Title: Confidentiality – Protection and Release of Information**

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## **II. General Provisions**

Confidential information is kept in secure locations and safeguarded from unauthorized disclosure.

All applicants and eligible individuals and, as appropriate, those individuals' representatives, service providers, cooperating agencies, and interested persons are informed of the confidentiality of personal information and the conditions for accessing and releasing this information.

Participants have the right to request amendment or removal of information in their record of services if they believe it is inaccurate or misleading. Requests must be made in writing and provide a justification regarding why the information should be changed.

All personal information in the possession of the Division must be used only for purposes directly connected with the provision of services and the administration of the vocational rehabilitation program.

## **III. Release of Information**

### **General Provisions**

State VR Agencies are not HIPPA covered entities.

Information containing identifiable personal information may not be shared with advisory or other bodies that do not have official responsibility for administration of the program; except (as noted under "release for audit or evaluation") information may be shared with the State Rehabilitation Council as it relates to its role in conducting a review and analysis of the effectiveness of and participant satisfaction with vocational rehabilitation services.

Personal information may not be divulged, except under certain circumstances.

### **Release of Information With Informed Written Consent:**

- Informed Written Consent will be obtained from the participant, parent, or legal guardian to acquire and release information. This consent will include the purpose for which the information is desired, specific information desired, expiration date of the consent, and date signed by the participant or their authorized representative.
- Records requested by the participant and/or their representative:

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 21, Title: Confidentiality – Protection and Release of Information

---



Individuals (or as appropriate the individual's representative) requesting their own records will be required to submit a signed and dated agency Participant Request For Case File Records form.

- Medical, psychological or other information the Division determines may be harmful to the individual will not be released directly to the individual. Harmful information will either be released to the individual's court-appointed representative or a third party.
- The Division may request documentation to verify the identity of the individual (or as appropriate the individual's representative) requesting the records.
- Information requested will be released in a timely manner.
- The Division will provide one copy of the case file and from that date forward will provide only copies of new information.
- Information obtained from a third party cannot be released to the participant or to any other party.
- Records requested by BDA or CAP:

The Division may release personal information to the Bureau of Disability Adjudication (for Social Security) or to the Client Assistance Program upon receiving written consent under the same guidelines that the information could be released to the participant.

- Records requested by a third party:

Records requested from a third party must first be reviewed by the Division's legal representative in the Attorney General's office.

#### **Release of Information Without Written Consent:**

Information may be released without written consent for the following purposes:

- Administration of the VR Program
  - Between employees in the course of providing vocational rehabilitation services
  - Trainees/Volunteers/Rehabilitation Specialists and Service Coordinators on a need-to-know basis
  - Department of Employment, Training & Rehabilitation (DETR)
  - Legal representative

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 21, Title: Confidentiality – Protection and Release of Information

---



- Elected Official
- For audit or evaluation of VR program
- Coordination of Services and Comparable Benefits
- Job Placement Services
- Workforce Development Partners
- Social Security Administration
- Required by law and/or regulation
- Investigations or Court Order
- Fair hearing
- Protection of Participant or Others

Participants are provided an “Information and Disclosure Statement” that gives further details about information that may be released without written consent.

#### **IV. Confidentiality with Electronic Communication**

Electronic communication is not secure and informed consent is obtained from participants for its use. Participants may choose to communicate electronically with their counselor or other Rehabilitation staff; however, they assume the risks in doing so.

#### **V. Group Work (such as internal job seeking skills classes and job clubs)**

There are potential risks of confidential information being shared in group settings. Participants are to make an informed choice on how much information to share in these settings.

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 22, Title: Fair Hearing and Mediation Procedures**



**Contents**

Fair Hearings and Mediation Overview and Authority ..... 1  
Completion of the Fair Hearing Process..... 2  
Requests for a Fair Hearing ..... 2  
Other Methods to Resolve Disputes..... 3

**Fair Hearings and Mediation Overview and Authority**

The legal requirements to assure fundamental fairness to an individual (participant) applying for or receiving vocational rehabilitation services who is dissatisfied with the denial of services or the manner in which services are provided are contained in the following:

- [Rehabilitation Act Amendments of 1973, as amended](#)
- [Workforce Innovation and Opportunity Act](#)
- Federal Regulations
  - [34 CFR 361.57 Review of determinations made by designated State unit personnel](#)
- State Regulations
  - [NRS 233B.121 through 233B.150 Adjudication of Contested Cases](#)
  - [NRS 426.610 Fair hearing before hearing officer; judicial review](#)
  - [NRS 615.280 Hearings; judicial review](#)
  - [NAC 615.105-117 Nevada Administrative Code: Vocational Rehabilitation](#)

All participants requesting a review of the Rehabilitation Divisions determinations will be provided an opportunity to informally resolve their concerns through meeting(s) with the Rehabilitation Counselor, a Rehabilitation Supervisor, and/or a District Manager. The participant may also request mediation, an impartial due process hearing (fair hearing) or both.

Client Assistance Program can offer technical assistance and advocacy in the context of alternative dispute resolution; whether informally or during mediation, and during the fair hearing process. The extent of technical assistance and/or advocacy, if any, is determined by the Program Director of the Client Assistance Program.

The availability of the Client Assistance Program (CAP) and Fair Hearing information is provided to participants in writing:

- At time of application,
- At the time of Order of Selection category assignment,

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 22, Title: Fair Hearing and Mediation Procedures**

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- At the time of IPE development (included under terms and conditions of the IPE), and
- Whenever services are reduced, suspended, or terminated.

**Completion of the Fair Hearing Process**

Unless the participant or an authorized representative so requests, pending a final determination of a hearing or other final resolution of appeal, the Rehabilitation Division shall not institute a suspension, reduction or termination of services being provided under the Individualized Plan for Employment (IPE), unless the services have been obtained through misrepresentation, fraud, collusion, or other criminal conduct on the part of the participant.

The hearing officer will make a decision based on the provisions of the approved State Plan, and applicable Laws and Regulations; including the Workforce Innovation and Opportunity Act, and the Nevada policies and laws that are consistent with Federal requirements. The hearing officer will provide the participant or the participant's representative and the Administrator of the Rehabilitation Division a written decision; setting forth findings of facts, conclusions of law, and an order (decision) within 30 calendar days of the completion of the hearing. The decision of the hearing officer is final for the purposes of Judicial Review, although, the Nevada Rehabilitation Division reserves the right to seek Judicial Review pursuant to NRS 233B.

**If the participant files a petition for judicial review of the decision of the hearing officer, the Division will make a record in accordance with the Nevada laws. The participant may obtain copies of the record from the Division upon written request to the Administrator. The participant may request advocacy services through the Client Assistance Program for the fair hearing process.**  
**Requests for a Fair Hearing**

A participant can request a fair hearing at any time there is a dispute. A request for a hearing must be made in writing no later than 60 calendar days from the date of receiving notice of the disputed determination.

A hearing will be held within 60 calendar days\* of receipt of a participant's request. The request must:

1. Be in writing;
2. Identify the occurrence which resulted in the dissatisfaction; and
3. Identify the resolutions desired.

An impartial hearing officer will be selected to conduct the fair hearing regarding disputes.

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 22, Title: Fair Hearing and Mediation Procedures**

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At the request of the participant, the Rehabilitation Division may extend the 60-calendar day time limit for a specific time, if determined by the Administrator or designee, to be for good cause. The designees for approving extensions are the Deputy Administrators and the Bureau Chief. An extension beyond 60 calendar days may be approved if both the participant and the Division agree and it is approved by the Hearing Officer.

\* While it is policy that the hearing is held within 60 days of the request, the Division does not have control over the hearing officer's schedule, therefore delays which are beyond the control of the agency may occur due to scheduling conflicts.

**Other Methods to Resolve Disputes**

Participants may exercise their rights to use other methods to resolve disputes. Neither of these two methods relieves the participant of the responsibility to request a hearing in writing within 60 calendar days from the date of receiving notice of the disputed determination.

- **Alternative Dispute Resolution (ADR)**

A participant, who is aggrieved by a decision of the Rehabilitation Division, may request to resolve the dispute with advocacy assistance from the Client Assistance (CAP) Program using informal Alternative Dispute Resolution (ADR). A written request must be received by the Administrator no later than 30 calendar days after the participant receives notice of the aggrieved decision. The Administrator may waive the 30-calendar day timeline at their discretion. The ADR process is:

1. Voluntary on the part of both the participant and the Division;
2. Not used to deny or delay the right of an individual to a fair hearing or to deny any other right afforded under the Rehabilitation Act of 1973, as amended;
3. Conducted with the assistance of the CAP Program Director to informally resolve disputes between the participant and the Division; and
4. May be conducted without the advocacy assistance of CAP at the discretion of the participant.

- **Mediation**

A participant, aggrieved by a decision of the Rehabilitation Division, may also request to resolve the dispute using mediation. The participant may request advocacy assistance through the CAP. A written request must be received by the Administrator no later than 30 calendar days after the participant receives notice of the decision. The Administrator may waive the 30 calendar day timeline at their sole discretion. The formal mediation process is:

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 22, Title: Fair Hearing and Mediation Procedures**

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1. Voluntary on the part of both the participant and the Division;
2. Not used to deny or delay the right of an individual to a hearing or to deny any other right afforded under the Rehabilitation Act of 1973, as amended;
3. Conducted by a qualified and impartial mediator who is trained in effective mediation techniques to resolve disputes between a participant and the Division; and
4. The mediator is paid by the Division.

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 23, Title: Cooperation with Other Agencies

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#### Cooperation with Other Agencies

A cooperative agreement is an agreement between two or more public agencies for the "joint exercise of powers, privileges and authority," including, but not limited to law enforcement. (NRS 277.080 to 277.170).

**NRS 277.090 Purpose.** It is the purpose of NRS 277.080 to 277.180, inclusive, to permit local governments to make the most efficient use of their powers by enabling them to cooperate with other local governments on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization which will best accord with geographic, economic, population and other factors influencing the needs and development of local communities. (Added to NRS by 1965, 1332)

**NRS 277.100 Definitions.** As used in NRS 277.080 to 277.180, inclusive, unless the context otherwise requires:

1. "Public agency" means:
  - (a) Any political subdivision of this State, including without limitation counties, incorporated cities and towns, including Carson City, unincorporated towns, school districts and other districts.
  - (b) Any agency of this State or of the United States.
  - (c) Any political subdivision of another state.
  - (d) Any Indian tribe, group of tribes, organized segment of a tribe, or any organization representing two or more such entities.
2. "State" includes any of the United States and the District of Columbia.  
(Added to NRS by 1965, 1332; A 1969, 327; 1973, 260; 1983, 128)

All state agencies are subject to the requirements of the Nevada State Purchasing Act (NRS Chapter 333, State Administrative Manual (SAM) Chapters: 0300-Cooperative Agreements and Contracts and 1500-Purchasing).

The Nevada Revised Statutes can be found at [NV Legislature NRS](#).

The Rehabilitation Division may enter into a third-party cooperative arrangement (TPCA) for providing or contracting for the provision of vocational rehabilitation services with another State agency or a local public agency that is providing part or all of the non-Federal share in accordance with paragraph (c)... 34 CFR 361.28(a) at [Third-party cooperative arrangements involving funds from other public agencies](#).

# **REHABILITATION DIVISION: BVR / BSBVI**

## **Participant Services Policy Manual**

### **Section 24, Title: Formal Case Review Process**

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#### **Formal Case Review Process**

The agency has a case file review system in place designed for internal control for quality service provision and compliance with all applicable regulations.

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 25, Title: Older Individuals Who Are Blind

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#### **Contents**

Overview .....	1
Assessment of Eligibility .....	1
Eligibility Determination .....	1
Assessment of Independent Living Needs for Older Individuals Who Are Blind.....	1
Financial Need and Determination of the Availability of Comparable Benefits .....	2
Individualized Written Independent Living Plan (IWILP).....	2
Closures .....	2
Case Record .....	2

#### **Overview**

The Older Individuals who are Blind (OIB) Program is a federally funded program that provides independent living services to visually impaired individuals, aged 55 and older to assist them in maintaining their independence.

#### **Assessment of Eligibility**

Determination of eligibility is required and must be completed within forty-five (45) days from the date of the receipt of the application.

The determination of eligibility for the OIB Program services is based on a review of existing information. If additional data is necessary, assessments will be scheduled. Medical documentation of the visual impairment is required to determine eligibility.

In extenuating circumstances, the case manager and applicant may agree verbally or in writing to an extension of time.

#### **Eligibility Determination**

An individual is eligible for OIB Program services if the individual:

1. Is legally blind or severely visually impaired (severely visually impaired defined as 20/70 best corrected and/or 50% or less field); and
2. Is age 55 or older; and
3. Is in need of Independent Living Rehabilitation services to maintain their independence.

#### **Assessment of Independent Living Needs for Older Individuals Who Are Blind**

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 25, Title: Older Individuals Who Are Blind

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As soon as eligibility has been determined and to the extent necessary, the identified staff person, conducts an assessment of independent living needs to determine the nature and scope of needed services.

#### **Financial Need and Determination of the Availability of Comparable Benefits**

OIB participants are exempt from financial participation in the costs of independent living services. However, independent living services may be available and used as a comparable benefit if appropriate.

#### **Individualized Written Independent Living Plan (IWILP)**

For Individuals eligible for the OIB program, a written, signed Individualized Written Independent Living Plan (IWILP) will be developed within forty-five (45) ~~business~~ days of eligibility determination. Services provided will be developed jointly by the designated staff person and the participant. Services provided must be included on the IWILP and be pre-authorized.

In extenuating circumstances, the case manager and participant may agree in writing to an extension of time.

#### **Closures**

All participants and/or their representative will receive written notification in their preferred mode of communication that includes the reason for closure, notification of appeal rights and the availability of the Client Assistance Program at least 10 days prior to the closure of the case.

1. A case may be closed when the participant is unavailable to participate or complete an assessment of eligibility. The participant will receive at least two written contact attempts in their preferred mode of communication in addition to the closure notice described above before the agency proceeds with closure prior to a determination of eligibility.
2. A case may be closed from application status when the participant does not meet eligibility requirements.
3. A case is closed successfully if the participant received services resulting in independent living.
4. A case may close unsuccessful when the participant is unable to complete independent living services.

#### **Case Record**

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 25, Title: Older Individuals Who Are Blind**

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A case record for each applicant and/or recipient of services will be established and maintained.

# REHABILITATION DIVISION: BVR / BSBVI

## Participant Services Policy Manual

### Section 26, Title: Implementation of New Policies

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#### **Implementation of New Policies**

For all cases in applicant or eligible status, changes and updates to policies will become effective the date they are included in the manual.

Implementation of any other new policies for an individual with a completed and signed IPE will need to be determined on a case by case basis. Some new policies, as directed by management, may become effective at the time of the IPE annual review, however as a general rule, if a policy changes in regard to a planned service that has already been included on an agreed upon IPE, except in the situations previously noted, the plan will proceed under the policy which was in place at the time the plan was developed and signed. However, if significant amendments are made to the IPE such as when a vocational goal is changed, additional services are added, or there is a significant change in costs the new policy would be effective for those changes.

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 27: Workplace Safety, Disruptive Behavior and**  
**Expected Code of Conduct**

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**Contents**

Overview..... 1  
Workplace Violence and Personal Safety..... 1  
Other Disruptive Behaviors ..... 2

**Overview**

Individuals, including VR participants, employees, vendors, community partners, employers and the general public who enter a VR office or do business with VR should be able to do so in a safe and respectful environment.

Interactions or behaviors which take place in a VR office or during the provision of VR services that are not conducive to a safe and respectful environment should be addressed appropriately.

**Workplace Violence and Personal Safety**

Violence, threats, harassment, intimidation, and other incidents or acts of aggression and disruptive behavior in the workplace by anyone will not be tolerated. Acts of aggression can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical or mental harm or, indirect acts such as damage to personal property.

Public employees are protected under [NRS 199.300 Intimidating public officer, public employee, juror, referee, arbitrator, appraiser, assessor or similar person](#) from threats and intimidation. In consultation with the Attorney General and Administrator, a case may be referred for prosecution.

Individuals, who commit acts of workplace violence, may be removed from the premises, and/or subject to criminal actions by the appropriate legal authority. A participant who displays violent or destructive behavior may be refused service and/or in consultation with the Administrator and/or their designee the VR case may be closed.

The Agency adheres to **The State of Nevada’s Workplace Violence Prevention Policy** found at [Department of Administration- Risk Management \(Workplace Violence\)](#)

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 27: Workplace Safety, Disruptive Behavior and**  
**Expected Code of Conduct**

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**Other Disruptive Behaviors**

Other disruptive behaviors may include but are not limited to:

- Bullying (for example: actions that create an intimidating or hostile environment or place a person in reasonable fear of physical harm or fear of damage to personal property or pervasive taunting, belittling or demeaning humor, or pervasive nonverbal threats or intimidation such as use of aggressive, menacing or disrespectful gestures);
- Explosive expressions of anger or hostility;
- Drunken or disorderly conduct or exhibitionism;
- Loud talking or other noisy activities that seriously disturbs others or the ability for work to get completed;
- Possession of a firearm, suggestion, use or display of weapons in a threatening or intimidating manner, other than by a paid security guard explicitly hired to provide these services; law enforcement in connection with their duties; or other individuals as legally allowed and provided for by law;
- Possession or use of illegal substances; and
- Coercion of agency participants for money or undue or excessive pressure with the intent to solicit business from the participant.

As disruptive behaviors are generally not tolerated in the work environment, the agency may suspend, delay or interrupt services for participants who refuse to take steps required to develop work appropriate behavior. A behavioral agreement may be initiated if needed and continuation of services may be contingent upon compliance with the agreement. Services may be placed on hold until the participant can behave in an appropriate manner.

The availability of the Client Assistance Program (CAP) and Fair Hearing information is provided in writing to participants whenever services are reduced, suspended, or terminated.

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 28, Title: Inappropriate or Improper Use of VR**  
**Funds or If Fraud Occurs**

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**Contents**

Inappropriate or Improper Use of VR Funds or If Fraud Occurs..... 1  
Future Cases..... 2

**Inappropriate or Improper Use of VR Funds or If Fraud Occurs:**

Public funds should be used as intended by laws, regulations and policies.

By applying for services, the participant agrees to provide accurate financial information and abide by VR requirements related to the use of funds on their behalf.

When requesting funding for goods and services from VR, participants are expected to be honest and to utilize all services and goods provided in a responsible manner for VR purposes, and with the intent to complete an Individualized Plan for Employment (IPE) leading to successful employment or for the Older Individuals who are Blind program, the intent to achieve Individualized Written Independent Living Plan (IWILP) objectives and goals.

Participants should not use or allow others to use, goods and services purchased by VR in a manner that would make them unavailable for VR use or that would compromise the ability to use them in the manner intended.

The agency can recover funds for goods and services that are misused, purchased without authorization or agency approval, or that are obtained through fraud.

If VR pays for part of or in full for goods or services that the participant has financial participation responsibility, they are required to reimburse VR the costs. Failure to do so may be considered fraud.

If fraud occurs, it can damage the public trust in the VR program and in State Government. Fraud may exist when an individual knowingly and deliberately withholds, conceals or misrepresents information to obtain or attempt to obtain VR services or funding. Fraud includes but is not limited to:

- Intentionally reporting inaccurate income or sources of income;
- Knowingly acquiring goods or services funded by VR without the intent to use them primarily to meet IPE or ~~IPS~~ IWILP goals ~~and~~
- Theft of items purchased by VR-

**REHABILITATION DIVISION: BVR / BSBVI**  
**Participant Services Policy Manual**  
**Section 28, Title: Inappropriate or Improper Use of VR**  
**Funds or If Fraud Occurs**

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If goods and services are used inappropriately, improperly obtained or obtained through fraud, the participant will be required to return items or to reimburse VR funds spent on those goods or services. Failure to do so may result in suspension of services or case closure. In serious cases of fraud or intent to commit fraud, a report to law enforcement may be filed seeking criminal prosecution.

**Future Cases:**

Participants who've had a case closed due to improper use of VR funds or fraud, may reapply for services; however, if funds are still owed to VR, all future expenditures and services may be placed on hold until funds have been repaid.

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## Definitions Applicable to the Vocational Rehabilitation Program Including Supported Employment Services

### Applicant

An individual who **submits an application** for vocational rehabilitation services in accordance with the description below. An individual is considered to have submitted an application when the individual or representative:

1. Has **completed** and **signed** an agency application form or through another modality has otherwise requested services;
2. Has provided information necessary to initiate an assessment to determine eligibility and priority for services; and
3. Is available to complete the assessment process.

### Appropriate Modes of Communication

Specialized aids and supports that enable an individual with a disability to comprehend and respond to information that is being communicated. Appropriate modes of communication include, but are not limited to, the use of interpreters, open and closed captioned videos, specialized telecommunications services and audio recordings, Braille and large print materials, materials in electronic formats, augmentative communication devices, graphic presentations and simple language materials.

### Assistive Technology Device

Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain or improve the functional capabilities of an individual with a disability.

### Assistive Technology Service

Any service that directly assists an individual with a disability in the selection, acquisition or use of an assistive technology device, including:

1. The evaluation of the needs of an individual with a disability including a functional evaluation of the individual in their customary environment;
2. Purchasing, leasing or otherwise providing for the acquisition by a participant of an assistive technology device;
3. Selecting, designing, fitting, customizing, adapting, applying, maintaining,

repairing or replacing assistive technology devices;

4. Coordinating and using other therapies, interventions or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
5. Training or technical assistance for a participant or their family members, guardians, advocates or representatives necessary to achieve an employment outcome; and
6. Training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers or others who provide services to employ or who are otherwise substantially involved in the major life functions of participants, to the extent that training or technical assistance is necessary to the achievement of an employment outcome.

## AWARE

The electronic case management system utilized by the Division.

## Case File

A hard copy file or electronic file (or combination), whichever is appropriate.

## Client Assistance Program (CAP)

The Client Assistance Program (CAP) provides individual advocacy and legal representation, information and referral services, outreach, and education to vocational rehabilitation clients. CAP also provides information on Title I of the Americans with Disabilities Act.

## Community Rehabilitation Program

A program that provides directly or facilitates the provision of one or more of the following vocational rehabilitation services to individuals with disabilities to enable them to maximize their opportunities for employment, including career advancement:

1. Medical, psychiatric, psychological, social, and vocational services that are provided under one management;
2. Testing, fitting, or training in the use of prosthetic and orthotic devices;
3. Recreational therapy; physical and occupational therapy;
4. Speech, language and hearing therapy;
5. Psychiatric, psychological and social services, including positive behavior management;

6. Assessment for determining eligibility and vocational rehabilitation needs;
7. Rehabilitation technology;
8. Job development, placement and retention services;
9. Evaluation or control of specific disabilities;
10. Orientation and mobility services for mobility impaired participants;
11. Extended employment;
12. Psychosocial rehabilitation services;
13. Supported employment services and extended services;
14. Services to family members, if necessary, to enable the applicant or eligible individual to achieve an employment outcome;
15. Personal assistance services; and

For the purposes of this definition, the word program means an agency, organization or institution, or unit of an agency, organization or institution, that provides directly or facilitates the provision of vocational rehabilitation services as one of its major functions.

### Comparable Services and Benefits

Services and benefits including accommodations and auxiliary aids and services that are:

1. Provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance or by employee benefits;
  - Common examples include the PELL grant for post-secondary or other vocational training services, or Medicaid/Medicare for diagnosis and treatment of impairments.
2. Available to the participant at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's IPE; and
3. Commensurate to the services that the participant would otherwise receive from the vocational rehabilitation agency.

For the purposes of this definition, comparable services and benefits do not include awards and scholarships based on merit.

### Competitive Integrated Employment

Means work that—

- Is performed on a full-time or part time basis (which may include self-employment) and for which an individual is compensated at a rate that—
  - Is not less than the Federal, State or local jurisdiction's minimum wage whichever is higher; and

- Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and
- In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and
- Is eligible for the level of benefits provided to other employees; and
- Is at a location—
  - Typically found in the community; and
  - 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 (such as customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and
- Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

## Contract

A written agreement for services between a vendor, acting as an independent contractor, and the Rehabilitation Division in order to comply with State of Nevada purchasing and contract laws and regulations contained in the Nevada Revised Statute (NRS) Chapter 333, Nevada Administrative Code (NAC) Chapter 333, and State Administrative Manual (SAM) 0300. Services requiring a signed contract include, but are not limited to, communication, interpretation and translation services; medical; counseling; services to family members; assessment services; and employment supports. If a vendor does not have a signed contract in place, services cannot be authorized.

## Customized Employment

Means competitive integrated employment, for an individual with a significant disability, that is—

- Based on an individualized determination of the unique strengths, needs, and interests of the individual with a significant disability through the discovery process;
- Designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer; and
- Carried out through flexible strategies, such as—
  - Job exploration by the individual;
  - Working with an employer to facilitate placement, including—
    - Customizing a job description based on current employer needs or on previously unidentified and unmet employer needs;
    - 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;
    - Using a professional representative chosen by the individual, or if elected self-representation, to work with an employer to facilitate placement; and
    - Providing services and supports at the job location.

## Decision Point

Any judgment or conclusion reached regarding a participant during the rehabilitation process from applicant status through case closure.

## Employment Outcome

With respect to a participant entering, advancing in, or retaining full-time or, if appropriate, part-time competitive integrated employment including customized employment, self-employment, telecommuting, or business ownership or supported employment that is consistent with an individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

## Extended Employment

Work in a non-integrated or sheltered setting for a public or private, nonprofit agency or organization that provides less than minimum wage compensation in accordance with the Fair Labor Standards Act of 1938. Extended employment is not considered to be a successful employment outcome for the purpose of the VR program.

## Extended Services (for supported employment)

On-going support services and other appropriate services, needed to support and maintain an individual in supported employment that are:

- Provided, organized and made available in such a way to assist an individual in maintaining supported employment
- Based on the determination of the needs of the individual as specified in the individualized plan for employment
- Provided by an entity (other than VR) such as a State agency, a nonprofit private organization, the employer, or any other appropriate resource after the individual has made the transition from support provided by the State VR Agency
- Provided by the State VR agency to a youth with a most significant disability for a period not to exceed 4 years or when the youth reaches as age 25 (and therefore no longer meets the definition of a youth with a disability) whichever comes first, as needed

## Extreme Medical Risk

A probability of substantially increasing functional impairment or death if medical services, including mental health services, are not provided expeditiously.

## Impartial Hearings Officer

Is an individual who:

1. Is not an employee of a public agency (other than an administrative law judge, hearings examiner, or employee of an institution of higher education);
2. Is not a member of the Vocational Rehabilitation Council for the Rehabilitation Division;
3. Has not been involved previously in the vocational rehabilitation of the applicant or recipient of services;
4. Has knowledge of the delivery of vocational rehabilitation services, the State plan, and the Federal and State regulations governing the provision of services;
5. Has received training with respect to the performance of official duties; and
6. Has no personal, professional, or financial interest that would be in conflict with the objectivity of the individual.

NOTE: An individual may not be considered to be an employee of a public agency for the purposes of this definition solely because the individual is paid by the agency to serve as a hearings officer.

## Individual With a Disability

For the purposes of vocational rehabilitation eligibility, means an individual:

1. Who has a physical or mental impairment;
2. Whose impairment constitutes or results in a substantial impediment to employment; and

3. Who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

### Individual With A Most Significant Disability

As defined by the Division, is an individual with a physical or mental disability which seriously limits functional capacity in two or more major life activities and who requires multiple services over an extended period of time.

### Individual With A Significant Disability

Is an individual with a disability:

1. Who has a severe physical or mental impairment that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;
2. Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and
3. Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, 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; or
4. Who is a recipient of SSI or SSDI benefits.

### Individualized Plan for Employment (IPE)

An IPE is a written agreement between VR and an individual client outlining the roles/responsibilities of VR and the client; scope of services to be used to assist the client in obtaining employment; funding sources for the various VR services; and projected timeline for training/other services and employment.

### Individualized Written Independent Living Plan (IWILP)

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An IWILP is a written plan that is developed by a client of the Older Individuals Who Are Blind program and a designated OIB staff person, to determine independent living goals, services needed to meet those goals, and objectives of the services. The plan also explains dates of service, participation requirements, rights, and responsibilities.

## Individual's Representative

Any representative chosen by an applicant or eligible individual, as appropriate, including a parent, guardian, other family member, or advocate, unless a representative has been appointed by a court to represent the individual, in which case the court-appointed representative is the individual's representative.

## Informed Choice

Informed choice means that applicants and individuals eligible for Vocational Rehabilitation (VR) services are active and full partners throughout the VR process, making meaningful choices. Informed choice by its very nature implies that decisions are "informed", meaning participants obtain sufficient information regarding the range of options available and an understanding of the pros and cons of various options, as well as an understanding of the limitation of the Division as they make decisions throughout their VR cases. An individual's informed choice is not binding but must be seriously considered in establishing an employment outcome, needed vocational rehabilitation services, the entity providing services and the methods to be used in procuring services.

## Institution of Higher Education

Has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

## Job Ready

Is when the participant has all the necessary training, hard and soft skills, and tools needed with supports in place to begin seeking employment in their chosen vocational goal. This is different for each participant, because each participant has different skills, abilities, interests, and vocational goals.

## Legal Guardian

An individual who has the legal authority to act on behalf of a participant, such as a parent, a legal guardian or one who has power of attorney. Any person appointed under NRS chapter 159.017 as guardian of the person, of the estate or of the person and estate. A guardian is an individual who has the legal authority and duty to care for another's person or property, because of infancy, incapacity, or disability.

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## Major Life Activities

Are activities regarding mobility, communications, self-care, interpersonal skills, self-direction, work tolerance/acceptability to employers, work skills and learning ability.

## Maintenance

Monetary support provided to a participant for expenses, such as food, shelter and clothing that are in excess of the normal expenses of the participant and that are necessitated by the individual's participation in an assessment for determining eligibility and vocational rehabilitation needs or the participant's receipt of vocational rehabilitation services under an IPE.

The following are examples of expenses that would meet the definition of maintenance. The examples are illustrative, do not address all possible circumstances, and are not intended to substitute for individual Rehabilitation Counselor judgment.

Example 1: The cost of uniform or other suitable clothing that is required for an individual's job placement or job seeking activities.

Example 2: The cost of short-term shelter that is required in order for an individual to participate in assessment activities or vocational training at a site that is not within commuting distance of the individual's home.

Example 3: The initial one-time costs, such as a security deposit or charges for the initiation of utilities that are required in order for the individual to relocate for a job placement.

## Ongoing Support Services (for supported employment)

Services needed to support and maintain an individual in supported employment which includes an assessment of the employment stability and provision of specific services or coordination of services at or away from the worksite that are needed to maintain stability. They are based on at least twice monthly monitoring at the work site (or off site, under specific circumstances, especially at the request of the participant and as provided for in the IPE) and may consist of:

- A particularized assessment supplementary to the comprehensive assessment of vocational needs
- The provision of skilled job trainers who accompany the individual for intensive job skills training at the worksite
- Job development, job retention and placement services
- Social skills training
- Regular observation or supervision of the individual

- Follow-up services such as regular contact with the employer, the individual, the individual's representative, and other appropriate individuals in order to reinforce and stabilize the job placement
- Facilitation of natural supports at the worksite
- Other services noted or services similar to those noted in Section 12 "Scope of VR Services" that are needed to achieve or maintain competitive integrated employment.

## Participant

According to [CFR 361.150 \(a\) \(1\)](#) For the Vocational Rehabilitation (VR) program, a participant is a reportable individual who has an approved and signed Individualized Plan for Employment (IPE) and has begun to receive services. Throughout the federal regulations it cites "eligible individuals or, as appropriate, the individual's representative". In this manual, the agency utilizes the term "participant" with the assumption that it also includes the phrase "or, as appropriate, the individual's representative".

## Person-Centered Planning

An approach to discovering an individual's capabilities and discovering what is important to that individual in relation to his or her vocational choices.

## Personal Assistance Services

A range of services provided by one or more persons designed to assist a participant to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability. The services must be designed to increase the participant's control in life and ability to perform everyday activities on or off the job. The services must be necessary to participating in assessment or eligibility or an employment outcome and may be provided only while the participant is receiving other vocational rehabilitation services. The services may include training in managing, supervising and directing personal assistance services.

## Physical and Mental Restoration Services / Diagnosis and Treatment of Impairment

1. Corrective surgery or therapeutic treatment necessary to correct or modify a physical or mental condition that 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;
2. Diagnosis of and treatment for mental or emotional disorders by qualified

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personnel in accordance with Nevada licensure laws;

3. Dentistry;
4. Nursing services;
5. Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services;
6. Drugs and supplies;
7. Prescription of prosthetics and/or orthotics related to the individual's diagnosed disability and is necessary for the achievement of the employment outcome;
8. Prescription of eyeglasses and visual services, contact lenses, microscopic lenses, telescopic lenses and other special visual aids, prescribed by personnel who are qualified in accordance with State Licensure laws, and including visual training, related to the individual's diagnosed disability and necessary for the achievement of the employment outcome;
9. Podiatry;
10. Physical therapy;
11. Occupational therapy;
12. Speech or hearing therapy;
13. Mental health services;
14. Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical and mental restoration services, or that are inherent in the condition under treatment;
15. Special services for the treatment of participants with end-stage renal disease, including transplantation, dialysis, artificial kidneys, and supplies;
16. Non-traditional medical or psychology treatment such as acupuncture and homeopathic treatments; and
17. Other medical or medically related rehabilitation services.

## Physical or Mental Impairment

Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculo-skeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine or any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness and specific learning disabilities.

## Post-Employment Services

One or more of the services that are provided subsequent to the achievement of an employment outcome and that are necessary for an individual to maintain, regain or advance in employment, consistent with the individual unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

## Pre-Employment Transition Services

Services which the Workforce Innovation and Opportunity Act (WIOA) indicates are available to students with disabilities who are eligible or potentially eligible for VR services. The State VR agency and local educational agencies cooperate to provide or arrange for the provision of these services. The five required services are job exploration counseling, work based learning experiences, counseling on opportunities for enrollment in comprehensive transition or post-secondary educational programs at institutions of higher education, work place readiness training to develop social skills and independent living skills, and instruction in self-advocacy which may include peer mentoring.

## Qualified Personnel

Those individuals whom the State has determined meet the definition of "qualified personnel" in light of State licensure laws and State standards (or who meet nationally recognized standards as applied to the profession or discipline) for providers of services.

Example 1: State certifications for substance abuse counselors, or interpreters for individuals who are deaf, licensure for psychologists, physicians, dentists, or other licensed or certified personnel.

## Qualified Rehabilitation Counselor

Those individuals whom the State has determined meet the definition of "qualified rehabilitation professional" in light of Federal laws and regulations and State standards

(or who meet nationally recognized standards as applied to the profession or discipline).

For agency purposes a qualified rehabilitation counselor is a counselor employed by the agency who is qualified to perform core functions of the Rehabilitation Counselor position such as determining eligibility and signing Individualized Plans for Employment.

## Rehabilitation Engineering

The systematic application of engineering sciences to design, develop, adapt, test, evaluate, apply and distribute technological solutions to problems confronted by individuals with disabilities in functional areas such as mobility, communications, hearing, vision and cognition, and in activities associated with employment, independent living, education and integration into the community.

## Rehabilitation Technology

Rehabilitation technology is defined as the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, recreation, home and vehicular modification, and other assistive devices including, but not limited to hearing aids, low vision aids and wheelchairs. Glasses are not low vision devices unless they are specialized low vision glasses (e.g., 4 or 5 x magnification). This includes rehabilitation engineering as well as assistive technology devices and services.

Rehabilitation technology includes only those devices or services required to overcome the functional limitations imposed by an individual's disability. Devices or services required solely for training or employment that are not required as a result of the individual's disability are considered equipment, not rehabilitation technology.

## Services Contributing to an Employment Outcome

Any service that is a part of an IPE, which is delivered in the context of a counseling and guidance relationship; and contributes in an identifiable and positive way to the vocational rehabilitation of the individual.

## Social Security Disability Insurance (SSDI)

SSDI is an entitlement program that an individual can access if they have worked long enough and paid Social Security taxes on their earnings. The program pays benefits to adults and children who meet SSA requirements for a qualifying disability and have limited income and resources. Verified beneficiaries of SSDI are presumed eligible for VR services.

## Student with a Disability

A student with a disability is an individual with a disability in a secondary, postsecondary, or other recognized education program who is not younger than the earliest age for the provision of transition services under Section 614 (d)(1)(A)(i)(VIII) of the Individuals with Disabilities Education Act (IDEA), or

- If the State elects to use a lower minimum age for receipt of pre-employment transition services under this Act, is not younger than that minimum age

### And

- Is not older than 21 (except 22 per [NRS 388.5223](#)) years of age; or
- If State law provides for a higher maximum age for receipt of services under the Individuals with Disabilities and Education Act (IDEA), is not older than that maximum age

And is either:

- Eligible for, and receiving, special education or related services under part B of IDEA or
- A student who is an individual with a disability for purposes of Section 504 of the Rehabilitation Act.

In order to clarify the lower age limit for the purposes of this manual, an individual may be considered a student with a disability if he/she is a secondary education student receiving transition services from a local educational agency (see note below)

\*Note: IDEA 614 (d)(1)(A)(i)(VIII) references the first IEP to be in effect when the individual is 16. However Nevada Administrative Code (NAC) 388.133 indicates transition services are based on the needs of the pupil and states if the pupil is 14 year of age or older, includes the courses of study of the pupil; and If the pupil is 16 years of age or older, or the pupil will attain 16 years of age during the period in which the individualized educational program will be in effect, includes, without limitation Instruction; Related services; Community experiences; The development of employment and other objectives for living as an adult after the completion of school; and If appropriate, acquisition of daily living skills and functional vocational evaluation

\*\* This definition of a student with a disability is based on state and federal laws and regulations.

## Substantial Impediment to Employment

Where a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, and other related factors) hinders an individual from preparing for, entering into, engaging in, retaining, or advancing in employment consistent with the individual's abilities and capabilities.

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## Supplemental Security Income (SSI)

SSI provides monthly payments for people who are in special financial need and are disabled or an older adult. Because this program is funded completely by general taxes, there are stringent requirements that one must fulfill in order to receive it. Children with disabilities or who are blind may also get SSI. Verified beneficiaries of SSI are presumed eligible for VR services.

## Supported Employment

Competitive integrated employment (including customized employment, or employment in an integrated work setting in which individuals are working on a short-term basis toward competitive integrated employment) that is individualized and customized, consistent with the strengths, abilities, interests and informed choice of the individuals, including ongoing support services for individuals with the most significant disabilities:

- For whom competitive integrated employment has not historically occurred or
- For whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability

And

- Who because of the nature and severity of their disability, need intensive supported employment services and extended services in order to perform this work

## Supported Employment Services

Ongoing support services, including customized employment, and other appropriate services, needed to support and maintain an individual with a most significant disability in supported employment that are:

- Provided, organized and made available in such a way as to assist the individual to achieve competitive integrated employment;
- Based on a determination of the needs of the individual as specified in an IPE; and
- Provided by the State VR agency for a period of no more than 24 months (this period may be extended, if necessary, in order to achieve the employment outcome identified in the IPE) and
- Provided as post-employment services, following transition to extended services, that are unavailable from an extended service provider but that are necessary for the individual to maintain or regain the job placement or advance in employment.

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## Timeliness

Services are provided without any undue delay or interruption.

## Transition Services

A coordinated set of activities for a student designed within an outcome-oriented process that promotes movement from school to post-school activities including post-secondary education, vocational training, competitive integrated employment (including supported employment), continuing and adult education, adult services, independent living or community participation.

The coordinated set of activities must be based upon the student's needs, considering the individual's preferences and interests, and must include instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services must promote or facilitate the achievement of the employment outcome identified in the student's or youth's IPE and includes outreach to and engagement of the parents, or as appropriate, the representative of such a student or youth with a disability.

## Transportation

Travel and related expenses that are necessary to enable a participant to participate in a vocational rehabilitation service including the provision of training in the use of public transportation systems.

The following are examples of expenses that would meet the definition of transportation. The examples are purely illustrative, do not address all possible circumstances, and are not intended to substitute for Rehabilitation Counselor judgment.

All expenses are paid or reimbursed to the participant at State per diem rates.

Example 1: Travel and related expenses for a personal care attendant if the services of that person are necessary to enable the participant to travel to participate in any vocational rehabilitation service.

Example 2: Short-term travel-related expenses, such as food and shelter, incurred by an applicant participating in evaluation or assessment services that necessitates travel.

Example 3: Relocation expenses incurred by a participant in connection with a job placement that is a significant distance from the

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individual's current residence, per SAM 0200.

Example 4: The purchase and repair of vehicles, including vans, but not the modification of these vehicles because modification would be considered rehabilitation technology.

## Youth with a Disability

An individual with a disability who is no younger than 14 years of age and who is not older than 24 years of age.

## Work Opportunity Tax Credit (WOTC)

WOTC is a Federal tax credit available to employers for hiring and employing individuals from certain targeted groups who have faced significant barriers to employment. Employers may meet their business needs and claim a tax credit if they hire an individual who is in a WOTC targeted group such as people with disabilities.