

Vocational Rehabilitation PROGRAM POLICY MANUAL

DVR-11074-P (R. 11/2021)

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FOREWORD

Introduction

The purpose of this manual is to provide program policy for vocational rehabilitation services provided by the Wisconsin Division of Vocational Rehabilitation (DVR). The intent of the policy is to outline what is expected based on federal law and other applicable federal and state regulations. No exceptions can be made to policies outlined in federal law or other applicable federal and state regulations. The foreword to this policy provides the purpose of Title I of the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunities Act (WIOA) of 2014. This provides the basis for a common understanding of the program intent.

[WIOA Final Rules and Regulations](#)

While the policy dictates what must be done, few detailed procedures will be provided on how these policies must be implemented. Due to the individualized nature of the program, there is no one best method of accomplishing the intent of these policies. It is trusted that all staff in the agency will understand and implement these policies in the manner most appropriate to meet each individual's vocational rehabilitation needs.

Purpose of the Vocational Rehabilitation (VR) Program – 34CFR 361.1

The purpose of Title I of the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunities Act:

To provide a comprehensive, coordinated, effective, efficient, and accountable vocational rehabilitation program which is—

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

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

I. GENERAL POLICIES

Accommodations

Accommodations, including language and sign language interpreting, shall be provided, as needed, during the VR process to enable consumers to participate to the fullest extent possible in their plans for employment development and implementation. DVR shall not provide accommodations that are the legal responsibility of another party.

Agreements with Other Agencies 34 CFR 361.24

DVR staff must comply with the provisions of all contracts or memorandums of understanding (MOUs) between DVR and other agencies, organizations, community rehabilitation programs and other providers.

Appropriate Modes of Communication 34 CFR 361.5(a)(5)

Communication with the consumer or, as appropriate, the consumer's representative shall be supplemented, as necessary, by other appropriate modes of communication. The appropriate mode of communication shall be consistent with the informed choice of the consumer and enable the consumer to comprehend and respond to information that is being communicated.

Case Record 34 CFR 361.47

A case record shall be maintained for each individual served by DVR. The Integrated Rehabilitation Information System (IRIS) computer record is the official DVR case record.

The following must be documented in the IRIS case record:

- Information supporting the decision made regarding eligibility, order of selection, and significance of disability.
- Information supporting the development of a long-term vocational goal, services, and measures.
- Plan for employment and any amendments.
- Periodic reviews and evaluations of the plan for employment.
- Periodic assessments carried out during the provision of planned trial temporary work.
- Information supporting the provision of supported employment services.
- Specific data elements needed for all students with disabilities receiving pre-employment transition services.
- Education and Training entries to track Measurable Skills Gains (MSG) and Credentials.
- Consumer's request for an appeal and any decision or action resulting from that request.
- Information supporting the decision to close a consumer's case record, including verification of competitive integrated employment and wage documentation when applicable.

- Information to support the decisions and actions of DVR in providing, denying, or altering services and, as necessary, information to comply with case management needs including direct payment receipts and documentation.

If a consumer believes information in the case record is inaccurate or misleading, the request and content of the discussion with the consumer will be documented in the case record.

Citizenship and Residency 34 CFR 361.42(c)(1)

No duration of residence requirement shall be imposed on any consumer present in the state. Aliens with visas allowing them to work while in this country may be eligible for services. Please refer to [Legal Residency/Citizenship Guidance](#) and [Provision of Services to Non-Wisconsin Residents Guidance](#).

Client Assistance Program (CAP) Rehab Act Sec. 20

Each consumer shall be informed of the availability of CAP services throughout the vocational rehabilitation process. (See Consumer Rights and Responsibilities)

Community Resources 34 CFR 361.24

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

Confidentiality and Release of Information CFR 361.38

All personal information shall be kept confidential. Verbal and written information shall be released only with the informed, written consent of the consumer or, if appropriate, the consumer's representative. Please refer to the [Confidentiality Guidance](#) for policy guidance on releasing information.

Exceptions

- In the administration of the VR program.
 - Administration of the VR program consists of sharing consumer case information that is necessary for the VR program or facilitation of a consumer's DVR case, including: purchasing services as part of an Individualized Plan for Employment (IPE), coordinating services, obtaining comparable benefits, sharing information with auditors as part of a State audit, and sharing information with the Client Assistance Program (CAP) when a consumer has requested their assistance. For specific information on releasing information to CAP please refer to the [Confidentiality Guidance](#).
 - Information shared must be limited to what is necessary to meet the purpose at hand.
 - Information shared must be for the purpose of the VR program, **not** to meet the purpose of another program or a consumer's purpose outside of the VR program.
- As needed to protect the consumer from physical harm to self or others.
- In response to law enforcement, fraud, or abuse investigations.

- In response to a judicial order.
- When required by federal statute or regulation for an approved audit, research, or evaluation purposes.
- In suspected cases of abuse, neglect, exploitation, or endangerment, unless expressly prohibited by federal or state laws or regulations.
- Information obtained from another agency shall be released only by or under the conditions established by the other agency.

Consumers, through appropriate means of communication, and providers of information shall be advised of the confidentiality and release restrictions. Medical, psychological, and other information determined to be potentially harmful to the consumer shall not be directly released to the consumer but shall be released to another party chosen by the consumer. Information may be released to parents of minors or legal guardians under the same conditions as released directly to consumers.

Consumer Rights and Responsibilities Rehab Act Sec. 20/34 CFR 361.57

Consumers shall be advised of their rights, in writing, including the availability of the CAP, at the following points throughout the VR process:

- At the time they apply for services.
- When assigned to an OOS category.
- At the time of the decision that the consumer is not eligible for VR services.
- When the consumer's plan for employment is prepared or amended.
- When services are denied, reduced, suspended, or terminated.
- When a decision to close the case is made.
- Upon request at any time during the VR process by the consumer or, as appropriate, the consumer's representative.

For further information, see the [Due Process and Appeal Rights Guidance](#).

Each consumer shall be provided clearly defined responsibilities as they relate to the VR process, including financial responsibilities. Responsibilities will vary according to the abilities of each consumer and are defined within the counseling and guidance relationship.

Data Collection 34 CFR 361.12

DVR staff shall be responsible for the timely provision of accurate data necessary for the operation of DVR's management information and fiscal data system.

Due Process 34 CFR 361.57

A consumer or, if appropriate, a consumer's representative who is dissatisfied with any DVR decision concerning the furnishing or denial of services may request a timely review within 12 months of the determination. This process may include any or all the following:

Informal Resolution

When the consumer agrees, DVR shall use informal resolution procedures, including mediation. A consumer may choose to go directly to a formal hearing without participating in an informal resolution process.

Mediation

A qualified and impartial mediator trained in effective mediation techniques conducts mediation. This process is confidential, voluntary, and must be agreed to by both parties. Mediation is not to be used to deny or delay the right of a consumer to a hearing. Discussions that occur during the mediation process will not be used as evidence in any subsequent due process hearing or civil proceeding.

Impartial Hearing

The impartial hearing is performed by an impartial hearing officer selected from a pool of qualified individuals defined by DVR and the Wisconsin Rehabilitation Council.

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

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

The decision of the hearing officer is final and must be implemented pending a review by the court if either party chooses to file with the court. A request for review must be filed within 30 days of the decision of the hearing officer to the Circuit Court of Appeals.

DVR Staff Responsibility

DVR staff must respect consumers as individuals who have the right and responsibility to participate in and make decisions regarding their vocational futures.

DVR staff has the following responsibilities:

- To provide equal access to minorities and other underserved populations.
- To work in partnership with consumers to individually pursue, obtain, and maintain employment suited to their abilities, capabilities, and interests leading to independence, increased self-sufficiency, and full inclusion in society.
- To work in cooperation with other appropriate partners on behalf of the consumer.
- To provide individualized services to the consumer in an organized, planned manner and to exercise sound professional judgment in carrying out that responsibility.
- To provide technical assistance and guidance to individuals who require it to exercise informed choice, select an appropriate employment outcome, develop a plan of services, or develop requests for exceptions to the fee schedules.
- To provide training and technical assistance to employers regarding the employment of individuals with disabilities.
- When unable to work through a conflict with a consumer, to involve management and to inform the consumer of DVR consumer rights and the availability of CAP assistance.

Exception Process 34 CFR 361.50

DVR may not establish policies or fee schedules that place any arbitrary limit on the nature and scope of DVR services to be provided to the individual to achieve an employment outcome. DVR has an exception process that can be utilized when a consumer requires services and/or supports that are outside the scope of written policies, procedures, and fee schedules.

[DVR Exception Request/Process Form](#)

Informed Choice 34 CFR 361.52

Consumers must be provided with opportunities to participate actively and make meaningful and informed choices throughout the VR process, including consumer choice of:

- Evaluation and assessment services and providers.
- Vocational goals and responsibilities
- Services needed to complete individual plans for employment
- Service providers and methods used to procure such services.

Consumers shall be informed of their right to make informed choices. Consumers who require or request assistance in exercising informed choice shall be offered support services to assist in this process. Consumers may choose to involve family members, advocates, and other authorized representatives throughout the VR process.

[RSA Policy Directive on Informed Choice](#)

Referrals to Other Programs 34 CFR 361.37

Consumers will be provided accurate VR information and guidance, using appropriate modes of communication, to assist in preparing for, securing, retaining, or regaining employment.

Consumers will also be referred to other programs as appropriate, with referrals to federal or state programs, including programs carried out by other components of the statewide workforce investment system to best address the specific employment needs of the consumer. Consumers referred to other programs shall be provided:

- Notice of the referral by DVR to the agency carrying out the program.
- Information identifying a specific point of contact within the agency carrying out the program.
- Information and advice regarding the most suitable services to assist the consumer to prepare for, secure, retain, or regain employment.

Timeliness 34 CFR 361.41

DVR staff must ensure that all individuals with disabilities who are referred to, apply for, or receive VR services are treated in an equitable and timely manner. Timeliness will be defined individually, based on consumer needs and readiness for services. However, in general, the guidelines established in this section will be met when appropriate.

To allow time for proper planning, DVR will encourage other agencies to refer individuals for DVR services as soon as they become aware of the individual's interest in employment. In the case of high school students, DVR staff will comply with the language in the interagency agreement between DVR, the Department of Public Instruction (DPI), and the Department of Health Services (DHS). Students should be referred for DVR services at least two years prior to school exit and should have their IPE developed before they leave school.

On the date a referral is received it will be entered into the IRIS system. DVR will respond to referrals within five (5) business days. An orientation meeting or individual interview should take place within 30 days from the date of referral, unless the individual requests otherwise. Upon receipt of a signed application form, the case record will be opened.

DVR will complete eligibility determinations and Order of Selection category placement as soon as possible. The determination must be completed within 60 days of the receipt of the application unless the consumer and counselor have agreed upon an extension that has been approved by management. See *Requests for Extensions of Eligibility Determination and IPE Development Timelines* below.

DVR will complete the development of a consumer's IPE within 90 days of the date of eligibility or activation from the Order of Selection waiting list—whichever is later. Extensions to the 90-day limit may be requested by the counselor if circumstances beyond the control of DVR and the consumer make an extension necessary. An example of a circumstance beyond the control of the consumer and DVR is an IPE that cannot be written without an evaluation that cannot be completed within the 90-day period. Extension requests must be approved by the consumer, the counselor, and DVR management before they are granted.

[Extension Process for Eligibility and IPE Development](#)

II. ENTRY POLICIES

Referral 34 CFR 361.41

DVR will process all referrals and requests for information in an equitable and timely manner.

For individuals who have a potential need for and interest in VR services, a referral for services may be made by phone, mail, web, or electronic format. The individual or the individual's guardian (if under 18 or court-appointed) should consent to the referral being made. The [DVR Referral Form](#) is available but its use is not required if the minimum referral information is provided. For a referral to be made, the information provided to DVR must **minimally** include:

- First Name
- Last Name
- Date of Birth
- Street Address
- City, State Zip Code
- County they live in and want to receive services in (two questions)
- Preferred method of contact (then that method is required)
- Legal Guardian if applicable
- Disability
- How disability affects ability to work

On the date the referral is received, it should be entered into the IRIS system. DVR will respond to referrals within five (5) business days.

A referred individual will be scheduled for an individual interview or orientation meeting that should take place within 30 days of the date of referral, unless the individual requests otherwise.

At this meeting, DVR will share information on DVR roles and responsibilities in the process to assist the individual in making an informed choice when applying for services.

If, at this meeting, the referred person is interested in applying for DVR services, the individual or the individual's guardian, if appropriate, should answer any missing application questions and sign the application (completing the application process). If the individual is over the age of 18 and has a court-appointed guardian, documentation of guardianship is required prior to application acceptance. Documentation provided should be official court guardianship documents that include the type of guardian and the areas of decision-making where the guardian has authority to act. At this time, DVR should also begin gathering information for determining eligibility and priority for services.

[Referral Procedures](#)

Application 34 CFR 361.41

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

- Completed a DVR application by the consumer and/or parent/guardian.
 - Staff may obtain a verbal, email or letter agreement and document that in IRIS or obtain a signature, whichever is most efficient for that case.
- Provided the information necessary to initiate assessment to determine eligibility and priority for services.
- Is available to complete the assessment process.

[Guardianship FAQ](#)

If at any time an application for services is requested, it should be provided. If an individual provides DVR with a signed document requesting VR services, they are considered an Applicant.

Assessment for Determination of Eligibility 34 CFR 361.42

To be eligible for VR services, a consumer must:

- Have a physical or mental impairment that results in a substantial impediment to employment.
- Require VR services to prepare for, secure, retain, advance, or regain employment determined by a VR Counselor employed by DVR.

It is presumed that the consumer can achieve an employment outcome. Therefore, trial work experiences and extended evaluation are not used by DVR for determining an individual's initial eligibility for VR services because DVR presumes that everyone can work.

A consumer who is determined eligible for disability benefits under Title II or Title XVI of the Social Security Act (SSI or SSDI) is presumed to be eligible for VR services provided that the consumer intends to achieve an employment outcome. Completion of the application process for VR services is sufficient evidence of the individual's intent to achieve an employment outcome.

The assessment for determination of eligibility shall be based on a review of existing data, including VR Counselor observations, to the maximum extent possible. Information may be obtained, as necessary, from other programs and providers, such as educational institutions, Social Security Administration, physicians, hospitals and other information provided by the consumer or his/her family. The data used must describe the current functioning of the consumer.

If existing data does not describe the current functioning of the individual or is unavailable, insufficient, or inappropriate, DVR shall base its eligibility determination on an assessment of additional data resulting from the provision of VR services.

The determination of eligibility shall be made as soon as possible, but the time may not exceed 60 days after the consumer has applied for VR services. However, the consumer and VR Counselor may agree on a specific extension of time due to exceptional and unforeseen circumstances beyond the control of the consumer or DVR.

A written statement of eligibility must be included in the DVR case record. Consumers who are determined ineligible for VR services shall be informed of the decision in writing and be provided a full consultation including the reasons for the determination of ineligibility, notification of their appeal rights, and information about the Client Assistance Program (CAP).

Ineligibility determinations due to not requiring DVR services must be made by a licensed VR Counselor employed by DVR.

Eligibility and Order of Selection (OOS) Assessment Service

DVR will provide eligibility and OOS assessment services under a contractual relationship. This service is strongly encouraged for all DVR consumers to determine eligibility and OOS but is not required.

The contractor will provide qualified personnel to gather and review existing documentation or obtain additional information as needed to assess the existence of a physical or mental impairment, the functional assessment, and the impact to employment for the person applying for DVR services. The contractor will complete this initial assessment in accordance with DVR contractual arrangements and specifications.

If the contracted agency needs to obtain additional information, the agency will notify DVR as soon as this is identified, and DVR will authorize necessary service(s). DVR staff maintains authority to determine an applicant's eligibility and OOS placement. With consideration to the assessment provided by the contractor, a DVR Counselor will also determine whether the applicant requires VR services to prepare for, secure, retain, advance, or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

III. RECEIVING SERVICES POLICIES

Order of Selection (OOS) 34CFR 361.42

At any time that DVR resources are not sufficient to serve all eligible consumers, an order of selection for services shall be implemented. Highest priority (category 1) shall be given to consumers with the most significant disabilities. Second priority (category 2) shall be given to consumers with significant disabilities, and third priority (category 3) to all other eligible individuals. Eligible consumers will be served as resources allow.

Category 1: A consumer has a *most significant disability* if a mental or physical impairment seriously limits four or more of the consumer's functional capacities in terms of an employment outcome and the consumer's vocational rehabilitation requires multiple services over an extended period.

Category 2: A consumer has a *significant disability* if a mental or physical impairment seriously limits one to three of the consumer's functional capacities in terms of an employment outcome and the consumer's vocational rehabilitation requires multiple services over an extended period.

Note: An allowed SSDI beneficiary or SSI recipient is presumed to be, at least, an individual with a significant disability.

Category 3: Other eligible consumers include those who do not have a disability that seriously limits one or more functional capacities and do not require multiple services over an extended period. Also included in this category are all consumers who do not require multiple services over an extended period of time.

After a consumer is found eligible for VR services, an OOS determination is completed. An assessment of existing and/or additional data, to the extent needed to make this determination, may be conducted. The VR Counselor, jointly with each consumer, shall evaluate the consumer's functional limitations and anticipated scope of services in the OOS determination.

This policy does not affect consumers who have already begun receiving services under an approved plan for employment prior to the implementation date of the OOS or those who are in need of post-employment services. Each consumer must be notified in writing, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of the OOS determination. Consumers in a closed category are offered referral services and the option to be placed on a waiting list until the consumer is activated for VR services. Each consumer in a closed category will be contacted annually to determine if additional information is available.

[OOS Category Description](#)

Individualized Plan for Employment CFR 361.45

Options for Developing a Plan for Employment

The plan for employment should be developed as soon as possible, but the time shall not exceed 90 days after the consumer is activated from an OOS waiting list unless a time extension request has been granted.

DVR shall complete the comprehensive assessment for determining VR needs, as appropriate. The purpose of the comprehensive assessment is to determine the employment outcome and the nature and scope of VR services. DVR shall provide the consumer, or as appropriate, the consumer's representative, in writing and in an appropriate mode of communication, with information on the consumer's options for developing a plan for employment, including the option that an eligible individual or, as appropriate, the individual's representative may develop all or part of the individualized plan for employment, without assistance from the State unit or other entity.

These options include:

- The availability of assistance from a VR counselor, to the extent determined to be appropriate by the consumer, to develop all or part of the plan for employment.
- The availability of technical assistance in developing all or part of the plan for employment.
- A description of the full range of components that shall be included in a plan for employment.
- As appropriate:
 - An explanation of the DVR guidelines and criteria associated with financial commitments concerning a plan for employment.
 - Additional information the consumer requests or DVR determines to be necessary.
 - Information on the availability of assistance in completing the DVR forms required in developing a plan for employment.
 - Review of the Consumer Responsibilities Agreement.
- A description of the rights available to such a consumer including, if appropriate, due process and mediation.
- A description of the availability of the Client Assistance Program (CAP) and information about how to contact the CAP.
- Review and completion of the Consumer Fiscal Responsibilities Agreement.
- Individuals receiving SSI or SSDI must be provided the information on additional supports available to them including benefits counseling.

Mandatory Procedures

- **Written Document.** A plan for employment shall be a written document prepared on forms provided by DVR.
- **Informed Choice.** The plan for employment shall be developed and implemented in a manner that affords the consumer the opportunity to exercise informed choice in selecting an [employment outcome](#). Components of informed choice include:

1. The employment setting.
 2. The specific VR services needed to achieve the employment outcome.
 3. The settings in which the services will be provided.
 4. The entity that will provide the VR services.
 5. The methods available for procuring the services.
- **Transition.** For high school students who are eligible for development of a plan for employment, the plan for employment will be completed prior to the consumer leaving high school.

Signatories

A plan for employment shall be:

1. Agreed to and signed by the consumer or, as appropriate, the consumer's representative.
2. Approved and signed by a VR Counselor employed by DVR.

Copy

A copy of the plan for employment and any amendments to the plan shall be provided to the consumer or, as appropriate, to the consumer's representative, in writing, and, if appropriate, in the native language or mode of communication of the consumer or, as appropriate, the consumer's representative.

Review and Amendment

- The plan for employment shall be reviewed, at least annually, by a VR Counselor and the consumer or, as appropriate, the consumer's representative. The review must include the signed Consumer Fiscal Responsibilities Agreement, the signature of the counselor, and the signature of the consumer or, as appropriate, the consumer's representative.
- The plan for employment shall be amended, as necessary, by the consumer or, as appropriate, by the consumer's representative in collaboration with DVR staff. An amendment is only necessary if there are substantive changes in the employment outcome, VR services to be provided, or providers of the services.

Amendments are not to take effect until agreed to and signed by the consumer or, as appropriate, the consumer's representative, and by a VR Counselor employed by DVR.

Mandatory Components of a Plan for Employment

The plan for employment shall contain, at a minimum, the following mandatory components:

1. A description of the [specific competitive integrated employment outcome](#) chosen by the consumer that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice (except in the case of a student, the description may be of their post-school employment outcome).
2. Timelines for the achievement of the employment outcome.
3. A description of the specific services to be provided in an integrated setting, including pre-employment transition services.
4. Timelines for the initiation of the services.

5. A description of the entity/entities chosen by the consumer, or, as appropriate, the consumer's representative, to provide the services.
6. The methods chosen by the consumer to procure the services.
7. A description of criteria to evaluate progress toward achievement of the employment outcome.
8. The terms and conditions of the plan for employment, including information describing:
 - Consumer responsibilities in relation to the employment outcome.
 - Expectations and outcomes needed to measure satisfactory progress.
 - The responsibility of the consumer in applying for and securing comparable benefits.
 - DVR responsibilities.
 - The responsibilities of other entities because of arrangements made pursuant to comparable services or benefits.
 - The participation of the consumer in paying for the costs of services.
9. For a consumer with the most significant disabilities with an employment outcome in a supported employment setting, information identifying:
 - The extended services needed by the consumer.
 - The source of extended services or, if a source of extended services cannot be identified at the time of employment plan development, a description of the method for reasonably concluding that such source will become available.
10. A statement of projected need for post-employment services.
 - Post-employment services are additional services or supports that the consumer requires to maintain their job. These services are intended to occur during the follow-along period which is a minimum of 90 days.

VR Services for Consumers CFR 361.48 (b)

VR services are any services described in a plan for employment that are “necessary and appropriate” to assist a consumer in preparing for, securing, retaining, advancing or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the consumer, including:

1. Assessment for determining eligibility and priority for services by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology, in accordance with §361.42.
2. Assessment for determining vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology, in accordance with §361.45.
3. Vocational rehabilitation counseling and guidance, including information and support services to assist an individual in exercising informed choice in accordance with §361.52.
4. Referral and other services necessary to assist applicants and eligible individuals to secure needed services from other agencies, in accordance with §§361.23, 361.24, and 361.37, and to advise those individuals about client assistance programs established under 34 CFR part 370.

5. In accordance with the definition in §361.5(c)(39), physical and mental restoration services, to the extent that financial support is not readily available from a source other than the designated State unit (such as through health insurance or a comparable service or benefit as defined in §361.5(c)(10)).
6. Vocational and other training services, including personal and vocational adjustment training, advanced training in, but not limited to, a field of science, technology, engineering, mathematics (including computer science), medicine, law, or business books, tools, and other training materials.

Note: 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 not be paid for with funds under this part unless maximum efforts have been made by the State unit and the individual to secure grant assistance in whole or in part from other sources to pay for that training. See [Addendum A](#) of this policy for additional information regarding the participation of DVR in the cost of post-secondary training.

7. Maintenance for additional costs, such as expenses for food, shelter, and clothing, incurred while participating in an assessment for determining eligibility and VR needs or while receiving services under a plan for employment. Maintenance is provided when relocation is necessitated by the IPE, is feasible and results in increased costs to the consumer. If commuting and relocation are both feasible, the consumer will have the choice. However, DVR costs will be limited by the less costly of the two alternatives.
8. Transportation, including training in the use of public transportation vehicles/systems. Transportation can only be provided in connection with the provision of a service within in this section that is needed by the consumer to achieve an employment outcome.
9. Vocational rehabilitation services to family members, as defined in §361.5(c)(23), of an applicant or eligible individual if necessary, to enable the applicant or eligible individual to achieve an employment outcome.
10. Interpreter services, including sign language and oral interpreter services, for individuals who are deaf or hard of hearing, and tactile interpreting services provided by qualified personnel for individuals who are deaf-blind.
11. Reader services, rehabilitation teaching services, and orientation and mobility services for individuals who are blind.
12. Job-related services, including job search and placement assistance and job retention, follow-up, and follow-along services.
13. Supported employment services in accordance with the definition in §361.5(c)(54). Supported employment services, including ongoing support and other appropriate services needed to support and maintain a consumer with a most significant disability in supported employment, provided singly or in combination, and organized and made available to assist the consumer in achieving competitive employment. Supported employment services are provided based on a determination of the needs of the consumer and specified in a plan for employment. Supported employment services are provided for up to a maximum of 24 months unless, under special circumstances, the consumer and

the VR Counselor agree to extend the time to achieve the rehabilitation objectives identified in the plan for employment.

14. Personal assistance services in accordance with the definition in §361.5(c)(39).
15. Post-employment services in accordance with the definition in §361.5(c)(42).
16. Occupational licenses, tools, equipment, initial stocks, and supplies.
17. Rehabilitation technology in accordance with the definition in §361.5(c)(45), including vehicle modification, telecommunications, other technological aids/devices.
18. Transition services for students and youth with disabilities, that facilitate the transition from school to postsecondary life, such as achievement of an employment outcome in competitive integrated employment, or pre-employment transition services for students.
19. Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent those resources are authorized to be provided through the statewide workforce development system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome.

20. Customized employment means competitive integrated employment, for an individual with a significant disability, that is—
 - o Based on an individualized determination of the unique strengths, needs, and interests of the individual with a significant disability.
 - o Designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer; and,
 - o Carried out through flexible strategies, such as:
 - a) Job exploration by the individual; and
 - b) Working with an employer to facilitate placement, including:
 - i. Customizing a job description based on current employer needs or on previously unidentified and unmet employer needs.
 - ii. Developing a set of job duties, a work schedule and job arrangement, and specifics of supervision (including performance evaluation and review), and determining a job location.
 - iii. Using a professional representative chosen by the individual, or if elected self-representation, to work with an employer to facilitate placement; and
 - iv. Providing services and supports at the job location.

Note: Customized Employment services are provided based on a determination of the needs of the consumer and specified in a plan for employment. If the consumer is receiving Customized Employment Services as Supported Employment, those services can be provided for up to a 24-month maximum unless, under special circumstances, the consumer and the VR counselor agree to extend the time in order to achieve the rehabilitation objectives identified in the employment plan. Customized Employment can be used in Supported Employment, but the consumer does not have to require Supported Employment services to do Customized Employment.

22. Other goods and services necessary to assist a consumer to retain, regain, or advance in employment. DVR services are to be provided in an integrated setting, must meet the

competitive employment standard, and follow procedures and/or [Technical Specifications](#) outlined for those services.

Pre-Employment Transition Services for Students 34 CFR 361.48 (a)

WIOA requires each state, in collaboration with schools, to ensure that Pre-Employment Transition Services are provided to **all** students with disabilities in need of services. These services must be made available statewide to **all** students with disabilities regardless of whether the student has applied to DVR or has been determined eligible for DVR services.

Student with a Disability

A Student with a disability is an individual who:

- Is in high school or a post-secondary educational training program.
- Is aged 14-21.
- Is eligible for, and receiving, special education or related services under Part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) **or** is an individual with a disability, for purposes of section 504.

Required Pre-Employment Transition Services

For additional information, see the DVR [Pre-ETS Policy Guide](#). [Pre-ETS Desktop Reference](#)

- Job exploration counseling
- Work-based learning experiences, which may include in-school or after school opportunities, experiences outside of the traditional school setting, and/or internships
- Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs
- Workplace readiness training to develop social skills and independent living
- Instruction in self-advocacy

Potentially Eligible Student

A potentially eligible student must meet the definition of a student who has not yet been determined eligible or ineligible for DVR services.

Services must be limited to Pre-Employment Transition Services (Pre-ETS). The potentially eligible student with a disability cannot be provided additional services with DVR funding, such as, supported employment, post-secondary training, or assistive technology. If these services are needed, students must apply for DVR services, otherwise Pre-ETS dollars may not be used.

Reader and interpreter services are considered accommodations and can be provided to support Pre-ETS as an auxiliary service.

[Transition Action Guide \(TAG\)](#)

Subminimum Wage for Youth with Disabilities CFR 397.20

DVR must provide documentation in collaboration with the local school district of specific services to youth ages 14-24 if those individuals are known by DVR to be seeking subminimum

wage work. This documentation must be provided as soon as possible but no later than 45 days after services are completed, or 90 calendar days, if additional time is necessary due to extenuating circumstances which should be interpreted narrowly. The documentation must include the following:

- Pre-Employment Transition Services provided by the school and/or DVR as applicable
- Application for DVR where they are found eligible or ineligible
- Youth had an approved IPE with a competitive integrated employment goal
- Youth with a disability was unable to achieve the employment outcome specified in their IPE and has a closed case with DVR
- Youth received career counseling, and information and referrals from DVR to other Federal and State programs and other resources in the individual's geographic area that offer employment-related services and supports to enable the individual to explore, discover, experience, and attain competitive integrated employment.

[Documentation Required for Youth Seeking Subminimum Wage Employment](#)

VR Services for Employers

DVR provides services to employers to promote the recruitment, hiring, retention, and advancement of individuals with disabilities. We work to support an integrated business services system that promotes communication with workforce partners, leverages available workforce resources to meet the needs of employers, and measures success through common performance indicators. DVR's role is to develop and sustain relationships with Wisconsin businesses, design solutions to meet business needs, connect businesses to DVR's talent pool, and engage other workforce partners as needed.

[DVR Services for Employers](#)

DVR's focus is to inform businesses about the benefits and opportunities associated with a workforce that is diverse and inclusive, and support business to develop that workforce. DVR values employer input into the VR program. DVR and workforce partners engage in activities that include employer input on workforce topics. Within the core services to business, DVR adds value by:

- Informing businesses about the DVR talent pool and the full collection of DVR programs, services, and incentives.
- Informing employers about opportunities to provide work-based learning and career exploration options to students and youth through internships, work experiences, and pre-employment transition services.
- Enabling employers to recruit, job match, hire, train, and retain qualified talent from the DVR talent pool.
- Connecting employers to community resources that support individuals with disabilities.
- Providing consultation, technical assistance, and support to employers on workplace accommodations, assistive technology, and accessibility.

- Providing information and consultation regarding employment of people with disabilities, including the benefits/return on investment of enhancing diversity in the workplace, disability awareness, and the Americans with Disabilities Act.

Annual Outreach and Review Services CFR 397.40

DVR will provide this service under a contractual relationship. DVR is required to provide annual outreach and review services for individuals earning subminimum wages under a 14c certificate. DVR is responsible for providing the required services only when an individual becomes known to DVR. The individuals will receive information about career counseling, supported employment, customized employment, career advancement, benefits counseling, and referrals to DVR and other available job placement resources within their local communities.

For individuals hired at subminimum wage, these services must be carried out once every six months for the first year of the individual's subminimum wage employment, and annually thereafter for the duration of such employment. Intervals will be calculated based upon the date an individual becomes known to DVR. An individual may become known to DVR via self-identification by the person with a disability, via referral by a third party, through the individual's involvement with the vocational rehabilitation process, or any other method.

Individuals will receive documentation as soon as possible, but no later than 45 days after services are completed, or 90 calendar days if additional time is necessary due to extenuating circumstances, which should be interpreted narrowly. At a minimum, documentation must include:

- 1.) Name of the individual with a disability
- 2.) Description of service or activity completed
- 3.) Name of the provider of the required service or activity
- 4.) Date required service or activity completed
- 5.) Signature of the individual documenting completion of the required service or activity
- 6.) Date of signature
- 7.) Signature of DVR personnel transmitting documentation to the individual with a disability
- 8.) Date and method by which document was transmitted to the individual

[Annual Outreach and Review Service](#)

IV. PAYMENT OF SERVICES POLICIES

Comparable Services and Benefits 34 CFR 361.5(a)(10)

Before providing any VR services to a consumer, or members of a consumer's family, except for services exempt from determination of comparable benefits, DVR staff must determine if comparable benefits or services exist under any other federal, state, or local public agencies, by health insurance, or by employee benefits, and whether those benefits or services are available to the consumer at the time needed. Services and benefits provided by non-profits (e.g., charities, churches, Goodwill, clothing banks, etc.) and consumer Plan to Achieve Self Support (PASS) plans through the Social Security Administration, ABLE accounts, and Individualized Development Accounts (IDAs) are not considered comparable services or benefits.

If available, the comparable benefits and services shall be used in whole or in part to cover the cost of VR services, unless such determination would interrupt or delay:

- The progress of the consumer toward achieving the employment outcome identified in the plan for employment.
- An immediate job placement.
- The provision of such service to any consumer at extreme medical risk.

The following services are exempt from the determination of comparable benefits:

- Assessment for eligibility and plan for employment needs.
- VR counseling and guidance.
- Referral and other services to secure services from other agencies.
- Placement services.
- Rehabilitation technology.

Comparable benefits do not include awards and scholarships based on merit. All comparable benefits must be included in the IPE.

Financial Contribution 34 CFR 361.54

Wisconsin DVR will not apply or require a financial needs test as a condition for providing most VR services. A financial needs test, as applied by the Free Application for Federal Student Aid (FAFSA), is required for post-secondary education services.

Consumers shall be advised that they can voluntarily participate in the cost of the services listed in their plan for employment but are not required to do so.

Consumers are required to review and sign the [Consumer Fiscal Responsibilities Agreement](#) at the time of IPE development. Consumers will also review this agreement annually or as applicable.

Fee Schedules 34 CFR 361.50(c)

Rates of payment for the fee schedule and for contracted services are established to ensure a reasonable cost to the program for each service, not so low as to deny an individual a necessary service, not absolute, and permitting exceptions so that individual needs can be addressed.

DVR fee schedule rates of payment are determined based upon a competitive pricing analysis and an analysis of DVR costs for these services over a period of time not less than one year, but no more than two years. As appropriate, DVR will set rates based upon approved state, county, or federal rates for the same purchased services. If this process is used, it will be specified in the fee schedule.

- [Policy Manual Addendum A - Training Grant](#)
- [Policy Manual Addendum B - Computers, Medical Services, Occupational Tools, Transportation, Child Care, Maintenance, Self-Employment Business Start-Up](#)
- [Statewide Fee Schedule](#)
- [Self-Employment - Feasibility & Business Plan](#)

DVR has established specific agreements with providers of several commonly used and provided statewide services. Each of these agreements has been described in the [Technical Specifications](#) to ensure a consistent level of service delivery. The rate of payment for these services is based upon the average time and cost of providing the service as described in the [Technical Specifications](#) and is established with input from providers.

Services provided under these agreements include:

- Benefits Analysis Fees
- Internship/Temporary Work Fees
- Systematic Instruction (Other than Supported Employment)
- Job Preparation, Development and Placement Fees
- Supported Employment Fees
- Vocational Evaluation Fees
- Reimbursement for Service Provider Mileage
- Customized Employment
- IPS
- Project SEARCH
- Walgreens REDI
- Student Tech Specs
- Job Shadows

WDAs may develop rates, procedures, and [Technical Specifications](#) for other services not on the [Statewide Contracted Service Fee Schedule](#).

DVR has established an **exception process**, [DVR Exception Request/Process Form](#), to be utilized if a consumer has a service need exceeding the published fee amount for services covered by a fee schedule.

Rate of Payment Determination 34 CFR 361.50(c)

DVR will determine reasonable rates for services. A service that will meet the consumer's need *at the least cost to DVR* shall be the service purchased.

- If a service is listed on a fee schedule the associated fee listed will determine the **maximum** DVR will contribute to the purchase.
- For purchases of goods and services not included on a fee schedule **or** are listed on the fee schedule as “**up to**” amounts, **comparisons among three providers** must be sought.
 - When there is more than one provider, the lowest price will be the maximum DVR will contribute to the purchase.
 - If there is only a single provider, the reasonable rate charged for the service, not to exceed the rate charged other public agencies, will be used.

[Refer to Rate of Payment Determination & Required Documentation Chart](#)

In all purchasing, the consumer may choose their preferred provider. In making this selection, if the consumer chooses a product or provider that exceeds the maximum rate of payment established by the above procedures, the consumer will be responsible for the excess amount unless an exception has been granted. DVR shall not place a dollar limit on specific service categories or on the total services provided to the consumer.

[DVR Fiscal Responsibilities Form](#)

The procedures described in [DVR Exception Request/Process Form](#) shall be used to request, review, and document approval of purchases of goods and services that exceed the prices established by provider comparisons, contracts, or fee schedules. DVR shall not be responsible for the cost of out-of-state services in excess of the cost of in-state services if either service would meet the consumer's needs.

Required Fiscal Case Documentation 34 CFR 361.50

[DVR Fiscal Practices Manual](#)

For goods and services costing \$1,500 or more, not covered by a fee schedule, or listed on the fee schedule as an “up to” amount, written quotes documenting price comparison from three providers is required. **Note:** If fewer than three providers are available or the good or service is available through a sole source provider, written quotes documenting price comparison from available providers are required.

Information supporting the rate of payment determination for purchases of goods and services costing \$500 - \$1,499, not covered by a fee schedule, or listed on the fee schedule as an "up to" amount (e.g., internet comparison, ad searches, calls to vendors, etc.) is required.

For items costing under \$500, information supporting the rate of payment determination is recommended, but not required. Please see the [Rate of Payment Determination & Required Documentation Chart](#) for more information.

An approved exception request is required to purchase goods and services if the purchase price exceeds the lowest price obtained through a three-price comparison. Case noting of DVR management approval of rates of payment and programmatic approval for purchases as determined by the fiscal purchasing procedures and/or exception process are also required. See the [Fiscal Manual](#) for information on case noting of DVR management approval for prior authorization exceptions or significant deviations from original authorized amounts.

For direct payments, verification that the consumer received the purchased goods or services **and** documentation in IRIS that the money paid to the consumer was spent as intended by DVR is required. Verification includes receipts indicating that the consumer paid for the goods or services. See the [Fiscal Manual](#) for verification policy and process.

Documentation of action taken is required when:

- The consumer does not provide adequate documentation verifying that goods and services were received and used as intended. See [Fiscal Manual](#) for collection procedures and unable to verify review process.
- A provider does not deliver adequate documentation that the services authorized by DVR were provided as intended by DVR.
- If there is evidence obtained that a consumer receiving DVR service through misrepresentation, fraud, collusion or criminal conduct on the part of the consumer or the consumer's representative, discuss the situation with their WDA Director or Supervisor. Actions can be taken including recoupment, collection, and criminal procedures. See [Fiscal Manual](#). (34 CFR 361.57)
 - Fraud is when someone uses wrongful or criminal deception intended to result in financial or personal gain.

Authorization for Services 34 CFR 361.50(e)

All purchased services shall be authorized in the file, as outlined in the [Fiscal Manual](#), prior to the provision of services and according to all legal, state purchasing, DWD, and DVR requirements. The Bureau of Consumer Services Director or Assistant Director, as designated by the Administrator, may approve exceptions as allowed by law or regulation to the above policy on an individual case basis. Depending on the circumstances, failure to follow these procedures could result in employee discipline. The consumer or service provider could be liable for unauthorized costs. See [Fiscal Manual](#).

Service Provider Standards 34 CFR 361.51

Providers of DVR services shall be licensed, certified, registered, or otherwise accredited, as applicable, for the occupation, facility, or service provided **or** in the absence of these requirements, other equivalent competency assurances. Any facility in which services are provided shall meet the accessibility and the civil rights compliance standards required by law. This shall include meeting the special communication needs of consumers. Providers shall also take affirmative action to employ and advance employment of individuals with disabilities.

V. CLOSURE POLICIES

Closure Too Significantly Disabled to Benefit from VR Services 34 CFR 361.43 (e)

Due to Wisconsin DVR's presumption that all applicants can benefit from VR services, a consumer's case cannot be closed from applicant status because the individual is too significantly disabled to benefit. If, however, at any other time in the case process it appears that the individual is too significantly disabled to benefit from VR services, an IPE will be written or amended to assess the individual's ability to participate in and benefit from VR services. Trial temporary work meeting the criteria for temporary work is a required service for these plans. If trial temporary work is not available, alternate evaluation services must be provided in integrated and competitive settings consistent with the individual's informed choice. The decision to close a case due to the severity of an individual's disability can only occur after a variety of trial temporary work opportunities over a sufficient period result in clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome. No one assessment strategy alone can result in clear and convincing evidence.

Consumers with cases that are closed because the individual is incapable of benefiting from VR services in terms of an employment outcome will be provided an opportunity for a review of that decision annually after case closure and at any time thereafter at the request of the consumer. The review will assess whether the consumer's condition may have changed and if reapplication for services is appropriate.

Closure Prior to Eligibility 34 CFR 361.44

A consumer's case shall be closed without an eligibility determination when the consumer declines to participate, refuses services, fails to cooperate, has died, or is institutionalized. The case shall also be closed if the consumer is unavailable to complete an assessment for determining eligibility for an extended period, and DVR has made multiple attempts to contact the consumer or, as appropriate, the consumer's representative to encourage participation using multiple methods, including the person's preferred mode of contact.

Closure Due to Ineligibility 34 CFR 361.43

The consumer or, if appropriate, the consumer's representative shall be provided an opportunity for a full consultation of an ineligibility decision before the consumer's case is closed due to ineligibility. Multiple attempts and multiple methods must be used to contact the consumer. The consumer shall also be offered referral services.

Closure After Eligibility Determination

A consumer's case shall be closed after eligibility:

- When it has not been possible to develop a plan for employment.
- After the achievement of an employment outcome.
- When VR services are no longer necessary or appropriate.

- If the consumer fails to cooperate.
- If the consumer does not achieve satisfactory progress in a plan for employment.
- If the consumer is no longer eligible (consultation with supervisor is required).

The consumer or, if appropriate, the consumer's representative shall be provided an opportunity to discuss the closure decision before closure. Multiple attempts and multiple methods, including the consumer's preferred mode of contact, must be used to contact the consumer.

Closure after Achieving an Employment Outcome 34 CFR 361.56

[U.S. DOE RSA CIE Definition FAQ](#)

A consumer has achieved an employment outcome only if the following requirements are met and documented:

- Services provided under a plan for employment have contributed to the achievement of the employment outcome.
- The individual has achieved the employment outcome described in the individual's plan for employment.
- The employment outcome is in the most integrated setting possible and is consistent with the consumer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
- The consumer is compensated at or above the minimum wage and receives at least the customary wage and benefit level paid to other individuals performing similar work for the same employer with the opportunity for advancement.
- Employment has been maintained for **at least 90** calendar days.
- The consumer and VRC consider the employment to be satisfactory and agree the consumer is performing well on the job.
- Wage documentation has been obtained and included in case file.
- The employment is stable, and the consumer no longer requires VR services to maintain the employment.

Note: Work in a non-integrated or sheltered setting (extended employment) or unpaid work is not considered an employment outcome per WIOA.

Closure after Achieving an Employment Outcome in Supported Employment 34 CFR 363.55

A consumer's case shall be closed when the consumer is working in supported employment in a competitive, integrated work setting. For information on competitive, integrated work settings, see the [U.S. DOE RSA CIE Definition FAQ](#) . There should be confirmation of long-term support services (e.g. Family Care/IRIS) after case closure by another party identified in the plan for employment. Closure occurs no sooner than 90 days after transition to extended support services. Consumers must be compensated in accordance to Sec 14 (c) of the Fair Labor Standards Act.

Notification of Closure Rehab Act Section 102(c) (2)

A consumer whose case is closed for any reason, except death or no known address, shall be notified, in writing, of the case closure, the type of closure, the reasons for the closure, the right to appeal the closure decision and the process for appeal, including the availability of the Client Assistance Program to assist with an appeal. Qualified personnel shall offer a consumer an opportunity for full consultation of the case closure before the closure. Notification to the consumer or, as appropriate, the consumer's representative shall be supplemented, as necessary, by other appropriate modes of communication consistent with the consumer's informed choice.

Review of Consumers Working under a Sub-Minimum Wage Certificate CFR 361.55

If a consumer's case is closed because the individual has been working under a sub-minimum wage certificate, a semiannual review shall be conducted each year for two years, and annually thereafter. A consumer or, if appropriate, the consumer's representative may request additional reviews. The review determines the interests, priorities, and needs of the consumer with respect to competitive employment or training for competitive employment. A consumer or, if appropriate, the consumer's representative shall have input into the [review/reevaluation and sign an acknowledgment](#). Maximum efforts will be made to assist these consumers in engaging in competitive employment. For additional information, refer to the [Annual Review - Closed Working Under Sub-Minimum Wage Certificate Guidance](#).

Equal Opportunity Statement

DWD is an equal opportunity employer and service provider. If you have a disability and need assistance with this information, please dial 7-1-1 for Wisconsin Relay Service. Please contact the Division of Vocational Rehabilitation at (608) 261-0050 or toll-free at (800) 442-3477 to request information in an alternate format, including translated to another language. For further information, visit the [DVR Website](#).

DVR Program Policy Manual Addendum A: DVR Training Grant Fee Schedule

The DVR Training Grant fee schedule, effective August 2017, can be found on the [DVR Policy Addendum A](#) page.

DVR Program Policy Manual Addendum B: DVR Fee Schedule

The DVR general fee schedule, effective August 2017, can be found on the [DVR Policy Addendum B](#) page.