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Vocational Rehabilitation Services

Secs. 10-306-1—10-306-14.

Repealed, November 6, 1998.

Sec. 10-306-1a. Description

(a) These regulations shall apply to the Board of Education and Services for the Blind in its implementation of vocational rehabilitation services as described in Section 10-306 of the Connecticut General Statutes. For the purposes of administering the Rehabilitation Act of 1973 as amended, the Board of Education and Services for the Blind shall be the sole state agency designated to provide rehabilitative services to persons who are legally blind or have lessened visual acuity. The Agency shall maintain a Vocational Rehabilitation Division as the state unit that is primarily concerned with vocational rehabilitation for the purposes of placing and maintaining individuals who are legally blind or have lessened visual acuity in remunerative employment.

(Adopted effective November 6, 1998)

Sec. 10-306-2a. Definitions

(a) The definitions provided by Sections 10-294a and 10-306 of the Connecticut General Statutes shall govern the interpretation and application of these regulations.

(b) In addition hereto and except as otherwise required by context, the following definitions shall apply.

(1) “Act” refers to the Rehabilitation Act of 1973, as amended (29 USC Section 701 et seq.).

(2) “Administrative Review” means an informal review process which may be used if it is likely to result in a timely resolution of disagreements in which the applicant or client is dissatisfied with the action or inaction in the provision or denial of vocational rehabilitation services.

(3) “Agency” refers to the State of Connecticut Board of Education and Services for the Blind.

(4) “Applicant” refers to a person who has applied for vocational rehabilitation services from the Board of Education and Services for the Blind in accordance with Section 10-306-3a (b)(1) of the Regulations of Connecticut State Agencies.

(5) “Appropriate Modes of Communication” means 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.

(6) “Assessment for Determining Eligibility and Priority for Services” refers to the initial examinations to determine whether an individual is eligible for vocational rehabilitation services or is eligible for extended evaluation services to determine eligibility, and the individual’s priority under an order of selection.

(7) “Assistive Technology Device” means 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 visual disability of legal blindness as specified in Section 10-294a of the Connecticut General Statutes.

(8) “Assistive Technology Service” means any service that directly assists an individual with a disability of legal blindness in the selection, acquisition, or use of an assistive technology device.

(9) “Attendant” refers to a person who attends to an individual for purposes of assisting the individual with personal care.

(10) “Blindness.” The definition provided by Section 10-294a of the Connecticut General Statutes shall apply.

(11) “Board of Directors” means a body of individuals, appointed by the governor, which adopts regulations for determining what persons shall receive benefits under the provisions of Chapter 174 of the Connecticut General Statutes.

(12) “Case Closure” refers to the formal conclusion of active participation by an individual in vocational rehabilitation services.

(13) “Clear and Convincing Evidence” means that the agency has a high degree of certainty before it can conclude that an individual is incapable of being employed as a result of vocational rehabilitation services.

(14) “Client” refers to a person who is receiving vocational rehabilitation services from the Vocational Rehabilitation Services Division or who has been determined to be eligible for such services.

(15) “Client Assistance Program.” A client assistance program (CAP) was established by the Rehabilitation Act Amendments of 1984. Persons eligible for client assistance program advocacy assistance are those who are receiving or seeking services under the Rehabilitation Act of 1973, as amended. CAP is free of charge and available to all persons applying for or receiving vocational rehabilitation services.

(16) “Community Rehabilitation Program” means:

(A) a program that provides directly or facilitates the provision of one or more of the following vocational rehabilitation services to persons who are legally blind to enable those individuals to maximize their opportunities for employment, including career advancement:

(i) Medical, psychiatric, psychological, social, and vocational services that are provided under one management.

(ii) Testing, fitting, or training in the use of prosthetic and orthotic devices.

(iii) Recreational therapy.

(iv) Physical and occupational therapy.

(v) Speech, language, and hearing therapy.

(vi) Psychiatric, psychological, and social services, including positive behavior management.

(vii) Assessment for determining eligibility and vocational rehabilitation needs.

(viii) Rehabilitation technology.

(ix) Job development, placement, and retention services.

(x) Evaluation or control of specific disabilities.

(xi) Orientation and mobility services for individuals who are legally blind.

(xii) Extended employment.

(xiii) Psychosocial rehabilitation services.

(xiv) Supported employment services and extended services.

(xv) Services to family members if necessary to enable the applicant or eligible individual to achieve an employment outcome.

(xvi) Personal assistance services.

(xvii) Services similar to the services described in subclauses (i) through (xvi) of subparagraph (A) of subdivision (1) of this subsection.

(B) 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.

(17) “Comparable Services and Benefits” means services and benefits that are:

(A) provided or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits;

(B) available to the individual at the time needed to achieve the intermediate rehabilitation objectives in the individual’s individualized written rehabilitation program (IWRP) in accordance with Section 10-306-14a of the Regulations of Connecticut State Agencies; and

(C) commensurate to the services that the individual would otherwise receive from the Vocational Rehabilitation Services Division.

(18) “Competitive Employment” means work:

(A) in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and

(B) for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work in the local community performed by individuals who are not legally blind.

(19) “Comprehensive Assessment” means an analysis, when necessary, of information concerning the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and needs, including the need for supported employment services, of an eligible individual, in the most integrated setting possible, consistent with the informed choice of the individual. The comprehensive assessment shall be limited to information that is necessary to identify the vocational rehabilitation needs of the individual and develop the IWRP.

(20) “Consultant” refers to a physician, psychologist, or other individual retained by the agency to provide counselors with medical, psychiatric, psychological, or other information and recommendations relative to the disabilities of applicants.

(21) “Counseling and Guidance” refers to a service involving the provision of professional advice and guidance to an individual using methods such as collection and analysis of medical, personal, social, and vocational data; aptitude and interest testing; and personal interviews.

(22) “Diagnostic and Evaluative Services” refers to any medical, psychological, social, or vocational procedures that are necessary at any stage of the vocational rehabilitation process for a more thorough understanding of the individual’s capacities and limitations.

(23) “Disability” refers to blindness, lessened visual acuity, or either blindness or lessened visual acuity together with other mental or physical impairments, as determined by medical examination or records, which materially limits, contributes to limiting or, if not corrected, shall probably result in limiting an individual’s employment activities or vocational functioning.

(24) “Eligible” or “Eligibility” when used in relation to an individual’s qualification for vocational rehabilitation services refers to a certification that:

(A) The applicant has a physical or mental impairment, including a determination of legal blindness or lessened visual acuity, as determined by qualified personnel licensed or certified in accordance with state law or regulation.

(B) The applicant’s physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant.

(C) The applicant can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

(D) The applicant requires vocational rehabilitation services to prepare for, enter into, engage in, or retain gainful employment consistent with the applicant's strengths, resources, priorities, concerns, abilities, capabilities, and informed choice.

(25) "Eligible Individual" means an applicant for vocational rehabilitation services who meets the eligibility requirements.

(26) "Employment Outcome" means, with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market to the greatest extent practicable; supported employment; or any other type of employment that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(27) "Employability" refers to a determination that the provision of vocational rehabilitation services is likely to enable an individual to enter or retain employment, consistent with his strengths, resources, priorities, concerns, abilities, capabilities, and informed choice.

(28) "Escort" refers to an individual whose assistance is required to enable a client or applicant to be transported for the purpose of obtaining vocational rehabilitation services. An escort may not serve a purely social function.

(29) "Executive Director" refers to the appointed executive director of the agency.

(30) "Extended Evaluation Services" refers to those vocational rehabilitation services provided to an individual with a severe disability for a period not in excess of eighteen (18) months for the purpose of determining whether such individual can benefit in terms of an employment outcome as a result of the provision of vocational rehabilitation services.

(31) "Extended Employment" means work in a non-integrated or sheltered setting for a public or private non-profit agency or organization that provides compensation in accordance with the Fair Labor Standards Act and any needed support services to an individual with a disability to enable the individual to continue to train or otherwise prepare for competitive employment, unless the individual through informed choice chooses to remain in extended employment.

(32) "Extended Services," as used in the definition of "Supported Employment", means ongoing support services and other appropriate services that are needed to support and maintain an individual with a most severe disability in supported employment and that are provided by a state agency, a private non-profit organization, employer, or any other appropriate resource, from funds other than funds received under the act, after an individual with a most severe disability has made the transition from support provided by the agency.

(33) "Extreme Medical Risk" means a probability of substantially increasing functional impairment or death if medical services, including mental health services, are not provided expeditiously.

(34) "Fair Hearing" refers to a formal hearing proceeding in which the legal rights, duties, or privileges of clients or applicants are determined.

(35) "Family Member," for purposes of receiving vocational rehabilitation services in accordance with Section 10-306-11a of the Regulations of Connecticut State Agencies, means an individual:

(A) who either:

- (i) Is a relative or guardian of an applicant or eligible individual; or
- (ii) Lives in the same household as an applicant or eligible individual;

(B) who has a substantial interest in the well-being of that individual; and

(C) whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible individual to achieve an employment outcome.

(36) "Hearing Officer" refers to an impartial person as defined in Section 10-306-2a (b)(38) of the Regulations of Connecticut State Agencies who is identified jointly by the Vocational Rehabilitation Services Division and the State Rehabilitation Advisory Council, or by agreement between the Vocational Rehabilitation Services Division Director and the individual or, if appropriate, the individual's representative to conduct fair hearings and recommend decisions.

(37) "His or Him" includes the feminine gender.

(38) "Impartial Hearing Officer":

(A) Impartial hearing officer means an individual who:

(i) is not an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education);

(ii) is not a member of the agency's State Rehabilitation Advisory Council;

(iii) has not been involved in previous decisions regarding the vocational rehabilitation of the applicant or eligible individual;

(iv) has knowledge of the delivery of vocational rehabilitation services, the state plan, and the federal and state regulations governing the provision of services;

(v) has received training with respect to the performance of official duties; and

(vi) has no personal, professional, or financial interest that would be in conflict with the objectivity of the individual.

(B) An individual shall 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 hearing officer.

(39) "Individual Education Plan (IEP)" means a written statement which includes educational goals, instructional objectives, specific educational and transitional services, and provision for an annual progress review for a student with a disability. The IEP is developed by a team which includes a representative of the local educational agency who is qualified to provide or supervise the provision of specially designated instruction to meet the needs of students with disabilities, the teacher, the parents or student's representative, and, whenever appropriate, the student.

(40) "Individual Who Is Blind" means a person who is blind within the meaning of the definition provided by Section 10-294a of the Connecticut General Statutes.

(41) "Individual Who Is Visually Impaired" means a person who has lessened visual acuity within the meaning of the definition provided by Section 10-294a of the Connecticut General Statutes.

(42) "Individual with a Disability" means an individual

(A) who has a physical or mental impairment;

(B) whose impairment constitutes or results in a substantial impediment to employment; and

(C) who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

(43) "Individual with a Most Severe Disability" means an individual with a severe disability who meets the Vocational Rehabilitation Services Division's criteria for an individual with a most severe disability as determined by the Vocational Rehabilitation Services Division Director after consideration of recommendations from the Executive Director, the State Rehabilitation Advisory Council and the Board of Directors.

(44) "Individual with a Severe Disability" means an individual with a disability:

(A) 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;

(B) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

(C) who has one or more physical or mental disabilities or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

(45) “Individual’s Representative” means any representative chosen by an applicant or eligible individual, 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.

(46) “Individualized Written Rehabilitation Program (IWRP)”, “Individualized plan for employment (IPE)” or “Rehabilitation Plan” refers to a plan developed jointly by the appropriate agency staff and the client or, as appropriate, the client’s representative, for each eligible individual and as necessary, for individuals being provided services under an extended evaluation to determine vocational rehabilitation potential, which includes, but is not limited to, a definition of a client’s long-term vocational goal, specific and measurable intermediate objectives related to the achievement of that goal, an outline of the responsibilities of the client and the agency, and a description of the vocational rehabilitation services which shall be provided, vendors to be used, estimated costs, projected time frames, and the process to be followed in order to achieve that goal.

(47) “Informed Choice” means choosing among options of vocational goals and objectives, choices of services and service providers, and jobs based upon an understanding of such options.

(48) “Institution of Higher Education” refers to a university, college, junior college, community college, vocational school, technical institute, or hospital school of nursing.

(49) “Integrated Setting”,

(A) with respect to the provision of services, means a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals other than non-disabled individuals who are providing services to those applicants or eligible individuals;

(B) with respect to an employment outcome, means an employment outcome in which applicants or eligible individuals interact with non-disabled individuals other than non-disabled individuals who are providing services to those applicants or eligible individuals, to the same extent that non-disabled individuals in comparable positions interact with other persons.

(50) “Intercurrent Illness” refers to an acute medical condition which occurs in the midst of the vocational rehabilitation process and which is unrelated to the individual’s original impairment. An example would be illness resulting from an accident while the individual is participating in vocational rehabilitation services.

(51) “Lessened Visual Acuity” means acuity greater than 20/200, but less than 20/70, best correction in the better eye.

(52) “Maintenance” means monetary support provided to an eligible individual or an individual receiving extended evaluation services for those expenses, such as food, shelter, and clothing, that are in excess of the normal living expenses of the

individual and that are necessitated by the individual's participation in a program of vocational rehabilitation services.

(53) "Occupational License" refers to any license, permit or other written authority required by a state, city, or other governmental unit to be obtained in order to enter an occupation or enter a small business.

(54) "Occupational Objective or Goal" (See Vocational Goal or Vocational Objective).

(55) "Ongoing Support Services," as used in the definition of "Supported Employment" means services that are:

(A) needed to support and maintain an individual with a most severe disability in supported employment;

(B) identified based on a determination by the Vocational Rehabilitation Services Division of the individual's needs as specified in an individualized written rehabilitation program; and

(C) furnished by the Vocational Rehabilitation Services Division from the time of job placement until transition to extended services, unless post-employment services are provided following transition, and thereafter by one or more extended services providers throughout the individual's term of employment in a particular job placement or multiple placements if those placements are being provided under a program of transitional employment.

(56) "Order of Selection" means that in the event that vocational rehabilitation services cannot be provided to all eligible individuals who apply for such services, the Vocational Rehabilitation Services Division shall establish an order to be followed for selecting eligible individuals to whom vocational rehabilitation services shall be provided. This order shall be determined by the Vocational Rehabilitation Services Division Director in consultation with the Executive Director, the State Rehabilitation Advisory Council and the Board of Directors. It shall be based on severity of disability. Persons with the most severe disabilities shall receive the highest priority for services.

(57) "Personal Adjustment Training" refers to any training given for one, or a combination, of the following reasons:

(A) to assist an individual to acquire personal habits, attitudes, and skills which shall enable the individual to function effectively in spite of a disability;

(B) to develop or increase work tolerance prior to engaging in pre-vocational or vocational training or in employment;

(C) to develop work habits and to orient the individual to employment; or

(D) to develop skills or techniques for the specific purpose of enabling the individual to compensate for the loss of a member of the body or the loss of a sensory function.

(58) "Personal Assistance Services" means a range of services provided by one or more persons designed to assist an individual with a disability 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 shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job. The services shall be necessary to the achievement of an employment outcome and may be provided only while the individual is receiving other vocational rehabilitation services. The services may include training in managing, supervising, and directing personal assistance services.

(59) "Physical and Mental Restoration Services" means, with respect to the provision of services covered within the Individualized Written Rehabilitation Program:

(A) corrective surgery or therapeutic treatment that is likely, within a reasonable period of time, to correct or modify substantially a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment;

(B) diagnosis of and treatment for mental or emotional disorders by qualified personnel in accordance with State licensure laws;

(C) dentistry;

(D) nursing services;

(E) necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services;

(F) drugs and supplies;

(G) prosthetic, orthotic, or other assistive devices, including hearing aids;

(H) eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids prescribed by personnel that are qualified in accordance with State licensure laws;

(I) podiatry;

(J) physical therapy;

(K) occupational therapy;

(L) speech or hearing therapy;

(M) mental health services;

(N) 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;

(O) special services for the treatment of individuals with end-stage renal disease, including transplantation, dialysis, artificial kidneys, and supplies; and

(P) other medical or medically-related rehabilitation services.

(60) "Physical or Mental Impairment" means an injury, disease, or other condition that materially limits, or if not treated is expected to materially limit, mental or physical functioning.

(61) "Post-employment Services" means one or more of the services identified in Section 10-306-11a of the Regulations of Connecticut State Agencies 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's strengths, resources, priorities, concerns, abilities, capabilities, and interests. These services are available to meet vocational rehabilitation needs that do not require a complex and comprehensive provision of services and should be limited in scope and duration. Post-employment services are not intended to advance clients into new careers if the client has already achieved an employment outcome that is consistent with his individual strengths, resources, priorities, concerns, abilities, capabilities, and interests. Post-employment services are not intended to replace the process of determining eligibility if new circumstances arise which require comprehensive coordination of services in order to obtain or retain employment.

(62) "PreVocational Training" refers to instruction which is necessary to prepare an individual to effectively participate in vocational training.

(63) "Psychiatrist" refers to a physician who is licensed to practice medicine and has applied for and been accepted to take a qualifying examination administered by the American Board of Psychiatry.

(64) “Record of Services” refers to an organized file of the documentation and records relating to the vocational rehabilitation of an individual in accordance with Section 10-306-10a of the Regulations of Connecticut State Agencies.

(65) “Rehabilitated Client” refers to an individual who is determined to have achieved an employment outcome by meeting the requirements in Section 10-306-16a of the Regulations of Connecticut State Agencies.

(66) “Rehabilitation Counselor” refers to the Vocational Rehabilitation Services Division employee who is responsible for obtaining, analyzing, and evaluating pertinent applicant and client information; determining an individual’s eligibility for vocational rehabilitation services; assisting individual clients assigned to him in the development and implementation of Individualized Vocational Rehabilitation Programs (IWRP); providing counseling, guidance, and placement services; and recommending case closure where appropriate.

(67) “Rehabilitation Counselor Determination” means decisions by a rehabilitation counselor concerning furnishing or denial of vocational rehabilitation services.

(68) “Rehabilitation Potential” or “Vocational Rehabilitation Potential” means the probability that the individual may be expected to benefit from vocational rehabilitation services in terms of achieving an employment outcome.

(69) “Rehabilitation Technology” means 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, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

(70) “Review Officer” refers to a person designated by the director of the Vocational Rehabilitation Services Division to conduct informal administrative reviews in an effort to achieve timely resolution of disagreements.

(71) “Sheltered Workshop” refers to a community rehabilitation program, or the part of a community rehabilitation program, engaged in a production or service operation and which is operated for the primary purpose of providing gainful employment or professional services to individuals with disabilities as an interim or final step in the vocational rehabilitation process for those individuals during such times as employment opportunities for them in the competitive labor market do not exist, or for those individuals who choose to work in such settings.

(72) “State Agency” or “Designated State Agency” means the sole state agency designated to administer the state plan and refers to the State of Connecticut Board of Education and Services for the Blind.

(73) “State Plan for Vocational Rehabilitation Services” or “State Plan” means a plan that contains a description of the agency’s vocational rehabilitation services program and the plans and policies to be followed in carrying out the program.

(74) “State Rehabilitation Advisory Council” means a body of individuals, appointed by the governor, which provides recommendations to the Vocational Rehabilitation Services Division Director concerning the provision of vocational rehabilitation services in the state.

(75) “State Unit” or “Designated State Unit” means the agency’s Vocational Rehabilitation Services Division which is primarily concerned with vocational rehabilitation of individuals with disabilities and is responsible for the administration of the vocational rehabilitation program of the state agency as described in the state plan and required by Section 10-306 of the Connecticut General Statutes.

(76) “Substantial Impediment to Employment” means that 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, or retaining employment consistent with the individual’s abilities and capabilities.

(77) “Supported Employment” means:

(A) competitive employment in an integrated setting with ongoing support services for individuals with the most severe disabilities:

(i) for whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or intermittent as a result of a severe disability; and

(ii) who, because of the nature and severity of their disabilities, need intensive supported employment services from the Vocational Rehabilitation Services Division and extended services after transition in order to perform this work; or

(B) transitional employment for individuals with the most severe disabilities due to mental illness.

(78) “Supported Employment Services” means ongoing support services and other appropriate services needed to support and maintain an individual with a most severe disability in supported employment that are provided by the Vocational Rehabilitation Services Division:

(A) for a period of time not to exceed 18 months, unless under special circumstances the eligible individual and the rehabilitation counselor or coordinator jointly agree to extend the time in order to achieve the rehabilitation objectives identified in the individualized written rehabilitation program; and

(B) following transition, as post-employment services that are unavailable from an extended-services provider and that are necessary to maintain or regain the job placement or advance in employment.

(79) “Supportive Vocational Rehabilitation Service” refers to a vocational rehabilitation service which may only be provided when necessary to derive the full benefit of other vocational rehabilitation services provided, and which is provided to help insure that the client reaches the vocational goal. Transportation, maintenance, and attendant care services are examples of supportive vocational rehabilitation services.

(80) “Telecommunications” refers to any transmission, emission, or reception of signs, signals, written images, and sounds of intelligence of any nature by wire, radio, visual, or other electromagnetic systems including any intervening processing and storage.

(81) “Transition Services” means 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, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student’s needs, taking into account the student’s preferences and interests, and shall 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 shall promote or facilitate the accomplishment of long-term rehabilitation goals and intermediate rehabilitation objectives identified in the student’s individualized written rehabilitation program (IWRP).

(82) “Transitional Employment,” as used in the definition of “Supported employment,” means a series of temporary job placements in competitive work in integrated settings with ongoing support services for individuals with the most severe disabilities due to mental illness. In transitional employment, the provision of ongoing support services shall include continuing sequential job placements until job permanency is achieved.

(83) “Transitioning Student” means a student who is an eligible individual and who is receiving transition services as defined in subsection (b)(81) of this section.

(84) “Transportation” means travel and related expenses that are necessary to enable an applicant or eligible individual to participate in any vocational rehabilitation service.

(85) “Visual Services” include visual training and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids, as prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select.

(86) “Vocational Goal” or “Vocational Objective” refers to the employment objective established by a client and his counselor to enter or retain full-time or, if appropriate, part-time competitive employment in the integrated labor market to the greatest extent practicable; supported employment; or any other type of employment that is consistent with an individual’s strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. The terms “employment objective” and “occupational objective” are used synonymously.

(87) “Vocational Rehabilitation Services Division” means the designated state unit of the agency that is primarily concerned with vocational rehabilitation of individuals with disabilities, consistent with the requirements of the state plan and Section 10-306 of the Connecticut General Statutes.

(88) “Vocational Rehabilitation Services Division Director” means the individual who, under the direction and supervision of the executive director, is responsible for the administration of the vocational rehabilitation program of the agency.

(89) “Vocational Rehabilitation Services,” if provided to an individual, means those services described in Section 10-306-11a of the Regulations of Connecticut State Agencies.

(Adopted effective November 6, 1998; amended February 26, 2009)

Sec. 10-306-3a. Processing referrals and applications

(a) Referrals.

The Vocational Rehabilitation Services Division shall establish and implement standards and procedures for the prompt and equitable handling of referrals of individuals for vocational rehabilitation services. The standards shall include time lines for making good faith efforts to inform these individuals of application requirements and to gather information necessary to initiate an assessment for determining eligibility and priority for services.

(b) Applications.

(1) An individual is considered to have submitted an application when the individual or the individual’s representative, as appropriate:

(A) has completed and signed an agency application form or has otherwise requested services through a signed, dated letter;

(B) has provided information necessary to initiate an assessment to determine eligibility and priority for services; and

(C) is available to complete the assessment process.

(2) The Vocational Rehabilitation Services Division, once an individual has submitted an application for vocational rehabilitation services, shall make an eligibility determination within sixty (60) days, unless:

(A) exceptional and unforeseen circumstances beyond the control of the agency preclude a determination within sixty (60) days and the agency and the individual agree to a specific extension of time; or

(B) an extended evaluation is necessary, in accordance with Section 10-306-5a of the Regulations of Connecticut State Agencies.

(Adopted effective November 6, 1998)

Sec. 10-306-4a. Order of selection

(a) If vocational rehabilitation services cannot be provided to all eligible individuals who apply for such services due to insufficient funding, the agency shall establish an order to be followed for selecting eligible individuals to whom vocational rehabilitation services shall be provided on the basis of serving first, individuals with the most severe disabilities. The Vocational Rehabilitation Services Division Director, after consulting with and considering the recommendations from the Executive Director, the State Rehabilitation Advisory Council and the Board of Directors, shall determine the definition of an individual with a most severe disability and shall determine the order of selection to be followed in the provision of vocational rehabilitation services to eligible individuals, and how that order of selection shall be administered.

(Adopted effective November 6, 1998)

Sec. 10-306-5a. Assessment for determining eligibility and priority for services

(a) The Vocational Rehabilitation Services Division shall conduct an assessment to determine whether an individual is eligible for vocational rehabilitation services and the individual's priority under an order of selection for services (if the Vocational Rehabilitation Services Division is operating under an order of selection). The assessment shall be conducted in the most integrated setting possible, consistent with the individual's needs and informed choice, and in accordance with the following provisions:

(1) Eligibility Requirements.

(A) Basic Requirements. The Vocational Rehabilitation Services Division's determination of an applicant's eligibility for vocational rehabilitation services shall be based only on the following requirements:

(i) A determination that the applicant has a physical or mental impairment, including a determination of legal blindness or lessened visual acuity, as determined by qualified personnel licensed or certified in accordance with state law or regulation.

(ii) A determination that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant.

(iii) A presumption, in accordance with subparagraph (B) of this section, that the applicant can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

(iv) A determination that the applicant requires vocational rehabilitation services to prepare for, enter into, engage in, or retain gainful employment consistent with the applicant's strengths, resources, priorities, concerns, abilities, capabilities, and informed choice.

(B) Presumption of Benefit. The Vocational Rehabilitation Services Division shall presume that an applicant who meets the eligibility requirements in subsections

(a)(1)(A)(i) and (ii) of this section can benefit in terms of an employment outcome unless it demonstrates, based on clear and convincing evidence, except as provided in subsection (d) of this section, that the applicant is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services.

(C) **Limited Presumption for Social Security Beneficiaries.** The Vocational Rehabilitation Services Division shall assure that, if an applicant has appropriate evidence, such as an award letter, that establishes the applicant's eligibility for Social Security benefits under Title II or Title XVI of the Social Security Act, it shall presume that the applicant:

(i) meets the eligibility requirements in subsections (a)(1) (A)(i) and (ii) of this section; and

(ii) has a severe physical or mental impairment that seriously limits one or more functional capacities in terms of an employment outcome.

(b) **The Vocational Rehabilitation Services Division Shall Assure That:**

(1) no duration of residence requirement is imposed that excludes from services any applicant who is present in the state;

(2) no applicant or group of applicants is excluded or found ineligible solely on the basis of the type of disability;

(3) the eligibility requirements are applied without regard to the age, gender, race, color, creed, religion, sexual preference or national origin of the applicant; and

(4) the eligibility requirements are applied without regard to the particular service needs or anticipated cost of services required by an applicant or the income level of an applicant or applicant's family.

(c) **Review and Assessment of Data for Eligibility Determination.**

Except as provided in subsection (d) of this section, the Vocational Rehabilitation Services Division shall base its determination of each of the basic eligibility requirements in subsection (a) of this section on:

(1) a review and assessment of existing data, including counselor observations, education records, information provided by the individual or the individual's family, information used by the Social Security Administration, and determinations made by officials of other agencies; and

(2) to the extent existing data do not describe the current functioning of the individual or are unavailable, insufficient, or inappropriate to make an eligibility determination, an assessment of additional data resulting from the provision of vocational rehabilitation services, including assistive technology devices and services and work site assessments, that are necessary to determine whether an individual is eligible.

(d) **Extended Evaluation for Individuals with Severe Disabilities.**

(1) Prior to any determination that an individual with a severe disability is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome because of the severity of that individual's disability, the Vocational Rehabilitation Services Division shall conduct an extended evaluation to determine whether or not there is clear and convincing evidence to support such a determination.

(2) During the extended evaluation period, which may not exceed 18 months, vocational rehabilitation services shall be provided in the most integrated setting possible, consistent with the informed choice of the individual.

(3) During the extended evaluation period, the Vocational Rehabilitation Services Division shall develop a written plan for determining eligibility and for determining the nature and scope of services required to achieve an employment outcome. The

Vocational Rehabilitation Services Division may provide during this period only those services that are necessary to make these two determinations.

(4) The Vocational Rehabilitation Services Division shall assess the individual's progress as frequently as necessary, but at least once every 90 days, during the extended evaluation period.

(5) The Vocational Rehabilitation Services Division shall terminate extended evaluation services at any point during the 18-month extended evaluation period if it determines that:

(A) there is sufficient evidence to conclude that the individual can benefit from the provision of vocational rehabilitation services in terms of an employment outcome; or

(B) there is clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome.

(e) **Data for Determination of Priority for Services under an Order of Selection.** If the Vocational Rehabilitation Services Division is operating under an order of selection for services, as provided in Section 10-306-4a of the Regulations of Connecticut State Agencies, it shall base its priority assignments on:

(1) a review of the data that was developed under subsections (c) and (d) of this section to make the eligibility determination; and

(2) an assessment of additional data, to the extent necessary.

(Adopted effective November 6, 1998)

Sec. 10-306-6a. Procedures for ineligibility determination

(a) When the Vocational Rehabilitation Services Division determines that an applicant is ineligible for vocational rehabilitation services or determines that an individual receiving services under an individualized written rehabilitation program is no longer eligible for services, it shall:

(1) make the determination only after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative;

(2) inform the individual in writing, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of the ineligibility determination, including the reasons for that determination, the requirements under this section, and the means by which the individual may express and seek remedy for any dissatisfaction, including the procedures for review of a determination by the rehabilitation counselor in accordance with Section 10-308-1a of the Regulations of Connecticut State Agencies;

(3) provide the individual with a description of services available from a client assistance program and information on how to contact that program; and

(4) review within twelve (12) months and annually thereafter if requested by the individual or, if appropriate, by the individual's representative any ineligibility determination that is based on a finding that the individual is incapable of achieving an employment outcome. This review need not be conducted in situations in which the individual has refused it, the individual is no longer present in the state, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal.

(Adopted effective November 6, 1998)

Sec. 10-306-7a. Closure without eligibility determination

(a) The Vocational Rehabilitation Services Division shall not close an applicant's case prior to making an eligibility determination unless the applicant declines to participate in or is unavailable to complete an assessment for determining eligibility

and priority for services, and the Vocational Rehabilitation Services Division has made a reasonable number of attempts to contact the applicant or, if appropriate, the applicant's representative to encourage the applicant's participation.

(Adopted effective November 6, 1998)

Sec. 10-306-8a. Development of the individualized written rehabilitation program (IWRP)

(a) **Purpose.** The Vocational Rehabilitation Services Division shall conduct an assessment to determine the vocational rehabilitation needs for each eligible individual or, if the agency is operating under an order of selection, for each eligible individual to whom the agency is able to provide services. The purpose of this assessment is to determine the long-term vocational goal, intermediate rehabilitation objectives, and the nature and scope of vocational rehabilitation services to be included in the IWRP, which shall be designed to achieve an employment outcome that is consistent with the individual's unique strengths, priorities, concerns, abilities, capabilities, career interests and informed choice.

(b) **Procedural Requirements.**

(1) The IWRP shall be developed jointly, agreed to, and signed by the vocational rehabilitation counselor and the individual or, as appropriate, the individual's representative within the framework of a counseling and guidance relationship.

(2) The Vocational Rehabilitation Services Division shall establish and implement standards for the prompt development of IWRPs for individuals identified under subsection (a) of this section, including time lines that take into consideration the needs of the individual.

(3) The Vocational Rehabilitation Services Division shall advise each individual or, as appropriate, the individual's representative of all procedures and requirements affecting the development and review of an IWRP, including the availability of appropriate modes of communication.

(4) In the development of an IWRP for a student with a disability who is receiving special education services, the Vocational Rehabilitation Services Division shall consider a student's individualized education program.

(5) The Vocational Rehabilitation Services Division shall review the IWRP with the individual or, as appropriate, the individual's representative as often as necessary, but at least once each year to assess the individual's progress in meeting the objectives identified in the IWRP.

(6) The Vocational Rehabilitation Services Division shall incorporate into the IWRP any revisions that are necessary to reflect changes in the individual's vocational goal, intermediate objectives, or vocational rehabilitation services, and obtain the agreement and signature of the individual or, as appropriate, the agreement and signature of the individual's representative to the revisions.

(7) The Vocational Rehabilitation Services Division shall promptly provide each individual or, as appropriate, the individual's representative, a copy of the IWRP and its amendments in the native language, or appropriate mode of communication, of the individual or, as appropriate, of the individual's representative.

(c) **Data for Preparing the IWRP.**

(1) Preparation without a Comprehensive Assessment. To the extent possible, the vocational goal, intermediate objectives, and the nature and scope of rehabilitation services to be included in the individual's IWRP shall be determined based on the data used for the assessment of eligibility and priority for services under Section 10-306-5a of the Regulations of Connecticut State Agencies.

(2) Preparation Based on Comprehensive Assessment.

(A) If additional data are necessary to prepare the IWRP, the Vocational Rehabilitation Services Division shall conduct a comprehensive assessment of the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and needs, including the need for supported employment services of an eligible individual, in the most integrated setting possible, consistent with the informed choice of the individual.

(B) The comprehensive assessment shall be limited to information that is necessary to identify the rehabilitation needs of the individual and develop the IWRP and may, to the extent needed, include:

(i) an analysis of pertinent medical, psychiatric, psychological, neuropsychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors, and related functional limitations, that affect the employment and rehabilitation needs of the individual;

(ii) an analysis of the individual's personality, career interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities;

(iii) an appraisal of the individual's patterns of work behavior and services needed to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance; and

(iv) an assessment, through provision of rehabilitation technology services, of the individual's capacities to perform in a work environment, including in an integrated setting, to the maximum extent feasible and consistent with the individual's informed choice.

(C) In the preparation of a comprehensive assessment, the Vocational Rehabilitation Services Division shall use, to the maximum extent possible and appropriate and in accordance with confidentiality requirements, existing information, including information that is provided by the individual, the family of the individual, and education agencies.

(Adopted effective November 6, 1998)

Sec. 10-306-9a. Content of the individualized written rehabilitation program

(a) **General Requirements.** Each IWRP shall include, as appropriate, statements concerning:

(1) the specific long-term vocational goal, which shall be based on the assessment for determining vocational rehabilitation needs, including the individual's career interests, and shall be, to the extent appropriate and consistent with the informed choice of the individual, in an integrated setting;

(2) the specific intermediate rehabilitation objectives related to the attainment of the long-term vocational goal, based on the assessment for determining vocational rehabilitation needs and consistent with the informed choice of the individual;

(3) the specific vocational rehabilitation services under Section 10-306-11a of the Regulations of Connecticut State Agencies to be provided to achieve the established intermediate vocational rehabilitation objectives, including, if appropriate, rehabilitation technology services and on-the-job and related personal assistance services;

(4) the projected dates for the initiation of each vocational rehabilitation service, the anticipated duration of each service, and the projected time frame for the achievement of the individual's vocational goal;

(5) a procedure and schedule for periodic review and evaluation of progress toward achieving intermediate rehabilitation objectives based upon objective criteria;

(6) how, in the words of the individual or, as appropriate, in the words of the individual's representative, the individual was informed about and involved in choosing among alternative goals, objectives, services, providers, and methods used to procure or provide services;

(7) the terms and conditions for the provision of vocational rehabilitation services, including:

(A) the responsibilities of the individual in implementing the IWRP;

(B) the extent of the individual's participation in the cost of services;

(C) the extent to which goods and services shall be provided in the most integrated settings possible, consistent with the informed choices of the individual;

(D) the extent to which comparable services and benefits are available to the individual under any other program; and

(E) the entity or entities that shall provide the services and the process used to provide or procure the services;

(8) the rights of the individual under this part and the means by which the individual may express and seek remedy for any dissatisfaction, including the opportunity for a review of rehabilitation counselor determinations under Section 10-308-1a of the Regulations of Connecticut State Agencies;

(9) the availability of a client assistance program; and

(10) the basis on which the individual has been determined to have achieved an employment outcome in accordance with Section 10-306-16a of the Regulations of Connecticut State Agencies.

(b) **Supported Employment Requirements.** The IWRP for individuals with the most severe disabilities for whom a vocational goal in a supported employment setting has been determined to be appropriate shall also contain:

(1) a description of the supported employment services to be provided by the Vocational Rehabilitation Services Division; and

(2) a description of the extended services needed and identification of the source of extended services or, in the event that identification of the source is not possible at the time the IWRP is developed, a statement explaining the basis for concluding that there is a reasonable expectation that services shall become available.

(c) **Post-employment Services.** The IWRP for each individual shall contain statements concerning:

(1) the expected need for post-employment services, based on an assessment during the development of the IWRP;

(2) a reassessment of the need for post-employment services prior to the determination that the individual has achieved an employment outcome;

(3) a description of the terms and conditions for the provision of any post-employment services, including the anticipated duration of those services, subsequent to the achievement of an employment outcome by the individual; and

(4) if appropriate, a statement of how post-employment services shall be provided or arranged through cooperative agreements with other service providers.

(d) **Coordination of Services for Students with Disabilities Who are Receiving Special Education Services.** The IWRP for a student with a disability who is receiving special education services shall be coordinated with the individualized education program (IEP) for that individual in terms of the goals, objectives, and services identified in the IEP.

(e) **Ineligibility.** The decision that an individual is not capable of achieving an employment outcome and is no longer eligible to receive services under an IWRP shall be made in accordance with the requirements in Section 10-306-6a of the Regulations of Connecticut State Agencies. The decision, and the reasons on which the decision was based, shall be included as an amendment to the IWRP.

(Adopted effective November 6, 1998)

Sec. 10-306-10a. Record of services

(a) The Vocational Rehabilitation Services Division shall maintain for each applicant or eligible individual a record of services that includes, to the extent pertinent, the following documentation:

(1) If an applicant has been determined to be an eligible individual, documentation supporting that determination in accordance with the requirements in Section 10-306-5a of the Regulations of Connecticut State Agencies.

(2) If an applicant has been determined to be ineligible, documentation supporting that determination in accordance with the requirements in Section 10-306-6a of the Regulations of Connecticut State Agencies.

(3) Documentation supporting the determination that an individual has a severe disability or a most severe disability.

(4) If an individual with a severe disability requires an extended evaluation in order to determine whether the individual is an eligible individual, documentation supporting the need for an extended evaluation, documentation supporting the periodic assessments conducted during the extended evaluation, and the written plan developed during the extended evaluation in accordance with the requirements in Section 10-306-5a (d) of the Regulations of Connecticut State Agencies.

(5) The IWRP, and any amendments to the IWRP containing the information required under Section 10-306-9a of the Regulations of Connecticut State Agencies.

(6) In accordance with the requirements in Section 10-306-8a (a) of the Regulations of Connecticut State Agencies, documentation supporting the development of the long-term vocational goal, intermediate rehabilitation objectives, and nature and scope of services included in the individual's IWRP and, for students with disabilities who are receiving special education services, in the student's IEP.

(7) In the event that an individual's IWRP provides for services or a job placement in a non-integrated setting, a justification for that non-integrated setting.

(8) Documentation of the periodic reviews and evaluations of progress toward achieving intermediate rehabilitation objectives conducted under Section 10-306-9a (a)(5) of the Regulations of Connecticut State Agencies.

(9) In the event that an individual obtains competitive employment, verification that the individual is compensated at or above the minimum wage and that the individual's wages 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 Section 10-306-2a (b)(18)(B) of the Regulations of Connecticut State Agencies.

(10) Documentation concerning any action and decision resulting from a request by an individual for review of a rehabilitation counselor determination under Section 10-308-1a of the Regulations of State Agencies.

(Adopted effective November 6, 1998)

Sec. 10-306-11a. Scope of vocational rehabilitation services for individuals with disabilities

(a) As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's informed choice, the following vocational rehabilitation services shall be available:

(1) Assessment for determining eligibility and priority for services in accordance with Section 10-306-5a of the Regulations of Connecticut State Agencies.

(2) Assessment for determining vocational rehabilitation needs in accordance with Section 10-306-8a of the Regulations of Connecticut State Agencies.

(3) Vocational counseling and guidance.

(4) Referral and other services necessary to help applicants and eligible individuals secure needed services from other agencies and to advise those individuals about the client assistance program.

(5) Physical and mental restoration services as defined in Section 10-306-2a (b)(59) of the Regulations of Connecticut State Agencies.

(6) Vocational and other training services, including personal and vocational adjustment training, books, tools, and other training materials, except that no training or training services in an institution of higher education may be paid for with funds under this part unless maximum efforts have been made by the Vocational Rehabilitation Services Division to secure grant assistance in whole or in part from other sources to pay for that training. Training may be provided at accredited schools, colleges, universities, community rehabilitation programs, by tutor or correspondence, apprenticeship, an organized on-the-job training situation, agency staff and consultants, or some other organized training program that is approved by the Vocational Rehabilitation Services Division to provide such training. The Vocational Rehabilitation Services Division may use existing fee schedules established by other agencies, such as, but not limited to, the Department of Social Services, or the Vocational Rehabilitation Services Division Director may request the Executive Director to establish individual rates with providers of services to purchase such training.

(7) Maintenance as defined in Section 10-306-2a (b)(52) of the Regulations of Connecticut State Agencies.

(8) Transportation in connection with the rendering of any vocational rehabilitation service in accordance with the definition in Section 10-306-2a (b)(84) of the Regulations of Connecticut State Agencies.

(9) Vocational rehabilitation services to family members of an applicant or eligible individual if necessary to enable the applicant or eligible individual to achieve an employment outcome.

(10) Interpreter services for individuals who are deaf and tactile interpreting services for individuals who are deaf-blind.

(11) Reader services, rehabilitation teaching services, and orientation and mobility services for individuals who are blind.

(12) Recruitment and training services to provide new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other appropriate public service employment.

(13) Job search and placement assistance and job-retention services.

(14) Supported employment services as defined in Section 10-306-2a (b)(78) of the Regulations of Connecticut State Agencies.

(15) Personal assistance services as defined in Section 10-306-2a (b)(58) of the Regulations of Connecticut State Agencies.

(16) Post-employment services as defined in Section 10-306-2a (b)(61) of the Regulations of Connecticut State Agencies.

(17) Occupational licenses, tools, equipment, initial stocks and supplies consistent with Vocational Rehabilitation Services Division policy. For persons entering into self-employment ventures, the Vocational Rehabilitation Services Division may pay

such costs as are reasonable for the client to enter self-employment, with a client participation requirement of ten (10) percent in funds or in-kind services toward the operation of the business. Examples of in-kind services include rent and utility costs for a business that is operated outside of a client's private residence. Prior to the development of an individualized plan for employment or Individualized Written Rehabilitation Program that has a goal of self-employment, a business plan shall be developed by the client and submitted to a Vocational Rehabilitation Services Division committee for review and approval. In situations where the business plans do not receive approval, the client shall be given written instructions for action to be taken to make the plan acceptable and it may be resubmitted for approval. All licenses, tools, equipment, stock and supplies necessary to operate the business must be included in the business plan in order to receive agency funding in these categories. Upon obtaining approval from the committee, the vocational rehabilitation services division shall purchase licenses, tools, equipment, stock and supplies on behalf of the client consistent with the approved business plan and state of connecticut purchasing requirements. Any licenses, tools, equipment, stock and supplies from the agency that are currently held by a client or any licenses, tools, equipment, stock and supplies from the agency received by a client shall be the property of such client. At such time as the client no longer desires the equipment, disposal shall be at the client's discretion. The cost of maintenance or repair of the equipment shall rest with the client. In circumstances where a client requests, the agency shall reimburse the client for the documented cost of the repair and applicable shipping of said equipment to and from the repair location. The agency shall accept returned equipment.

(18) Rehabilitation technology as defined in Section 10-306-2a (b)(69), including vehicular modifications, telecommunications, sensory, and other technological aids and devices. The provision of adaptive equipment will be made after consultation with a rehabilitation technologist or other provider skilled in the assessment of such products. Reports from vendors who sell specific adaptive products will not be acceptable for evaluation purposes, but may be reviewed along with other data. Technology provided to clients will be chosen based on informed choice of the most effective, least expensive products available. For clients who are employed, the Vocational Rehabilitation Services Division will not use its funds until maximum effort has been made to obtain employer participation in the provision of standard business equipment that is afforded to all employees regardless of disability. The Vocational Rehabilitation Services Division will further seek to obtain reasonable accommodations from employers, consistent with applicable state and federal laws, before committing agency funds for necessary adaptive products. In the provision of closed-circuit television sets (CCTV), the Vocational Rehabilitation Services Division will provide basic 14" black and white units unless other requirements are certified as necessary by a rehabilitation technologist, low vision specialist or low vision center. Only one CCTV will be purchased for each client. When magnification is required at multiple locations, a portable unit will be provided to the client except that two stationary CCTVs shall be provided when they are less expensive than one portable unit or when a physician certifies that a medical condition prevents a client from transporting a portable CCTV. Any equipment from the agency that is currently held by a client or any equipment from the agency received by a client shall be the property of such client. At such time as the client no longer desires the equipment, disposal shall be at the client's discretion. The cost of maintenance or repair of the equipment shall rest with the client. In circumstances where a client

requests, the agency shall reimburse the client for the documented cost of the repair and applicable shipping of said equipment to and from the repair location. The agency shall accept returned equipment.

(19) Transition services as defined in Section 10-306-2a (b)(81) of the Regulations of Connecticut State Agencies.

(20) Other goods and services determined necessary for the individual with a disability to achieve an employment outcome.

(Adopted effective November 6, 1998; amended February 26, 2009)

Sec. 10-306-12a. Training in institutions of higher education

(a) Financial participation by the Vocational Rehabilitation Services Division in providing training and training services in institutions of higher education shall be made in accordance with an appropriately completed Individualized Written Rehabilitation Program (IWRP) and under the following conditions:

(1) No training in institutions of higher education shall be paid for by the Vocational Rehabilitation Services Division unless maximum efforts have been made to secure comparable benefits or grant assistance, in whole or in part, from other sources to pay for such training. Grant assistance, for purposes of this policy, refers to basic grant entitlement under student financial aid programs.

(2) In pursuing a determination of available comparable benefits, the client shall make application to the training institution's financial aid office (FAO) and shall cooperate in the provision of all information required by the FAO in its calculation of the client's eligibility for financial assistance.

(3) The client shall give written authorization to the Vocational Rehabilitation Services Division and the FAO to exchange information relevant to the determination of eligibility for financial assistance in accordance with the State Personal Data Act and regulations thereunder.

(4) Application by the client to the FAO shall be made in sufficient time to permit a decision to be rendered by the FAO prior to the starting date of training.

(5) A client shall not be required to apply for funds available to him through student loans to meet the costs of training.

(6) Financial participation by the Vocational Rehabilitation Services Division in the provision of such training shall be limited to the amount of the client's unmet need as determined by the FAO. Client work study or summer earnings shall be included as part of the calculation of client financial need only when the client is realistically able to participate in a work study program or has summer earnings.

(7) The Vocational Rehabilitation Services Division shall not substitute its vocational rehabilitation funds for the family contribution portion as determined by the FAO. If the Vocational Rehabilitation Services Division determines that computation by the FAO is clearly erroneous and time or other circumstances make it impossible or impractical for the client to have the computation by the FAO corrected, Vocational Rehabilitation Services Division Director may substitute funds from vocational rehabilitation for the family contribution in an amount not to exceed the amount by which the computation by the FAO is determined to be in error. This policy shall not apply to expenses that shall be incurred by a client which result from his disability.

(8) For all students with Individualized Written Rehabilitation Programs (IWRP) or Amendments that are developed after February 1, 1996, which initiate training services in institutions of higher education (such as colleges, universities and post-secondary vocational or technical training programs), the cost of tuition, room and board, training materials or supplies, and any other costs attributable to the course

of study shall be based upon such costs at Central Connecticut State University. The costs of such services for students who had an IWRP or Amendment in effect for services provided by institutions of higher education prior to February 1, 1996, may be based on costs for these training services at the University of Connecticut. The level of funding from these services shall be considered for each category, such as tuition, room and board, etc., and the cost for each category shall not exceed the cost for each category at Central Connecticut State University or the University of Connecticut, as applicable. For programs of study that are not available at Central Connecticut State University, the University of Connecticut costs shall apply. If the program of study is not available at either school, then the Vocational Rehabilitation Services Division may pay such costs as are reasonable for the client to attend the program. Special support services, provided to enable a client to participate in training, shall be paid above and beyond the cost of attending the college or university. All clients who participate in training at institutions of higher education shall be required to maintain an overall grade point average of 2.0 or higher. Any client who falls below this level for two consecutive semesters shall be subject to withholding of Vocational Rehabilitation Services Division funds for subsequent semesters until such time as the client can achieve the minimum grade point standard. All clients shall submit grades to their rehabilitation counselors at the end of each semester. Funding for all subsequent semesters shall be contingent upon submittal of satisfactory grades.

(Adopted effective November 6, 1998)

Sec. 10-306-13a. Opportunity to make informed choices

(a) The Vocational Rehabilitation Services Division shall provide each applicant, including individuals who are receiving services during an extended evaluation, and each eligible individual the opportunity to make informed choices throughout the vocational rehabilitation process in accordance with the following requirements:

(1) The Vocational Rehabilitation Services Division, in consultation with its State Rehabilitation Advisory Council, shall develop and implement policies and procedures that enable each individual to make an informed choice with regard to the selection of a long-term vocational goal, intermediate rehabilitation objectives, vocational rehabilitation services, including assessment services, and service providers. These policies and procedures shall ensure that each individual receives, through appropriate modes of communication, information concerning the availability and scope of informed choice, the manner in which informed choice may be exercised, and the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice.

(2) In developing an individual's IWRP, the Vocational Rehabilitation Services Division shall provide the individual, or assist the individual in acquiring, information necessary to make an informed choice about the specific services, including the providers of those services, that are needed to achieve the individual's vocational goal. This information shall include, at a minimum, information relating to the cost, accessibility, and duration of potential services, the consumer satisfaction with those services to the extent that information relating to consumer satisfaction is available, the qualifications of potential service providers, the types of services offered by those providers, and the degree to which services are provided in integrated settings.

(Adopted effective November 6, 1998)

Sec. 10-306-14a. Availability of comparable services and benefits

(a) The Vocational Rehabilitation Services Division:

(1) prior to providing any vocational rehabilitation services to an eligible individual, or to members of the individual's family, except those services listed in subsec-

tion (b) of this section, shall determine whether comparable services and benefits exist under any other program and whether those services and benefits are available to the individual;

(2) if comparable services or benefits exist under any other program and are available to the eligible individual at the time needed to achieve the rehabilitation objectives of the individual's IWRP, shall use those comparable services or benefits to meet, in whole or in part, the cost of vocational rehabilitation services; and

(3) if comparable services or benefits exist under any other program, but are not available to the individual at the time needed to satisfy the rehabilitation objectives in the individual's IWRP, shall provide vocational rehabilitation services until those comparable services and benefits become available.

(b) A prior determination of the availability of comparable services and benefits under subsection (a) of this section shall not be required in connection with the provision of any of the following services:

(1) Assessment for determining eligibility and priority for services.

(2) Assessment for determining vocational rehabilitation needs.

(3) Vocational rehabilitation counseling, guidance, and referral services.

(4) Vocational and other training services, such as personal and vocational adjustment training, books (including alternative format books accessible by computer and taped books), tools, and other training materials in accordance with Section 10-306-11a (6) of the Regulations of Connecticut State Agencies.

(5) Placement services.

(6) Rehabilitation technology.

(7) Post-employment services consisting of the services listed under subsections (b)(1) through (6) of this section.

(c) The requirements of subsection (a) of this section also do not apply if:

(1) the determination of the availability of comparable services and benefits under any other program would delay the provision of vocational rehabilitation services to any individual who is determined to be at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional; or

(2) an immediate job placement would be lost due to a delay in the provision of comparable services and benefits.

(Adopted effective November 6, 1998)

Sec. 10-306-15a. Participation of individuals in cost of services based on financial need

(a) The Vocational Rehabilitation Services Division may choose to consider the financial need of eligible individuals or individuals who are receiving services during an extended evaluation for purposes of determining the extent of their participation in the costs of vocational rehabilitation services, other than those services identified in subsection (c) of this section.

(b) If the Vocational Rehabilitation Services Division chooses to consider financial need:

(1) it shall maintain written policies covering the determination of financial need;

(2) it shall specify the types of vocational rehabilitation services for which the unit has established a financial needs test;

(3) it shall prescribe the policies and procedures to be used when payment is made by individuals required to contribute to the cost of their vocational rehabilitation services;

(4) the policies shall be applied uniformly to all individuals in similar circumstances;

(5) the policies shall be applied uniformly to all individuals within each geographic region; and

(6) the policies shall ensure that the level of an individual's participation in the cost of vocational rehabilitation services is:

(A) reasonable;

(B) based on the individual's financial need, including consideration of any disability related expenses paid by the individual; and

(C) not so high as to effectively deny the individual a necessary service.

(c) No financial needs test shall be applied and no financial participation shall be required as a condition for furnishing the following vocational rehabilitation services:

(1) Assessment for determining eligibility and priority for services, except those non-assessment services that are provided during an extended evaluation for an individual with a severe disability under Section 10-306-5a (d) of the Regulations of Connecticut State Agencies.

(2) Assessment for determining vocational rehabilitation needs.

(3) Vocational rehabilitation counseling, guidance, and referral services.

(4) Placement services.

(d) Any funds received by the agency from individuals or third parties for the provision of vocational rehabilitation services shall be used by the Vocational Rehabilitation Services Division for such services for vocational rehabilitation clients.

(Adopted effective November 6, 1998)

Sec. 10-306-16a. Individuals determined to have achieved an employment outcome

(a) An individual is determined to have achieved an employment outcome only if the following requirements are met:

(1) The provision of services under the individual's IWRP has contributed to the achievement of the employment outcome.

(2) The employment outcome is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(3) The employment outcome is in the most integrated setting possible, consistent with the individual's informed choice.

(4) The individual has maintained the employment outcome for a period of at least ninety (90) days.

(5) At the end of the appropriate period under subdivision (4) of this section, the individual and the rehabilitation counselor consider the employment outcome to be satisfactory and agree that the individual is performing well on the job.

(Adopted effective November 6, 1998)