

Draft: DIVISION 1 (10/21/2016)

PROCEDURAL RULES

582-001-0010

Definitions for Chapter 582

The following definitions apply to each division in chapter 582 of the Oregon Administrative Rules unless otherwise indicated:

- (1) "**Act**" means Public Law No: 113-128, Title IV-Amendments to the Rehabilitation Act of 1973.
- (2) "**Director**" means the Director of Vocational Rehabilitation.
- (3) "**Applicant**" means an individual who submits an application for vocational rehabilitation services in accordance with 34 CFR 361.41(b)(2).
- (4) "**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, Brailled and large print materials, materials in electronic formats, augmentative communication devices, graphic presentations, and simple language materials.
- (5) "**Assessment for determining eligibility and vocational rehabilitation services**" means, as appropriate in each case, a review of existing data to:
 - (a) Determine if an individual is eligible for vocational rehabilitation services; and
 - (b) Assign priority for an order of selection described in §361.36 in the States that use an order of selection; and
 - (A) To the extent necessary provide appropriate assessment activities to obtain necessary additional data to make the eligibility determination and assignment;
 - (B) To the extent additional data are necessary to determine employment outcomes and the nature and scope of vocational rehabilitation services to be included in the individualized plan for employment of an eligible individual, a comprehensive assessment to determine the unique strengths, resources,

priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment, of the eligible individual.

(6) “**Assistive technology**” means technology designed to be utilized in an assistive technology device or assistive technology service. (See also, Section 3, Assistive Technology Act of 1998 (29 U.S.C. 3002))

(7) “**Assistive technology device**” refers to any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of an individual with a disability, except that the reference to the term individuals with disabilities will be deemed to mean more than one individual with a disability as defined in paragraph (20)(A) of the Act. (See also Section 3, Assistive Technology Act of 1998 (29 U.S.C. 3002))

(8) “**Assistive technology service**” means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device, except that:

(a) An individual with a disability will be deemed to mean an individual with a disability, as defined in paragraph (20)(A) of the Act; and

(b) Individuals with disabilities will be deemed to mean more than one such individual.

(c) Such term includes:

(A) The evaluation of the assistive technology needs of an individual with disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in the customary environment of the individual;

(B) Services consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

(C) Services consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(D) Coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs;

(E) Training or technical assistance for an individual with disabilities, or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual; and

(F) Training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

(9) “**Benefits Planning**” means services that provide eligible individuals entitled to Social Security benefits under Titles II or XVI of the Social Security Act with information on assistance and supports available to individuals desiring to enter the workforce. These services are intended to help these individuals understand the implications of employment for continued receipt of their benefits so that they can make a fully informed choice of an employment goal.

(10) “**Best Practice**” means promising vocational rehabilitation service delivery practices commonly seen as effective when working with specified populations of individuals with disabilities that help improve employment outcomes of people with disabilities.

(11) “**Case File**” means a participant record started at the time of application which records the progression of services provided and events that occur throughout the individual’s involvement with the Program. Also referred to as file, record, case, hard copy file, electronic file, or ORCA file.

(12) “**CFR**” means the Code of Federal Regulations.

(13) “**Career Pathway**” means a combination of rigorous and high-quality education, training, and other services that:

(a) Align with the skill needs of industries in the economy of the state or regional economy involved;

(b) Prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including but not limited to registered apprenticeships registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) (Referred to individually in this Act as an “apprenticeship”, except in section 171);

(c) Includes counseling to support a functional evaluation of the individual in achieving the individual’s education and career goals in his or her customary environment;

- (d) Includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
- (e) Organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;
- (f) Enables an individual to attain a secondary school diploma or its recognized equivalent, and at least one recognized postsecondary credential; and
- (g) Helps an individual enter or advance within a specific occupation or occupational cluster.

(14) “**Career Planning**” means providing a participant-centered approach in the delivery of services, designed to:

- (a) Prepare and coordinate comprehensive employment plans, such as service strategies, for participants to ensure access to necessary workforce investment activities and supportive services, which may use computer-based technologies; and,
- (b) Provide job, education, and career counseling, as appropriate during program participation and after job placement.

(15) “**Client Assistance Program**” (CAP) means a federally-funded program authorized under 34 CFR 370 that is independent of the Program and its purpose is to provide information, advocacy, and legal representation to individuals seeking Program services.

(16) “**Closure**” means an applicant’s or participant’s record of services shows an end to vocational rehabilitation services and the applicant’s or participant’s exit from the program.

(17) “**Community Rehabilitation Program**” (CRP) means:

(a) A vendor that provides directly or facilitates providing one or more of the following vocational rehabilitation services to individuals with disabilities:

- (A) Medical, psychiatric, psychological, social, and vocational services that are provided under one management.
- (B) Testing, fitting, or training in the use of prosthetic and orthotic devices.
- (C) Recreational therapy.
- (D) Physical and occupational therapy.

- (E) Speech, language, and hearing therapy.
- (F) Psychiatric, psychological, and social services, including positive behavior management.
- (G) Assessment for determining eligibility and vocational rehabilitation needs,
- (H) Rehabilitation technology.
- (I) Job development, placement, and retention services.
- (J) Evaluation or control of specific disabilities.
- (K) Orientation and mobility services for individuals who are blind.
- (L) Psychosocial rehabilitation services.
- (M) Supported employment services and extended services.
- (N) Customized employment.
- (O) Services to family members if necessary to enable the applicant or eligible individual to achieve an employment outcome.
- (P) Personal assistance services.
- (Q) Services similar to the services described in paragraphs (A) through (P) of this definition.
- (b) For the purposes of this definition, “vendor” means an agency, organization, or institution that provides directly or facilitates the provision of vocational rehabilitation services as one of its major functions.
- (18) “**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, health insurance, or employee benefits;
 - (b) Available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment in accordance with §361.53;
 - (c) Commensurate to the services that the individual would otherwise receive from the Program; and
 - (d) Includes accommodations and auxiliary aids.
 - (e) For the purposes of this definition, comparable services and benefits does not include awards and scholarships based on merit.

(19) “**Competitive Integrated Employment**” means work that is performed on a full-time or part-time basis and includes self-employment:

(a) For which an individual is compensated at a rate that:

(A) Shall be not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate specified in the applicable State or local minimum wage law; and

(B) Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; or

(C) If an individual is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and

(D) Is eligible for the level of benefits provided to other employees;

(b) That is at a location typically found in the community where the employee performs the duties of the position with other employees in the work unit and work site and may interact with others (e.g., customers or vendors) with others who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other individuals; and

(c) That may present opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

(20) “**Comprehensive Statewide Assessment**” means the results of a comprehensive statewide assessment of the rehabilitation needs of individuals with disabilities jointly conducted by the Program and the State Rehabilitation Council completed at least every three years subsequent to the conduct of the assessment, and thereafter whenever the comprehensive, statewide needs assessment is updated.

(21) “**Customized Employment**” means competitive integrated employment, for an individual with a significant disability, that is based on an individualized determination of the strengths, needs, and interests of the individual with a

significant disability and is designed to meet the specific abilities of the individual and the business needs of the employer, and is carried out through flexible strategies.

(22) “**Department**” means the Department of Human Services.

(23) “**Due Process**” is the process by which Program applicants or participants who are dissatisfied or disagree with a decision that affects the provision of vocational rehabilitation services can pursue a review.

(24) “**Eligible individual**” means an applicant for vocational rehabilitation services who meets the eligibility requirements of 34 CFR 361.42(a).

(25) “**Employment outcome**” with respect to an individual, entering, advancing in, or retaining full-time or, if appropriate, part-time competitive integrated employment, as defined in § 361.5 (c)(9) (including customized employment, self-employment, telecommuting, or business ownership), or supported employment as defined in § 361.5(c)(53), that is consistent with an individual’s unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(26) “**Evidence-based practices**” means a program or instructional practice with evidence that:

(a) The practice model has gone through rigorous research and has demonstrated a record of success, and

(b) There is reliable, trustworthy, and valid evidence that exists which demonstrates the practice effectiveness.

(c) The evidence supporting these practices or instruction must be supported by scientifically based research.

(27) “**Exit**” as defined for the purpose of performance calculations, means the point after which a participant who has received services through any program meets the following criteria:

(a) For the VR program authorized under title I of the Rehabilitation Act of 1973, as amended by WIOA title IV (VR program):

(A) The participant’s record of service is closed in accordance with 34 CFR 361.56 because the participant has achieved an employment outcome; or

(B) The participant's service record is closed because the individual has not achieved an employment outcome or the individual has been determined ineligible after receiving services in accordance with 34 CFR 361.43.

(b) Notwithstanding any other provision of this section, a participant will not be considered as meeting the definition of exit from the Program if the participant's service record is closed because the participant has achieved a supported employment outcome in an integrated setting but not in competitive integrated employment.

(28) "**Extended employment**" means work in a non-integrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act. Oregon Vocational Rehabilitation does not recognize extended employment as a service, a vocational rehabilitation assessment site, or an employment outcome.

(29) "**Extended services**" means ongoing support services and other appropriate services that are needed to support and maintain an individual with a most significant disability including a youth with a most significant disability, in supported employment.

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

(31) "**Family member,**" for purposes of receiving vocational rehabilitation services in accordance with 34 CFR 361.48, means an individual

(a) Who is either:

(A) A relative or guardian of an applicant or eligible individual; or

(B) Lives in the same household as an applicant or eligible individual; and, [or in federal regulations]

(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.

(32) "**Federal Fiscal Year**" (FFY) means the period beginning on October 1 and ending on September 30.

(33) "**In-Demand Industry Sector or Occupation**" means:

(a) An industry sector that has a substantial current or potential impact, including through jobs that lead to economic self-sufficiency and opportunities for advancement, on the State, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or

(b) An occupation that currently has or is projected to have a number of positions, including positions that lead to economic self-sufficiency and opportunities for advancement, in an industry sector so as to have a significant impact on the State, regional, or local economy, as appropriate.

(c) The determination of whether an industry sector or occupation is in-demand shall be made by the State or local workforce board, as appropriate, using State and regional business and labor market projections, including the use of labor market information.

(34) “**Indian; American Indian; Indian American; Indian Tribe**” mean an individual who is a member of an Indian tribe and also includes a Native and a descendant of a Native, as such terms are defined in subsections (b) and (r) of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(35) “**Indian tribe**” means any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaskan native village or regional village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act) and a tribal organization as defined in section 4(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(b)(1)).

(36) “**Individual who is blind**” means an individual who is blind within the meaning of applicable State law (ORS § 346.120).

(37) “**Impartial Hearings Officer**” means an individual designated to conduct an administrative hearing pursuant to a request from an applicant or participant who is dissatisfied with a decision made by the Program that affects the provision of vocational rehabilitation services.

(38) “**Individual with a disability**” means an individual, except as provided in 39 below:

(a) Who has a physical or mental impairment; and

(b) Whose impairment constitutes or results in a substantial impediment to employment; and

(c) Who may benefit in terms of an employment outcome from the receipt of vocational rehabilitation services.

(39) “**Individual with a disability**” for purposes of 34 CFR §§361.5(c)(13), 361.13(a), 361.13(b)(1), 361.17(a), (b), (c), and (j), 361.18(b), 361.19, 361.20, 361.23(b)(2), 361.29(a) and (d)(8), and 361.51(b), means an individual who:

(a) Has a physical or mental impairment that substantially limits one or more major life activities;

(b) Has a record of the impairment; or

(c) Is regarded as having such an impairment.

(40) “**Individual with a most significant disability**” means an eligible individual who:

(a) Has a severe mental or physical impairment that seriously limits two or more functional capacities in mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills in terms of an employment outcome; and

(b) Is expected to require two or more vocational rehabilitation services over an extended period of time to achieve or maintain a successful employment outcome.

(c) These criteria must be consistent with the requirements in §361.36(d)(1) and (2).

(41) “**Individual with a significant 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 services over an extended period of time; and

(c) Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders

(including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, intellectual disability, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

(42) “**Individualized Plan for Employment**” (IPE) is a plan for attaining the individual’s vocational objective. The IPE identifies services necessary to assist the individual to prepare for, secure, retain, or regain an employment outcome consistent with the individual’s strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice. The IPE identifies the vocational goal, required services, approved service providers, all program costs, time frames, and the individual’s responsibilities under the plan.

(43) “**Individual’s representative**” means any representative chosen by an applicant or eligible individual, as appropriate, including a parent, guardian, other family member, or advocate. If a representative has been appointed by a court, the court appointed representative is the individual’s representative.

(44) “**Informed Choice**” means that an individual, and any guardian or representative who applies for vocational rehabilitation services or is eligible to receive services shall be an active and full partner throughout the vocational rehabilitation process as described in § 361.52. Informed choice also means:

(a) The counselor clarifies choices by using the preferred language of the applicant or participant and using rehabilitation counseling knowledge and skills, and,

(b) Individuals receive sufficient information to make a decision concerning the rehabilitation process and competitive integrated employment opportunities.

(45) “**Integrated setting**” means

(a) With respect to the provision of services, a setting typically found in the community in which applicants or eligible individuals interact with nondisabled individuals other than nondisabled individuals who are providing services to those applicants or eligible individuals; and

(b) With respect to an employment outcome, means a setting:

(A) Typically found in the community; and

(B) Where the employee with a disability interacts, for the purpose of performing the duties of the position, with other employees within the particular work unit and the entire work site, and appropriate to the work performed, other individuals (e.g., customers and vendors) who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to the employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these individuals.

(46) “**Job Coaching**” means direct services provided on-the-job to teach the participant the essential skills necessary to complete required job tasks beyond what is normally provided by the employer.

(47) “**Job Stabilization**” means the expected point of transition to extended services funded by an agency other than the Program that has been jointly agreed upon.

(48) “**Labor Market Area**” means an economically integrated geographic area within which individuals may reside and find employment within a reasonable distance or can readily change employment without changing their place of residence. Such an area shall be identified in accordance with criteria used by the Bureau of Labor Statistics of the Department of Labor in defining such areas or similar criteria established by a Governor.

(49) “**Local Area**” means a local workforce investment area designated by the Governor of the State within the State through consultation with the State Workforce Board after consultation with chief elected officials and local workforce boards, and after consideration of comments received through the public comment process.

(50) “**Local workforce development board**” means a local workforce board, as defined in section 3 of the Workforce Innovation and Opportunity Act.

(51) “**Maintenance**” means monetary support provided to an individual for expenses, such as food, shelter, and clothing, that are in excess of the individual’s normal expenses and that are necessitated by the individual's participation in an assessment for determining eligibility and vocational rehabilitation needs or the individual's receipt of vocational rehabilitation services under an individualized plan for employment.

(52) “**Maximizing hours**” means all individuals with disabilities who want to work in the community shall be given an opportunity to pursue competitive

employment that allows them to work the maximum number of hours consistent with individual choice, preferences, and circumstances, and all individuals who receive supported employment services in an integrated employment setting must have a goal of working the maximum numbers of hours consistent with their individual choice, preferences, and circumstances.

(53) “**Mediator**” means an individual who assists participants in a dispute resolution process to work together to develop a mutually acceptable resolution and settle differences or disputes prior to pursuing an administrative hearing or other legal remedies.

(54) “**Mediation**” means the process of using an independent third party to act as a mediator, intermediary, or conciliator to assist individuals in settling differences or disputes prior to pursuing an administrative hearing or other legal remedies.

(55) “**Notice of Action**” means information provided to Program participants of changes related to their case.

(56) “**Ongoing support services,**” as used in the definition of supported employment (##), means services that are needed to support and maintain an individual with a most significant disability, including a youth with a most significant disability.

(57) “**On-The-Job Training**” (OJT) means a time-limited employer provided training to increase the participant’s specific occupational or job skills. A wage reimbursement schedule is established to compensate the employer for additional training to build the participant’s knowledge, skills, and abilities to perform the essential functions of the job.

(58) “**Parent or Guardian**” means an individual having legal responsibility for the overall welfare and well-being of an individual under age 18 or an individual who, if over age 18, is considered legally incompetent.

(59) “**Participant**” is a reportable individual who has an approved and signed Individualized Plan for Employment (IPE) and has begun to receive services.

(60) “**Personal assistance services**” means a range of services to assist an individual with disabilities to perform activities of daily living, including but not limited to training in managing, supervising, and directing personal assistance services, provided by one or more individuals.

(61) “**Physical or mental impairment**” means

(a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculo-skeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or

(b) Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(60) “**Post-employment services**” means one or more of the services identified in § 361.48(b) that are

(a) Provided subsequent to the achievement of an employment outcome and are necessary for an individual to maintain, regain, or advance in employment, consistent with the individual’s unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(b) Available to meet rehabilitation needs that do not require a complex and comprehensive provision of services and,

(c) Should be limited in scope and duration.

(62) “**Pre-employment transition services**” means the required activities and authorized activities specified in §361.48(a)(2) and (3).

(63) “**Program**” means Oregon Vocational Rehabilitation.

(64) “**Programmatic Accessibility**” means policies, practices, and procedures providing effective and meaningful opportunity for individuals with disabilities to participate in or benefit from aid, benefits, services, and training.

(65) “**Provider of community rehabilitation services**” means any community rehabilitation program, business, or independent contractor that is paid by the Program to provide a vocational rehabilitation service.

(66) “**Qualified and impartial mediator**” means an individual who:

(a) Is not an employee of a public agency (other than an administrative law judge, hearing examiner, employee of a State office of mediators, or employee of an institution of higher education);

(b) Is not a member of the State Rehabilitation Council for the Program;

(c) Has not been involved previously in the vocational rehabilitation of the applicant or recipient of services;

- (d) Is knowledgeable of the vocational rehabilitation program and the applicable Federal and State laws, regulations, and policies governing the provision of vocational rehabilitation services;
- (e) Has been trained in effective mediation techniques consistent with any State-approved or -recognized certification, licensing, registration, or other requirements; and
- (f) Has no personal, professional, or financial interest that could affect the individual's objectivity during the mediation proceedings.
- (g) An individual is not considered to be an employee of the Program for the purposes of this definition solely because the individual is paid by the Program to serve as a mediator.
- (67) “**Qualified Personnel**” means an individual licensed or certified by the state or who maintains an equivalent licensure or certification from another state to make the diagnosis of an applicant's impairment.
- (68) “**Qualified Rehabilitation Personnel**” means a description of the minimum academic and experience requirements for Program professionals and paraprofessionals as amended by WIOA .
- (69) “**Recognized Postsecondary Credential**” means a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree.
- (70) “**Rehabilitation engineering**” means the systematic application of engineering sciences to design, develop, adapt, test, evaluate, apply, and distribute technological solutions to problems confronted by individuals with disabilities in functional areas, such as mobility, communications, hearing, vision, and cognition, and in activities associated with employment, independent living, education, and integration into the community.
- (71) “**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.

(72) “**Reportable individual**” means an individual who has taken action that demonstrates an intent to use program services and who meets specific reporting criteria of the program, including:

(a) Individuals who has an approved and signed Individualized Plan for Employment (IPE); and

(b) Individuals who has begun to receive services.

(73) “**Reservation**” means a Federal or State Indian reservation, a public domain Indian allotment, a former Indian reservation in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); or a defined area of land recognized by a State or the Federal Government where there is a concentration of tribal members and on which the tribal government is providing structured activities and services.

(74) “**School Dropout**” means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

(75) “**Self-Employment**” means one individual owning and controlling the operations and management of an enterprise that reflects the owner’s skills, interests, and preferred work environment.

(76) “**Sole local agency**” means a unit or combination of units of general local government or one or more Indian tribes that has the sole responsibility under an agreement with, and the supervision of, the State agency to conduct a local or tribal vocational rehabilitation program, in accordance with the vocational rehabilitation services portion of the Unified or Combined State Plan.

(77) “**Special wage certificate**” means a certificate issued to an employer under section 14(c) of the Fair Labor Standards (29 U.S.C. 214(c)) and 29 CFR part 525 that authorizes payment of subminimum wages, wages less than the statutory minimum wage, to workers with disabilities for the work being performed.

(78) “**State plan**” means the State plan for vocational rehabilitation services submitted by the Program under 34 CFR 361.10.

(79) “**State Fiscal Year**” means the period beginning on July 1 and ending on June 30.

(80) “**State workforce development board**” means a State workforce development board, as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(81) “**Statewide workforce development system**” means a workforce development system, as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(82) “**Student with a disability**” means an individual with a disability in a secondary, postsecondary, or other recognized education program who:

(a) Is generally not younger than 16 but may be as young as 14 years of age as determined by the Oregon Department of Education; and

(b) Is not older than 21 years of age; and,

(c) (A) 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,

(B) Is a student who is an individual with a disability, for purposes of section 504, or

(C) Is a student who is an individual with a disability who has been home schooled.

(83) “**Substantial impediment to employment**” means a physical or mental impairment that, in light of medical, psychological, vocational, educational, communication, and other related factors, hinders an individual from preparing for, entering into, engaging in, advancing in, or retaining employment consistent with the individual's unique strengths, resources, priorities, concerns, abilities and capabilities.

(84) “**Supported employment**” means competitive integrated employment with ongoing support services for individuals with the most significant disabilities consistent with the unique strengths, abilities, interests, and informed choice of the individual.

(85) “**Supported employment services**” means ongoing support services, including customized employment, and other appropriate services needed to support and maintain an individual or a youth with a most significant disability, in supported employment. These supported employment services occur between placement and transfer to extended support services.

(86) “**Supported Self-Employment**” means a method to, or environment within which, an eligible individual with significant disabilities may pursue an employment outcome matched to the participant’s skills and supports in order for the individual to carry out their employment goal. This method or environment provides required, additional activities in order to establish the viability of self-employment as an appropriate employment outcome.

(87) “**Transition services**” means a coordinated set of activities for

(a) A student with a disability or

(b) A youth with a disability.

(88) “**Transitional employment**” as used in the definition of supported employment, means a series of temporary job placements in competitive integrated employment with ongoing support services for individuals with the most significant disabilities due to mental illness. In transitional employment, the provision of ongoing support services must include continuing sequential job placements until job permanency is achieved.

(89) “**Transportation**” means travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service, including expenses for training in the use of public transportation vehicles and systems.

(90) “**Unemployed Individual**” means an individual who is without a job and who wants and is available for work. The determination of whether an individual is without a job, for purposes of this section, shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed.

(91) “**Unified State Plan**” means a plan submitted by the Governor to the federal Secretary of Labor that outlines a four year strategy for core employment programs of the State.

(92) “**Vocational rehabilitation services**” means as appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's informed choice, services that are available to assist the individual with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(a) If provided to an individual, means those services listed in §361.48 and

(b) If provided for the benefit of groups of individuals, also means those services listed in §361.49.

(93) “**Vocational rehabilitation training**” means skill training in which the basis and focus of the training are individualized or customized. Vocational rehabilitation training may include focus on disability related issues as those issues impact the skills training. Vocational rehabilitation training may include, but is not limited to:

(a) Supported employment;

(b) Disability and related skills training;

(c) On the job training;

(d) One-on-one specialized business training provided to individuals who are working to establish their own business;

(e) Customized training offered by an employer to a group of individuals for the purpose of training and possibly hiring the individuals.

(94) “**Vocational training**” means skills training for a specific occupation.

(95) “**Workforce Development System**” means a system that makes available the core programs, the other one-stop partner programs, and any other programs providing employment and training services as identified by a State board or local workforce board.

(96) “**Workforce Development System Customized Training**” means training:

(a) That is designed to meet the specific requirements of an employer or group of employers;

(b) That is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and

(c) For which the employer pays:

(A) a significant portion of the cost of training, as determined by the local workforce board involved, taking into account the size of the employer and such other factors as the local workforce board determines to be appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), relation of the training to the competitiveness of a participant, and other employer-provided training and advancement opportunities; and

(B) In the case of customized training (as defined in subsections (a) and (b)) involving an employer located in multiple local areas in the State, a significant portion of the cost of the training, as determined by the Governor of the State, taking into account the size of the employer and such other factors as the Governor determines appropriate.

(97) “**Youth with a disability**” means an individual with a disability who is not younger than 14 years of age and not older than 24 years of age.

(98) “**Youth with disabilities**” means more than one youth with a disability.

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