NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 582
DEPARTMENT OF HUMAN SERVICES
VOCATIONAL REHABILITATION SERVICES

FILING CAPTION: Vocational Rehabilitation aligns, adds OAR 1, 30, 72, 115, 150 with WIOA

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/01/2019 5:00 PM
The Agency requests public comment on whether other options should be considered for achieving the rule’s substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Robin Brandt
503-945-5857
VR.policy@dhsoha.state.or.us
Filed By: Robin Brandt
Rules Coordinator

HEARING(S)
Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 02/26/2019
TIME: 2:00 PM - 3:00 PM
OFFICER: Robin Brandt
ADDRESS: Medford Vocational Rehabilitation office
28 West 6th Street
Medford, OR 97501-2774
SPECIAL INSTRUCTIONS:
Accommodation: Anyone who requires an auxiliary aid or service for effective communication should make a request as soon as possible but no later than 72 hours before the scheduled event by contacting Robin Brandt at (503-945-5857) or email VR.Policy@dhsoha.state.or.us.
You may dial in to participate: +1 (503) 934-1400, Access code: 6173011#

DATE: 02/20/2019
TIME: 1:00 PM - 2:00 PM
OFFICER: Robin Brandt
ADDRESS: Oregon Vocational Rehabilitation
305 NE 102nd Avenue
Portland – 102nd Conference Room
Portland, OR 97220-4161
SPECIAL INSTRUCTIONS:
Accommodation: Anyone who requires an auxiliary aid or service for effective communication should make a request as soon as possible but no later than 72 hours before the scheduled event by contacting Robin Brandt at (503-945-5857) or email VR.Policy@dhsoha.state.or.us.
You may dial in to participate: +1 (503) 934-1400, Access code: 95813906#

DATE: 02/15/2019
TIME: 9:00 AM - 10:00 AM
OFFICER: Robin Brandt
ADDRESS: DHS Human Service Building
500 Summer Street
Room 166
Salem, OR 97301-1120
SPECIAL INSTRUCTIONS:
Accommodation: Anyone who requires an auxiliary aid or service for effective communication should make a request as soon as possible but no later than 72 hours before the scheduled event by contacting Robin Brandt at (503-945-5857) or email VR.Policy@dhsoha.state.or.us.
You may dial in to participate: Dial in: +1 (503) 934-1400, Access code: 98691139#
DATE: 02/19/2019  
TIME: 10:00 AM - 11:00 AM  
OFFICER: Robin Brandt  
ADDRESS: Oregon Vocational Rehabilitation  
1607 Gekeler Lane  
Little Creek Meadow Room 134  
La Grande, OR 97850-3341  
SPECIAL INSTRUCTIONS:  
Accommodation: Anyone who requires an auxiliary aid or service for effective communication should make a request as soon as possible but no later than 72 hours before the scheduled event by contacting Robin Brandt at (503-945-5857) or email VR.Policy@dhsoha.state.or.us.

You may dial in to participate:  
+1 (503) 934-1400, Access code: 669505#

Please arrive early to sign in to testify.  
The hearing will be closed when comments are concluded.

NEED FOR THE RULE(S):  
The Oregon Department of Human Services (DHS), Vocational Rehabilitation proposes to permanently adopt and amend rules in chapter 582, Division 1 Definitions, Division 30 Confidentiality of Client Information and Release of Information, Division 72 Supported Services, Division 115 Services to Persons with Disabilities of any Age Receiving Subminimum Wage, and Division 150 Transition Services and Coordination for Students and Youth with Disabilities to comply with changes in the Workforce Innovation and Opportunity Act (2014).

The Program request public comment on the substance and clarity of the rules.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:  
Please see the bottom of the Oregon Vocational Rehabilitation policy page.  
See: http://www.oregon.gov/DHS/EMPLOYMENT/VR/Pages/Policies-Rules.aspx The following regulations have links at the bottom of the page:  
• Workforce Innovation and Opportunity Act (WIOA) Final Rules  
• Workforce Innovation and Opportunity Act of 2014 (WIOA)
FISCAL AND ECONOMIC IMPACT:

It is anticipated no cost will be incurred with the Program for the updated Definitions in Division 1. By clarifying definitions it is anticipated that services will be conducted more efficiently.

Division 30 updates information about confidentiality of client information and release of that information. This is anticipated to be clearer for both Program staff and individuals and their representatives seeking vocational services. This is anticipated to decrease time during services.

Division 72 provides information primarily about Supported Employment and the federal requirements related to these services. Cost of services to individuals with disabilities may rise for some individuals receiving services from the Program with the clarification of services that can be offered.

Division 115 describes federal requirements to provide career counseling and information and referral services to individuals with disabilities in employment that pays them subminimum wages as allowed by the Department of Labor. This has resulted in increased cost to the Program for staff to manage the process of conducting the tasks and initiating a contract to pay for a third party to assist in conducting the required tasks and documentation.

Division 150 (Transition Services and Coordination for Students and Youth with Disabilities) conforms to Workforce Innovation and Opportunity Act (WIOA) requirements to expand specific services (pre-employment transition services specifically) for students. The Program must track that at least 15% of the funds expended be spent for transition related services to this population. There has been an increased attention on service to this population and documentation of the numbers of individuals served and services.

These are unfunded mandates. The Program must assume the costs to provide the required services.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) State agencies, units of local government, and members of the public affected by these rules are Vocational Rehabilitation and partnering agencies in the Oregon Department of Human Services, the Oregon Department of Education, the Labor Department and other private non-profit and profit making organizations that cooperate to provide employment related services.

(2) Effect on small business.
(a) The Program works with many small business providers on a variety of vocational rehabilitation services. This ranges from single individuals to larger non-profits that provide a variety of services. Not all of these services providers will be impacted by these rules. Probably the biggest impact will be on organizations providing persons with disabilities employed paid with subminimum wages an opportunity to seek integrated, competitively waged employment. As the individuals with disabilities transition out of subminimum employment to community based employment, the workforce of the non-profits may be reduced. These non-profit organizations are also transforming their services to provide community based, integrated and competitive employment services rather than segregated services at subminimum wages.

(b) The expected reporting, recordkeeping and administrative duties that are expected in Department of Education (Rehabilitation Services Administration) requirements have increased for the Program substantially. In OAR 582 Division 150 the Program must document the students receiving pre-employment transition services, verify their ability to qualify for these services, and enter them into the Program's electronic case management system on at least a quarterly basis. The work is primarily done by staff. In OAR 582 Division 30, the forms used are updated to meet new requirements. Requirements for reporting, recordkeeping and administrative tasks remain.

The federal requirements for OAR 582 Division 115 Services to Persons of any age receiving subminimum wages has required substantial effort and staff time to develop, implement and monitor the expected reporting, recordkeeping and administrative activities to meet this requirement.
At least a quarter to half time of an administrative staff person has been spent developing the forms, initiating a contract to provide services, follow-up and follow-along of the required services, and reporting for the past two years. This task does not have a sunset date for this task and would only end if all persons with disabilities were no longer employed at subminimum wage or subminimum wages were outlawed (as they have been in some other states).

OAR 582 Division 72 Supported employment describes supported employment requirements. The entire Vocational Rehabilitation Program has invested substantial efforts to work collaboratively with other Department of Human Services programs and private and non-profit organizations to provide job development and job coaching and other supports to develop a more comprehensive approach and payments for services to individuals who benefit from supported employment services.

The costs required to comply with the rules have not been tracked. It would be very difficult to make an accurate estimate of the costs.

(c) At this time the costs of professional services, equipment supplies, labor and increased administration to comply with the proposed changes in rules is indeterminate. While there are anticipated to be some savings with increased clarity and effectiveness, there are costs to providing some of the requirements set in place by federal regulations.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):
The Program has small business owners as part of the State Rehabilitation Council (SRC) and specifically the SRC Policy Committee that works hand in hand to develop and review policy for the Program. Additionally members of a voluntary service providers group that review contracts for the Program were invited to participate in drafts of rules and make comment and suggestions and ask questions.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO  IF NOT, WHY NOT?
Federal regulations governing Oregon Vocational Rehabilitation (see 34 CFR §361.17) mandate that the Program work closely with the State Rehabilitation Council with regard to substantive changes made to policies and procedures affecting the Vocational Rehabilitation program.

The State Rehabilitation Committee (SRC) holds public meetings at least quarterly to provide input, with the public, on substantive changes in Vocational Rehabilitation program rules, policies and procedures. The federal regulations provides a wide representation of stakeholders that Oregon Vocational Rehabilitation works and partners with to serve persons with disabilities and businesses. Several representatives of populations of persons with disabilities the Program serves sit on the SRC. The State Rehabilitation Council membership also contains members of small business, and representatives of women-owned, non-profit organizations and private, for-profit organizations.

At least twice a month, representatives of the whole SRC meet with Oregon Vocational Rehabilitation staff to review changes in policy, procedures and to review documentation regarding Oregon Vocational Rehabilitation provision of services. This group, the SRC Policy Committee, has two representatives of small businesses (profit and non-for-profit), university staff, and tribal vocational rehabilitation representation that consult on the policy, procedures, and other written documentation developed by the Program to provide services and administer the Program.

In addition, the policy, procedures and other written documents are shared with other Department of Human Services and Department of Education staff for comment.

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Policy staff make numerous and consistent efforts to collect comment and incorporate suggestions in these matters.

The public hearings are welcome as a way to further assure a well-rounded consideration of rules, policy and procedure.

RULES PROPOSED:
582-001-0010, 582-030-0000, 582-030-0005, 582-030-0008, 582-030-0010, 582-030-0020, 582-030-0025, 582-030-0030, 582-030-0040, 582-030-0050, 582-072-0010, 582-072-0015, 582-072-0020, 582-072-0030, 582-072-
The definitions have been updated to include terms and definitions that are used throughout OAR 582 and reflect language in the Workforce Opportunity and Innovation Act of 2014.

CHANGES TO RULE:

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:

2. "Administrator" means the Administrator 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. "Assessment for determining eligibility and vocational rehabilitation needs" means, as appropriate in each case:
   a. A review of existing data to determine if an individual is eligible for vocational rehabilitation services; and to assign priority for an order of selection if in effect; and
   b. To the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data to make the eligibility determination and priority assignment;
   c. To the extent additional data are necessary to make a determination of the 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. This comprehensive assessment:
      A. Is limited to information that is necessary to identify the rehabilitation needs of the individual and to develop the individualized plan for employment of the eligible individual;
      B. Uses as a primary source of information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements: Existing information obtained for the purposes of determining the eligibility of the individual and assigning priority for an order of selection for the individual; and Information that can be provided by the individual and, if appropriate, by the family of the individual;
      C. May include an assessment of the individual's personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that affect the individual's employment and rehabilitation needs; and
      D. May include an appraisal of the individual's patterns of work behavior and services needed for the individual to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the use of work in real job situations to assess and develop the individual's capacities to perform adequately in a work environment;
      E. To the maximum extent possible, relies on information obtained from experiences in integrated employment settings in the community, and other integrated community settings. (Public Law No: 113-128, Title IV—Amendments to the Rehabilitation Act of 1973 Sec. 404, Definitions)
   d. Referral, for the provision of rehabilitation technology services to the individual, to assess and develop the capacities of the individual to perform in a work environment; and
(e) An exploration of the individual's abilities, capabilities, and capacity to perform in work situations, which must be assessed periodically during trial work experiences, including experiences in which the individual is provided appropriate supports and training.¶

(5) "Assistive technology" means technology designed to be utilized in an assistive technology device or assistive technology service.¶

(6) "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.¶

(7) "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, including:

(a) The evaluation of the needs of an individual with a disability, including a functional evaluation of the individual in his or her customary environment;¶

(b) Purchasing, leasing, or otherwise providing for the acquisition by an individual with a disability of an assistive technology device;¶

(c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;¶

(d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;¶

(e) Training or technical assistance for an individual with a disability or, if appropriate, the family members, guardians, advocates, or authorized representatives of the individual; and¶

(f) Training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or others who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities, to the extent that training or technical assistance is necessary to the achievement of an employment outcome by an individual with a disability.¶

(8) "CFR" means the Code of Federal Regulations.¶

(9) "Client Assistance Program" or "CAP" means a federally-funded program authorized under 34 CFR 370 that is independent of the Program and whose purpose is to provide information, advocacy, and legal representation to individuals seeking Program services.¶

(10) "Community Rehabilitation Program" or "CRP" means:

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

(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, including technicians for assessment tests;¶

(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) Extended employment;¶

(M) Psychosocial rehabilitation services;¶

(N) Supported employment services and extended services;¶

(O) Customized employment as defined in section (13);¶

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

(Q) Personal assistance services.

(R) Services similar to the services described in subsections (A) through (R) of this definition, including vendors who provide training, write resumes, consult on self-employment plans, assist with a self-employed business, or write PASS plans.

(b) For the purposes of this definition, the 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. It does not include the prospective employer of the individual.

(11) "Comparable services and benefits" means:

(a) 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 34 CFR 361.53; and

(C) Commensurate to the services that the individual would otherwise receive from the Program.

(b) Comparable services and benefits does not include awards and scholarships based on merit.

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

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

(b) That is at a location where the employee interacts 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 persons; and

(c) That, if applicable, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions. (Public Law No: 113-128, Title IV—Amendments to the Rehabilitation Act of 1973, Sec. 404, Definitions)

(13) 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, is designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer, and is carried out through flexible strategies, including but not limited to:

(a) Job exploration by the individual.

(b) Working with an employer to facilitate placement, including:

(A) Customizing a job description based on current employer needs or on previously unidentified and unmet employer needs.

(B) Developing a set of job duties, a work schedule and job arrangement, and specifics of supervision, performance evaluation and review, and determining a job location.

(C) Representation by a professional chosen by the individual, or self-representation of the individual, in working with an employer to facilitate placement; and

(D) Representing the individual at the workplace, including participating in, or representing the individual in, meetings, training, or other interactions with the employer; and

(E) Conducting a job coaching or job evaluation of the individual; and

(F) Providing on-the-job training and supervision.

(2) "Customized Employment Service Provider" means an organization or agency that provides Customized Employment services.
(D) Providing services and supports at the job location.

(14) "Department" means the Department of Human Services.

(15) "Eligible individual" means an applicant for vocational rehabilitation services who meets the eligibility requirements of 34 CFR 361.42(a).

(16) "Employment outcome" means, with respect to an individual, entering or retaining full-time or, if appropriate, part-time integrated competitive employment, as defined in OAR 582-001-0010(12), in the integrated labor market, supported employment, or any other type of employment in an integrated setting, including customized employment, self-employment, telecommuting, or business ownership, that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(17) "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.

(18) "Extended services" means ongoing support services and other appropriate services that are needed to support and maintain an individual with a most significant disability in supported employment and that are:

(a) Provided singly or in combination and are organized and made available in such a way as to assist an eligible individual in maintaining supported employment;

(b) Based on a determination of the needs of an eligible individual, as specified in an individualized plan for employment; and;

(c) Provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource, from funds other than Vocational Rehabilitation funds after an individual with a most significant disability has made the transition from support provided by the Program.

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

(20) "Family member," for purposes of receiving vocational rehabilitation services in accordance with 34 CFR 361.48(i), means an individual who:

(a) Is a relative or guardian or lives in the same household of an applicant or eligible individual; and

(b) 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.

(21) "Impartial hearing officer" means an individual who:

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

(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 eligible individual;

(d) Has knowledge of the delivery of vocational rehabilitation services, the State plan, and the Federal and State regulations governing the provision of services;

(e) Has received training with respect to the performance of official duties; and

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

(22) "Individual with a disability" means an individual:

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

(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 receipt of vocational rehabilitation services.

(23) "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.
"Individual with a significant disability" means an eligible individual who does not qualify as an individual with a most significant disability as defined in section (23); and
(a) The individual is currently receiving or eligible to receive Social Security Income or Social Security Disability Insurance payments; or
(b) The individual:
(A) Has a severe mental or physical impairment that seriously limits one functional capacity 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.

The Individualized Plan for Employment" (IPE) is a blueprint or action 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 his or her strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice. The IPE identifies the employment objective, approved service providers, all program costs, time frames, and the individual's responsibilities under the plan.

"Informed Choice" means that individuals who are applicants for vocational rehabilitation services or eligible individuals receiving such services must be active and full partners throughout the vocational rehabilitation process. Program participants must have the opportunity to make meaningful decisions during assessment for eligibility and in the selection of the employment outcome, services needed to achieve the outcome, service providers, and method of securing services. The Program shall provide information and support services sufficient to inform each applicant and eligible individual about the availability of and opportunity to exercise informed choice.

"Integrated setting with respect to providing 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.

"Integrated setting with respect to an employment outcome" 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, to the same extent that non-disabled individuals in comparable positions interact with other persons.

"Maintenance" means monetary support provided to an individual for expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the individual 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.

"Mediation" means the act or 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 formal administrative or other legal remedies. Mediation under the Program must be conducted in accordance with the requirements in 34 CFR 361.57(d) by a qualified and impartial mediator as defined in 34 CFR 361.5(b)(43).

"Ongoing support services," as used in the definition of "Supported employment":
(a) Means services that are:
(A) Needed to support and maintain an individual with a most significant disability in supported employment;
(B) Identified based on a determination by the Program of the individual's need as specified in an individualized plan for employment; and
(C) Furnished by the Program 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;
(b) Must include an assessment of employment stability and provision of specific services or the coordination of services at or away from the worksite that are needed to maintain stability based on:
(A) At a minimum, twice-monthly monitoring at the worksite of each individual in supported employment; or
If under specific circumstances, especially at the request of the individual, the individualized plan for employment provides for off-site monitoring, twice monthly meetings with the individual:

(A) Any particularized assessment supplementary to the comprehensive assessment of rehabilitation needs;

(B) The provision of skilled job trainers who accompany the individual for intensive job skill training at the worksite;

(C) Job development and training;

(D) Social skills training;

(E) Regular observation or supervision of the individual;

(F) Follow-up services including regular contact with the employers, individuals, parents, family members, guardians, advocates or authorized representatives of the individuals, and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement;

(G) Facilitation of natural supports at the worksite;

(H) Any other service identified in the scope of vocational rehabilitation services for individuals, described in 34 CFR 361.48;

(I) Any service similar to the foregoing services.

“Program” means Vocational Rehabilitation.

“Parent or Guardian” means a person 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.

“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.

“Qualified Personnel” means an individual licensed or certified by the state or an individual who maintains an equivalent licensure or certification from another state to make the diagnosis of an applicant’s impairment.

“Pre-Employment Transition Services” means services provided in accordance with Public Law No: 113-128, Title IV--Amendments to the Rehabilitation Act of 197, Section 113.

(a) “Required Activities” provided with funds reserved under Section 110 29 U.S.C. 730, and any funds made available from State, local, or private funding sources shall be used to make available to students with disabilities for:

(A) Job exploration counseling;

(B) Work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment to the maximum extent possible;

(C) Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;

(D) Workplace readiness training to develop social skills and independent living; and

(E) Instruction in self-advocacy, which may include peer mentoring.

(b) “Authorized Activities” provided with funds available under subsection (a) and remaining after the provision of the required activities described in subsection (a) may be used to improve the transition of students with disabilities described in subsection (a) from school to postsecondary education or an employment outcome by:

(A) Implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces;

(B) Developing and improving strategies for individuals with intellectual disabilities and individuals with significant disabilities to live independently, participate in postsecondary education experiences, and obtain and retain competitive integrated employment;

(C) Providing instruction to vocational rehabilitation counselors, school transition personnel, and other persons supporting students with disabilities;

(D) Disseminating information about innovative, effective, and efficient approaches to achieve the goals of this section.
(E) Coordinating activities with transition services provided by local educational agencies under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

(F) Applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel, in order to better achieve the goals of this section;

(G) Developing model transition demonstration projects;

(H) Establishing or supporting multistate or regional partnerships involving States, local educational agencies, designated State units, developmental disability agencies, private businesses, or other participants to achieve the goals of this section; and

(I) Disseminating information and strategies to improve the transition to postsecondary activities of individuals who are members of traditionally unserved populations.

(c) "Pre-Employment Transition Coordination" means each local office of the Program shall carry out responsibilities consisting of:

(A) Attending individualized education program meetings for students with disabilities, when invited;

(B) Working with the local workforce development boards, one-stop centers, and employers to develop work opportunities for students with disabilities, including internships, summer employment and other employment opportunities available throughout the school year, and apprenticeships;

(C) Working with schools, including those carrying out activities under section 614(d)(1)(A)(i)(VIII) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)(i)(VIII)), to coordinate and ensure the provision of pre-employment transition services; and

(D) When invited, attend person-centered planning meetings for individuals receiving services under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(37) "Physical and mental restoration services" means:

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

(c) Dentistry;

(d) Nursing services;

(e) Necessary inpatient or outpatient care hospitalization in connection with surgery or treatment and clinic services;

(f) Drugs and supplies;

(g) Prosthetic and orthotic devices;

(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 (ORS 683);

(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.

(38) "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 mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
(39) "Post-employment services" means the services identified in 34 CFR 361.48 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, interests, and informed choice.
(40) "Provider of community rehabilitation services" means any community rehabilitation program, business, or independent contractor that is paid by the Program to provide any service listed in OAR 582-001-0010(11).
(41) "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). An individual serving as a mediator is not considered to be an employee of a public agency for the purposes of this definition solely because the individual is paid by a public agency to serve as a mediator;
(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 eligible individual;
(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 would be in conflict with the objectivity of the individual requesting mediation during the mediation proceedings.
(42) "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.
(43) "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.
(44) "Representative" means any person identified by the individual as being authorized to speak or act on behalf of the individual or to assist the individual any matter pertaining to services of the Program, 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.
(45) "State plan" means the State plan for vocational rehabilitation services submitted by the Program under 34 CFR 361.10.
(46) "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, or retaining employment consistent with the individual's unique strengths, resources, priorities, concerns, abilities and capabilities.
(47) "Supported employment" means: competitive integrated employment, customized employment, or employment in an integrated work setting in which individuals are working on a short-term basis toward competitive integrated employment, that is individualized and customized consistent with the strengths, abilities, interests, and informed choice of the individuals involved, for individuals with the most significant disabilities and:
(a) For whom competitive integrated employment has not historically occurred; or
(b) For whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and
(c) Who, because of the nature and severity of their disability, need intensive supported employment services and extended services after the transition described in section (49), in order to perform the work involved.¶

(48) "Supported employment services" means ongoing support services, including customized employment, needed to support and maintain an individual with a most significant disability in supported employment, that are:¶
(a) Provided singly or in combination and are organized and made available in such a way as to assist an eligible individual to achieve competitive integrated employment;¶
(b) Based on a determination of the needs of an eligible individual, as specified in an individualized plan for employment; and¶
(c) Provided by the designated State unit for a period of not more than 24 months, except that period may be extended, if necessary, in order to achieve the employment outcome identified in the IPE.¶

(49) "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.¶

(50) "Vocational rehabilitation services":¶
(a) If provided to an individual, means those services listed in 34 CFR 361.48; and¶
(b) If provided for the benefit of groups of individuals, also means those services listed in 34 CFR 361.49.¶

(51) "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.¶

(52) "Vocational training" means skills training for a specific occupation. Amendments to the Rehabilitation Act of 1973.¶

(2) "Applicant" means an individual who submits an application for vocational rehabilitation services in accordance with 34 CFR 361.41(b)(2).¶

(3) "Apprenticeship" means a job that allows an individual to earn money while gaining skills and experience through both technical instruction and hands-on training.¶

(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; 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 is 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" 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 disability, except that the reference to the term individuals with disabilities shall 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 shall be deemed to mean an individual with a disability, as defined in paragraph (20)(A) of the Act; and

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

(c) Assistive technology service 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) "Auxiliary aids and services" means:

(a) Qualified interpreters on-site or through video remote interpreting (VRI) services; note takers; real-time computer-aided transcription services, written materials, exchange of written notes, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, including real-time captioning, voice, text, and video-based telecommunications products and systems, including text telephones (TTYS), videophones, and captioned telephones, or equally effective telecommunications devices, videotext displays; accessible electronic and information technology, or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;

(b) Qualified readers, taped texts, audio recordings, Brailled materials and displays, screen reader software, magnification software, optical readers, secondary auditory programs (SAP), large print materials, accessible electronic and information technology, or other effective methods of making visually delivered materials available to individuals who are blind or have low vision;

(c) Acquisition or modification of equipment or devices, and

(d) Other similar services and actions.

(10) "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.

(11) "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.¶

(12) "Career Advancement" means the positive progression of an individual's working life along a career-related pathway. Career advancement is often associated with an increase in income or benefits. Advancement can also relate to other accomplishments that make it more likely participants will be able to increase their earnings in the future including:¶

(a) Gains in hourly wages or salary;¶
(b) Gains in number of hours worked per week or month;¶
(c) Changes in job status resulting in health or paid-leave benefits receipt;¶
(d) Changes in schedules that reflect individual's desired hours;¶
(e) Increases in job responsibility;¶
(f) Promotion along an identified career path within a business which may or may not include an increase in pay;¶
(g) Completion of advanced training or an industry-recognized credential that position the individual for promotion or wage increase.¶

(13) "Case Service Record" means the case service record documents the application for and provision of vocational rehabilitation and supported employment services to individuals with disabilities, including program outcomes. An individual may have multiple service records resulting from repeated involvement with the vocational rehabilitation and supported employment programs. Also referred to as service record or record of service (§361.47 Record of services), file, record, case, hard copy file, electronic file, or ORCA file.¶

(14) "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 their 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.¶

(15) "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.¶

(16) "CFR" means the Code of Federal Regulations.¶

(17) "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.¶

(18) "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.¶

(19) "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.
(20) "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 34 CFR § 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.
(21) "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:
(1) Shall not be 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
(2) 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
(3) 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 the 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.
(22) "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.

(23) "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.

(24) "Department" means the Department of Human Services.

(25) "Director" means the Director of Vocational Rehabilitation.

(26) "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 may pursue a review.

(27) "Educational goal" means the participant's next educational or training milestone along the educational path they hope to achieve in the next year and leads to an employment goal or outcome listed in the individualized plan for employment.

(28) "Educational outcome" means the logical endpoint or conclusion of the current educational goal.

(29) "Eligible individual" means an applicant for vocational rehabilitation services who meets the eligibility requirements of 34 CFR 361.42(a).

(30) "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) (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.

(31) "Entity" means an employer, or a contractor or subcontractor of that employer, that holds a special wage certificate described in section 14(c) of the Fair Labor Standards Act of 1938 (FLSA).

(32) "Essential functions" mean the tasks that must be performed, because:

(a) The position, or business, exists to perform a particular function; or

(b) There is evidence to support a determination that a job function is considered essential because of the experience of others doing the same kind of work; judgement of experts in the field; or consequences of not performing the function.

(33) "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.

(34) "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 may 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.

(35) "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.
(36) "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.¶

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

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

(a) Who is either:¶
(B) Lives in the same household as an applicant or eligible individual; and,¶

(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.¶

(39) “Federal Fiscal Year” (FFY) means the period beginning on October 1 and ending on September 30.¶

(40) "Federal Minimum Wage" means the rate applicable under section 6(A)(1) of the FLSA.¶

(41) "Good fit" means employment that meets the unique strengths, needs, interests, and informed choice of the individual. Good fit applies to the essential function of the employment and the culture of the worksite. The closer the employment meets individualized criteria, the greater the likelihood that natural supports can be developed and sustained over time.¶

(42) "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.¶

(43) "Individualized Education Program" (IEP) means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with section 614(d) of the Individuals with Disabilities Education Act (IDEA).¶

(44) "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).¶

(45) "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).¶

(46) "Individual who is blind" means an individual who is blind within the meaning of applicable State law (ORS 346.120).¶

(47) "Information and Referral" means an information and referral system [other synonyms: arrangements, scheme, collaboration, structure] that ensures individuals with disabilities, including eligible individuals who do not meet the agency’s order of selection criteria for receiving vocational rehabilitation services if the agency is operating on an order of selection, who do not meet the Program’s eligibility criteria, or are earning subminimum wage are provided:¶

(a) Accurate vocational rehabilitation information and guidance using appropriate modes of communication to assist them in preparing for, securing, retaining, advancing in, or regaining employment; and¶
Referral to other appropriate Federal and State programs, including other components of the statewide workforce development system, and;

The Program must ensure referral to appropriate programs and service providers best suited to address the specific rehabilitation, independent living and employment needs of an individual with a disability who makes an informed choice not to pursue an employment outcome under the vocational rehabilitation program.

"Individual with a disability" means an individual, except as provided in section (46):

Who has a physical or mental impairment; and

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

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

"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:

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

Has a record of the impairment; or

Is regarded as having such an impairment.

"Individual with a most significant disability" means an eligible individual who:

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

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

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

"Individual with a significant disability" means an individual with a disability:

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; and

Whose vocational rehabilitation can be expected to require multiple services over an extended period of time; and

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.

"Individualized Plan for Employment" (IPE) means a plan for attaining the individual's vocational objective. The IPE identifies services necessary to assist the individual to prepare for, secure, retain, 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.

"Individual's representative" means any representative chosen by an applicant or eligible individual, as appropriate, and may include 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.

"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 34 CFR 361.52. Informed choice also means:

The counselor clarifies choices by using the preferred language of the applicant or participant and using rehabilitation counseling knowledge and skills; and

Individuals receive sufficient information to make a decision concerning the rehabilitation process and competitive integrated employment opportunities.
(55) "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.

(56) "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.

(57) "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.

(58) "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. The 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.

(59) "Labor Market Analysis" means a phase of marketing research done to establish the extent and location of a market.

(60) "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.

(61) "Local workforce development board" means a local workforce board, as defined in section 3 of the Workforce Innovation and Opportunity Act.

(62) "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.

(63) "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.

(64) "Natural Supports" means approaches that emphasize integrating individuals into the workplace culture in ways that are natural and typical, rather than accentuating limitations of individuals and supporting individuals with specialized assistance from a professional.

(65) "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.

(66) "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.

(67) "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.

(68) "Participant" is a reportable individual who has an approved and signed Individualized Plan for Employment (IPE) and has begun to receive services.
"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. ¶

"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. ¶

"Post-employment services" means one or more of the services identified in 34 CFR 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. ¶

"Pre-employment transition services" means the required activities and authorized activities specified in 361.48(a)(2) and (3). ¶

"Prior approval" means a request in writing is made in advance of the activity, obligation, or expenditure. Prior written approval should include the timeframe or scope of the agreement. ¶

"Program" means Oregon Vocational Rehabilitation. ¶

"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. ¶

"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. ¶

"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. ¶

"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. ¶

"Qualified Rehabilitation Personnel" means a description of the minimum academic and experience requirements for Program professionals and paraprofessionals as amended by Workforce Innovation and Opportunity Act. ¶

"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. ¶

"Record of services" see "Service Record". ¶

"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.

(83) "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.

(84) "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 have an approved and signed IPE; and
(b) Individuals who have begun to receive services.

(85) "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.

(86) 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.

(87) "Section 504 Student with a disability” assures that students with disabilities covered by Section 504 of the
Rehabilitation Act are not discriminated against and are assured their civil rights.
(a) A student is entitled to a Section 504 Accommodation Plan if they have been identified and the valuation shows
that the individual has a mental or physical impairment that substantially limits one or more major life activities.
(b) This determination is made by a team of knowledgeable individuals, including the parents, who are familiar of
the student and his/her disability.

(88) "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.

(89) "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.

(90) "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 federal minimum wage, to workers with disabilities for the work being performed.

(91) "Stabilization” means conditions that maintain or cause to maintain employment, clarified in closure criteria
listed in the Individual Plan for Employment for the Program participant.

(92) "State plan” means the State plan for vocational rehabilitation services submitted by the Program under 34
CFR 361.10.

(93) "State Fiscal Year” means the period beginning on July 1 and ending on June 30.

(94) "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).

(95) "Statewide workforce development system” means a workforce development system, as defined in section 3

(96) "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
(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. ¶
(97) "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. ¶
(98) "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. ¶
(99) "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. ¶
(100) "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. ¶
(101) "Transition services" means a coordinated set of activities for:
(a) A student with a disability; or, ¶
(b) A youth with a disability. ¶
(102) "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. ¶
(103) "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. ¶
(104) "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. ¶
(105) "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. ¶
(106) "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. ¶
(107) "Vocational rehabilitation training" means skill training in which the basis and focus of the training is 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. ¶
“Vocational training” means skills training for a specific occupation.

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.

“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.

“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.

“Youth with disabilities” means more than one youth with a disability.

Statutory/Other Authority: ORS 344.530
Statutes/Other Implemented: ORS 344.530, 344.550, 344.560, 344.570, 344.590
AMEND: 582-030-0000

RULE SUMMARY: The changes update the reference to Oregon Vocational Rehabilitation as the Program which will be used to refer to this program in OAR 582.

CHANGES TO RULE:

582-030-0000
General Provisions ¶

The purposes of this division are to: ¶

(1) Implement policies and procedures for the protection, use and release of personal information about individuals applying for or receiving Vocational Rehabilitation (Program) services, consistent with federal statutes and regulations for vocational rehabilitation; the Program. ¶

(2) Implement the confidentiality statutes for vocational rehabilitation; the Program in ORS 344.530(1)(b) and 344.600; and ¶

(3) Clarify how these regulations incorporate and supplement other applicable federal and state laws and regulations.

Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
AMEND: 582-030-0005

RULE SUMMARY: The definitions for Division 30 have been updated to reflect current legal language. Specifically, person has been changed to individual in most cases. The definition for Guardian now states that the individual over the age of 18 must be adjudicated to be incapacitated rather than incompetent.

CHANGES TO RULE:

582-030-0005
Definitions

The following definitions apply to each Rule in Division 30 unless otherwise indicated.¶

(1) "Administrator" means the Administrator of the Office of Vocational Rehabilitation Services.¶

(2) "Individual" means any person who has provided information to OVRS as part of his or her application process for OVRS services or subsequent to an application.¶

(3) "Confidential Information" means any personally identifiable information acquired or developed by OVRS the Program, its staff or its representatives or that identifies an individual as someone applying for or receiving services from OVRS.¶

(4) "Representative" means any person identified by the individual as being authorized to speak or act on behalf of the individual or to assist the individual in any matter pertaining to services of OVRS, 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.¶

(5) "Cooperative Agreement" means a written agreement between OVRS the Program and another agency or organization which includes terms protecting confidentiality of individual's information in keeping with the statutory and regulatory requirements of all parties to the agreement.¶

(6) "Department Director" means the Director of the Department of Human Services.¶

(7) "Designee" means any officer or employee appointed by the Director of the Department of Human Services to respond to requests for reduction or waiver of fees for public records of the Department.¶

(8) "Director" means the Director of the Department of Human Services.¶

(9) "HIPAA" refers to Title II, Subtitle F of the Health Insurance Portability and Accountability Act of 1996, 42 USC 1320d et seq, and the federal regulations adopted to implement this Act.¶

(10) "HIV/AIDS Information" is any information covered by ORS 433.045(3) or that is likely to identify, directly or indirectly, that a client has been tested for the HIV virus or has HIV infection, antibodies to HIV, AIDS (Acquired Immunodeficiency Syndrome) or related infections or illnesses.¶

(11) "Informed Written Consent" means, after receiving a thorough explanation and understanding of the purposes, limitations, recipients, and specific information to be released, an individual or, if appropriate, individual's representative completes and signs a Department of Human Services Form 2098 (Authorization for Use and Disclosure of Non-Health Information), or DHS Form 2099 (Authorization for Use and Disclosure of Health Information), or the successor, or other sufficient written authorization, releasing personal information from or to OVRS Program.¶

(12) "Parent Locator Service" means a service authorized by 42 USC 653 seeking information for the purpose of establishing parentage or establishing, setting, modifying or enforcing child support.¶

(13) "Parent or Guardian" means a person or persons 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 adjudicated legally incapacitated.¶

(14) "Person" includes any natural person, corporation, partnership, firm or association.¶
“Photocopying” means a photograph, microphotograph and any other reproduction on paper or film in any scale, or the process of reproducing, in the form of a photocopy, a public record.¶

“Public Officer Privilege” means, as provided in ORS 40.270, a public officer shall not be examined as to public records determined to be exempt from disclosure under ORS 192.502(8) and (9).¶

“Public Record” means any writing that contains information relating to the conduct of the public’s business that is prepared, owned, used or retained by the Department regardless of physical form or characteristics.¶

“Requestor” means a person identified by the individual as being authorized to speak or act on behalf of the individual or to assist the individual in any matter pertaining to Program services, 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.¶

“Requestor” means an individual requesting inspection, copies, or other reproduction of a public record of the Department.¶

“Subpoena” means a written order for a witness to appear and give testimony and/or deliver named material issued.¶

“Substance Abuse Information” means any information regulated under 42 CFR 2.1-2.67.¶

[Publications: Publications referenced are available from the agency.]
Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
AMEND: 582-030-0008

RULE SUMMARY: The changes updates the name of a program referenced to its current name (Oregon Advocacy Center is now the Disability Rights Oregon).

Update references to OVRS in the rule to the Program (Oregon Vocational Rehabilitation).

If the Program denies an initial verbal request for waiver or reduction of fees for a copy of information from the individual's file, the requester is required to submit a written request.

CHANGES TO RULE:

582-030-0008
Billing Policy and Procedures ¶

(1) An individual or an individual's representative and the Oregon Advocacy Center staff person, including Disability Rights Oregon's Client Assistance Program (CAP) representing that individual, may request a copy of information from their individual's files at no cost once every 12 months. If the individual requests another copy of the same information, written summary, or explanation more frequently than once every 12 months, then OVRS the Program may impose a reasonable, cost-based fee. ¶

(2) OVRS The Program shall charge for the cost of making the record available to the extent permitted by OAR 407-003-0010. ¶

(3) All moneys received shall be handled and recorded under approved state accounting procedures. ¶

(4) If OVRS the Program denies an initial verbal request for waiver or reduction of fees, the requestor shall submit a written request. If OVRS the Program subsequently denies the written request for a waiver or reduction of fees, the requestor may petition the Attorney General for a review of the denial pursuant to the provisions of ORS 192.440(5) and 192.450. ¶

(5) At the option of the Branch office that processes the requested material, the Branch manager, as the Director's designee, may waive assessment of a fee. ¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
AMEND: 582-030-0010

RULE SUMMARY: The subject of this rule has been shortened from Program Uses and Disclosures by OVRS to Program Uses and Disclosures. References to OVRS have been replaced by the designator, the Program or Program. References to person have been replaced by individual as appropriate. The text has been edited to make it easier to read and understand.

CHANGES TO RULE:

582-030-0010
Program Uses and Disclosures by OVRS ¶

(1) All personally identifiable information regarding about an individual that is obtained, generated by, or made available to OVRS the Program, its representative or employees, shall be protected, and held confidential, and The information is the property of OVRS and may only be used and disclosed as permitted by OAR chapter 582, division 30. Such these rules. In addition, the information may not be used or disclosed in violation of any of the following laws where those laws are applicable:

(a) Oregon Administrative Rules, chapter 410, division 14, concerning Privacy of Protected Information for clients of the Department of Human Services and concerning the implementation of HIPAA;
(b) ORS 179.505 concerning written treatment records;
(c) Federal laws concerning substance abuse information as set out in 42 CFR part 2;
(d) State laws concerning HIV information as set out in ORS 433.045;
(e) State laws concerning DNA and genetic information as set out in ORS 192.537 and 192.539.

(2) Confidential information may be used and disclosed by OVRS the Program for purposes directly connected with the administration of the vocational rehabilitation Program, unless prohibited by law. Except for purposes directly connected with the administration of vocational rehabilitation or as required by law, OVRS will the Program may not use or disclose any list of or names of, or any information concerning person individuals applying for or receiving vocational rehabilitation services. Permitted disclosures under ORS 344.600 and OAR 582-030-0010 shall include disclosures made with informed written consent of the client for the purpose of assisting the financial capacity of OVRS or the individual to pay for the rehabilitation of the individual.

(3) Except as directed by the individual under informed written consent, the individual's information will may not be disclosed outside OVRS unless:

(a) Required by federal or state law, including the exceptions to written consent requirements described in OAR 582-030-0040;
(b) Ordered by a judge, magistrate or other authorized judicial officer; or;
(c) Authorized by these rules.

(4) Any information about a crime committed by any individual, or suspected abuse or neglect, or that poses a threat to the safety of the individual or others is not confidential except as provided by law.

(5) Identifiable personal information may not be shared with advisory or other bodies that do not have official responsibility for administration of the Program, unless the individual gives written consent.

(6) Each affected individual shall be informed that discussion of work related information with potential employers, in connection with the individual's job placement of an individual, is considered to be within the scope of the administration of the vocational rehabilitation Program and such the information may be used or disclosed to the extent allowed by law. Such The information shall be limited to that which the counselor determines to be necessary to the placement process and directly related to the individual's abilities to perform, retain, or acquire the skills to perform, specific employment.

(7) Unless prohibited by law, individual information may be released to other agencies which have cooperative agreements with OVRS the Program without the written consent of the individual only if providing such
information has a bearing on administration of the OVRS Program and/or the provision of OVRS Program services. At time of application and at other times that individual information is being collected, OVRS the Program shall inform the individual about situations where information is routinely released and identify the involved agencies.

[Publications: Publications referenced are available from the agency.]
Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
AMEND: 582-030-0020

RULE SUMMARY: The rule has been revised to update the form for release of information as the Legislature made a request for changes in the 2017 session. The rule acknowledges the need for informed consent, parties involved in sharing information, and timelines to obtain or release specified information. For clients adjudicated to be legally incapacitated, the parent or guardian is required to sign.

The release of information obtained from another agency or organization, treatment records, and psychological evaluations to other agencies or programs is clarified. This information may only be released under the conditions established by the treatment provider or source of the records or under the conditions established by agreement between the Program and the treatment provider or source of the records.

References to person have been replaced by individual as appropriate.

CHANGES TO RULE:

582-030-0020
Release of Information to Other Agencies, Organizations, or Authorities or Individuals:

(1) DHS Form 2098 MSC 3010 Authorization for Use and Disclosure of Non-Health Information or Form 2099 Authorization for Use and Disclosure of Health, Sharing and Use of Individual Information, or other equivalent sufficient written authorization, shall be utilized to obtain client permission to release or obtain client information. Before the client or client’s representative signs this form it must be completed so as to indicate informed consent, involved parties and timelines for obtaining or releasing specified information. For a client who has been adjudicated legally incapacitated, the parent or legal guardian shall also sign the form.

(2) Each cover page of any document, record, or report containing OVRS the Program’s client information released to any other agency, organization or person shall be imprinted with a statement that reads: CONFIDENTIAL.

This information cannot be released to any other person, agency, or organization without the prior written approval of the Office of Oregon Vocational Rehabilitation Services Program.

(3) Release to other agencies or programs. Upon receiving the informed written consent of the individual, OVRS The Program may release individual information to another agency or organization to assist with vocational rehabilitation services or administration – including the financial capacity of OVRS or the individual to pay for the rehabilitation of the individual. OVRS The Program may restrict disclosure of individual information believed to be harmful if released directly to an individual until OVRS The Program secures written agreement from the requester that the information will be used only for the purposes authorized and will not be further released to the individual. Information obtained from another agency or organization, treatment records, and psychological evaluations may only be released under the conditions established by the treatment provider or source of the records or under the conditions established by agreement between the Program and the treatment provider or source of the records.

(4) Release for audit, evaluation, or research. OVRS The Program may release confidential information to an organization, agency, or individual engaged in audit, evaluation, or research only for purposes directly connected with the administration of the vocational rehabilitation program, or for purposes which would significantly improve the quality of life for individuals with disabilities, and only when OVRS The Program is assured that:
(a) The information shall be used only for the purposes authorized;
(b) The information shall be released only to persons officially connected with the authorized activity;
(c) The information shall not be released to the involved individual;
(d) The information shall be managed in a manner to safeguard confidentiality; and
(e) The final product shall not reveal the identity of any involved individual without his/her, or his/her representative's written consent.
[Publications: Publications referenced are available from the agency.]
[ED. NOTE: Forms referenced are available from the agency.]
Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
RULE SUMMARY: References to the old acronym for Oregon Vocational Rehabilitation have been replaced by the Program. The reference to the Program administrator has been replaced by Program Director.

Previously a statement was provided that must be read by a Program employee in response to a subpoena. This has been changed. Any Program employee who appears in response to a subpoena not generated by or authorized by the individual or the individual’s attorney and without a valid written authorization must read a statement at the start of the appearance instead of providing documents or testifying about an individual. The statement shall explain that the documents and testimony are confidential and privileged under federal and state law.

CHANGES TO RULE:

582-030-0025
Subpoenas ¶

(1) The administrator of OVRS[Director] is the official custodian of all records for OVRS[the Program]. Any subpoena for release of an OVRS[Program] record must be directed to the administrator of OVRS at OVRS[Director] at the Program’s central administration. ¶

(2) A subpoena, generated or authorized by an OVRS[individual or participating in the Program or the individual’s] attorney, to testify or release individual information is deemed to be an informed written consent from the individual, except as prohibited by law. ¶

(3) Upon verification that an individual’s attorney is authorized to issue the subpoena on behalf of OVRS[the individual’s behalf], Program employees may communicate with the individual’s attorney within the scope of the request to the extent provided under OAR 582-030-0030. ¶

(4) Without a valid written authorization from the individual or an order issued by a judge, magistrate or other authorized judicial officer, OVRS[Program] employees may not provide the individual information in response to a subpoena not generated by or authorized by an individual or his/her the individual’s attorney. ¶

(5) Any OVRS[Program] employee who appears in response to a subpoena not generated by or authorized by the individual or his/her the individual’s attorney and without a valid written authorization must read the following statement at the start of the appearance instead of providing documents or testifying about an individual: "Confidentiality policy imposed by state law, including ORS 344.600, and federal regulation requires OVRS to invoke public officer confidentiality policy imposed by state law, including ORS 344.600, and federal regulation requires OVRS to invoke public officer confidentiality under 40.270 - Evidence Rule 509, with respect to the release of client information or provision of testimony not requested or authorized by the client or the client’s representative." federal and state law. If after making this statement to a judge, magistrate or other authorized judicial officer, the judge, magistrate or other judicial officer issues an order, the OVRS[Program] employee shall comply with the order, including providing any documents or testimony within the scope of the order.

Statutory/Other Authority: ORS 344.530
Statutes/Other Implemented: ORS 344.530, 344.540(1), 344.600
AMEND: 582-030-0030

RULE SUMMARY: References to OVRS, the old acronym for Oregon Vocational Rehabilitation, have been replaced by the Program.

Required activities have been designated by the word "shall" replacing "will.

It is clarified that Medical, psychological, or other information that the Program determines may be harmful to the individual may not be released directly to the individual. If the release is allowed, the release shall be made through a third party as previously described in this rule. Two stipulations are that if the individual is or was a minor aged 14 or older consenting to their own mental health or substance abuse treatment, informed written consent is required to release this information to a parent or guardian.

Additionally, if the individual is or was a minor age 15 or older who consented to their own medical treatment, informed consent is required to release general medical information to a parent or guardian.

CHANGES TO RULE:

582-030-0030
Release to Clients, Parents, Guardians and Legal Representatives

(1) Upon written request using DHS Form 2093, or its equivalent, or its successor, the requested information from the OVRS Program case file shall be released to the individual or, as appropriate, the individual's representative, in a timely manner, with the following exceptions:

(a) Case file information obtained from another agency or organization, treatment records, and psychological evaluations may only be released under the conditions established by the treatment provider or source of the records or under the conditions established by agreement between OVRS the Program and the treatment provider or source of the records.

(b) If an individual or, (as appropriate), a parent, guardian, or other representative presents a written request to review medical or psychological reports from the individual's OVRS Program file and the counselor believes direct release of such information to any of the above persons may be harmful to the individual, the following procedures must be followed:

(A) The counselor shall contact the practitioner(s) who wrote the report(s) to request an opinion as to whether the practitioner believes direct release of the information would be harmful to the individual; or, if a practitioner is unavailable;

(B) The counselor shall obtain an opinion from the appropriate office medical or psychological consultant as to whether the consultant believes direct release of the information would be harmful to the individual; the consultant is to record his/her opinion on the Medical/Psychological Review Record in the medical jacket (R-114);

(C) If the practitioner or consultant states that direct release would not be harmful, the counselor shall release the requested OVRS Program information directly to the individual, or (as appropriate), to the individual's parent, guardian, or designated representative;

(D) If the practitioner or consultant states that direct release would be harmful, the counselor shall request, but not require, the individual to designate an appropriate and qualified physician or psychologist of the individual's choosing for the purpose of reviewing and interpreting the contents of the report(s) to the individual. If the individual agrees, the counselor shall schedule the appointment, mail copies of the report(s) to the practitioner, and if the individual so requests, execute an Authorization for Purchase to pay the practitioner for an office visit at
(E) Medical, psychological, or other information that the Program determines may be harmful to the individual may not be released directly to the individual, but if release is allowed under these rules, must be provided to the individual through a third party chosen by the individual, which may include, among others, an advocate, a family member, a qualified medical or mental health professional, unless a representative has been appointed by court to represent the individual. In that case, the information shall be released to the court-appointed representative.

(2) Informed written consent from the individual is required for the release of any information about sexually transmitted diseases or birth control to a parent or guardian for any individual regardless of age.}

(3) If the individual is or was a minor age 15 or older who consented to their own medical treatment, informed written consent from the individual is required for the release of general medical information to a parent or guardian.

Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
Person has been replaced by individual when appropriate.

It has been clarified that the Program may disclose the minimum for purposes directly connected with the administration of vocational rehabilitation; federal Rehabilitation Services Administration; or other state or federal agencies with regulatory authority over the Program or administrative responsibilities necessary for Program services.

CHANGES TO RULE:

582-030-0040
 Exceptions to Written Consent Requirements ¶

(1) Required Reporting and Response to Investigations: ¶
   (a) OVRS are required: ¶
      (a) The Program employees shall report to the appropriate authorities abuse of individuals age 65 and over, (see ORS 124.060), under the age of 18, (see ORS 419B.010), individuals 18 age or over with developmental disabilities or mental illness, (see ORS 430.765), and residents of long-term care facilities, (see ORS 441.640); ¶
      (b) OVRS must release the individual’s information if required by federal law or in response to investigations in connection with law enforcement, fraud or abuse (unless expressly prohibited by federal or state laws or regulations, such as OAR 410-014-0020(2)(j) which identifies limits on disclosures of protected health information to law enforcement) or in response to an order issued by a judge, magistrate or other authorized judicial officer. ¶

   (2) Response to Child Support Enforcement. A person authorized under federal law may access information for the Federal Parent Locator Service under ORS 25.265. ¶

   (3) OVRS may release an individual’s information to protect the individual or others when the individual poses a threat to his or her safety or to the safety of others. ¶

   (4) For Deceased Persons: ¶
      (a) Vital Statistics. These rules do not restrict the disclosure of OVRS identifying information relating to the death of an individual under laws requiring the collection of such vital statistics or permitting inquiry into the cause of death; ¶
      (b) Consent by Personal Representative. Other requirements of these rules notwithstanding, if written consent to such disclosure is required, that consent may be given by an executor, administrator or other personal representative appointed under applicable state law. If there is no such appointment, consent may be given by the spouse or other responsible member of the individual's family. ¶

   (5) Participation in State Agency Information Exchange: OVRS shall participate in the State Shared Information System (SIS) or Performance Reporting Information System (PRISM), and DHSS information sharing to the extent allowed by and consistent with state and federal law and/or regulations. Where the individual's authorization is required, OVRS may obtain informed written consent using forms specific to these information exchanges. ¶

   (6) OVRS may disclose the minimum information necessary for internal OVRS administrative purposes to the Department of Human Services, purposes directly connected with the administration of vocational rehabilitation; federal Rehabilitation Services Administration; or other state or federal agencies with regulatory authority over the Program or administrative responsibilities necessary for Program services.
Publications: Publications referenced are available from the agency.
Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
A second requirement for this rule is that the Program may not amend or remove a record created and received from another agency, program, or independent contractor. However, the Program may accept amended records from another agency, program, or independent contractor to supplement the record of service.

The old acronym for Oregon Vocational Rehabilitation (OVRS) has been replaced by the Program. Person has been replaced by individual, as appropriate.

CHANGES TO RULE:

582-030-0050
The Individuals Right to Amend Records ¶

(1) An individual who believes that information in the record of services is inaccurate or misleading may request that OVRS amend the information. OVRS is not required to amend the record of services. If OVRS does not amend the information, the individual may prepare an amending statement and request that OVRS insert the statement into the record of services.

(2) The Program may not amend or remove a record created and received from another agency, program, or independent contractor, but may accept amended records from another agency, program, or independent contractor to supplement the record of service.

Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730, 162.305(1)
RULE SUMMARY: This rule defines the characteristics of supported employment, the intention of providing this service to a population of persons with more severe disabilities and needing more intensive and extended vocational rehabilitation services. Timelines and limitations of supported employment are provided.

CHANGES TO RULE:

582-072-0010
General provisions for supported employment
(1) Supported employment shall be competitive integrated employment, consistent with the unique strengths, resources, concerns, abilities, capabilities, interests, and informed choice of an individual with a most significant disability:
(a) For whom competitive integrated employment has not historically occurred or for whom employment has been interrupted or intermittent as a result of a significant disability; and
(b) Who, because of the nature and severity of their disabilities, need intensive supported employment services and extended services after transition from support by the Program; and
(c) Who have been found eligible for vocational rehabilitation services; and
(d) For whom supported employment has been identified as appropriate through use of a comprehensive assessment.
(2) An individual whose supported employment is in an integrated setting but does not satisfy the criteria of salary, benefits, and opportunity for advancement comparable to other employees, may make an informed choice to work to advance in employment on a short-term basis so long as the individual can reasonably anticipate achieving the desired competitive integrated employment:
(a) Within six months of achieving the supported employment outcome; or
(b) In limited circumstances, within a period not to exceed 12 months, if a longer period is necessary based on the needs of the individual and the individual has demonstrated progress toward competitive earnings based on information contained in the service record.
(3) The Program may use funds allocated under CFR Part 363, The State Supported Employment Services Program, to provide extended services to youth with the most significant disabilities:
(a) For a period of time not to exceed four years, or
(b) Until such time that a youth reaches the age of 25.
Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
RULE SUMMARY: This rule describes who is eligible for supported employment services.

CHANGES TO RULE:

582-072-0015
Eligibility for supported employment services
(1) The Program may provide supported employment services to any individual, including a youth with a disability, when:
(a) The individual is determined eligible for vocational rehabilitation services in accordance with 34 CFR §361.42; and
(b) Is an individual with a most significant disability; and
(c) Supported employment has been identified as appropriate for the individual on the basis of a comprehensive assessment of rehabilitation needs, including existing data to the greatest extent possible, that the individual is determined to require supported employment services to maintain and advance in employment.
(2) Any applicant who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act is:
(a) Presumed eligible for vocational rehabilitation services; and
(b) Considered an individual with a significant disability; and
(c) The Program may start providing services while seeking mandatory verification of the applicant's eligibility under Title II or Title XVI.
Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
RULE SUMMARY: This rule further describes supported employment services, length of the services, and purpose of this service. The purpose of ongoing support services are described, who provides them, and how these services may be coordinated and monitored to assure they are delivered appropriately. Stability of the job is addressed. Post-employment services for supported employment are discussed.

CHANGES TO RULE:

582-072-0020
Supported employment services
(1) "Supported employment services" means ongoing support services, including customized employment, needed to support and maintain an individual with a most significant disability in supported employment, that are:
(a) Provided singly or in combination and are organized and made available in such a way as to assist an eligible individual to achieve competitive integrated employment;
(b) Based on a determination of the needs of an eligible individual, as specified in an individualized plan for employment (IPE); and
(c) Provided by the Program for a period of not more than 24 months, except that period may be extended, if necessary, in order to achieve the employment outcome identified in the IPE.

(2) Ongoing support services:
(a) Are furnished by the Program 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 service providers through the individual's term of employment in a specific job placement; and
(b) Include an assessment of employment stability and provision of specific services or the coordination of services at or away from the worksite that are needed to maintain stability based on:
(A) At a minimum, twice-monthly monitoring at the worksite of each individual in supported employment; or
(B) If under specific circumstances, especially at the request of the individual, the IPE provides for off-site monitoring, twice monthly meetings with the individual; and
(c) Are provided for up to 24 months, except that period may be extended if necessary, in order to achieve the employment outcome identified in the IPE;

(3) Specified in the IPE;

(4) Include post-employment services when required to ensure that the employment outcome remains consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
ADOPT: 582-072-0030

RULE SUMMARY: The rule describes the conditions when job stabilization has been achieved when the participant is employed using supported employment services.

CHANGES TO RULE:

582-072-0030
Stabilization of employment and transition to extended services
(1) Stabilization of employment is reached when:
   (a) The participant is working the hours per week identified in the individualized plan for employment (IPE) or close to the number with plans to increase hours; and
   (b) The participant is satisfied with the type of work; and
   (c) The Vocational Rehabilitation counselor and participant agree that the participant is performing adequately; and
   (d) According to the employer the participant is performing adequately, and
   (e) If needed, assessed needs that have in the past affected the individual's job retention have been resolved in this situation.
(2) Transition to extended services provided by other than the Program shall occur when stabilization is reached and:
   (a) Counselor and participant have discussed extending the provision of supported employment services and agree that no further supported employment services are necessary; and
   (b) Extended services are available and ongoing; or
   (c) Natural supports are available and adequate for the individual to maintain the job.
Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
RULE SUMMARY: The rule describes extended services for youth with a most significant disability. Extended services are described, the purpose of extended services, and the federal regulations governing these services. Timelines and limitations of services due to age of the youth are described.

CHANGES TO RULE:

582-072-0035
Extended services for youth with a most significant disability
(1) "Extended services" means ongoing support services and other appropriate services that are:
(a) Needed to support and maintain an individual with a most significant disability, including a youth with a most significant disability, in supported employment; and
(b) Organized or made available, singly or in combination, in such a way as to assist an eligible individual in maintaining supported employment; and
(c) Based on the needs of an eligible individual, as specified in an individualized plan for employment;
(d) Provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource, after an individual has made the transition from support from the Program; and
(2) Provided to a youth with a most significant disability by the Program in accordance with requirements set forth in this part and part 363 for a period not to exceed four years, or at such time that a youth reaches age 25 and no longer meets the definition of a youth with a disability under paragraph (c)(58) of this section, whichever occurs first.
(3) The Program may provide extended services to an individual youth with a most significant disability, who is assessed as needing supported employment services and extended support services; who has:
(a) Been offered employment that matches their plan goal of type of work and hours of work; and
(b) Received the full 24 months of supported employment services during which:
(A) Natural supports were explored and developed to the extent possible; and
(B) Comparable benefits for extended services were sought but not currently available to the participant; and
(4) Program administrator approval shall be required to amend individualized plan for employment to include extended support services from the Program, for a period of time (whichever occurs first):
(a) For up to one year at a time for a total of up to 4 years; or
(b) Until the youth reaches the age of 25; and
(c) The amendment includes the provision to seek comparable benefits, or utilize Social Security work incentives, if needed.
Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
The criteria for an appropriate, positive supported employment outcome has been achieved is described in this rule.

CHANGES TO RULE:

582-072-0040
Supported employment outcome
The participant who is employed in competitive integrated employment shall be considered to have achieved an employment outcome when:

1. Participant has completed supported employment services; and
2. Participant received up to 24 months of supported employment service(s) and participant and the Program agree that no more services are required; or
3. Participant and the Program have determined that an extension of time beyond 24 months is necessary to support and maintain the individual in supported employment; and
4. The participant has transitioned to extended services provided by other than the Program or by the Program to youth in specific circumstances; and
5. The participant has maintained employment and achieved stability in the work setting for at least 90 days after transitioning to extended services; and
6. The employment is individualized and customized and consistent with the strengths, abilities, interests, and informed choice of the individual.

Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
ADOPT: 582-072-0045

RULE SUMMARY: The conditions to close a participant’s service file as employed in competitive integrated employment are provided.

The limitations to service to a youth with disabilities receiving supported employment are described.

CHANGES TO RULE:

582-072-0045

Supported employment closure

(1) Closing the record of services of a participant who has achieved an employment outcome of competitive integrated employment shall happen when documentation in the client’s file shows that:

(a) Case closure requirements of 34 CFR §361.56 have been met; and

(b) Participant is not receiving extended services from the Program or any other Program service.

(2) The service record of a youth with a most significant disability who is receiving extended services provided by the Program shall be closed when the youth:

(a) No longer meets the age requirements (is 25 years old or older); or

(b) Has received extended services from the Program for a period of four years; or

(c) Has transitioned to extended services provided by other than the Program, and

(d) Satisfies requirements for case closure in 34 CFR §361.56; and

(e) Is no longer receiving vocational rehabilitation service from the Program.

Statutory/Other Authority: ORS 344.530, 344.570

Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
RULE SUMMARY: Conditions for post-employment services to be delivered when receiving supported employment are described.

CHANGES TO RULE:

582-072-0050

Supported employment post-employment services

(1) Shall be only those needed services that are unavailable from an extended services provider; and ¶

(2) Shall meet rehabilitation needs that do not require a complex and comprehensive provision of services; and ¶

(3) Shall be limited in scope and duration.

Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
RULE SUMMARY: A definition is provided for career counseling for limitation on subminimum wage that pertains to this rule.

CHANGES TO RULE:

582-115-0005
Definitions
"Career counseling for limitation on subminimum wage" means a service provided by the Program or its contractor that:

(1) Pertains to the body of subject matter and related techniques and methods organized for the development in individuals of career awareness, career planning, career decision making, placement skills, and knowledge and understanding of local, state, and national occupational educational, and labor market needs, trends and opportunities; and

(2) Assists individuals with disabilities in making and implementing informed educational and occupational choices.

Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
RULE SUMMARY: This rule discusses who individuals in subminimum wage are, how they are known to the Program (Oregon Vocational Rehabilitation), and the information and services in that will be provided to them under this rule.

CHANGES TO RULE:

582-115-0010
General provisions
The Program shall support placement of Program clients only in work that is competitive integrated employment.

(2) The Program shall assure that career counseling and information and referral shall be available to individuals known by the Program:

(a) An individual with a disability may become "known" to the Program through self-identification by the individual with a disability, referral by a third-party (including an entity as defined in 34 CFR §397.5(d)), through the individual's involvement with the vocational rehabilitation process, or any other method:

(A) Who are working at less than the federal minimum wage, or,

(B) Who are youths with a disability, known to be considering pursuing employment paying less than the federal minimum wage.

(b) These individuals shall not be required to be, or have applied to be, a Program participant.

(c) If the individual is a current Program participant, or has applied to the Program, they shall receive limitation on subminimum wage services if they wish to remain in subminimum wage employment while working with the Program.

(d) Limitation on subminimum wage services shall be based on vocational rehabilitation counseling strategies that facilitate informed choice.

(e) These services shall be provided twice in the first year of employment at subminimum wage and annually thereafter.

(3) The Program may employ contractors to provide limitation on subminimum wage services.

(a) The contractors shall be chosen only through the Oregon Department of Administrative Services (DAS) and Department of Human Services (DHS) contracting process.

(b) The services shall not be provided by an entity.

(4) Individuals who are not Program participants shall receive an Oregon Vocational Rehabilitation Brochure. Referral to other Federal, State, and local resources shall be provided as applicable to each individual.

(5) All individuals shall receive Client Assistance Program (CAP) information to guide them if they have a grievance regarding this specific vocational rehabilitation service.

Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
A DOPT: 582-115-0015

RULE SUMMARY: This rule describes the services that will be provided by the Program (Oregon Vocational Rehabilitation), when the services should occur, the frequency of the services, and documentation requirements that the service took place.

CHANGES TO RULE:

582-115-0015

Services to individuals of any age who are employed at a subminimum wage
(1) The Program shall provide career counseling and information and referral to individuals with disabilities regardless of age, or the individual's representative as appropriate, who are known by the Program to be employed at a subminimum wage. ¶
(2) Career counseling and information and referral services may include benefits planning materials and information. ¶
(3) The Program shall upon referral of an individual with a disability employed at subminimum wage by an entity with fewer than 15 employees: ¶
   (a) Inform the individual about self-advocacy, self-determination, and peer mentoring training opportunities in the community; ¶
   (b) Provide the information within 30 days of the referral by the entity. ¶
(4) Required services shall: ¶
   (a) Be carried out once every six months for the first year of subminimum wage employment; ¶
   (b) Be carried out annually after the first year, for the duration of such employment. ¶
   (c) The applicable intervals shall be calculated based upon the date the individual becomes known to the Program. ¶
(5) The Program shall provide documentation to the individual: ¶
   (a) No later than 45 calendar days after completion of service; or 90 days with extenuating circumstances. ¶
   (b) Documentation shall contain: ¶
      (A) Name of the individual; ¶
      (B) Description of service; ¶
      (C) Name of the provider of the required service or activity; ¶
      (D) Date required service completed; ¶
      (E) Signature of individual; documenting completion of service; ¶
      (F) Date of signature; ¶
      (G) Signature of Program personnel transmitting documentation to the individual; and ¶
      (H) Date and method of transmittal to individual.

Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
RULE SUMMARY: If the individual or the individual's representative refuse to participate in these activities, this must be documented within 10 calendar days. Requirements for the documentation are listed. These documents must be signed by the Program personnel, the individual or the individual's representative, dated, and maintained by the Program in the case management system.

CHANGES TO RULE:

582-115-0020

Refusal to participate in a required activity

(1) When the individual refuses to participate in a required activity, documentation of that refusal shall be provided within 10 calendar days and shall at a minimum contain:

(a) Name of the individual;

(b) Description of the refusal including reason for refusal;

(c) Signature of the individual or individual's representative;

(d) Signature of Program personnel documenting the individual's refusal;

(e) Date of signatures; and

(f) Date and method of transmittal of documentation of refusal to the individual.

(2) The Program shall retain a copy of all documentation in a manner consistent with the Program's case management system.

Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
RULE SUMMARY: When a person with a disability is known to the Program (Oregon Vocational Rehabilitation) to be employed in a position and paid subminimum wages, the Program must conduct a semi-annual review and reevaluation for the first two years and annual reviews thereafter. These reviews will be documented and maximum efforts will be made by the Program to assure that vocational rehabilitation services, reasonable accommodations, and other necessary support services to assist the individual in engaging in competitive integrated employment are identified and provided.

For persons in extended employment and whose record of service is closed it is assumed that the individual is unable to achieve competitive integrated employment or the individual made an informed choice to remain in extended employment. These individuals will also participate in Program semi-annual review and reevaluation for the first two years and annual reviews thereafter.

CHANGES TO RULE:

582-115-0030
Semi-annual and annual review in extended employment and other employment under special certificate provisions of the Fair Labor Standards Act
(1) The Program shall conduct semi-annual review and reevaluation for the first two years of such employment and annually thereafter in accordance with the requirements in paragraph (2) of this section for an individual who has a record of service as either an applicant or eligible individual under the Program; who:
(a) Has achieved employment in which the individual is compensated in accordance with section 14(c) of the Fair Labor Standards Act; or
(b) Is in extended employment including those individuals whose record of service is closed while the individual is in extended employment on the basis that the individual is unable to achieve competitive integrated employment or the individual made an informed choice to remain in extended employment.
(2) For each individual who meets the criteria in paragraph (1), the Program shall semi-annually review and reevaluate the status of each individual for two years after the individual's record of service is closed, and annually thereafter, to:
(a) Determine the interests, priorities, and needs of the individual with respect to competitive integrated employment or training for competitive integrated employment; and
(b) Enable the individual, or if appropriate, the individual's representative to provide input into the review and reevaluation and shall document that input in the record of services, with the individual's or, as appropriate, the individual's representative's signed acknowledgement that the review and reevaluation have been conducted, and
(c) Make maximum efforts, including identifying and providing vocational rehabilitation services, reasonable accommodations, and other necessary support services to assist the individual in engaging in competitive integrated employment.

Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
RULE SUMMARY: This a new rule that provides definitions for new transition services to students with disabilities and youth with disabilities as provided in the Workforce Innovation and Opportunity Act (WIOA) that apply to transition.

CHANGES TO RULE:

582-150-0005
Definitions
(1) "Authorized activities" means that funds available and remaining after the Program provides the required activities described in OAR 582-150-0005 (4) may be used to improve the transition of students with disabilities from school to postsecondary education or an employment outcome by:
(a) Implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces;
(b) Developing and improving strategies for individuals with intellectual disabilities and individuals with significant disabilities to live independently, participate in postsecondary education experiences, and obtain, advance in and retain competitive integrated employment;
(c) Providing instruction to vocational rehabilitation counselors, school transition personnel, and other individuals supporting students with disabilities;
(d) Disseminating information about innovative, effective, and efficient approaches to achieve the goals of these rules;
(e) Coordinating activities with transition services provided by local educational agencies under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);
(f) Applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel, in order to better achieve the goals of these rules;
(g) Developing model transition demonstration projects;
(h) Establishing or supporting multistate or regional partnerships involving states, local educational agencies, the Program, developmental disability agencies, private businesses, or other participants to achieve the goals of these rules; and
(i) Disseminating information and strategies to improve the transition to postsecondary activities of individuals who are members of traditionally unserved and underserved populations.
(2) "Potentially eligible" means all students with disabilities, regardless whether they have applied or been determined eligible for vocational rehabilitation services. The term is applicable only when implementing the requirements governing pre-employment transition services.
(3) "Pre-employment transition coordination" means that each local branch of the Program shall carry out responsibilities consisting of the following:
(a) Attending individualized education program (IEP) meetings for students with disabilities, when invited;
(b) Working with the local workforce development boards, one-stop centers, and employers to develop work opportunities for students with disabilities, including internships, summer employment and other employment opportunities available throughout the school year, and apprenticeships;
(c) Working with schools to coordinate and ensure the provision of pre-employment transition services; and
(d) When invited, attending person-centered planning meetings to individuals receiving Medicaid.
(4) "Required activities" means the Program shall coordinate the following pre-employment transition services for students:
(a) Job exploration counseling;
(b) Work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment in the community to the maximum extent possible;
(c) Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
(d) Workplace readiness training to develop social skills and independent living; and
(e) Instruction in self-advocacy including instruction in person-centered planning, which may include peer mentoring, including peer mentoring from individuals with disabilities working in competitive integrated employment.

Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
RULE SUMMARY: Transition services will use evidence-based and best practices to serve student and youth with disabilities (including those with most significant disabilities) in transition. Collaboration with other agencies at all levels of government is necessary.

Pre-employment transition services (Pre-ETS) and coordination to students with disabilities are governed by the Program’s rules and procedures and made available to students statewide. State and federal law and regulations, statewide cooperative agreement, contracts and interagency agreements will assist in making services available. Outreach and engagement of families will be performed to assure they are informed of Program services. Program branches and contract and interagency agreements will assist in contact and sharing information with the families.

CHANGES TO RULE:

582-150-0015
General Provisions for Students and Youth with Disabilities in Transition
(1) The Program shall use evidence-based and best practices to serve students and youth with disabilities, including those with the most significant disabilities, who are in transition.
(2) To accomplish this, the Program shall collaborate with other agencies at the state administrative levels, regional and local levels, including but not limited to: the Oregon Department of Education, Oregon Department of Human Services, Office of Developmental Disabilities, Oregon Health Authority Health Systems Mental Health Services and Addiction Services, Oregon Youth Authority, local school districts, and federally recognized Tribal Rehabilitation Programs.
(3) General provision of pre-employment transition services (Pre-ETS) and coordination to students with disabilities is:
   (a) Governed by the Program's rules and procedures;
   (b) Made available to all students with disabilities who may need them statewide; and,
   (c) In accordance with:
      (A) State and federal law and regulation; and
      (B) The statewide educational cooperative agreement developed between the Oregon Department of Education and the Department, Office of Developmental Disability Services; and,
      (C) The Program administers a range of statewide pre-employment and transition services through contracts and interagency agreements with school districts and community-based service providers to perform liaison and coordination work between the Program and schools, at local and regional levels, including other local service providers and through Pre-ETS, comprehensive transition services, and summer youth employment services.
(4) Outreach to and engagement of families
   (a) The Program shall inform school transition programs, students, and families about Program services,
   (b) Outreach to and engagement of families shall be provided through local Program branches and services through contracts and interagency agreements with school districts and community-based service providers.
Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
RULE SUMMARY: This rule states that students with disabilities who need and request pre-employment transition services (Pre-ETS) will be provided. Students with disabilities do not need to be a participant in Oregon Vocational Rehabilitation services to receive Pre-ETS.

Eligibility for Pre-ETS are further described. The Program will coordinate with and provide these services with schools and contractors for students who request specific services. Services will be individualized for the student.

CHANGES TO RULE:

582-150-0030
Pre-Employment Transition Services
The Program shall provide pre-employment transition services to all students with disabilities who may need them and request them.

(1) Students with disabilities shall not be required to apply or be determined eligible for Program services before receiving pre-employment transition services.

(2) The Program shall provide pre-employment transition services to students with disabilities who are:
   (a) Eligible for an individual education plan (IEP), or have a documented disability, or is an individual with a disability under Section 504 under the Act; and
   (b) Age 14 to 21 and in school and participating in a secondary or post-secondary school leading to recognized credentials.

(3) The Program shall coordinate and provide, with schools and contractors, individualized and appropriate pre-employment transition required activities to students who request specific services. Students may not receive all services depending on their individualized needs.

Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
RULE SUMMARY: A student with a disability may receive pre-employment transition services without becoming applying for and becoming eligible for vocational rehabilitation services through the Program. To receive vocational rehabilitation services from the Program, a student with a disability must apply and be determined eligible for Program services. The requirements and process are the same for students with disabilities as any other applicant for these services. Students and youth with disabilities are presumed to benefit from vocational rehabilitation services.

CHANGES TO RULE:

582-150-0040
582-150-0040 Program application and eligibility for students and youth
(1) A student may receive pre-employment transition services (Pre-ETS) before applying for individualized services from the Program.¶
(2) A student with a disability who needs individualized services from the Program, in addition to Pre-ETS or stand-alone services, shall apply and be determined eligible for the Program.¶
(3) The Program application and eligibility determination requirements and process shall be the same for all Program applicants including students and youth with disabilities.¶
(4) Every student and youth, regardless of the severity of their disability, is presumed able to benefit in terms of an employment outcome from Program services.

Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
RULE SUMMARY: This rule describes the contents of student with disabilities' individualized plan for employment, timelines, and reporting needed.

CHANGES TO RULE:

582-150-0045

Individualized Plan for Employment (IPE) for student or youth

(1) An individualized plan for employment for an eligible student or youth with a disability shall:

(a) Contain a description of the employment goal or may include a description of the individual's projected post-school employment and include documentation of the educational goals and subsequent educational outcomes to be attained which are directly tied to the employment goal;

(b) The employment goal must be consistent with the general goal of competitive integrated or supported employment; and

(c) Include the specific transition services and supports needed by the student or youth for the achievement of the employment goal or projected post-school employment goal; and

(d) Be developed as early as possible and no later than 90 days after determination of eligibility.

(2) During the course of training or education the counselor and participant shall meet at the end of each educational term (quarterly, semester, or other as designated by the training or educational organization). During these meetings, the participant shall review and share with the counselor at a minimum:

(a) Grades;

(b) Credits successfully achieved;

(c) Progress made toward skill, certificate, or degree attainment, and if appropriate;

(d) Financial aid; and

(e) Complete or review the financial needs test.

(3) Develop an individualized plan for employment with substantial services needed by the student or youth that are not generally available to all students or youth in the local education agency; and

(a) Coordinate the IPE with the individualized education program or 504 services plans for the individual in terms of goals, objectives, and services identified in the education program; and

(b) Any pre-employment transition services a student with a disability receives shall be included in the IPE as a part of the overall plan; and

(c) Shall include any coordinated services.

Statutory/Other Authority: ORS 344.530, 344.570

Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
RULE SUMMARY: This rule describes how required pre-employment transitions services (Pre-ETS) may be provided to students with disabilities who are eligible or potentially eligible for Program services. It describes who can deliver this training.

If a student with disabilities requests Program services other than pre-employment transition services, then the individual must apply for and be accepted for Oregon Vocational Rehabilitation services and be determined eligible. Requirements for and limitations of vocational rehabilitation services for any eligible student or youth during transition are described.

Further the rule details how necessary support services and any auxiliary aid or services required to participate in the program will be provided. Limitations to auxiliary aids and services are provided. Requirements for students with disabilities to participate in comparable benefits and the financial needs test are discussed.

CHANGES TO RULE:

582-150-0050
Services for students and youth provided as individual or group services

(1) Required services may be provided to students as individual or group services.

(2) The Program may provide the five required pre-employment transition services, to groups of students:

(a) Who are eligible or potentially eligible for the Program's services, and

(b) Are not services directly related to an individual's IPE goal; and

(c) Provided by, or in concert with the Program, including but not limited to:

(A) State agencies;

(B) Educational agencies;

(C) Service providers for job training programs;

(D) Providers of services under Medicaid program under title XIX of the Social Security Administration;

(E) Entities designed by the state to provide services for individuals with intellectual or developmental disabilities;

(F) Centers for Independent Living;

(G) Housing and transportation authorities;

(H) Workforce development systems; or

(I) Businesses and employers.

(3) If a student with disabilities requests Program services other than pre-employment transition services, the student:

(a) Shall apply and be determined eligible for Program services.

(b) May receive supported employment services if the Program assessment determines it is appropriate for the student because they:

(A) Experience a most significant disability; and

(B) Require supported employment services to gain or maintain employment.

(4) The Program may provide extended services (see OAR 582 Division 120 Supported Employment) to a youth who is most significantly disabled and eligible for Program supported employment services.

(5) Program services for any eligible student or youth, during transition shall:

(a) Be vocational rehabilitation in nature; and

(b) Support and be designed to lead to achievement of the vocational goal in the individualized plan for employment;

(c) Consistent with the student's or youth's unique strengths, resources, priorities, concerns, abilities, capabilities,
interests, and informed choice; ¶
(d) Be provided to the maximum extent possible, in an integrated, community setting; and ¶
(e) Not be services that are the responsibility of the school district, Department programs including Developmental Disabilities Services, or Oregon Health Authority programs including Addiction and Mental Health services, or of any other agency or program. ¶
(6) The Program in collaboration with the local education agencies or other programs and agencies may provide other necessary support services. ¶
(a) Funding of other necessary support services shall be determined in collaboration with the local school system. ¶
(b) If a student with a disability requires an auxiliary aid or service to access or participate in any of the pre-employment transition services the Program shall pay for the costs if no other public entity is required to provide the aid or service. ¶
(c) Expenditures incurred for the purchase or acquisition of auxiliary aids and services ¶
(A) Constitute an allowable pre-employment transition services cost; and ¶
(B) The Program may use funds reserved for the provision of pre-employment transition services to pay for those auxiliary aids and services. ¶
(d) Personal devices and services that do not meet the definition of auxiliary aids and services include: ¶
(A) Individually-prescribed devices, such as prescription eyeglasses or hearing aids, readers for personal use or study; or ¶
(B) Services of a personal nature. ¶
(e) If a student with a disability requires personal devices or services or individually-prescribed assistive technology, the Program shall: ¶
(A) Work with the student to determine whether they meet the eligibility criteria of the Program; and ¶
(B) If so, develop an individualized plan for employment for the provision of those additional services. ¶
(C) The Program shall have primary financial responsibility for Program services but it shall use comparable benefits when that shall not impede the progress of plan activities as described in the individualized plan for employment. ¶
(D) The student shall participate in the financial needs test as appropriate. ¶
(f) Services not constituting pre-employment transition services or auxiliary aids and services necessary for a student to access or participate in those services: ¶
(A) Shall not be paid with funds reserved under section 110(d)(1) for the provision of pre-employment transition services. ¶
(B) Shall be paid with non-reserved Program funds. ¶
(g) When a student requires a personal device to participate in pre-employment transition services only, the Program may loan the device, contingent on availability. The student shall return the device when it is no longer required for participation in services.

Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
RULE SUMMARY: This rule provides examples of pre-employment transition coordination activities and who can provide this type of coordination.

Pre-employment transition coordination activities may be tracked to a specific student.

Program staff may attend individual education or person-centered planning meetings for students whom they have not yet received a referral or application for services and join to provide basic information.

Examples of some transition services may benefit a group of students with disabilities or youth with disabilities that are not individualized services are provided.

CHANGES TO RULE:

582-150-0055
Pre-employment transition coordination activities
(1) Pre-employment transition coordination activities include:
(a) Attending IEP meetings, when invited;
(b) Working with the local workforce development boards, one-stop centers, and employers to develop work opportunities for students with disabilities;
(c) Working with schools to coordinate and ensure the provision of pre-employment transition services; and
(d) Attending person-centered planning meetings for students with disabilities receiving Medicaid services, when invited.
(2) Each local office of the Program shall carry out pre-employment transition coordination activities:
(a) Attend individualized education program meetings for students with disabilities, when invited;
(b) Work with the local workforce development boards, one-stop centers, and employers to develop work opportunities for students with disabilities, including internships, summer employment and other employment opportunities available throughout the school year, and apprenticeships;
(c) Work with local education agencies, including carrying out activities under section 614(d) of the IDEA, to coordinate and ensure the provision of pre-employment transition services under 34 CFR §361.48(4)(a);
(d) When invited, attend person-centered planning meetings for individuals receiving Medicaid services;
(e) Pre-employment transition coordination activities shall be tracked to a specific student. Program staff may attend individual education program or person-centered planning meetings for students whom they have not yet received a referral or application for services and join to provide basic information.
(A) These specific transition services shall benefit a group of students with disabilities that are not individualized services directly related to an individualized plan for an employment goal.
(B) Services may include, but are not limited to, group tours of universities and vocational training programs, employer or business site visits to learn about career opportunities, career fairs coordinated with workforce development and employers to facilitate mock interviews and resume writing, and other general services applicable to groups of students with disabilities.
Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
RULE SUMMARY: This rule defines the requirements for Program service records for students receiving pre-employment transition or transition coordination services. The information will be stored in the program’s electronic case management system. Non-identifying information may be used in research projects by the Program to improve services to students and youth with disabilities.

This documentation does not constitute an application for Program services as in OAR Division 50 Referral, Application, and Eligibility for Vocational Rehabilitation Services.

CHANGES TO RULE:

582-150-0065
Program service records for students receiving pre-employment transition or transition coordination services.

(1) Program service records about participants in pre-employment transition services shall include:
(a) Date of birth;
(b) Race and ethnicity, and
(c) Verify disability by:
(A) Medical documentation signed by a medical provider, examination of the IEP or 504 Plan, or verification from Oregon Department of Education that the individual is a student with a disability; or
(B) Working with families of participants to verify medical documentation of disability for any person not reported by the local education agencies.
(d) Pertinent and available school-based assessment information, IEP;
(e) Verify enrollment as a student in a secondary, postsecondary, or other educational program;
(f) Student identification number, if available;
(g) Information about their previous employment related experiences in and out of school, if any;
(h) Documentation of any pre-employment transition service participation shall:
(A) Describe a documented need to include which of the five required services the student receives;
(B) The start date;
(C) Provided directly by Program staff or purchased; and
(D) If purchased, the cost of the required activity.
(i) Document parental or guardian’s consent to participate in pre-employment transition services, as appropriate.

(2) This documentation does not constitute an application for Program services as in OAR Division 50 Referral, Application, and Eligibility for Vocational Rehabilitation Services.

(3) The Program shall store service records for pre-employment transition services in the Program’s electronic case management system.

(4) Non-identifying information may be used in research projects by the Program to improve services to students and youth with disabilities.

Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
RULE SUMMARY: This rule describes when information about the Client Assistance Program is provided to a student or youth applying for Pre-ETS

CHANGES TO RULE:

582-150-0070
Client Assistance Program Information
At the time the student requests pre-employment and transition services provided by the Program or through contracts and interagency agreements with school districts and community-based service providers, information about the Client Assistance Program (CAP) shall be given to each potentially eligible individual, applicant, or participant or, their representative.
Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
ADOP: 582-150-0075

RULE SUMMARY: This rule describes the limitations or end of pre-employment transition (Pre-ETS) services for students with disabilities.

CHANGES TO RULE:

582-150-0075
Limitations
(1) When the student is no longer considered a student with a disability, Pre-Employment Transition Services shall cease. This includes a student who:
(a) Has reached the age of 22, or
(b) Has aged out of secondary services without enrolling in a post-secondary education system.
(2) Transition coordination services may not be provided for a youth who is older than 24 years of age.
Statutory/Other Authority: 344.570, ORS 344.530
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730
RULE SUMMARY: This rule states that except as noted in OAR 582 Division 150, students or youth with disabilities may not be exempt from Program’s rules or procedures for all students who are potential eligible or eligible for receiving Pre-ETS or transition coordination and make application for Program services beyond pre-employment transition services or transition coordination.

Any order of selection requirements for either Program or pre-employment transition services apply.

CHANGES TO RULE:

582-150-0080
Restrictions
Except as noted in this section, students or youth with disabilities may not be exempt from:

(1) Program’s rules or procedures for all students who are potential eligible or eligible for receiving pre-employment transition services or transition coordination and make application for Program services beyond pre-employment transition services or transition coordination.

(2) Any order of selection requirements for either Program or pre-employment transition services apply (see OAR 582 Division 100 Order of Selection).

(3) This is not meant to be a service to a specific student.

Statutory/Other Authority: ORS 344.530, 344.570
Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730