



OKLAHOMA
Rehabilitation Services

Commission for Rehabilitation Services

Commissioners

➤ Janet Barresi, Theresa Flannery, and Kelsey Lee

Regular Meeting
and Video Conferencing

3535 NW 58th Street, Suite 200
Oklahoma City, OK

December 11, 2024

Empowering Oklahomans with Disabilities

**State of Oklahoma Commission for Rehabilitation Services
Regular Commission Meeting
December 11, 2024 at 10:30 a.m.**

Oklahoma Department of Rehabilitation
Services 3535 NW 58th Street, Suite 200
Oklahoma City, OK 73112

Commissioners: Theresa Flannery, Chair; Dr. Janet Barresi, Vice Chair; and Kelsey Lee, Member.

Commission link: <https://www.zoomgov.com/j/1606447567>
Phone: 1-669-254-5252; Webinar ID: 160 644 7567

Sign Language Interpreters are provided for public accessibility.

Public Comment: To sign up to speak virtually, please contact the Assistant to the Commission no later than 5:00 PM on Tuesday, December 10, 2024, at (405) 951-3472 or Kathleen.Arrieta@okdrs.gov. If speaking in person, please sign up on arrival prior to the start of the meeting. Public comments will be limited to three minutes per person.

AGENDA

1. Call to Order and Roll Call

Theresa Flannery, Chair

2. Statement of Compliance with the Open Meeting Act

Kathleen Arrieta, Commission Assistant

3. Public Comments

Public Audience - Under Oklahoma Open Meeting Laws, the Oklahoma Commission for Rehabilitation Services cannot respond to or discuss any matter not on today's agenda.

4. Presentation of Longevity Certificates

Theresa Flannery, Chair

5. Executive Director's Report

Melinda Fruendt, Executive Director

- a) Certificates of Appreciation
- b) Report on agency updates including meetings attended, Process Improvement, AWARE and Program Standards.
- c) Possible discussion

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6. Chief Financial Officer’s Report

Kevin Statham, CFO

- a) Financial Status Report for FY 24 Page 11
- b) Financial Status Report for FY 25 Page 18
- c) Possible discussion

7. Oklahoma Rehabilitation Council (ORC)

Carolina Colclasure, Program Manager

- a) Report on the strategic plan and committee updates. Page 26
- b) Possible discussion

8. Disability Determination Services (DDS) Report

Keith Tiller, Division Administrator

- a) Report on updates including production targets, goals and objectives. Page 30
- b) Possible discussion

9. Priority Group / Portal Referral Updates

Tracy Brigham, Division Administrator, Services for the Blind and Visually Impaired

- a) Possible discussion Page 35

10. Services for the Blind and Visually Impaired (SBVI) and Vocational Rehabilitation (VR) Transition Report

Renee N. Sansom Briscoe, Transition Coordinator

- a) Report on Transition updates including pre-ETS, programs, personnel, and contracts. Page 37
- b) Possible discussion

11. DRS Proposed Administrative Rule Revisions

Tina Calloway, Administrative Programs Officer; Policy, Administration and Development Section

- a) Proposed Administrative Rule Amendments Page 45
- b) Proposed Administrative Rule Amendments Summary Page 171
- c) Public Hearing Notice Page 177
- d) Possible discussion

12. Human Resources Report

Tom Patt, HR Director

- a) November Personnel Activity report & current FTE Status
- b) Introductions of new staff
- c) Possible discussion

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13. Review of the Minutes from the October 16, 2024, Commission Meeting Page 187

Theresa Flannery, Chair

- a) Discussion and possible action to modify and/or approve the minutes.

14. Review of the Minutes from the October 29, 2024, Special Commission Meeting

Page 192

Theresa Flannery, Chair

- a) Discussion and possible action to modify and/or approve the minutes.

15. Acceptance of Donations to the Oklahoma School for Deaf (OSD)

Dr. Heather Laine, Superintendent

- a) Donation Reports for October and November 2024
- b) Discussion and possible action to accept the donations.

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16. Acceptance of Donations to the Oklahoma School for the Blind (OSB)

Brent Pearce, Interim Superintendent

- a) Donation Reports for October and November 2024
- b) Discussion and possible action to accept the donations.

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17. Acceptance of Donations to the Oklahoma Library for the Blind and Physically Handicapped (OLBPH)

Kevin Treese, Program Manager, SBVI

- a) Donation Reports for October and November 2024
- b) Discussion and possible action to accept the donations.

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18. Proposed Executive Session

Theresa Flannery, Chair

- a) Discussion and possible vote to enter Executive Session to discuss the nominations for the annual Oklahoma Commission for Rehabilitation Services Award as authorized by 74 O.S. § 166.8(A)(2) and 25 O.S. § 307(B)(1)
- b) Vote to reconvene into Regular Session
- c) Discussion and possible action on matters discussed in Executive Session.

19. New Business

Theresa Flannery, Chair

- a) Any matter not known about, or which could not have been reasonably foreseen prior to the time of posting as authorized by 25 O.S. § 311.

20. Commission Comments and Announcements

Theresa Flannery, Chair

- a) Discussion and possible action

21. Adjourn

Theresa Flannery, Chair

- b) Discussion and possible action

Note: "Possible action" by the Commission includes, but is not limited to approval, authorization, adoption, rejection, denial, amendment, taking no action, or tabling the item for disposition at a later date or time.

***Next Commission meeting:
Wednesday, January 8, 2025***



Executive Director's Report

**Oklahoma Department of Rehabilitation Services
EXECUTIVE DIRECTOR REPORT
December 11, 2024**

Executive

October

17 – Governor’s Disability Employment Awards – Closing presentation.

19-23 – Council of Vocational Rehabilitation State Administrators Fall Conference – Seattle, WA

29-30 – State of the Art Conference – Chapel Hill, NC.

November

6 – Disability Determination Services Town Hall; RSA Quarterly Meeting for VR.

7 – Oklahoma Works Alumni Celebration.

12 – OKIPSE Update Meeting.

13 – DRS Executive Team.

December

5 – Fruendt’s Front Town Hall Meeting.

9 – OSD Santa’s visit with the students.

10 – Disability Determination Services End of Year Celebration.

11 – Commission for Rehabilitation Services Meeting; DRS Executive Meeting.

Process Improvement (PI) – Lyuda Polyun

Federal Reporting

WIOA annual report was submitted before October 1 deadline.

RSA911 PY24 Q1 was submitted before Nov 15 deadline.

AWARE

The Pre-VR portal is now operational, and we were able to import services provided by our Pre-VR contractors into the AWARE system for reporting on the RSA-911 for the July-Sept quarter. The team is preparing to import the October Pre-VR services; by cleaning up existing cases and identifying duplicate students to improve the accuracy of future reporting.

Staff started the Aware Boot Camp for System Administrator.

The team continues testing a new version of AWARE to prepare it for installation.

RSA-911 Error Clean-up in progress for Program Year 2024, Q1, due mid-November.

We are engaged in projects aimed at enhancing data sharing among entities that work with our students.

Program Standards, Statistical Research, Data Dashboards

The research staff assisted the Commission Assistant with collecting nominations for the Commission Award.

The staff is preparing for an online counselor survey for the Statewide Needs Assessment that began on November 1.

Oklahoma was selected for this year's Evaluation Peer Learning Cohort through the Dept of Labor. The Program Standards Supervisor is representing OKDRS along with our Oklahoma WIOA partners. The first webinar hosted through WorkforceGPS was held on October 24. The cohort will meet with a Mathematica coach through March 2025. The goal is to increase evaluation capacity and develop a capstone project.

The Statistical Research Specialist is working with OSD to migrate their maps from Tableau to Power BI.

The data team is building a Power BI report focused on aged 18-24, PGI clients in rural areas for a Highly Challenged Pilot collaboration.

The Needs Assessment Counselor survey data collection is complete. Analysis is in progress and the final report is expected by the end of December.

The 2024 Open Case Client Satisfaction survey is in progress. The survey is being conducted in partnership with ORC. The Program Standards Supervisor met twice with the ORC team to train the staff person making the calls. Data collection began on November 12 and is expected to continue through late December/early January.

Staff attended a planning meeting for the Highly Challenged Pilot Collaboration and presented the data dashboard built to assist the planning group.

The Research Specialist completed the Older Blind Independent Living report for 2024.

The Program Standards Supervisor completed the VIBE October 2024 session evaluation report.

Power Business Intelligence (BI)

Continuing to work with our Power BI contractor to transition reports currently hosted in Tableau to the Power BI service. These reports, primarily used by DVR/SBVI Leadership, are scheduled to be completed by the end of December 2024.

Continuing the training in Coursera.

Working with FSD to update the Refund Report with more fields.

Working with UM and OU on new reports for Pre-ETS to help clean up the data we will receive from them thru the Portal.

Finishing testing of QA reporting with Dana Primm to make sure they are accessible for the staff before releasing them.

Working with team to make new reports to work with Pre-ETS.

Completed a project with Chris Compton for BEST STEP 2025. Made a report and setup an automated process to email the needed parties their information each week.

Worked with OMES to setup a new service account to use with SharePoint and Power Automate connections with Power BI.

***Respectfully submitted by
Melinda Freundt, Executive Director***



Chief Financial Officer's Report

Department of Rehabilitation Services Financial Status Report FY 24

As of October 31, 2024

Agency Summary

	Budget	% of Total Budget	Expenditures	Expenditures in FY 25	% Expended	Encumbrances	% Used
Personnel	96,935,137.00	51.8%	82,980,393.30	576,045.80	86.2%	225,670.18	86.4%
Travel	1,389,950.00	0.7%	1,158,584.16	156,264.66	94.6%	24,964.51	96.4%
General Operating	32,597,028.16	17.4%	14,887,165.39	3,493,912.72	56.4%	5,390,214.69	72.9%
Office Furniture & Equipment	1,734,414.50	0.9%	796,788.30	80,486.15	50.6%	154,995.29	59.5%
Client / General Assistance	44,608,278.00	23.8%	25,904,903.20	6,564,055.28	72.8%	7,421,437.26	89.4%
Indirect Cost	10,016,917.84	5.3%	10,016,917.85	-	100.0%	-0.01	100.0%
Total	187,281,725.50	100.0%	135,744,752.20	10,870,764.61	78.3%	13,217,281.92	85.3%

Department of Rehabilitation Services Financial Status Report FY 24

As of October 31, 2024

All Programs						
Vocational Rehabilitation and Services for the Blind & Visually Impaired						
	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	30,477,753.00	36.6%	24,705,680.31	81.6%	53,481.94	81.8%
Travel	957,950.00	1.2%	875,369.66	102.2%	664.56	102.2%
General Operating	10,793,925.04	13.0%	6,737,347.58	70.1%	2,110,339.92	89.6%
Office Furniture & Equipment	736,508.00	0.9%	417,101.47	57.9%	108,817.62	72.7%
Client / General Assistance	36,379,278.00	43.7%	18,635,869.28	68.4%	7,126,287.45	87.9%
Indirect Cost	3,817,604.96	4.6%	3,817,604.97	100.0%	-0.01	100.0%
Total	83,163,019.00	100.0%	7,335,564.29	75.2%	9,399,591.48	86.5%

Vocational Rehabilitation Grant						
	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	27,758,218.00	35.5%	22,237,970.94	80.5%	17,343.45	80.6%
Travel	939,000.00	1.2%	853,371.95	101.8%	664.56	101.9%
General Operating	9,824,619.63	12.6%	6,300,587.79	71.5%	1,822,082.12	90.1%
Office Furniture & Equipment	543,960.00	0.7%	245,083.00	45.8%	108,817.62	65.8%
Client / General Assistance	35,655,667.00	45.6%	18,238,146.83	68.5%	4,135,707.35	80.0%
Indirect Cost	3,524,445.37	4.5%	3,524,445.37	100.0%	0.00	100.0%
Total	78,245,910.00	100.0%	7,113,373.12	74.8%	6,084,615.10	82.6%

Department of Rehabilitation Services Financial Status Report FY 24

As of October 31, 2024

All Programs						
Oklahoma School for the Blind						
	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	7,437,421.00	71.6%	7,177,444.13	97.0%	4,541.63	97.0%
Travel	107,000.00	1.0%	69,491.60	72.7%	0.00	72.7%
General Operating	1,708,748.29	16.5%	1,100,323.68	77.3%	278,985.23	93.7%
Office Furniture & Equipment	285,127.00	2.7%	242,829.58	89.0%	9,389.03	92.3%
Client / General Assistance	76,000.00	0.7%	37,694.96	60.5%	0.00	60.5%
Indirect Cost	769,878.71	7.4%	769,878.71	100.0%	0.00	100.0%
Total	10,384,175.00	100.0%	9,397,662.66	93.2%	292,915.89	96.0%

Department of Rehabilitation Services Financial Status Report FY 24

As of October 31, 2024

All Programs		Oklahoma School for the Deaf				
	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	9,200,943.00	38.4%	7,604,141.14	83.6%	10,252.18	83.7%
Travel	154,500.00	0.6%	119,793.28	100.0%	711.70	100.4%
General Operating	12,434,302.14	51.9%	1,948,528.90	30.5%	2,097,492.15	47.3%
Office Furniture & Equipment	630,568.50	2.6%	104,821.52	26.2%	36,788.64	32.0%
Client / General Assistance	603,000.00	2.5%	185,330.85	35.7%	84,862.00	49.7%
Indirect Cost	915,026.86	3.8%	915,026.86	100.0%	0.00	100.0%
Total	23,938,340.50	100.0%	10,877,642.55	54.0%	2,230,106.67	63.3%

Department of Rehabilitation Services Financial Status Report FY 24

As of October 31, 2024

All Programs						
Disability Determination Services						
	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	41,243,263.00	71.0%	35,964,248.57	87.9%	34,993.21	87.9%
Travel	94,300.00	0.2%	38,223.99	43.1%	23,588.25	68.1%
General Operating	4,669,544.54	8.0%	3,115,238.18	71.1%	647,697.34	85.0%
Office Furniture & Equipment	34,213.00	0.1%	2,400.62	7.0%	0.00	7.0%
Client / General Assistance	7,550,000.00	13.0%	7,046,008.11	97.2%	210,287.81	100.0%
Indirect Cost	4,508,679.46	7.8%	4,508,679.46	100.0%	0.00	100.0%
Total	58,100,000.00	100.0%	50,674,798.93	88.6%	916,566.61	90.1%

Department of Rehabilitation Services Financial Status Report FY 24

As of October 31, 2024

All Programs						
DRS Support Services						
	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	8,575,757.00	73.3%	7,528,879.15	88.1%	122,401.22	89.5%
Travel	76,200.00	0.7%	55,705.63	83.0%	0.00	83.0%
General Operating	2,990,508.15	25.6%	1,985,727.05	79.7%	255,700.05	88.3%
Office Furniture & Equipment	47,998.00	0.4%	29,635.11	61.7%	0.00	61.7%
Client / General Assistance	0.00	0.0%	31.95	0.0%	0.00	0.0%
Indirect Cost	5,727.85	0.0%	5,727.85	100.0%	0.00	100.0%
Total	11,696,191.00	100.0%	9,605,674.79	85.8%	378,101.27	89.0%

Department of Rehabilitation Services Financial Status Report FY 24

As of October 31, 2024

Personnel
Salary Expense
Insurance Premium -Health-Life, etc
FICA-Retirement Contributions
Travel
Travel - Agency Direct
Travel - Reimbursements
General Operating
AFP Encumbrances
Bond Indebtness and Expenses
Buildings-Purchase, Construction and Renovation
General Operating
Inter/Intra Agency Payment for Personal Services
Maintenance & Repair
Miscellaneous Administration Fee
Professional Services
Production, Safety, Security
Refunds, Indemnities, Restitution
Rent Expense
Scholarships, Tuition and Other Incentive-Type Payments
Shop Expense
Specialized Supplies & Materials
Office Furniture & Equipment
Library Equipment & Resources
Office Furniture & Equipment
Client / General Assistance
Social Service and Assistance Payments
Indirect Cost

Department of Rehabilitation Services Financial Status Report FY 25

As of October 31, 2024

Agency Summary

	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	98,019,646.00	50.3%	27,881,091.30	28.4%	69,686,391.55	99.5%
Travel	1,343,060.00	0.7%	396,596.98	29.5%	25,530.70	31.4%
General Operating	25,124,527.00	12.9%	5,550,490.70	22.1%	15,106,660.67	82.2%
Office Furniture & Equipment	1,869,218.00	1.0%	174,129.41	9.3%	445,514.41	33.1%
Client / General Assistance	57,338,389.00	29.4%	8,439,666.84	14.7%	42,694,175.73	89.2%
Indirect Cost	11,326,882.00	5.8%	3,554,358.67	31.4%	7,772,523.33	100.0%
Total	195,021,722.00	100.0%	45,996,333.90	23.6%	135,730,796.39	93.2%

Department of Rehabilitation Services Financial Status Report FY 25

As of October 31, 2024

All Programs						
Vocational Rehabilitation and Services for the Blind & Visually Impaired						
	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	31,341,077.00	32.2%	8,467,325.59	27.0%	22,743,952.48	99.6%
Travel	985,400.00	1.0%	295,169.04	30.0%	0.00	30.0%
General Operating	11,176,661.00	11.5%	2,736,022.25	24.5%	7,232,605.12	89.2%
Office Furniture & Equipment	813,637.00	0.8%	41,822.55	5.1%	279,667.62	39.5%
Client / General Assistance	48,353,389.00	49.7%	6,304,691.26	13.0%	36,205,476.21	87.9%
Indirect Cost	4,663,887.00	4.8%	1,484,622.11	31.8%	3,179,264.89	100.0%
Total	97,334,051.00	100.0%	19,329,652.80	19.9%	69,640,966.32	91.4%
Vocational Rehabilitation Grant						
	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	28,555,136.00	31.2%	7,670,418.89	26.9%	20,754,937.19	99.5%
Travel	959,400.00	1.0%	282,405.46	29.4%	0.00	29.4%
General Operating	9,417,349.00	10.3%	2,617,732.70	27.8%	5,552,280.34	86.8%
Office Furniture & Equipment	613,131.00	0.7%	23,819.25	3.9%	279,412.62	49.5%
Client / General Assistance	47,709,667.00	52.1%	6,160,940.35	12.9%	35,745,011.19	87.8%
Indirect Cost	4,358,379.00	4.8%	1,381,782.31	31.7%	2,976,596.69	100.0%
Total	91,613,062.00	100.0%	18,137,098.96	19.8%	65,308,238.03	91.1%

Department of Rehabilitation Services Financial Status Report FY 25

As of October 31, 2024

All Programs						
Oklahoma School for the Blind						
	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	7,516,825.00	74.1%	2,294,049.71	30.5%	5,167,029.27	99.3%
Travel	68,200.00	0.7%	14,240.47	20.9%	1,350.00	22.9%
General Operating	1,417,632.00	14.0%	302,415.70	21.3%	1,156,781.52	102.9%
Office Furniture & Equipment	324,976.00	3.2%	50,546.99	15.6%	165,446.79	66.5%
Client / General Assistance	53,000.00	0.5%	2,419.60	4.6%	0.00	4.6%
Indirect Cost	762,479.00	7.5%	254,142.76	33.3%	508,336.24	100.0%
Total	10,143,112.00	100.0%	2,917,815.23	28.8%	6,998,943.82	97.8%

Department of Rehabilitation Services Financial Status Report FY 25

As of October 31, 2024

All Programs						
Oklahoma School for the Deaf						
	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	9,511,523.00	55.7%	2,450,545.84	25.8%	6,955,132.19	98.9%
Travel	140,700.00	0.8%	56,627.95	40.2%	1,285.45	41.2%
General Operating	5,400,725.00	31.6%	1,213,972.58	22.5%	1,869,802.28	57.1%
Office Furniture & Equipment	607,845.00	3.6%	66,799.94	11.0%	400.00	11.1%
Client / General Assistance	431,000.00	2.5%	14,544.00	3.4%	106,711.50	28.1%
Indirect Cost	995,725.00	5.8%	297,162.34	29.8%	698,562.66	100.0%
Total	17,087,518.00	100.0%	4,099,652.65	24.0%	9,631,894.08	80.4%

Department of Rehabilitation Services Financial Status Report FY 25

As of October 31, 2024

All Programs						
Disability Determination Services						
	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	40,421,259.00	69.5%	12,100,232.83	29.9%	28,187,762.15	99.7%
Travel	69,500.00	0.1%	8,655.50	12.5%	22,895.25	45.4%
General Operating	4,196,880.00	7.2%	749,920.83	17.9%	3,136,820.69	92.6%
Office Furniture & Equipment	43,059.00	0.1%	4,484.99	10.4%	0.00	10.4%
Client / General Assistance	8,501,000.00	14.6%	2,118,011.98	24.9%	6,381,988.02	100.0%
Indirect Cost	4,898,302.00	8.4%	1,516,529.06	31.0%	3,381,772.94	100.0%
Total	58,130,000.00	100.0%	16,497,835.19	28.4%	41,111,239.05	99.1%

Department of Rehabilitation Services Financial Status Report FY 25

As of October 31, 2024

All Programs						
DRS Support Services						
	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	9,228,962.00	74.9%	2,568,937.33	27.8%	6,632,515.46	99.7%
Travel	79,260.00	0.6%	21,904.02	27.6%	0.00	27.6%
General Operating	2,932,629.00	23.8%	548,159.34	18.7%	1,710,651.06	77.0%
Office Furniture & Equipment	79,701.00	0.6%	10,474.94	13.1%	0.00	13.1%
Client / General Assistance	0.00	0.0%	0.00	0.0%	0.00	0.0%
Indirect Cost	6,489.00	0.1%	1,902.40	29.3%	4,586.60	100.0%
Total	12,327,041.00	100.0%	3,151,378.03	25.6%	8,347,753.12	93.3%

Department of Rehabilitation Services Financial Status Report FY 25

As of October 31, 2024

Personnel
Salary Expense
Insurance Premium -Health-Life, etc
FICA-Retirement Contributions
Travel
Travel - Agency Direct
Travel - Reimbursements
General Operating
AFP Encumbrances
Bond Indebtness and Expenses
Buildings-Purchase, Construction and Renovation
General Operating
Inter/Intr Agency Payment for Personal Services
Maintenance & Repair
Miscellaneous Administration Fee
Professional Services
Production, Safety, Security
Refunds, Indemnities, Restitution
Rent Expense
Scholarships, Tuition and Other Incentive-Type Payments
Shop Expense
Specialized Supplies & Materials
Office Furniture & Equipment
Library Equipment & Resources
Office Furniture & Equipment
Client / General Assistance
Social Service and Assistance Payments
Indirect Cost



Oklahoma Rehabilitation Council Report

Oklahoma Rehabilitation Council (ORC) Report

Since the last ORC report to the Commission, the Council finalized its FFY25 Strategic Plan, and the Executive Committee approved it on October 1, 2024. This report includes a copy of the final version for the Commission.

Executive Committee

The Executive Committee met on September 5, 2024, at the Strategic Planning meeting; all the objectives and activities for FFY24 were met. The Committee appreciates the Department of Rehabilitation Services (DRS) Executive Team for assisting in this effort.

As the Committee overseeing the ORC contract's administration, we are pleased to report that the FFY24 budget was successfully closed.

ORC received one appointment since the last report, and it was Robin Arter as a member of the Governor's Council for Workforce and Economic Development. Ms. Arter's term started on November 1 and will expire on October 31, 2026.

Planning and Program (P&P) Committee

The P&P Committee met on September 5, 2024, during the Strategic Planning (SP) meeting.

The Committee will continue to actively support the DRS Process Improvement (PI) Unit and DRS in the planning and development of the State Plan, the Customer Satisfaction Survey, and any other survey involving individuals with disabilities.

The Council and the PI Unit started working on the DRS Customer Satisfaction Survey on November 1. The Council will oversee calling the DRS participants selected for the survey and conducting the interviews over the phone. The training for the person calling the participants took place on the week of November 4-8, and the survey will start on Tuesday, November 12. The calls will be made in November and December, and the results will be reviewed by the PI unit starting next year. The final report will be shared with the whole Council.

Policy and Legislative (P&L) Committee Report

The P&L Committee met at the Strategic Planning meeting on September 5, 2024.

The Committee will continue to coordinate activities with other Councils within the State to avoid duplication of efforts and will partner with DRS to celebrate People with Disabilities Awareness Day (PWDAD).

The Council's staff, Allyson Robinson and Carolina Colclasure participated in the 2024 Fall National Coalition of State Rehabilitation Councils (NCSRC) and the Council of State Administrators of Vocational Rehabilitation (CSAVR) conference that took place in Seattle, WA, on October 18-23. The NCSRC conference included the following sessions:

- State Councils on Developmental Disabilities and State Rehabilitation Councils: Building Strong Partnerships
- The Role of the NCSRC Board
- The Importance of the Consumer Advocacy Group Members
- How to build the State Rehabilitation Council (SRC) – Vocational Rehabilitation (VR) relationship
- Developing an effective partnership with the SRC
- Rehabilitation Services Administration (RSA) updates
- Table exercise: Peer sharing by the SRC Role – lead by the ORC Program Manager (PM)

Transition Committee Report

The Transition Committee met at the Strategic Planning meeting on September 5, 2024.

The Transition Committee will continue promoting increased student and family involvement in transition planning by inviting students and families to share their transition experiences.

The Committee also assisted with planning the 2024 Oklahoma Transition Institute (OTI). The event occurred on November 6 and 7, and this year's theme was Navigating New Horizons: A Journey of Innovation and Impact. There were over four hundred attendees and forty sessions throughout the event. The Council purchased materials for the event and assisted with reviewing PowerPoints to ensure the accessibility standards were followed and met.

Employment Committee Report

The Employment Committee met for the Strategic Planning meeting on September 5, 2024.

The Employment Committee will continue to support and collaborate with DRS's Business Services Program (BSP) in all its activities.

The ORC PM attended the ribbon cutting for the Manufacturing Skills Academy (MSA), which Sharon Harrison and Harrison Consultants lead.

The Committee printed the brochures for the DRS Job Fair that was supposed to take place on November 4 but had to be canceled because of the weather. We will follow up with the BSP and attend the event when it is rescheduled.

The ORC Quarterly Meeting calendar for FFY23 is as follows:

- Thursday, November 14, 2024, 9:30 am – Room D1750B
- Thursday, February 13, 2025, 9:30 am – Room D 1810
- Thursday, May 15, 2025, 9:30 am - Room D1750B
- Thursday, August 21, 2025, 9:30 am - Room D1750B

The meetings will be held at the Francis Tuttle Technology Center, located at 12777 N Rockwell Ave, OKC, OK 73142 – Northwest Hall Entrance.

Respectfully submitted by
Carolina Colclasure, ORC Program Manager



Disability Determination Services Report

Disability Determination Services Commission Report – November 2024

Disability Determination Services staff make the medical / vocational determination of eligibility for those applying for Social Security Disability. The DDS has two components – the main DDS who process a caseload of applicants from the State of Oklahoma while the Extended Service Team (EST) processes a caseload made up of applicants from other states as determined by SSA. In Federal Fiscal Year 2024, the two components together processed cases from Oklahoma, Kansas, and Georgia.

SSA sets benchmark targets for the DDS in Production, Processing Time, and Accuracy. These benchmarks are applied across three major groups of cases:

- Initial Cases (IN) – claimants making their first or a new application for benefits.
- Reconsideration (RC) – claimants appealing an unfavorable initial determination.
- Continuing Disability Reviews (CDR) – periodic review of claimants currently receiving disability benefits.

FY 2024 Production

In Federal Fiscal Year 2024, the Oklahoma DDS staff did a tremendous job toward meeting our production targets across all categories:

FY 2024 Production							
OK DDS Production				OK EST Production			
	Target	YTD	Gap		Target	YTD	Gap
Initial	36681	34415	93.82%	Initial (GA)	8542	9869	115.54%
Recon	10264	10430	101.62%	Recon	N/A	N/A	N/A
CDR	8228	8228	100.00%	CDR (KS)	N/A	2993	N/A
Total DDS Production			53073	Total EST Production			12862
Overall Total Production				65935			

Early in FY 2024, the DDS staff were exceeding the pace to meet our original agreed upon target for Initial cases by over 10%. In our third quarter projections, we negotiated with SSA to increase this target as our staff would almost certainly produce above these numbers, and in an effort to reduce our internal backlog of unassigned cases. We agreed on a new target of 31,942 Initial determinations.

Shortly afterwards, SSA stopped processing of CDR cases and shifted to focus on Initial filings. They then set a new “stretch” target for the DDS adding an additional 5,000 Initial decisions for

FY 2024. The DDS was very clear in our communication that this new target was unattainable and urged them SSA to consider our very recently adjusted target. Ultimately, that negotiation was unsuccessful.

That said, while the “official” production numbers seem to indicate the DDS produced under our Initial claim target. In reality, we exceeded our own adjusted target by almost 3,000 cases.

With our end of April projection:	31492	8.49%
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FY 2024 Processing Time

The DDS exceeded FY 24 processing time targets for both Initial and Reconsideration. Due to significant delays in processing cases from states needing assistance, SSA excludes EST from a processing time standard.

FY 2024 Processing Time				
	Target (Days)	OK	Region	Nation
IN	165	156	269	189
RC	169	143	304	210

Our low processing time is very significant during a time when processing time remained very high for the DDS nationwide.

FY 2024 Accuracy

I am very happy to report the DDS vastly improved our accuracy in FY 2024, ending the year well above SSA’s performance target for both Initial and Reconsideration cases.

OK DDS Performance Accuracy			
	Target	DDS	Change
Initial	90.60%	95.60%	4.50%
Recon	90.00%	94.50%	2.70%

OK DDS Decisional Accuracy			
	Target	DDS	Change
Initial	97.00%	97.00%	3.00%
Recon	97.00%	96.80%	2.80%

FY 2024 Aged Cases

Cases pending with the DDS for 180 days or more are a priority workload for SSA. In FY 2024, the OK DDS maintained our very low percentage of aged cases compared to the Dallas Region and SSA nationally.

Aged Cases 180 Days and Older % of Total Pending Cases		
OK DDS	Region	Nation
9.31%	42.35%	31.63%

Other FY 2024 Highlights

- Oklahoma was one of a handful of states who received critical hiring authority from SSA in FY 2024. OK EST began training for 14 new Disability Examiners and one Medical Consultant who came onboard in September of 2024.
- DDS Administrator attended the SSA sponsored DDS Administrator conference in Baltimore where we shared best practices and new perspectives.

FY 2025 Goals and Objectives

- The Social Security Disability Program currently has over 1 million people awaiting a determination on their initial claim for SSA Disability benefits. 30,000 people have died during that wait period. It is not an exaggeration to characterize this as a national crisis. The fact of the matter is, more claims come to the DDS nationally, than we have the capacity to process.

The Oklahoma DDS has 5831 Initial claims waiting an average of 68 days to be assigned to a caseworker. While by comparison to other State DDS' this number seems positive, we acknowledge it is simple too long for anyone to wait on a decision for eligibility for SSA Disability benefits.

The OK DDS will take steps this year to stand up a pre-development unit. These staff will take the initial steps in development including requesting medical records, claimant forms, and initial claimant contact, all with the goal of assigning cases with enough information already in file to potentially make a determination.

- We are in the process of examining our internal Quality and Accuracy process with a goal of continuing our momentum in attaining and maintaining the high quality OK DDS has historically been known for.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. Tiller', written in a cursive style.

Keith Tiller
DDS Administrator



Priority Group and Portal Report

Priority Group Update as of December 4, 2024

- Priority groups 1 and 2 are open
- Priority group 3 clients waiting: 34
- Total clients waiting: 34

Online self-referrals for Nov 2024

Received 66 applications:

- 35 active Referrals
- 26 referrals Pending Assignment
- 2 referred to Another Agency
- 1 closed due to already having a case, a referral, or decided not to apply.
- 2 followed through with an application.



Transition Services Report

Transition Report November and December 2024 (summer and beyond)

Pre-Employment Transition Services (Pre-ETS) Updates

Transition continues to maintain relationships and provide resources around the state to and with our Pre-ETS. The 25 (and growing) Pre-Employment Transition Specialists are still currently working with students and schools on providing Pre-ETS services in over 250 schools, including Central Tech and Kiamichi Tech. The 5 work skills trainers through the Pre-ETS contract are increasing inclusion in the communities and competitive integrated workplaces. The Central Oklahoma Workforce Innovation Board (COWIB) also has 2 of these workers for the school year and they will be working with the IPSE programs as well as other Pre-ETS programs around the state. This will allow students work during high school and gain work experience with some supports.

1. Pre-ETS from Central Tech and Kiamichi - We continue to grow this program in the Northeastern part of the state including Bristow, Cleveland, Cushing, Davenport, Depew, Drumright, Hominy, Kellyville, Kiefer, Mannford, Mounds, Oilton, Olive, Prue, Ripley, Sapulpa, West Side Christian Academy, and Yale in partnership with the Central Technology Center. Kiamichi Tech Center began Pre-ETS at their campuses in August 2023. Kiamichi has 9 campuses, which are reaching some rural areas – Talihina, Durant, McAlister, Idabel, Stigler, Poteau, Hugo, Wilburton, and Atoka and they have 9 Pre-ETS providing these services to potentially eligible and DRS clients.

The Pre-ETS contract continues to work with Not Your Average Joe (NYAJ) and Down Syndrome Association of Central Oklahoma (DASCO). NYAJ has some opportunities for transition aged youth that we are working on. NYAJ opened a Work Based Learning site at the downtown library in OKC and are assisting with employment of students in several locations. We are also working with FeedMeGems, formerly known as HairCandybyHan with the Work Based Learning model in Edmond. She has hired 2 Sparkle Stylists for the WBL experience. She plans on expanding and hiring others. Bridges in Tulsa is utilizing this opportunity for those surrounding schools as well. We have had discussions with other possible employers such as Okie Goods and Kendall's Restaurant to expand opportunities.

- a. Not Your Average Joe (NYAJ), FeedMeGems, and Bridges have a contract for Work Based Learning where students participating in a work-based learning experience is essential to empowering students with a disability to develop job skills, realize the benefits of earned income, explore different types of employment and work

environments, and gain experience with competitive integrated employment. We are reimbursing employers for those work-based learning opportunities based on hours worked, not to exceed 120 hours in one year.

- b. DSACO has a self-advocacy center where they have a staff that delivers Pre-ETS activities to those students throughout the year.

Staff Updates

Jessie Renteria is a new member of my team, including Kevin Randall, Chris Compton, and Tracy Keeley. Jessie will serve as the Transition Administrative Assistant and will be working with all staff including responsibilities of managing schedules, coordinating meetings, assisting with communication across departments and outside agencies, upkeep of counselor / tech school lists, BEST STEP support, provide essential assistance our day-to-day operations, and putting up with my shenanigans along with many other things!! Jessie brings over 10 years of experience with administrative and secretarial duties. She has worked the 9 ½ years as a Rehabilitation Tech in the OKC DRS office assisting with Transition and adult caseloads. She is full of energy, organized, has a talent for multitasking, and her skills are a fantastic addition to our team. I cannot wait to watch the continued growth within Transition. She will be housed out of the OKC State office on the 5th floor.

We have interviewed 10 candidates for the Programs Field Rep (PFR) position for the Western side of the state. 2nd interviews are to be conducted soon. Currently, we are looking to open another PFR position to have one in each quadrant.

Peer Mentoring

- a. National Center for Disability Education and Training (NCDET) and the Department of Rehabilitation Services (DRS) continue the peer mentoring program, adapted from Peer MentoringWorks, for mentees (high-school students) aged 16-21 and mentors aged 18-26. Peer Mentoring - one-on-one relationship building between students and Pre-ETS or previous/current DRS clients or a person with a disability sharing knowledge and experience, promoting encouragement, offering problem solving skills, serving as a positive role model as well as providing an opportunity to learn from different perspectives.
 1. Pre-ETS Specialist, Peer Mentoring Coordinator, vacant currently, but there have been job postings for a new coordinator. We have several under grad students who are current or previous DRS clients/Pre-ETS clients, OU students or other student with disabilities.

School Work Study (SWS) Contracts

School Work Study contracts are being sent in steadily. We already have as of November 4th, 306 contracts that have been signed for FY25. Usually, we have that many at the end of the renewal season and last year we had 314 in June! Chris Compton keeps that information updated and does all the send outs!

Work Adjustment Training (WAT) Contracts

Work Adjustment Training Contracts are growing. We have 15 contracts as of November 4th, that have come back signed for FY25. We have several inquiries from schools across the state to begin WAT contracts (including OKC public). Those who have reached out are Bios, 4RKids, Tulsa, Sand Springs, Gatesway, Bethany, Durant, and some rural areas. Kevin Randall and Tracy Keeley are working with those schools on their proposals to submit to DRS for approval.

Project Search

We currently have ten sites beginning the 2024-2025 school year and we have approximately 70 students that are serving this year. We have a new opportunity in Ada, Ardmore, Lawton, and Duncan that is still being discussed!! We are looking forward to more opportunities!! We are on the move. Also, we had a meeting with Tinker AFB about a Project SEARCH, and they are very interested. Ardmore and Ada will be beginning Project SEARCH is fall of 2026, if not sooner.

Program Updates

OSU-IDD - Self-Determination Training Program

This program has completed year 1. They changed the name to just OSU-IDD Self Determination Training. We currently have 12 in the program currently.

Micro-Credentialing – ABLE Tech

ABLE Tech has developed and began the micro-credentialing contract with DRS. Pre-ETS is involved to be able to share this opportunity with youth. Super exciting times.

Oklahoma Inclusive Postsecondary Education – (OKIPSE)

DRS has signed contracts to support clients in these programs below:

- OU SoonerWorks
- NSU RiverHawks
- OSU Opportunity Orange
- USAO in Chickasha – Neuro Diversity program

We continue conversations with Julie Lackey and other CTE's to begin the process of having IPSE programs in the CTE's. SOOOO Exciting!

Competitive Employability Readiness Training (CERT) Culinary

- Tulsa Technology Center CERT Culinary participants continue in the hospitality program learn how to work as a culinary assistant. The program provides them with technical training and experience in a variety of service occupations through the HospitAbilities curriculum.
- **A New Leaf**
DRS continues to work with A New Leaf to provide those services to DRS clients.
- **National Peer Mentoring Project**
TC continues to work with the mentor program.

DHS/OJA/DMHSAS – MOUs

MOUs continue to be written and created to provide support and services to students in DHS and OJA custody and other partners with different homeless alliances, Mental Health, and shelters in OKC and Tulsa. We continue more partnerships/initiatives around the state for the homeless, foster youth, Mental Health (including Red Rock), and DHS/ OJA custody.

Payne Education Center

A new contract has been developed to provide Certified Academic Language Therapists (CALTs) to students who have developmental dyslexia, a specific learning disability in reading, or severe reading deficiencies. The purpose of this reading therapy is to enable students to achieve and maintain better word recognition, reading fluency, reading comprehension, and aid in the transition from a therapy setting to “real world” learning.

ReadWrite Center

TC is working with ReadWrite Center as well to get a contract set up for another type of training to provide another option for dyslexia evaluations and therapy. The contract is not signed yet, but it has been sent out.

Mathnasium

TC is working with JK Moon and his wife on a workplace readiness program that will be related to financial literacy. The goal would be to help those students, aged 14-21, with pre-employment skills in a structured program that would include direct instruction in financial literacy by Mathnasium instructors, using our robust curriculum. The exact parameters of this program are to be determined. This also brings the ability to partner with Mathnasium to work with DRS to provide braille opportunities for this training. Currently, there is not an option for that. Tracy Brigham and TC have

had the conversations and will be working with others to see about the possibilities.

Summer Program Review:

This Summer 2024, Transition Services of DRS (including Pre-ETS activities, VR/SBVI Counselors, Workforce, Transition Program Field Reps, Pre-ETS specialists, and Work Skills Trainers) increased the skill sets of individuals with disabilities for successful employment around the state. Below are the results for Spring/Summer 2024.

- a. Science Technology Engineering Mathematics – STEM camps –
 1. 4 Camps that were held – in person in Ada, Skiatook, Lawton, and Tulsa. Approximately 45 students were given opportunities to explore STEM careers.

- b. Building Employment Skills for Today (BEST) followed by Summer Transition Employment Program (STEP). We had 30 BEST STEP programs around the state including Kiamichi Tech and Central Tech. Dates of BEST were held in June and 2 BEST only programs were held in July. For BEST STEP, we served 413 students, (there were 500 + that applied. There were interviews held and some students dropped out last minute). Tulsa alone had over 100 students apply for BEST STEP. We had 30 locations, were in 22 counties, and 26,007 internship hours worked. 361 students worked and received paid internships of 10.00 an hour. Our partnerships included 2 workforce development boards (COWIB and SWB), 3 Post-secondary institutions (Pre-ETS teams), and 248 employers who had STEP interns.
 1. BEST was one week of instruction - BEST provided opportunities to prepare students with disabilities, both DRS clients and potentially eligible students, ages 16-21, for real life jobs, careers, and situations. Engaging youth in job search activities, work readiness, access to employment and vocational opportunities, making networking/social connections and pre-employment transition skills (Pre-ETS).
 2. STEP was 4 weeks of paid work experience - STEP was the employment piece of the summer program. Teachers and paras were hired to assist with development and being a job skills trainer to ensure these students are getting the help needed in the community on the job. Students working

during the summer got wages paid through Central Oklahoma Workforce Board (COWIB) and Southern Workforce Board (SWB) Workforce partners.

3. Guest speakers were included again during the BEST portion of the camp during the lunch hour. We had 3 speakers this summer.
 4. Please check out the tables below to see where applications are coming from. You can [click here for locations page](#)
 5. Many resources to help prepare for BEST STEP can be found on the [BEST STEP Portal](#)
- c. We are in the process of working for summer 2025. The applications are now open for BEST STEP 2025. The direct link to apply is below:
The direct link to apply online:
<https://sites.google.com/transitionservicesofok.org/beststep25locations/home>
- d. Sooner Works Summer Academy was held in June at OU. It was a residential summer college experience for individuals with intellectual and and/or developmental disabilities (IDD) on the University of Oklahoma (OU) campus and DRS. DRS supported 15 students. These students were current high school students who have completed the 10th grade (estimated ages 15-20) and are DRS clients or potentially eligible students with disabilities (“participating students”) interested in attending a postsecondary education program with an emphasis on interest in PSE program. There were 13 participants – 12 from Oklahoma and 1 from Texas.
- e. Visually Impaired Blindness Empowerment (VIBE)
1. The Transitional VIBE Program provides assessment and career/higher education exploration. This one-week program is designed to prepare the individual for higher education, competitive workforce, and independent living to the best of their ability. They learned Independent Living Skills, Communication Skills, Team Building, Travel/transportation, Career and Job Exploration, Interviews, Technology, Resume Skills, Exploration of College/Career and Tech/Workforce. The Pre-ETS specialists will continue to be involved in this as well. We had 10 applicants for VIBE this summer.

Transition Newsletter

If you have not subscribed to our external Transition Newsletter, please do. The subscription link is located at

<https://public.govdelivery.com/accounts/OKDRS/subscriber/new>. We are

always needing Success Stories. Please send your leads to Tracy, Kevin, and Chris for the Newsletters. **We have reached 3,016 subscribers as of December 2, 2024. We have exceeded our goal by 16 less than a month shy of our original goal date!!!! So exciting!**

Meetings and Activities

1. TC has attended many Best STEP Meetings with staff, Business Services COWIB Meetings, CSAVR transition committee meetings, NCSAB committee meetings, Joining Forces Planning Meetings, School presentations and fairs, Down Syndrome Association Central Oklahoma meetings, OCCY Strengthening and Youth Custody Meetings, Project SEARCH meetings and partners meetings, Cimarron Public Transit board meetings, counselor / tech check-in meetings, Career Pathways meetings, OTC Meetings, NTACTION CTE/SpEd/VR Meetings, Pre-ETS Blindness CoP, Autism Foundation of Oklahoma Meetings, Collaborate for Change meetings, RSA – OPC Advisory Board meetings, CREOKS DRS WAT contract for OSB meetings, OSD and OSB quarterly meetings, Pre-VR meetings, VR TAC Meetings, Choctaw Nation meetings to expand transition services, Policy Committee meetings, OU special education / transition department meetings in class, OKIPSE meetings, Cape Youth meetings, CSAW meetings, CSAT meetings, DDS / DRS meetings, Micro-Credentialing meetings with ABLE Tech, OU Zarrow, DCDT meetings, CBI meetings for the state plan for Oklahoma, conferences, and Education and Training Subcommittee Meetings.
2. Department of Education, DRS, COWIB, and many others continue to work together to support the Disability Innovation Fund (DIF) We continue to be in the process of sorting through MOU's, funding, contracts, etc. DRS is a part of the grant to receive some funds separated from Pre-ETS. The DIF grant sub award request for proposal should be released the first week of November. TC shared with everyone to apply.

If you have any questions, please let me know!

Thank you so much,

Respectfully submitted: Renee Sansom Briscoe



Proposed Administrative Rule Revisions

CHAPTER 10. VOCATIONAL REHABILITATION AND SERVICES FOR THE BLIND

SUBCHAPTER 1. GENERAL PROVISIONS

1 **612:10-1-2. Definitions [AMENDED]**

2 The following words and terms, when used in this Chapter, shall have the following
3 meaning, unless the context clearly indicates otherwise:

4 **"Act"** means the Rehabilitation Act [29 USC 701 et seq.].

5 **"ADL"** means Activities of Daily Living often refer to the routine activities carried out for
6 personal hygiene and health (including bathing, dressing, feeding) and for operation of a
7 household.

8 **"Applicant"** means an individual who has completed and signed an agency application
9 form or has otherwise requested vocational rehabilitation services; who has provided
10 information necessary to initiate an assessment to determine eligibility and priority for
11 services; and who is available to complete the assessment process.

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

19 **"Assessment for determining eligibility and vocational rehabilitation needs"**
20 means, as appropriate in each case a review of existing data to determine if an individual is
21 eligible for vocational rehabilitation services; and to assign priority for an order of selection
22 described in 34 CFR 361.36 in the States that use an order of selection; and to the extent
23 necessary, the provision of appropriate assessment activities to obtain necessary additional
24 data to make the eligibility determination and assignment.

25 **"Assistive technology"** means technology designed to be utilized in an assistive
26 technology device or service.

27 **"Assistive technology device"** means any item, piece of equipment, or product
28 system, whether acquired commercially, modified, or customized, that is used to increase,
29 maintain, or improve functional capabilities of individuals with disabilities.

30 **"Assistive technology service"** means any service that directly assists an individual
31 with a disability in the selection, acquisition, or use of an assistive technology device.

32 **"Best correction"** ~~refers to~~ means the use of standard eyeglasses or contact lenses
33 and does not include the use of bioptic telescopic systems or specialized lenses which
34 cannot be worn by the individual on a sustained basis.

35 **"Blind"** means persons who are blind within the meaning of the State Law relating to
36 Vocational Rehabilitation. Legal blindness means a visual acuity of 20/200 or less in the
37 better eye with best correction, or a visual field of 20 degrees or less.

38 **"Client"** means an individual found eligible and receiving services under the Act.

39 **"Community rehabilitation program" or (CRP) "(CRP)"** means a program that directly
40 provides or facilitates the provision of vocational rehabilitation services to individuals with
41 disabilities, and provides singly or in combination, services for an individual with a disability

42 to enable the individual to maximize opportunities for employment, including career
43 advancement.

44 **"Comparable services and benefits"** means services that are provided or paid for in
45 whole or in part by other Federal, state or local public agencies, health insurance or
46 employee benefits, and are available to the individual at the time needed to ensure the
47 progress of the individual toward achieving the employment outcome in the individual's
48 individualized plan for employment in accordance with 34 CFR 361.53, and commensurate
49 to the services that the individual would otherwise receive from the designated State
50 vocational rehabilitation agency. For the purposes of this definition, comparable services
51 and benefits do not include awards and scholarships based on merit.

52 **"Compensatory training"** means training required before the client can enter a formal
53 training program or employment, such as pre-vocational or personal adjustment training.

54 **"Competitive integrated employment"** means full or part-time work that is
55 compensated at or above minimum wage, offers an individual with a disability benefits and
56 opportunities for advancement comparable to those offered to employees in similar
57 positions, and is performed in a setting where the individual with a disability interacts with
58 persons without disabilities to the same extent that employees who are not individuals with
59 disabilities and who are in comparable positions interact with these persons. Specific criteria
60 defining competitive integrated employment are detailed in 34 CFR 361.5(c)(9)."

61 **"Consumer Independence Support Services" or (CISS) "(CISS)"** means ~~are defined~~
62 as providing independent living assessment, intensive counseling, community integration,
63 and housing modifications to further assist individuals with ~~severe~~ significant disabilities in
64 achieving independence.

65 **"Continuity of Services"** means once an individual is selected for services in
66 accordance with administrative rules, regardless of the priority category from which the
67 individual was selected, the individual will receive the necessary purchased services,
68 including post-employment services.

69 **"Counselor"** means the qualified vocational rehabilitation professional, who is an
70 employee of the designated state unit, and who has primary responsibility for the
71 management of an individual's rehabilitation services record of service, including
72 determination of eligibility, service planning and management, counseling and guidance,
73 and determination of successful or unsuccessful rehabilitation. Counselor is equivalent to
74 such terms as VR/SBVI Specialist and VR/SBVI Coordinator.

75 **"Credential attainment"** means the percentage of those clients enrolled in an
76 education or training program (excluding those in OJT and customized training) who
77 attained a recognized postsecondary credential or a secondary school diploma, or its
78 recognized equivalent, during participation in or within one year after exit from the program.
79 Under the WIOA, workforce agencies are required to report this percentage during
80 participation in or within one year after closure of the case. This is based on the sub-
81 regulatory guidance related to the implementation and operation of the performance
82 accountability system under section 116 of WIOA and the implementing regulations in 34
83 CFR parts 361 subpart E.

84 **"Customized employment"** means competitive integrated employment, for an
85 individual with a significant disability, that is based on an individualized determination of the
86 unique strengths, needs and interests of the individual; designed to meet the specific
87 abilities of the individual and the business needs of the employer; and carried out using
88 flexible strategies such as those detailed in 34 CFR 361.5(c) (11).

89 "Department" means, unless otherwise indicated in the text, means the Department of
90 Rehabilitation Services as constituted in 74 O.S., Section 166.1 et seq.

91 "Designated State Unit" or "State Unit" means either the State vocational
92 rehabilitation bureau, division, or other organizational unit that is primarily concerned with
93 vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities
94 and that is responsible for the administration of the vocational rehabilitation program of the
95 State agency, as required under 361.13(b); or the State agency that is primarily concerned
96 with the vocational rehabilitation or vocational and other rehabilitation of individuals with
97 disabilities. (Authority: Sections 7(8)(B) and 101(a)(2)(B) of the Rehabilitation Act of 1973,
98 as amended; 29 U.S.C. 705(20)(A) and 722(a)(1))

99 "Driver Rehabilitation Training – Low Tech" means, Low-Tech: Driver rehabilitation
100 training is conducted with mechanical driving controls. Some examples are a mechanical
101 gas/brake hand control, or pedal extensions, remote wiper controls and a spinner knob.
102 Client would typically transfer into and drive from the driver's seat.

103 "Driver Rehabilitation Training – High Tech" means, High-tech: Driver rehabilitation
104 training is typically for clients driving in a power wheelchair, in a wheelchair accessible van
105 that has been electronically modified. Modifications can include powered gas brake system,
106 reduced effort steering and reduced diameter steering wheel, switch arrays that interface
107 with the vehicles original electronics such as wipers, lights, etc.

108 "DRS" means the Department of Rehabilitation Services.

109 "DSBVI" means the Division of Services for the Blind and Visually Impaired.

110 "DVR" means the Division of Vocational Rehabilitation.

111 "Electronic Case Management System" means a "system of records" which is a
112 group of any records under the control of any agency from which information is retrieved by
113 the name of the individual or by some identifying number, symbol, or other identifying
114 particular assigned to the individual.

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

117 "Employment and Retention" or "(E&R ER)" means short-term on-site and/or off-site
118 support for individuals with significant disabilities who require assistance preparing for,
119 obtaining, and maintaining employment. If Employment and Retention Services are used
120 with an individual with a most significant disability, the DRS Counselor must justify in a case
121 narrative on the DRS-C-301 Employment Services Referral form how Employment and
122 Retention is the most appropriate placement service rather than Supported Employment.

123 "Employment Consultant" or "(EC)" refers to a specialist who uses structured
124 intervention techniques to help the individual learn job tasks to the employer's specifications
125 and learn the interpersonal skills necessary to be accepted as an employee at the job site.
126 In addition to job site training, job coaching includes related assessment, job development,
127 advocacy, travel training, and other services needed to maintain the employment.

128 **"Employment outcome"** means, with respect to an eligible individual, entering,
129 advancing in, or retaining full-time or part-time competitive integrated employment as
130 defined in 34 CFR §361.5(c)(9) (including customized employment, self-employment,
131 telecommuting, or business ownership), or supported employment as defined in 34 CFR
132 §361.5(c)(53), that is consistent with an individual's unique strengths, resources, priorities,
133 concerns, abilities, capabilities, interests, and informed choice. (Note: As specified in federal
134 rule, a designated State unit may continue services to individuals with uncompensated
135 employment goals on their approved individualized plans for employment prior to the
136 effective date of the final federal regulations until June 30, 2017, unless a longer period of
137 time is required based on the needs of the individual with the disability, as documented in
138 the individual's service record.)

139 **"Extended employment"** means work in a non-integrated or sheltered setting for a
140 public or private nonprofit agency or organization that provides compensation in accordance
141 with the Fair Labor Standards Act.

142 **"Extended period of time"** means, with respect to duration of vocational rehabilitation,
143 services that are expected to extend at least 6 months from eligibility.

144 **"Extended services"** means ongoing support services provided to individuals with the
145 most significant disabilities, including youth with the most significant disabilities, after the
146 time-limited vocational rehabilitation services have been completed and job stabilization has
147 been achieved. They consist of specific services, including natural supports, needed to
148 maintain the supported employment placement. Extended services are paid from funding
149 sources other than DRS and are specifically identified in the IPE, except that DRS may
150 provide and pay for extended services for youth with the most significant disabilities for a
151 period not to exceed 4 years or extend beyond the date when the youth reaches age 25.

152 **"Extreme medical risk"** means a risk of substantially increasing functional impairment
153 or risk of death if medical services including mental health services, are not provided
154 expeditiously.

155 **"Family member"** means for purposes of receiving vocational rehabilitation services in
156 accordance with 34 CFR 361.48(b)(9), ~~means~~ an individual who either is a relative or
157 guardian of an applicant or eligible individual; or lives in the same household as an applicant
158 or eligible individual; who has a substantial interest in the well-being of that individual; and
159 whose receipt of vocational rehabilitation services is necessary to enable the applicant or
160 eligible individual to achieve an employment outcome.

161 **"Functional capacities"** means a client's assets, strengths, and resources which
162 maintain or increase the individual's ability to work. Functional capacities include mobility,
163 communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills.

164 **"Functional limitations"** means physical or mental conditions, emergent from a
165 disability, which impair, interfere with, or impede one or more of an individual's functional
166 capacities.

167 **"Higher education"** means universities, colleges, community/junior colleges, vocational
168 schools, technical institutes, or hospital schools of nursing.

169 **"Highly challenged"** ~~describes~~ means an individual receiving supported employment
170 services who, due to the nature of the disability, requires a greater level of support from the
171 job coach to maintain employment. The individual must meet at least two (2) or more of the
172 following criteria to be considered highly challenged:

- 173 (A) Requires a personal care attendant at the job site.
- 174 (B) Has exhibited an ongoing, documented pattern of explosive behavior, physical
175 aggression, self-abuse, or destruction of property which would jeopardize their
176 opportunity for achieving a successful employment outcome.
- 177 (C) During the last two (2) years has experienced three (3) or more events (e.g.,
178 hospitalization, recurring health, or mental health issues), or a total of twelve (12)
179 weeks incarceration or other institutionalization, which interrupted work or ability to
180 live independently.
- 181 (D) Documentation (e.g. client statement, DRS Counselor confirmation, etc.) of
182 rejection of the individual by other Contractors (e.g., employment, educational etc.) as
183 being too difficult to serve.
- 184 (E) Is a member of the Hissom class.
- 185 (F) Meets eligibility criteria for the Program of Assertive Community Treatment
186 (PACT) program.
- 187 (G) Alcohol and/or substance abuse is a secondary disability which has resulted in
188 loss of employment within the last two (2) years.
- 189 (H) The individual's primary or secondary disability is Borderline Personality, Autism,
190 Deaf-Blindness, Intellectual Disability, or Traumatic Brain Injury.
- 191 (I) Has had three (3) or more required changes of anti-psychotic medications in the
192 past year.
- 193 (J) Requires specialized assistive technology such as sensory aids,
194 telecommunication devices, adaptive equipment, and/or augmentative
195 communication devices to succeed in Employment.
- 196 (K) Other - Contractor must provide documentation to assigned ESS TA to support
197 an additional employment limiting factor not listed above that would likely increase
198 service costs and difficulty to serve.

199 **"IEP"** means Individualized Education Program as required by the Individuals with
200 Disabilities Education Act.

201 **"Individual with a disability"** means an individual who has a physical or mental
202 impairment; whose impairment constitutes or results in a substantial impediment to
203 employment; and who can benefit in terms of an employment outcome from the provision of
204 vocational rehabilitation services.

205 **"Individual with a severe disability"** means with respect to eligibility for the state's
206 Optional Program for Hiring Applicants with Disabilities, an individual who has a physical or
207 mental impairment which seriously limits one or more functional capacities (such as mobility,
208 communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in
209 terms of an employment outcome.

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

211 (A) who has a severe physical or mental impairment that seriously limits one or
212 more functional capacities (such as mobility, communication, self-care, self-
213 direction, interpersonal skills, work tolerance, or work skills) in terms of an
214 employment outcome;

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

217 (C) who has one or more physical or mental disabilities resulting from amputation,
218 arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis,
219 deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or
220 pulmonary dysfunction, mental illness, intellectual disability, multiple sclerosis,
221 muscular dystrophy, musculoskeletal disorder, neurological disorders (including
222 stroke and epilepsy), paraplegia, quadriplegia, other spinal cord conditions, sickle
223 cell anemia, specific learning disability, end-stage renal disease or other disability or
224 combination of disabilities determined on the basis of an assessment for
225 determining eligibility and vocational rehabilitation needs to cause comparable
226 substantial functional limitation.

227 **"Individual with the most significant disability"** means an individual with a significant
228 disability who meets the designated State unit's criteria for an individual with a most
229 significant disability. These criteria must be consistent with the requirements in 34 CFR
230 361.36(d)(1) and (2):

231 (A) who has a severe physical or mental impairment that seriously limits three or
232 more functional capacities in terms of an employment outcome;

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

235 (C) who has one or more physical or mental disabilities resulting from amputation,
236 arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis,
237 deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or
238 pulmonary dysfunction, mental illness, intellectual disability, multiple sclerosis,
239 muscular dystrophy, musculoskeletal disorder, neurological disorders (including
240 stroke and epilepsy), paraplegia, quadriplegia, other spinal cord conditions, sickle
241 cell anemia, specific learning disability, end-stage renal disease or other disability or
242 combination of disabilities determined on the basis of an assessment for
243 determining eligibility and vocational rehabilitation needs to cause comparable
244 substantial functional limitation.

245 **"Individual's representative"** means any representative chosen by an applicant or
246 eligible individual, as appropriate, including a parent, guardian, other family member, or
247 advocate, unless a representative has been appointed by a court to represent the individual,
248 in which case the court-appointed representative is the individual's representative.

249 **"Integrated setting"** means:

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

254 (B) With respect to an employment outcome, means a setting typically found in the
255 community where the employee with a disability interacts, for the purpose of

256 performing the duties of the position, with other employees within the particular work
257 unit and the entire work site, and, as appropriate to the work performed, other
258 persons (e.g., customers and vendors) who are not individuals with disabilities (not
259 including supervisory personnel or individuals who are providing services to such
260 employee) to the same extent that employees who are not individuals with
261 disabilities and who are in comparable positions interact with these persons.

262 "**Intercurrent (acute) conditions**" means an illness or injury occurring during the actual
263 course of an individual's rehabilitation which, if not cared for, will complicate or delay
264 achievement of the client's employment outcome as identified in the client's IPE.

265 "**IPE**" means the Individualized Plan for Employment.

266 "**Job Club**" is means a structured learning experience for a client to build skills in self-
267 assessment, resume development, job search and research strategies, and interview
268 techniques to assist the person to enter a career of their choice.

269 "**Job Coach**" means a qualified individual providing support services to eligible
270 individuals in employment programs. Services directly support the eligible individual's work
271 activity including applied behavioral analysis, training and worker assessment, and teaching
272 job skills.

273 "**Long-term treatment**" means medical or psychological treatment that is expected to
274 last more than three months.

275 "**Maintenance**" means monetary support provided to an individual for expenses, such
276 as food, shelter, and clothing, that are in excess of the normal expenses of the individual
277 and that are necessitated by the individual's participation in an assessment for determining
278 eligibility and vocational rehabilitation needs or the individual's receipt of vocational
279 rehabilitation services under an individualized plan for employment.

280 "**Measurable Skill Gains**" or "**(MSG)**" means a measure of the documented progress
281 (academic, technical, occupational, or other) that a client makes in a training or education
282 program toward obtaining a recognized postsecondary credential. This progress is reported
283 throughout the life of the case. Examples of a valid skill gain would be the documented
284 completion of a high school semester or a minimum of 12 college hours successfully
285 completed over a one year period.

286 "**Milestones**" means a payment system that reimburses a vendor based on incentives
287 and outcomes. The vendor is paid when the client completes pre-defined checkpoints on the
288 way to a desired employment goal.

289 "**Multiple services**" means the counseling and guidance provided as a routine part of
290 case management plus two or more VR services. Comparable benefits and/or services can
291 count toward meeting the definition of multiple services. Services routinely provided as a
292 package do not count as multiple services for the purpose of determining the presence of a
293 significant disability, even if two or more services are included in the package.

294 "**Natural supports**" means any assistance, relationships or interactions that allow a
295 person to maintain employment in ways that correspond to the typical work routines and
296 social interactions of other employees. Natural supports may be developed through
297 relationships with people or put into place by the adaptation of the work environment itself,
298 depending on the support needs of the person and the environment.

299 **"Occupational license"** means any license, permit, or other written authority required
300 by a state, city or other governmental unit to be obtained in order to enter an occupation.

301 **"OMES-DCAM"** means Office of Management & Enterprise Services-Division of Capital
302 Assets Management, which sets thresholds for State Purchasing guidelines.

303 **"Ongoing support services"** means, as used in the definition of supported employment,
304 services that:

305 (A) Are needed to support and maintain an individual with a most significant
306 disability, including a youth with a most significant disability, in supported
307 employment;

308 (B) Are identified based on a determination by the DRS of the individual's need as
309 specified in an individualized plan for employment;

310 (C) Are furnished by the DRS from the time of job placement until transition to
311 extended services, unless post-employment services are provided following
312 transition, and thereafter by one or more extended services providers throughout the
313 individual's term of employment in a particular job placement;

314 (D) Include an assessment of employment stability and provision of specific services
315 or the coordination of services at or away from the worksite that are needed to
316 maintain stability based on:

317 (i) A minimum of twice-monthly monitoring at the worksite of each individual in
318 supported employment; or

319 (ii) If under specific circumstances, especially at the request of the individual,
320 the individualized plan for employment provides for off-site monitoring, twice
321 monthly meetings with the individual;

322 (E) Consist of:

323 (i) Any particularized assessment supplementary to the comprehensive
324 assessment of rehabilitation needs described at 34 C.F.R. § 361.5(c)(5)(ii);

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

327 (iii) Job development and training;

328 (iv) Social skills training;

329 (v) Regular observation or supervision of the individual;

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

334 (vii) Facilitation of natural supports at the worksite;

335 (viii) Any other service identified in the scope of vocational rehabilitation
336 services for individuals, described in § 361.48(b); or

337 (ix) Any service similar to the foregoing services.

338 **"Other Qualified Rehabilitation Personnel"** means qualified rehabilitation personnel
339 who, in addition to rehabilitation counselors, are necessary to facilitate the accomplishment
340 of the employment outcomes and objectives of an individual (Section 100(a)(3)(E) of the
341 Act.) Other qualified rehabilitation personnel include, but are not limited to, rehabilitation
342 teachers of the blind who are certified at the national level.

343 **"Package of services"** means several services which are usually provided together for
344 the same purpose. The services in a package are usually, but not always, from the same
345 category of services (see definition of multiple services, this section). Examples include, but
346 are not limited to: surgery, anesthesia, and hospitalization; or personal computer, software,
347 and peripheral equipment.

348 **"Personal assistance services"** means a range of services including, among other
349 things, training in managing, supervising, and directing personal assistance services,
350 provided by one or more persons, that are designed to assist an individual with a disability to
351 perform daily living activities on or off the job that the individual would typically perform
352 without assistance if the individual did not have a disability. The services are also designed
353 to increase the individual's control in life and ability to perform everyday activities on or off
354 the job; necessary to the achievement of an employment outcome; and provided only while
355 the individual is receiving other vocational rehabilitation services.

356 **"Physical and mental restoration services"** means corrective surgery or therapeutic
357 treatment that is likely, within a reasonable period of time, to correct or modify substantially
358 a stable or slowly progressive physical or mental impairment that constitutes a substantial
359 impediment to employment.

360 **"Physical or mental impairment"** means any physiological disorder or condition,
361 cosmetic disfigurement, or anatomical loss affecting one or more of the following body
362 systems: neurological, musculo-skeletal, special sense organs, respiratory (including
363 speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic,
364 skin, and endocrine; or any mental or psychological disorder such as intellectual disability
365 organic brain syndrome, emotional or mental illness, and specific learning disabilities.

366 **"Post-employment services"** means Post-employment services are defined in 34 C.F.R.
367 § 361.5(c)(41) as one or more of the VR services identified in 34 CFR 361.48(b) that are
368 provided subsequent to the achievement of an employment outcome and prior to the case
369 closure that are necessary for an individual to maintain, regain, or advance in employment,
370 consistent with the individual's unique strengths, resources, priorities, concerns, abilities,
371 capabilities, interests, and informed choice. As described in the note following the
372 regulatory definition of "post-employment services" at 34 C.F.R. § 361.5(c)(41), post-
373 employment services are:

374 (A) Provided under an amended individualized plan for employment (IPE); thus, a re-
375 determination of eligibility is not required;

376 (B) Limited in scope and duration; and

377 (C) Available to meet rehabilitation needs that do not require a complex and
378 comprehensive provision of services.

379 (D) Thus, after the employment outcome has been achieved but before the individual
380 is reported as having exited the VR program is the period of time that the individual is
381 most likely to need discrete short-term services (i.e., post-employment services) to
382 ensure that the employment outcome can be maintained.

383 "**Pre-employment transition services**" means the required activities and authorized
384 activities specified in 34 CFR 361.48(a)(2) and (3).

385 "**Prior approval**" ~~refers to~~ means the receipt of approval from the granting authority
386 prior to issuing the authorization for the purchase of goods and services.

387 "**Record of Service**" means any item, collection, or grouping of information about an
388 individual that is maintained by an agency, including, but not limited to, the individual's
389 education, financial transactions, medical history, and criminal or employment history and
390 that contains his name, or the identifying number, symbol, or other identifying particular
391 assigned to the individual.

392 "**Rehabilitation Act**" means the Rehabilitation Act [29 USC 701 et seq.].

393 "**Rehabilitation engineering**" means the systematic application of engineering
394 sciences to design, develop, adapt, test, evaluate, apply, and distribute technological
395 solutions to problems confronted by individuals with disabilities in functional areas, such as
396 mobility, communications, hearing, vision, and cognition, and in activities associated with
397 employment, independent living, education, and integration into the community.

398 "**Rehabilitation technology**" means the systematic application of technologies,
399 engineering methodologies, or scientific principles to meet the needs of, and address the
400 barriers confronted by, individuals with disabilities in areas that include education,
401 rehabilitation, employment, transportation, independent living, and recreation. The term
402 includes rehabilitation engineering, assistive technology devices, and assistive technology
403 services.

404 "**SBVI**" means the Division of Services for the Blind and Visually Impaired, depending
405 upon the context.

406 "**Section 504 Plan**" ~~is~~ means a plan designed as a protection for students with
407 disabilities who may not be considered eligible for special education under IDEA in
408 compliance with Section 504 of the Rehabilitation Act of 1973 as amended.

409 "**Services**" means, as used in employment services contracts includes services that
410 come within the scope of "Milestones" as defined and provided for in Chapter 10 of Title 612
411 of the Oklahoma Administrative Code (OAC).

412 "**Situational Assessment**" means to determine the best match between an individual,
413 a type of job, and a work environment. Situational assessment (also known as job sampling,
414 on-the-job assessment, or environmental assessment), is assessment using actual
415 employment and community settings.

416 "**Small business enterprises**" means a small business operated by blind or other
417 individuals with severe significant disabilities under the management and supervision of the

418 state DRS. Such businesses include only those selling, manufacturing, processing,
419 servicing, agricultural, and other activities which are suitable and practical for the effective
420 utilization of the skills and aptitudes of individuals who are blind or individuals who have
421 ~~severe~~ significant disabilities. Small business enterprise provides substantial gainful
422 employment or self-employment commensurate with the time devoted by the operators to
423 the business, the cost of establishing the business and other factors of an economic nature.

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

429 **"Stabilization"** means the time period when EC support is reduced to the long-term
430 maintenance level where the individual retains employment, and personal satisfaction with
431 the job, as well as employer satisfaction with the individual's job performance.

432 **"Student with a disability"** means ~~in general,~~ an individual with a disability in a
433 secondary, postsecondary, or other recognized education program who; ~~meets the~~
434 ~~requirements set forth in 34 CFR 361.5(c)(51)~~

435 (A) is not younger than the earliest age (in Oklahoma the earliest age is 15) for the
436 provision of transition services under section 614(d)(1)(A)(i)(VIII) of the Individuals
437 with Disabilities Education Act (codified at 20 U.S.C. § 1414(d)(1)(A)(i)(VIII)); and

438 (B) is not older than 21, unless the state law provides for a higher maximum age
439 on or before for receipt of services under the Individuals with Disabilities Education
440 Act and is not older than the maximum age; In Oklahoma the maximum age is 21
441 or through the school year in which they turn 22 (they must be 21 on or before
442 September 1st.

443 (C) is eligible for and receiving special education or related services under Part B of
444 the Individuals with Disabilities Education Act; or is an individual with a disability for
445 the purpose of section 504 of the Rehabilitation Act of 1973 (Pub.L. 93-112), as
446 amended.

447 **"Substantial impediment to employment"** means that a physical or mental
448 impairment (in the light of attendant medical, psychological, vocational, educational,
449 communication, and other related factors) hinders an individual from preparing for, entering
450 into, engaging in, advancing in, or retaining employment consistent with the individual's
451 abilities and capabilities.

452 **"Supplemental Wage Record"** means wage information used to determine both
453 employment status and wages within a reporting period. This information is required when
454 wage information cannot be obtained through other means such as the Oklahoma
455 Employment Security Commission. The requirement to make the effort to obtain this
456 supplemental wage information is necessary to carry out the accountability requirements
457 under Section 116 of the Workforce Innovation and Opportunity Act.

458 **"Support Service Providers" or "(SSP)"** means a Support Service Provider,
459 commonly referred to as an SSP, is a specially trained individual who provides access to the
460 community for people who are deaf-blind. The SSP is responsible for human guide
461 assistance and facilitation of communication for the deaf-blind person.

462 **"Supported employment" or "(SE)"** means

463 (A) competitive integrated employment, including customized employment, or
464 employment in an integrated work settings in which an individual with a most
465 significant disability, including a youth with a most significant disability, is working on
466 a short-term basis toward competitive integrated employment that is individualized,
467 and customized, consistent with the unique strengths, abilities, interests, and
468 informed choice of the individual, including with ongoing support services for
469 individuals with the most significant disabilities who meet the requirements set forth in
470 34 CFR 361.5(c)(53).

471 (i) For whom competitive integrated employment has not historically occurred,
472 or for whom competitive integrated employment has been interrupted or
473 intermittent as a result of a significant disability; and

474 (ii) Who, because of the nature and severity of their disabilities, need intensive
475 supported employment services and extended services after the transition from
476 support provided by the designated state unit, in order to perform this work.

477 (B) For purposes of this part, an individual with a most significant disability, whose
478 supported employment in an integrated setting does not satisfy the criteria of
479 competitive integrated employment, as defined in paragraph (c)(9) of this section is
480 considered to be working on a short-term basis toward competitive integrated
481 employment so long as the individual can reasonably anticipate achieving competitive
482 integrated employment-

483 (i) Within six months of achieving a supported employment outcome; or

484 (ii) In limited circumstances, within a period not to exceed 12 months from the
485 achievement of the supported employment outcome, if a longer period is
486 necessary based on the needs of the individual, and the individual has
487 demonstrated progress toward competitive earnings based on information
488 contained in the service record.

489 **"Supported employment services"** means ongoing support services, including
490 customized employment, and other appropriate services needed to support and maintain an
491 individual with a most significant disability, including a youth with a most significant disability,
492 in supported employment that are:

493 (A) Organized and made available, singly or in combination, in such a way as to assist
494 an eligible individual to achieve competitive integrated employment;

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

497 (C) Provided by the designated State unit for a period of time not to exceed 24 months,
498 unless under special circumstances the eligible individual and the rehabilitation
499 counselor jointly agree to extend the time to achieve the employment outcome identified
500 in the individualized plan for employment; and.

501 **"Team Meeting"** means a meeting between the individual, guardian, EC, DRS
502 Counselor, and all other team members chosen by the individual and/or guardian. The
503 individual, or with the support of a designee identified by the individual, will lead the meeting.

504 **"Transition services"** means, for a student or a youth with a disability, a coordinated
505 set of activities designed within an outcome-oriented process that promotes movement from
506 school to post-school activities, including postsecondary education, vocational training,
507 competitive integrated employment, supported employment, continuing and adult education,
508 adult services, independent living, or community participation. Transition services (1) are
509 based upon the individual student's or youth's needs, preferences and interests; (2) include
510 instruction, community experiences, the development of employment and other post-school
511 adult living objectives, and, if appropriate, acquisition of daily living skills and functional
512 vocational evaluation; (3) promote or facilitate the achievement of the employment outcome
513 identified in the student's or youth's individualized plan for employment; and (4) include
514 outreach to and engagement of the parents, or, as appropriate, the representative of such a
515 student or youth with a disability.

516 **"Transportation"** means travel and related expenses that are necessary to enable an
517 applicant or eligible individual to participate in a vocational rehabilitation ~~services~~ service(s),
518 including expenses for training in the use of public transportation vehicles and systems.

519 **"Vocational rehabilitation services"** means, if provided to an individual, ~~means~~ those
520 services listed in 34 CFR 361.48; and if provided for the benefit of groups of individuals,
521 means those services listed in 34 CFR 361.49.

522 **"VR"** means the Division of Vocational Rehabilitation, or the more general term
523 vocational rehabilitation services, depending upon the context.

524 **"Youth with a disability"** means an individual with a disability who is not younger than
525 14 years of age; or older than 24 years of age. Youth with disabilities means more than one
526 youth with a disability.

1 **612:10-1-3.2 Pilot projects [AMENDED]**

2 The purpose of pilot projects is to allow the Divisions of Vocational Rehabilitation and
3 Services for the Blind and Visually Impaired to design and evaluate service delivery
4 innovations on a scale that will provide for an effective trial without being disruptive to the
5 entire organization. Such pilot projects might include trials of innovative ~~policies~~
6 administrative rules, standards, and/or procedures.

7 (1) **Authorization of pilot projects.** The Division Administrator may approve
8 applications for pilot projects after review and approval of the pilot by the DVR/DSBVI
9 Management Team. Approval of an application for a pilot project by the Division
10 Administrator will constitute authority to implement the pilot project for a length of time to
11 be specified by the Division Administrator. The Division Administrator can terminate the
12 pilot project at any time prior to the specified project duration. The pilot project may not
13 be extended beyond the originally approved time period.

14 (2) **Effect of DRS ~~policy~~ administrative rules on pilot projects.** The Director of the
15 Department of Rehabilitation Services may waive the applicability of specified
16 departmental ~~policies~~ administrative rules when necessary to implement a meaningful
17 trial of the approved pilot project. The waiver will apply only to the pilot project specified
18 by the Director, and will be effective only for the duration of the pilot project. The waiver
19 will end immediately upon termination or completion of the model project.

1 **612:10-1-5. Confidentiality [AMENDED]**

2 (a) **General guidelines.** All client or applicant information acquired will remain the property
3 of DRS. All casework materials are to be maintained in the appropriate record of service in
4 the electronic case management system to safeguard the confidentiality of all personal
5 information, including photographs and lists of names. The terms "release of information",
6 "release of personal information", and similar terms refer to providing access to the record,
7 or providing copies, summaries, descriptions, or other reproductions of the actual case
8 record materials and not to the materials themselves. All applicants, clients, or client
9 representatives will be informed of the Department's ~~policies~~ administrative rule(s) on
10 confidentiality of personal information. This information will only be used and released for
11 purposes directly related to the administration of the Vocational Rehabilitation and Services
12 for the Blind and Visually Impaired programs. Information containing identifiable personal
13 information will not be shared with advisory or other bodies who do not have official
14 responsibility for the administration of these programs. In the administration of the program,
15 the DVR and DSBVI units may obtain personal information from service providers and
16 cooperating agencies under assurances the information will not be further divulged. Use and
17 release of personal information will conform to applicable state and federal laws and
18 regulations. Questions regarding release of information are to be directed to the
19 Department's general counsel. Staff are to consult the general counsel before providing trial
20 testimony, depositional testimony, or a sworn affidavit concerning consumer information.
21 Moreover, if served with a subpoena for the release of client information, staff should notify
22 the general counsel immediately. In a legal proceeding, client information can only be
23 released without the client's consent in response to a court order. A subpoena by itself is not
24 sufficient to authorize disclosure of client information.

25 (b) **Written release required.** Release of personal information must be by written consent
26 of the individual or authorized individual's representative. If requested in writing by an
27 applicant or eligible individual, DRS will make all requested information in that individual's
28 record of services available to the individual in a timely manner except as provided in
29 subsection (c). The Department's Authorization for Release of Information form may be
30 used when the client requests that personal information be released by DRS to a third party
31 and may also be used to request confidential information from other sources. Other release
32 forms are acceptable, as long as they provide the required information. Written authorization
33 for release of information must include:

- 34 (1) the nature of the information to be released;
- 35 (2) designation of the parties to whom the information is to be released;
- 36 (3) the specific purpose for which the released information may be used;
- 37 (4) designation of the agency or person authorized to disclose the information; and
- 38 (5) dates of initiation and termination of consent.

39 (c) **Release of information to the individual.** The individual, or the individual's
40 representative, will be given access to the relevant case record, or provided copies of
41 requested information upon providing a written authorization for release of information,
42 except as in (1) through (3) of this Subsection.

- 43 (1) Psychological, psychiatric, mental health and substance abuse treatment records
44 and information from psychological, psychiatric, mental health and substance abuse
45 treatment practitioners may only be obtained provided the requirements of Section 1-

46 109 of Title 43A of the Oklahoma Statutes are met. Under these circumstances, refer the
47 individual, or the individual's representative, to the treating health professional.

48 (2) When a DRS professional staff person believes medical or other information not
49 covered in (1) of this Subsection may be harmful to the individual, the information may
50 not be released directly to the individual but must be provided to the individual through a
51 third party chosen by the individual, which may include, among others, an advocate, a
52 family member, or a qualified medical or mental health professional, unless a
53 representative has been appointed by a court to represent the individual, in which case
54 the information must be released to the court-appointed representative.

55 (3) Information obtained from another organization or agency may be released only
56 through that agency, or under the conditions established by the outside agency,
57 organization or providers. For example, information from the Veteran's Administration
58 and Social Security Administration may not be released. Refer the individual requesting
59 such information to the source from which the information was obtained.

60 (4) An explanation of State ~~policies~~ administrative rules and procedures affecting
61 personal information will be provided to each individual in that individual's native
62 language or through the appropriate mode of communication.

63 (d) **Request for information correction.** An individual who believes that information in the
64 individual's case record is inaccurate or misleading may request that the information be
65 amended. Even if the information is not amended, the request for amendment must be
66 documented in the case record.

67 (e) **Release of information to other programs or authorities.** Paragraphs (1) through (4)
68 of this Subsection provide the rules governing release of personal information to other
69 programs or authorities.

70 (1) Upon receiving the informed written consent of the individual, or the individual's
71 representative, information may be released to another agency or organization. Only
72 that information that would be released to the involved individual, or the individual's
73 representative will be released, and only to the extent that the other program or
74 organization demonstrates that the information requested is necessary for its program.

75 (2) Personal information will be released if required by Federal law or regulations.

76 (3) Personal information will be released in response to investigations in connection
77 with law enforcement, fraud, or abuse, unless expressly prohibited by Federal or State
78 laws or regulations, and in response to an order issued by a judge, magistrate, or other
79 authorized judicial officer.

80 (4) Personal information may be released in order to protect the individual or others if
81 the individual poses a threat to his or her safety or to the safety of others.

82 (f) **Release of information for audit, evaluation or research.** Personal information may
83 be released to an organization, agency, or individual engaged in audit, evaluation, or
84 research, only:

85 (1) for the purposes directly connected with the administration of the DVR or DSBVI
86 program;

87 (2) for purposes which would significantly improve the quality of life for persons with
88 disabilities; and

- 89 (3) if the organization, agency or individual assures:
- 90 (A) The information will be used only for the purpose it is being provided;
- 91 (B) The information will be released only to persons officially connected with the
92 audit, evaluation or research;
- 93 (C) The information will not be released to the individual;
- 94 (D) The information will be managed in a manner to safeguard confidentiality; and
- 95 (E) The final product will not reveal any personal identifying information without the
96 informed written consent of the involved individual or the individual's representative.
97 [34CFR361.38]

SUBCHAPTER 3. CLIENT PARTICIPATION IN COST OF SERVICES

1 **612:10-3-3. Participation of individuals in cost of services based on financial need**
2 **[AMENDED]**

3 (a) DRS has chosen to consider the financial need of eligible individuals or individuals who
4 are receiving services through the trial work experiences under 34 CFR 361.42 (e) for
5 purposes of determining the extent of their participation in the costs of vocational
6 rehabilitation services, other than those services identified in paragraph (c) in this section
7 according to the criteria set forth in 34 CFR 361.54 (b) (1-2).

8 (b) DVR and DSBVI requires the client to participate in the cost of some vocational
9 rehabilitation services if the client and/or client's family income exceeds the established
10 basic living requirement for the applicable family size. Any client whose available family
11 income exceeds the applicable basic living requirements is required to apply the monthly
12 surplus to the cost of services during each 30 day period services are provided.

13 (c) A basic living requirement has been established for different size family groups. A family
14 member is an individual who is a relative or guardian of an applicant or eligible individual.
15 Basis living requirements are based on 200% of the Federal poverty level adjusted annually
16 for family size. The standard is intended to cover only the necessities of food, shelter,
17 utilities, clothing, transportation, and incidentals to give the counselor some criteria by which
18 to measure the financial need of a client. To qualify as independent from the family group,
19 the client must meet one of the following criteria:

20 (1) Beneficiary of Titles II (federal old age, survivors, and disability insurance benefits)
21 or XVI (SSI);

22 (2) At least 24 years of age and single;

23 (3) A ward of the court and in custody of DHS;

24 (4) Married and maintaining a separate household;

25 (5) Meets the criteria for temporary housing as described (7) of this section or;

26 (6) The counselor has adequate documentation to verify the client has the financial
27 resources to demonstrate self-sufficiency and that no family contributions are available.

28 (7) An eligible individual whose disability has resulted in the need to live with family or
29 friend, and as appropriate the individual's spouse and dependent children, will be
30 considered as a separate household regardless of living arrangements.

31 (A) Verification of family membership should be based upon whatever available
32 information most accurately documents family membership according to the
33 definition given in this administrative rule.

34 (B) Examples of acceptable verification include the latest Federal income tax
35 return, payroll information, insurance policies, client report, and/or counselor
36 observation.

37 (d) The client can be provided services not based on financial needs, the following services
38 do not require a determination of financial need status:

39 (1) services provided to assess eligibility and priority for services (services which would
40 require the individual's participation in cost under an IPE will also require the individual's

- 41 participation in cost during an evaluation of the individual's ability to benefit from VR
42 services);
- 43 (2) counseling and guidance including information and support services to assist an
44 individual in exercising informed choice;
- 45 (3) referral and other services to secure needed services from other agencies, including
46 other components of the statewide workforce development system;
- 47 (4) on-the-job training, work experience, internships and apprenticeships;
- 48 (5) personal or vocational adjustment training;
- 49 (6) personal assistance services;
- 50 (7) job-related services including job search and placement assistance, job retention
51 services, follow-up services and follow-along services; under 34 CFR 361.48 (b) (12);
- 52 (8) compensatory training;
- 53 (9) Supported Employment (SE), Employment and Retention (ER); Job Placement
54 (JP), ~~JOBS~~, Support Services for Employment (SSE), Supplemental Employment
55 Services (SES), and Customized Employment (CE); or
- 56 (10) any auxiliary aid or service (e.g., interpreter services, reader services) that an
57 individual with a disability require under Section 504 of the Act or the American with
58 Disabilities Act (42 U.S.C. 12101, et seq.) or regulations implementing those laws, in
59 order for the individual to participate in the VR program.
- 60 (e) Any client who does not have a surplus is not required to participate in the cost of
61 services. Financial need does not exempt the client from required use of comparable
62 benefits. If a payment is required of the client, it will be made to the vendor.
- 63 (f) The counselor will re-evaluate the client's financial situation at least annually and any
64 time there is a change in the financial situation of the client or household. The amount of
65 client participation in cost is based upon the most recent determination of client's financial
66 needs at the time the IPE or amendment. If applicable, the extent of the individual's
67 participation in paying for the cost of services is identified on the IPE service (e.g.
68 Household monthly income surplus will be exhausted prior to agency financial contribution).
- 69 (g) The client's financial needs must be verified when an IPE includes service which require
70 client participation in costs of services.
- 71 (h) Determination of income and liabilities will be verified and documented by the counselor
72 in the record of service when services in the IPE and amendments require client
73 participation in cost. If the individual refuses to provide the requested information, DRS
74 resources will not be used to purchase services which require client participation in cost of
75 the services.
- 76 (1) Income.
- 77 (A) Income generated from salaried wages will be calculated by gross earnings
78 minus federal taxes, state taxes and social security deductions.

79 (B) Income generated from business or profession will be calculated by adjusted
80 gross minus additional federal and state taxes divided by 12 to determine a monthly
81 amount.

82 (C) Income received from unearned sources, such as pensions, public assistance,
83 interest, dividends, royalties, trust fund, or money payments of any kind will be
84 counted. Educational grants, stipends, or loans will not be included in the
85 calculation. If a yearly income is available, it will be divided by 12 to calculate a
86 monthly amount.

87 (2) Liabilities. When the client is making payments on any areas of liability listed below,
88 payments will be itemized. If payments are not being made on a debt, an expense
89 cannot be shown for this item.

90 (A) Medical. Out-of-pocket medical payments not covered by insurance, including
91 medication and supplies, can be used as a medical expense. Monthly premiums for
92 health insurance can be included.

93 (B) Disability related expenses. Disability related expenses beyond the basic living
94 requirements may be considered, if not funded by DRS.

95 (C) Other. Court order commitments, including child support, can be counted as a
96 liability.

97 (D) Education expenses. Costs for any family member incurred only for tuition,
98 books, and fees, toward post-secondary educational expenses, not included in the
99 IPE or paid by grants, scholarships, fee waivers, etc., can be counted as a liability.
100 Only the amount of the payments can be counted as a liability.

101 (i) Case recording requirements. A statement regarding the re-evaluation of financial needs
102 must be included in the record of service. The financial review may be included in the IPE
103 review if they occur at the same time.

**SUBCHAPTER 7. VOCATIONAL REHABILITATION AND SERVICES FOR THE BLIND
AND VISUALLY IMPAIRED**

**PART 1. SCOPE OF VOCATIONAL REHABILITATION AND SERVICES FOR THE
BLIND AND VISUALLY IMPAIRED**

1 **612:10-7-1. Overview of Vocational Rehabilitation and Services for the Blind and**
2 **Visually Impaired [AMENDED]**

3 (a) Vocational rehabilitation services are provided by the Division of Vocational
4 Rehabilitation and the Division of Services for the Blind and Visually Impaired to help eligible
5 individuals achieve employment outcomes that are consistent with the unique strengths,
6 resources, priorities, concerns, abilities, capabilities, interests, and informed choice of each
7 eligible individual. VR services for individuals are meant to result in competitive employment
8 in an integrated setting. Vocational rehabilitation services include services for individuals
9 and services to groups of individuals.

10 (b) Vocational rehabilitation services for an individual are prescribed in an Individualized
11 Plan for Employment (IPE) that is based on an assessment of the individual's rehabilitation
12 needs, guidance provided by a qualified vocational rehabilitation professional and the
13 individual's informed choice with regard to employment goal, services and service providers.
14 Services may include but are not limited to:

- 15 (1) an assessment for determining eligibility and vocational rehabilitation needs by
16 qualified personnel, including, if appropriate, an assessment by personnel skilled in
17 rehabilitation technology;
- 18 (2) counseling and guidance, including information and support services to assist an
19 individual in exercising informed choice;
- 20 (3) referral and other services to secure needed services from other agencies through
21 cooperative agreements if such services are not available from DVR or DSBVI;
- 22 (4) job-related services, including job search and placement assistance, customized
23 employment services, services leading to self-employment, job retention services,
24 ongoing services, supplemental employment services, support services for employment,
25 and extended services;
- 26 (5) vocational and other training services, including the provision of personal and
27 vocational adjustment services, books, tools, and other training materials;
- 28 (6) to the extent that financial support is not readily available from a source (such as
29 health insurance or comparable services and benefits) other than DVR or DSBVI,
30 diagnosis and treatment of physical and mental impairments;
- 31 (7) maintenance for additional costs incurred while participating in an assessment for
32 determining eligibility and vocational rehabilitation needs or while receiving services
33 under an Individualized Plan for Employment;
- 34 (8) transportation, including training in the use of public transportation vehicles and
35 systems, that is provided in connection with the provision of any other service described
36 in this section and needed by the individual to participate in rehabilitation services or to
37 achieve an employment outcome;
- 38 (9) on-the-job or other related personal assistance services provided while an individual
39 is receiving other services described in this section;
- 40 (10) interpreter services provided by qualified personnel for individuals who are deaf or
41 hard of hearing, and reader services for individuals who are determined to be blind;

- 42 (11) rehabilitation teaching services, and orientation and mobility services, for
43 individuals who are blind;
- 44 (12) occupational licenses, tools, equipment, and initial stocks and supplies;
- 45 (13) technical assistance and other consultation services to conduct market analyses,
46 develop business plans, and otherwise provide resources, to the extent such resources
47 are authorized to be provided through the statewide workforce investment system, to
48 eligible individuals who are pursuing self-employment or telecommuting or establishing
49 a small business operation as an employment outcome;
- 50 (14) rehabilitation technology, including rehabilitation engineering, assistive technology
51 devices and assistive technology services;
- 52 (15) transition services for students with disabilities, that facilitate the achievement of
53 the employment outcome identified in the Individualized Plan for Employment, and pre-
54 employment transition services as described in 34 CFR 361.48(a) and 29 USC 733;
- 55 (16) supported employment services for individuals with the most significant disabilities
56 that need ongoing support services from an employment consultant and/or job coach to
57 maintain employment;
- 58 (17) employment and retention services for individuals with significant disabilities who
59 require short term support from an employment consultant and/or job coach to ~~obtain~~
60 and maintain a successful employment outcome;
- 61 (18) transitional employment services for individuals with the most significant disabilities
62 due to mental illness who have little or no successful work history and need work
63 adjustment/trial work experience;
- 64 (19) work experiences, internships, and apprenticeships;
- 65 (20) services to the family of an individual with a disability necessary to assist the
66 individual to achieve an employment outcome; and
- 67 (21) specific post-employment services necessary to assist an individual with a
68 disability to maintain, retain, regain, or advance in employment.

69 (c) Vocational rehabilitation services for groups of individuals with disabilities are described
70 in 34 CFR 361.49 and include:

- 71 ~~(1) In the case of any type of small business operated by individuals with significant~~
72 ~~disabilities the operation of which can be improved by management services and~~
73 ~~supervision provided by DVR or DSBVI, the provision of such services and supervision,~~
74 ~~along or together with the acquisition by DVR or DSBVI of vending facilities or other~~
75 ~~equipment and initial stocks and supplies~~ The establishment, development, or
76 improvement of a public or other nonprofit community rehabilitation program that is used
77 to provide vocational rehabilitation services that promote integration into the community
78 and prepare individuals with disabilities for competitive integrated employment.

79

80 (2) ~~Equipment for clients who are going into self-employment requires prior approval~~
81 ~~from RSA Telecommunications systems that have the potential for substantially~~
82 ~~improving vocational rehabilitation service delivery methods and developing appropriate~~
83 ~~programming to meet the particular needs of individuals with disabilities, including~~
84 ~~telephone, television, video description services, satellite, tactile-vibratory devices, and~~
85 ~~similar systems, as appropriate.~~

86 (3) ~~Transition services to youth and students with disabilities who may not have applied~~
87 ~~or been determined eligible for vocational rehabilitation services, that involve~~
88 ~~collaboration of a vocational rehabilitation counselor with education agencies, programs~~
89 ~~servng individuals with developmental disabilities, businesses, workforce programs,~~
90 ~~independent living centers, housing and transportation authorities and related entities.~~
91 ~~Such services are to benefit a group of youth or students with disabilities and may not be~~
92 ~~individualized services related to an individual plan for employment. Services may~~
93 ~~include group tours of training programs and businesses, career fairs, interview practice,~~
94 ~~resume writing, and other group activities that support future employability Special~~
95 ~~services to provide nonvisual access to information for individuals who are blind,~~
96 ~~including the use of telecommunications, Braille, sound recordings, or other appropriate~~
97 ~~media; captioned television, films, or video cassettes for individuals who are deaf or hard~~
98 ~~of hearing; tactile materials for individuals who are deaf-blind; and other special services~~
99 ~~that provide information through tactile, vibratory, auditory, and visual media.~~

100 (4) ~~High school students who have a disability and are not clients of the DRS, but are~~
101 ~~going to a conference or camp to provide them with the necessary tools and education~~
102 ~~for employment requires prior approval from RSA Technical assistance to businesses~~
103 ~~that are seeking to employ individuals with disabilities.~~

104 (5) ~~The use of telecommunications systems (including telephone, television, video~~
105 ~~description services, tactile vibratory devices, satellite, radio, and other similar systems)~~
106 ~~that have the potential for substantially improving delivery methods of activities described~~
107 ~~in this section and developing appropriate programming to meet the particular needs of~~
108 ~~individuals with disabilities; In the case of any small business enterprise operated by~~
109 ~~individuals with significant disabilities under the supervision of the designated State unit,~~
110 ~~including enterprises established under the Randolph-Sheppard program, management~~
111 ~~services and supervision provided by the State unit along with the acquisition by the~~
112 ~~State unit of vending facilities or other equipment, initial stocks and supplies, and initial~~
113 ~~operating expenses.~~

114 (6) ~~Special services to provide access to information for individuals who are blind,~~
115 ~~visually impaired, deaf, hard of hearing or deaf-blind including: Consultation and~~
116 ~~technical assistance services to assist State educational agencies and local educational~~
117 ~~agencies in planning for the transition of students and youth with disabilities from school~~
118 ~~to postsecondary life, including employment.~~

119

120 ~~(A) the use of telecommunications, Braille, sound recordings, or other appropriate~~
121 ~~media;~~

122 ~~(B) captioned television, films, or video cassettes for individuals who are deaf or~~
123 ~~hard of hearing;~~

124 ~~(C) tactile materials for individuals who are deaf-blind; and~~

125 ~~(D) other special services that provide information through tactile, vibratory,~~
126 ~~auditory, and visual media.~~

127 ~~(7) Technical assistance to businesses that are seeking to employ individuals with~~
128 ~~disabilities Transition services to youth and students with disabilities who may not have~~
129 ~~applied or been determined eligible for vocational rehabilitation services, that involve~~
130 ~~collaboration of a vocational rehabilitation counselor with education agencies, programs~~
131 ~~servicing individuals with developmental disabilities, businesses, workforce programs,~~
132 ~~independent living centers, housing and transportation authorities and related entities.~~
133 ~~Such services are to benefit a group of youth or students with disabilities and may not~~
134 ~~be individualized services related to an individual plan for employment. Services may~~
135 ~~include group tours of training programs and businesses, career fairs, interview practice,~~
136 ~~resume writing, and other group activities that support future employability.~~

137 ~~(8) Consultative and technical assistance services to assist educational agencies in~~
138 ~~planning for the transition of students with disabilities from school to post-school~~
139 ~~activities, including employment The establishment, development, or improvement of~~
140 ~~assistive technology demonstration, loan, reutilization, or financing programs in~~
141 ~~coordination with activities authorized under the Assistive Technology Act of 1998 (29~~
142 ~~U.S.C. 3001 et seq.) to promote access to assistive technology for individuals with~~
143 ~~disabilities and employers.~~

144 ~~(9) The establishment, development or improvement of assistive technology~~
145 ~~demonstration, loan, reutilization or financing programs in coordination with activities~~
146 ~~authorized under the Assistive Technology Act of 1998 Support (including, as~~
147 ~~appropriate, tuition) for advanced training in a field of science, technology, engineering,~~
148 ~~or mathematics (including computer science), medicine, law, or business may be~~
149 ~~provided to an eligible individual if the remaining parameters under 34 CFR 361.49 are~~
150 ~~met.~~

151 ~~(10) The establishment, development or improvement of a community rehabilitation~~
152 ~~program that is used to provide vocational rehabilitation services that promote~~
153 ~~integration into the community and prepare individuals with disabilities for competitive~~
154 ~~integrated employment.~~

PART 3. CASE PROCESSING REQUIREMENTS

1 **612:10-7-20. Case recording [AMENDED]**

2 (a) A case record will be established and maintained on each individual who applies for
3 and/or receives vocational rehabilitation services. Narrative recordings of activities are
4 mandatory at application, at eligibility, the development of the plan, program/financial
5 reviews, and case closure. An action in any case is not considered effective until all required
6 approvals have been obtained in accordance with Department ~~policy~~ administrative rules.
7 Documentation must be factual and conform to ethical and professional standards.

8 (b) If records or documentation need to be altered, it is done so according to DRS rules and
9 in a manner that preserves the original information. Alterations are accompanied by the date
10 of change, the identity of who made the change, and the rationale for the change.

1 **612:10-7-22.1. Processing referrals and applications [AMENDED]**

2 (a) **Referrals.** DRS must establish and implement standards for the prompt and equitable
3 handling of referrals of individuals for vocational rehabilitation services, including referrals of
4 individuals made through the one-stop service delivery systems under section 121 of the
5 Workforce Innovation and Opportunity Act. The standards must include timelines for making
6 good faith efforts to inform these individuals of application requirements and to gather
7 information necessary to initiate an assessment for determining eligibility and priority for
8 services.

9 (1) Processing incoming referrals. All referrals to DVR and DSBVI will be contacted by
10 the VR counselor and appropriate action taken within 30 days, after receipt of the
11 referral information. The counselor is responsible for completing a contact by telephone
12 or in person. The counselor is responsible for providing interpreter services to referrals
13 who are deaf or non-English speaking. In situations where the individual cannot be
14 personally contacted, correspondence will be mailed to the individual for informational
15 purposes.

16 (2) Referrals to rehabilitation teachers. All individuals who are legally blind, ~~whether~~
17 ~~being served by a DVR counselor or a DSBVI counselor,~~ will be referred to a
18 rehabilitation teacher. Rehabilitation teachers may also receive counselor referrals and
19 provide services for individuals who are not legally blind but have functional limitations
20 due to vision loss and have potential to benefit from rehabilitation teaching services.

21 (b) **Application.** Once an individual has submitted an application for vocational
22 rehabilitation services, including applications made through common intake procedures in
23 one-stop centers under section 121 of the Workforce Innovation and Opportunity Act
24 (WIOA), an eligibility determination must be made within 60 days, unless exceptional and
25 unforeseen circumstances beyond the control of the designated State unit preclude making
26 an eligibility determination within 60 days and counselor and the individual agree to a
27 specific extension of time; or meets the other criteria under 34 CFR 361.41 (b) (1) (i-ii).

28 (1) In those instances of exceptional and unforeseen circumstance beyond the control
29 of DRS, where the eligibility determination is unable to be completed within the time
30 frame identified in (b) of this section. The QVRC, utilizing the electronic case
31 management system, will complete the Extension of Eligibility form documenting the
32 date the eligibility form was completed, the date of expected eligibility determination;
33 along with documentation of the date of when the client and counselor agreed to the
34 extension; unless a decision was made to conduct a Trial Work Experience.

35 (c) **Social Security Administration (SSA) Beneficiaries' Verification.** During the initial
36 interview, the VR counselor shall advise applicants for the VR program that individuals who
37 are SSI/SSDI beneficiaries are generally presumed eligible for VR and that verification of the
38 applicant's benefit status is needed. Verification may include a copy of an award letter from
39 SSA, or a Ticket-to-Work as found in 34 CFR 361.42 (a) (3) (i-ii).

40 (d) **Application Status.** While the client is in this status, the counselor will secure sufficient
41 information to make a determination of eligibility and priority group assignment, determine
42 ineligibility for vocational rehabilitation services, or to make a decision to conduct a Trial
43 Work Experience. The Qualified Vocational Rehabilitation Counselor will determine whether
44 an individual is eligible for vocational rehabilitation services within a reasonable period of
45 time, not to exceed 60 days from the date of application.

46 (e) **Necessary information.** The minimum information necessary to initiate an assessment
47 to determine eligibility and priority for services consists of:

- 48 (1) individual's name;
- 49 (2) reported disability;
- 50 (3) individual's address, with finding directions when needed;
- 51 (4) individual's social security number, if available; and
- 52 (5) availability of documentation of the reported disability.

53 ~~(f) **General Health Checklist.** The general health checklist (GHC) is a survey tool used to~~
54 ~~determine what diagnostic information will be needed to assess an applicant's eligibility or~~
55 ~~ineligibility. A general health checklist will be completed for each applicant. The~~
56 ~~counselor/teacher in consultation with the client will decide if purchasing a medical~~
57 ~~examination is necessary when the GHC indicates the presence of any condition. This~~
58 ~~decision will be based upon availability of existing medical records, and the reported degree~~
59 ~~of limitation to employment caused by the condition.~~

60 (gf) **Informed Choice.** VR and DSBVI staff must assure that applicants or, as appropriate,
61 their representatives are provided information and support services to assist applicants and
62 recipients of services in exercising informed choice throughout the rehabilitation process in
63 accordance with 34 CFR 361.52.

64 (1) Informed choice and the provision of vocational rehabilitation services require that
65 communications with persons with disabilities are effective.

66 (2) DVR staff informs each applicant and recipient of services through appropriate
67 modes of communication about the availability of and opportunities to exercise informed
68 choice. Individuals with cognitive or other disabilities who require assistance in
69 exercising informed choice will be notified that support services are available.

70 (hg) **Case recording requirements.** Pertinent information from the initial interview and
71 applicant information forms is recorded in a narrative that is placed in the record of service.

72 (1) Documentation of the process of providing informed choice information and use of
73 appropriate modes of communication is included in the record of service.

74 (2) The record must document that the applicant or representative was provided an
75 explanation of their due process rights, their rights and responsibilities as an applicant,
76 and given a copy of the CAP handout and approved client handbook.

77 (3) The record must document that the applicant was given the opportunity to register
78 to vote or change registration when applying for or receiving services, in accordance
79 with the requirements of the National Voter Registration Act of 1993.

1 **612:10-7-24.1. Basic eligibility requirements for vocational rehabilitation services**
2 **[AMENDED]**

3 (a) An individual is eligible for vocational rehabilitation services under the Rehabilitation Act
4 through the State Department of Rehabilitation Services if the individual:

5 (1) has a physical or mental impairment which for such individual constitutes or results
6 in a substantial impediment to employment;

7 (2) is determined by a qualified vocational rehabilitation counselor to require vocational
8 rehabilitation services to prepare for, secure, retain, advance in, or regain employment;
9 and

10 (3) can benefit in terms of an employment outcome from vocational rehabilitation
11 services.

12 (b) The agency presumes that an applicant with a physical or mental impairment that
13 constitutes or results in a substantial impediment to employment can benefit from vocational
14 rehabilitation services in terms of an employment outcome, unless the agency
15 demonstrates, based on clear and convincing evidence, that the individual is incapable of
16 benefiting from rehabilitation services due to the severity of the individual's disability.

17 (c) An individual who has a disability or is blind as determined pursuant to Titles II (federal
18 old age, survivors, and disability insurance benefits) or XVI (SSI) shall be:

19 (1) considered to have a significant disability under the order of selection; and

20 (2) presumed to be eligible for vocational rehabilitation services, (provided that the
21 individual intends to achieve an employment outcome consistent with the unique
22 strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed
23 choice of the individual) unless clear and convincing evidence demonstrates that the
24 individual is incapable of benefiting in terms of an employment outcome from vocational
25 rehabilitation services due to the severity of the individual's disability.

26 (d) Eligibility requirements shall be applied without regard to:

27 (1) duration of residence in the state,

28 (2) type of disability,

29 (3) age, except that in serving eligible individuals below working age, the client must be
30 expected to reach working age by the time the IPE is completed, and DRS will not
31 provide services that are the responsibility of the public school system.

32 (4) gender, race, color or national origin,

33 (5) type of expected employment outcome,

34 (6) source of referral, or

35 (7) the particular service needs or anticipated cost of services required by an applicant
36 or applicant's family.

37 (e) **Disabled veterans.** Disabled veterans are eligible for vocational rehabilitation services
38 on the same basis as other individuals with disabilities subject to the following restrictions:

39 (1) Disabled veterans are not provided services which can be secured from the
40 Veterans Administration (VA), unless use of VA services will cause a substantial delay
41 of services.

42 (2) Veterans receiving additional benefits under the G. I. Bill or the War Orphan Act
43 may be provided services if such services do not duplicate those being received from
44 the VA.

45 (f) **Applicants who are employed.** Employed persons who meet basic eligibility
46 requirements may be provided vocational rehabilitation services to advance in or retain
47 employment, or when the employment is not consistent with the individual's strengths,
48 resources, priorities, concerns, abilities, interests and capabilities.

49 (g) **Citizenship.** Participation in the VR program is available to citizens and nationals of the
50 United States, lawfully admitted permanent resident aliens, refugees, asylees and parolees,
51 and other immigrants authorized to work in the United States.

52 (h) **Criteria.** Some conditions have unique criteria that must be considered when
53 determining eligibility.

54 (1) **Alcoholism/Drugs.** Individuals may be eligible for vocational rehabilitation services
55 based on a substance abuse diagnosis that may be made by a qualified professional.
56 Clients must be willing to undergo random alcohol/drug screening. DRS does not pay
57 for detoxification or replacement drug treatment. Documentation from qualified Drug and
58 Alcohol treatment professionals indicating that the client is presently substance-free,
59 maintaining sobriety, and actively participating in a treatment or maintenance program if
60 recommended by the treating professional must be filed in the case record upon IPE
61 development.

62 ~~(2) **Allergies/Asthma.** Allergies/asthmatic conditions that require continuous or~~
63 ~~intermittent medical intervention and result in a substantial impediment to employment~~
64 ~~will be considered eligible for services.~~

65 (32) **Deafness and Hearing Loss.** In most cases, for the purpose of vocational
66 rehabilitation, the majority of cases served will be in the moderate range to profound
67 range, barring any other significant functional limitations as determined by a
68 rehabilitation counselor for the Deaf (RCD). Degree of hearing loss from normal to
69 profound are based on the hearing loss ranges as follows:

70 (A) Normal (-10-15)

71 (B) Slight (6-25)

72 (C) Mild (26-40)

73 (D) Moderate (41-55)

74 (E) Moderately severe (56-70)

75 (F) Severe (71-90)

76 (G) Profound (91+)

77 (i) The rehabilitation professional will base eligibility determination upon one of
78 the measurement methods listed below, as performed by a licensed audiologist
79 as determined by the Department.

80 (ii) The case record must document the method chosen provides the most
81 accurate evaluation of functional hearing level for the individual. The licensed
82 audiologist will do a Comprehensive Hearing Evaluation (CHE) with written
83 recommendations for treatment. The CHE will include the type of hearing aids

84 needed with a treatment plan to maintain the maximum rehabilitation for the
85 hearing loss.

86 (43) A CHE or recommendation for hearing aids and treatment from a Hearing
87 Instrument Specialist (HIS) is not acceptable and should not be considered by the
88 rehabilitation professional in addressing the rehabilitation needs.

89 (A) **Eligibility criteria.** Eligibility criteria for each method of measurement are
90 listed in (i) through (iv) of this Subsection. An individual will also be considered to
91 have a qualifying disability when documentation indicates the hearing loss is
92 progressive and the progression is substantial enough to result in an impediment to
93 employment.

94 (i) **Average hearing loss.** Average hearing loss, which is determined by
95 computing average of the pure tone thresholds for each ear at 1000Hz, 2000Hz,
96 3000Hz and 4000Hz. An individual is considered to have a qualifying disability
97 based upon average hearing loss when:

98 (I) The hearing loss in one ear is profound (91 dB or greater) and the
99 hearing loss in the better ear is at least 15 dB; (unilateral hearing loss); or

100 (II) The hearing loss in the better ear is 30 dB or greater.

101 (ii) **Speech recognition threshold (SRT).** An individual is considered to have
102 a qualifying disability when a consultation is conducted with a Qualified
103 Rehabilitation Counselor for the Deaf (RCD) and upon Review of the RCD
104 based on the Speech reception threshold.

105 (iii) **Speech discrimination or word recognition score.** An individual is
106 considered to have a qualifying disability when the speech discrimination or
107 word recognition score is 70% or less, upon review by a RCD.

108 (iv) **Articulation index.** An individual is considered to have a qualifying
109 disability when the articulation index is 70% or less upon review by RCD.

110 (v) **Only a licensed audiologist can determine the speech discrimination**
111 **or word recognition and articulation index score.** The Vocational
112 Rehabilitation Counselor will utilize these scores in determining eligibility and
113 identification of the functional barriers to employment.

114 (I) A Consultation by the Rehabilitation Counselor for the Deaf (RCD) that
115 the applicant has hearing loss that constitutes a physical or mental
116 impairment and the physical or mental impairment constitutes or results in
117 a substantial impediment to employment; and

118 (II) A Consultation by a Rehabilitation Counselor for the Deaf (RCD) that
119 the applicant requires vocational rehabilitation services to prepare for,
120 secure, retain, advance in, or regain employment that is consistent with the
121 individuals unique strengths, resources, priorities, concerns, abilities,
122 capabilities, interest and informed choice.

123 (B) **Severity of Hearing Loss.** All individuals who qualify as having a severe
124 hearing loss or, who are culturally Deaf and/or use Manual Communication, will be
125 referred to a Rehabilitation Counselor for the Deaf and Hard of Hearing (RCD for a

126 consultation on severity of loss and functional limitations) The RCD then will
127 determine whether the case needs to be assigned to an RCD. Relevant information
128 provided will include copies of the initial interview narrative recording, medical
129 information, eligibility data entry form, Individualized Plan for Employment, pertinent
130 copies of case narratives and DRS application form.

131 (i) **Severe Hearing Loss.** Average hearing loss, as calculated above, is
132 considered severe when based on functional limitations):

133 (I) The hearing loss in one ear is profound (91 dB or greater) and the
134 hearing loss in the better ear is at least 31 dB; or

135 (II) The hearing loss in each ear is 55 dB or greater.

136 (ii) **Severe Speech Recognition Threshold (SRT).** An individual is considered
137 to have severe disability when;

138 (I) The SRT in one ear is 91 dB or greater and the SRT in the better ear is
139 at least 31 dB; or

140 (II) The SRT in each ear is 55 dB or greater.

141 (iii) **Severe Speech Discrimination or word recognition score.** An individual
142 is considered to have a severe disability when the speech discrimination or
143 word recognition score is 59% or less.

144 (4) **Diabetes:** The individual must require prescribed medication to control the
145 condition. Those persons whose diabetes is controlled by diet and exercise alone or
146 whose condition does not result in a substantial impediment to employment will not be
147 considered eligible. Eligible clients will be required to undergo a visual exam by a
148 licensed ophthalmologist at least once a year. Diabetes management training will be
149 incorporated into the IPE unless the client shows that he/she has previously completed
150 diabetes management training. When recommended by a physician, diabetes
151 management training will be incorporated into the IPE regardless of past diabetes
152 education received by the individual.

153 (5) **Facial and Disfigurement Conditions.** When these conditions result in an
154 impediment to employment an individual may be eligible for VR services.

155 (6) **Learning Disabilities.** Learning disabilities is a general term that refers to a group
156 of disorders manifested by significant difficulties in the attainment and use of listening,
157 speaking, reading, writing, reasoning, or mathematical abilities. Learning disabilities are
158 identified when there are difficulties learning and using academic skills, as indicated by
159 at least one of the following occurring even with interventions: Inaccurate or slow
160 reading, difficulty understanding the meaning of what is read, difficulties with spelling,
161 difficulties with written expression, difficulties mastering numbers sense, facts or
162 calculation, and difficulties with mathematical reasoning. Also, academic skills are
163 significantly below those expected for the student's chronological age and causes
164 issues with academic and occupational performance. Academic areas include,
165 impairment in reading, impairment in written expression, and impairment in
166 mathematics.

167 (7) **Mental Disorders.** Individuals may be eligible for vocational rehabilitation services
168 based on a mental health diagnosis made by a qualified professional (612:10-7-98
169 (17)(A)(1-5)). Documentation must be filed from a qualified professional indicating the

170 client is participating in a treatment plan and in compliance with all medication as
171 prescribed. Treatment must be incorporated as a service in the IPE for individuals with a
172 mental disorder.

173 (8) **Intellectual Disability.** To be eligible, individuals having an I.Q. of 69 or below and
174 substantially limited adaptive functioning, as measured by an individual intelligence test,
175 will be considered to have a substantial disability. Individuals eligible under IDEA with
176 an I.Q. level higher than 69 may be considered to have a substantial impairment
177 provided the documentation used by the school in determining eligibility under IDEA, in
178 the counselor's judgment, confirms the individual is functioning in the intellectual
179 disability range of ability. Individuals not enrolled in public school special education
180 classes with an I.Q. higher than 69 may be considered to have a substantial impairment
181 provided appropriate documentation confirms the individual is functioning in the
182 intellectual disability range of ability.

183 (9) **Height.** To be eligible, a person's stature must constitute or result in a substantial
184 impediment to employment.

185 (10) **Obesity.** To be eligible, a person must be considered obese according to a
186 recognized medical classification protocol and the impairment must constitute or result
187 in a substantial impediment to employment. Some type of weight loss plan or treatment
188 for obesity must be included as a service in the IPE.

189 (11) **Visual.** Any of the following conditions may provide a basis for eligibility due to
190 visual disability:

191 (A) **Blindness.** A central visual acuity of 20/200 or less in the better eye with best
192 correction, or a limitation in the field of vision in the better eye so that the widest
193 diameter of the visual field subtends an angle of 20 degrees or less. "Best
194 correction" refers to the use of standard eyeglasses or contact lenses, and does not
195 include use of bioptic telescopic systems or any specialized lenses which cannot be
196 worn by the individual on a sustained basis.

197 (B) **Visual impairment.** A central visual acuity of 20/60 or less in the better eye
198 with best correction, or other visual condition which, for the individual, results in
199 functional limitations and constitutes a barrier to employment. Other visual
200 conditions which may result in functional limitations include, but are not limited to,
201 limited peripheral vision, extreme light sensitivity, loss of depth perception, loss of
202 stereopsis, diplopia (double vision), aphakia, total absence of color discrimination or
203 red-green deficiency, blurred vision, eye muscle and movement conditions, and
204 cortical visual impairment.

205 (C) **Progressive eye disease.** Diagnosis of a progressive sight threatening
206 disease or condition that has resulted in functional limitations for the individual or is
207 expected to progress rapidly. Progressive eye diseases which may result in
208 significant vision loss include, but are not limited to, retinitis pigmentosa, diabetic
209 retinopathy, glaucoma and macular degeneration.

210 (12) **Re-evaluation.** Individuals with chronic disabilities that can be removed with little
211 or no residual limitations will not be eligible for purchase of services other than those
212 related to the required treatment.

1 **612:10-7-24.2. Assessment for determining eligibility [AMENDED]**

2 (a) To determine whether an individual is eligible for vocational rehabilitation services:

3 (1) the counselor will use to the maximum extent possible and appropriate existing data
4 including counselor observations, education records, information provided by the
5 individual or the individual's family, and determinations made by officials of other
6 agencies; and

7 (2) to the extent necessary provide appropriate assessments, including provision of
8 goods and services during the assessment, to obtain additional documentation
9 necessary to make the determination of eligibility and priority group assignment. The
10 counselor will carefully evaluate the need to provide assistive technology devices and
11 services or worksite assessments.

12 (b) The Qualified Vocational Rehabilitation Counselor (QVRC) will determine whether an
13 individual is eligible for vocational rehabilitation services within a reasonable period of time,
14 not to exceed 60 days after the individual has submitted an application for services. This
15 time period may be extended only when unforeseen and exceptional circumstances beyond
16 the control of the Department preclude completing the determination of eligibility within the
17 60 days and the individual agrees a specific extension of time is warranted as documented
18 on the Need for Extension of Time to Determine Eligibility form; or a trial work period is
19 needed to determine the individual's ability to benefit from VR services.

20 (c) Documentation that the individual has a disability which constitutes or results in an
21 impediment to employment must come from qualified professionals.

22 (d) Eligibility determinations ~~will~~ may be expedited for applicants who have been
23 determined eligible for vocational rehabilitation services by an American Indian Vocational
24 Rehabilitation Services (AIVRS) Program. Counselors will work cooperatively with the
25 applicable American Indian VR Program to obtain pertinent diagnostic and other
26 documentation, and utilize such documentation, as appropriate, in making eligibility
27 decisions that are prompt or, whenever feasible, immediate.

28 (e) A qualified rehabilitation professional may proceed with a determination of eligibility if
29 there is an obvious and/or observable disability that results in an impediment to
30 employment. The VR specialist will document observations pertaining to the applicant's
31 disability. After making the determination of eligibility the VR specialist may authorize any
32 assessments and services necessary to further document eligibility, establish priority group
33 placement and determine rehabilitation needs for development of the Individualized Plan for
34 Employment.

35 (f) Diagnosis and evaluation are to be provided only for determination of eligibility for VR
36 services, priority group placement, and determination of VR service needs. DVR and DSBVI
37 funds are not to be used to assist an individual in establishing eligibility for other programs.

38 (g) When necessary, diagnostic evaluations may be purchased at any time during the life of
39 the case.

40 (h) If an individual is determined eligible, the VR counselor will notify the individual in
41 writing. If the individual is determined to be ineligible, the counselor will notify the applicant
42 and provide information on further options in accordance with DRS policy on ineligibility
43 decisions.

44 (i) Eligibility for supported employment. The counselor may not find an individual ineligible
45 for supported employment services because a resource for providing extended services
46 cannot be identified. In this instance, the counselor will:

47 (1) accept the individual as eligible for VR services;

48 (2) plan VR services as appropriate, including the expected availability of extended
49 services; and

50 (3) seek out and/or help in developing the needed extended services resource.

1 **612:10-7-24.3. Trial Work Experience [AMENDED]**

2 (a) **Use of trial work experience.** It shall be presumed that an individual can benefit in
3 terms of an employment outcome from vocational rehabilitation services unless clear and
4 convincing evidence demonstrates that the individual is incapable of benefiting in terms of
5 an employment outcome due to the severity of the individual's disability. In making such
6 demonstration, the VR Counselor will explore the individual's capabilities to perform in
7 realistic work settings through the use of trial work experiences with appropriate supports
8 including, but not limited to, assistive technology devices and services and personal
9 assistance services, to accommodate the rehabilitation needs of the individual during the
10 trial work experiences.

11 (b) **Trial work.** The trial work experiences shall be provided in competitive integrated
12 employment settings to the maximum extent possible, consistent with the individual's
13 informed choice and rehabilitation needs, and shall be of sufficient variety and duration to
14 determine the eligibility of the individual or to determine the existence of clear and
15 convincing evidence that the individual is incapable of benefiting from VR services in terms
16 of an employment outcome. Cases may not remain in this status more than 18 months. An
17 assessment of the individual's progress is required as frequently as necessary but at least
18 once every 90 days. The assessment will include periodic reports from the institution, facility
19 or person providing the services to determine the results of the provision of such services
20 and to ascertain whether the individual may be determined to be eligible or ineligible. The
21 assessment summary narrative will be recorded in the case file.

22 (c) **Case recording requirements.** The counselor will document the case record according
23 to the criteria and recording standards in (1) - (5) of this Subsection.

24 (1) **Justification that a trial work experience is required.** It is presumed that an
25 individual can benefit in terms of an employment outcome from vocational rehabilitation
26 services unless clear and convincing evidence demonstrates otherwise. The use of trial
27 work experiences is to be limited solely to those extraordinary situations in which the
28 preponderance of evidence obtained in the normal manner is sufficient to challenge the
29 presumption of benefit due to the severity of the disability. Documentation and case
30 recording must clearly support the determination that this preponderance of evidence
31 exists, and that trial work experience is necessary to make the eligibility determination.

32 (2) **Written plan for trial work experiences.** Services related to the trial work
33 experience will be planned by the counselor and individual, or the individual's authorized
34 representative. The trial work experience plan will describe the services necessary to
35 obtain clear and convincing evidence concerning the presumption of benefit.

36 (3) **Termination of trial work experience evaluation - eligible.** When an individual is
37 determined to be eligible for services, the case is processed in accordance with DRS
38 ~~policy~~ administrative rules.

39 (4) **Termination of trial work experience - ineligible.** If the trial work experience
40 provides clear and convincing evidence that the individual cannot benefit from
41 vocational rehabilitation services in terms of an employment outcome due to the severity
42 of the disability, the case may be closed as ineligible in accordance with DRS ~~policy~~
43 administrative rules. In addition to explaining the individual's right to a review of the
44 determination and the availability of the Client Assistance Program, the counselor will
45 make referrals to other agencies, facilities, or programs as may be appropriate.

46 (5) **Amendments.** An amendment to the plan is made stating all new decisions, facts,
47 and planned services not already covered in the original trial work experience plan.

1 **612:10-7-25.1. Ability to serve all eligible individuals; order of selection for services**
2 **[AMENDED]**

3 (a) **General provisions.** DRS either must be able to provide the full range of services listed
4 in section 103 (a) of the Act and 34 CFR 361.48, as appropriate, to all eligible individuals or,
5 in the event that vocational rehabilitation services cannot be provided to all eligible
6 individuals in the State who apply for the services, include in the vocational rehabilitation
7 services portion of the Unified or Combined State Plan the order to be followed in selecting
8 eligible individuals to be provided vocational rehabilitation services.

9 (1) The ability of the designated State unit to provide the full range of vocational
10 rehabilitation services to all eligible individuals must be supported by a determination
11 that satisfies the requirements of paragraph (b) or (c) of this section and a determination
12 that, on the basis of the designated State unit's projected fiscal and personnel resources
13 and its assessment of the rehabilitation needs of individuals with significant disabilities
14 within the State, it can follow the guidance according to 34 CFR 361.36 (a).

15 (2) Prior to the start of each fiscal quarter, or when circumstances require, the DRS
16 Director will determine in which priority groups new Individualized Plans for Employment
17 will be written and initiated. The Director may restrict the writing and initiation of new
18 Individualized Plans for Employment within a priority group to cases having eligibility
19 dates falling on or before a specified date providing that all individuals in
20 higher priority groups are being served. Considerations in making this determination will
21 include, but not be limited to, the projected outcomes, service goals, expenditures, and
22 resources available for each priority group. Projected costs and resources for each
23 priority group will be based upon costs of current Individualized Plans for Employment,
24 anticipated referrals, availability of financial resources, and adequacy of staffing levels.
25 The Director will implement actions under the order of selection through written notice to
26 DVR and DSBVI staff.

27 (b) **Basis for assurance that services can be provided to all eligible individuals.** For
28 the State agency that determined, for the current fiscal year and the preceding fiscal year,
29 that it is able to provide the full range of services, as appropriate, to all eligible individuals,
30 the State unit, during the current fiscal and preceding fiscal year, must have in fact followed
31 the criteria in 34 CFR 361.36 (b) (1-2). DRS must continue to provide pre-employment
32 transition services to students with disabilities who were receiving such services prior to
33 being determined eligible for vocational rehabilitation services 34 CFR 361.36 (e)(3)(i).

34 (c) **Determining need for establishing and implementing an order of selection.** The
35 State agency must determine, prior to the beginning of each fiscal year, whether to establish
36 and implement an order of selection.

37 (d) **Need for order of selection.** The Department, in consultation with the Oklahoma
38 Rehabilitation Council, has determined, due to budgetary constraints or other reasoned
39 limitations, that it cannot serve all individuals who are determined eligible for DVR and
40 DSBVI services. The Department consults with the Oklahoma Rehabilitation Council (ORC)
41 regarding the:

- 42 (1) need to establish an order of selection, including any re-evaluation of the need;
- 43 (2) priority categories of the particular order of selection;
- 44 (3) criteria for determining individuals with the most significant disabilities; and
- 45 (4) administration of the order of selection.

46 (e) **Establishing an order of selection.** Basis for order of selection. An order of selection
47 must be based on a refinement of the three criteria in the definition of individual with a
48 significant disability in section 7 (21) (A) of the Act and 34 CFR 361.5 (c) (30).

49 (1) Factors that cannot be used in determining order of selection of eligible individuals.
50 An order of selection may not be based on any other factors, including requirements
51 identified in 34 CFR 361.36 (d) (2) (i-vii).

52 (2) It is the administrative rules of DRS to provide vocational rehabilitation services to
53 eligible individuals under an order of selection. Under the order of selection, the
54 Department has established three priority groups on the basis of serving first those with
55 the most significant disabilities. Every individual determined to be eligible for DVR and
56 DSBVI services is placed in the appropriate priority group based upon the
57 documentation used to determine eligibility and/or vocational rehabilitation needs.
58 Selection and placement in a priority group is based solely upon the significance of the
59 eligible individual's disability, and is not based upon the type of disability, geographical
60 area in which the individual lives, projected type of vocational outcome, age, sex, race,
61 color, creed, religion, or national origin of the individual. The priority groups are:

62 (A) **Priority Group 1.** Eligible individuals with a most significant disability are
63 individuals with the most significant barriers to employment. A most significant
64 barrier is one that includes a severe mental or physical impairment resulting in
65 serious limitations in three or more functional capacities and which can be expected
66 to require multiple vocational rehabilitation services over an extended period of
67 time.

68 (B) **Priority Group 2.** Eligible individuals with a significant disability are individuals
69 with significant barriers to employment. A significant barrier is one that includes a
70 severe physical or mental impairment resulting in serious limitations in at least one,
71 but not more than two, functional capacities and which can be expected to require
72 multiple vocational rehabilitation services over an extended period of time.

73 (C) **Priority Group 3.** Eligible individuals with disabilities not meeting the definition
74 of individual with a most significant or significant barrier to employment.

75 (f) **Administrative requirements.** In administering the order of selection, the State agency
76 must implement the order of selection on a statewide basis according to 34 CFR 361.36 (e)
77 (1-3) (i-ii). Notification of Priority Group Placement: Upon placement into a priority category,
78 the client shall receive written notification of his or her priority classification and information
79 regarding the ~~policies~~ administrative rules and procedures governing availability of
80 vocational rehabilitation services, including notification of placement on a wait list, when
81 applicable and a referral to other programs that are part of the one-stop service delivery
82 system under the WIOA that can address the individual's training or employment related
83 needs. 34 CFR 361.43 (d) (1-2) the written notification shall include information about Due
84 Process rights and the Client Assistance Program. The electronic case management system
85 will contain a copy of the written notification.

86 (1) When a client is reclassified into a different priority category, he or she
87 shall be notified, in writing, of the new priority category and provided written
88 information as to how the change will affect the availability of vocational
89 rehabilitation services. The written notification shall include information about
90 Due Process rights and the Client Assistance Program.

91 (2) An applicant who has been determined eligible for vocational rehabilitation
92 will be placed in Eligibility Status, for completion of a comprehensive

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assessment to determine employment goal and rehabilitation needs and for development of the Individualized Plan for Employment (IPE). An individual who is placed in an order of selection priority group that is not currently being served will be placed on a waiting list and held there pending further directives from the Director concerning opening or closing of priority groups.

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(3) If an applicant is determined to be ineligible, the counselor will notify the applicant and provide information on further options in accordance with DRS administrative rules on ineligibility decisions and 34 CFR 361.57 (b) (2) (ii or iv).

PART 5. CASE STATUS AND CLASSIFICATION SYSTEM

1 **612:10-7-50.1. Assessment for determining rehabilitation needs [AMENDED]**

2 (a) **Rehabilitation needs.** DRS will conduct an assessment for determining rehabilitation
3 needs, if appropriate, for each eligible individual or, if the agency is operating under an order
4 of selection, for each eligible individual to whom the agency is able to provide vocational
5 rehabilitation services. The purpose of this comprehensive assessment is to assist the client
6 in selecting an employment goal and to determine the nature and scope of vocational
7 rehabilitation services to be included in the Individualized Plan for Employment (IPE).

8 (b) **Comprehensive assessment.** Existing information obtained from the assessment to
9 determine eligibility and priority group assignment, including information supplied by the
10 individual or the individual's authorized representative, is to be used for the comprehensive
11 assessment to the maximum extent possible. Additional assessments may be obtained to
12 the extent additional information is necessary to determine the vocational rehabilitation
13 needs of the individual and to develop the IPE. Rehabilitation technology will be used in the
14 comprehensive assessment when necessary to assess and/or develop the capacities of the
15 individual to perform in a work environment.

16 (1) The five (5) required Pre-employment transition service activities that are provided
17 or arranged by DRS, are based upon the individual needs of the student with
18 disabilities. Each service should enrich, not delay transition planning, and the continuum
19 of vocational rehabilitation services necessary for movement from school to
20 postsecondary education or to an employment outcome.

21 (2) Additionally, it is essential to recognize that each student may have different needs
22 based on their interests and unique circumstances. Determining necessary services
23 based on student needs to explore his or her interests, strengths, abilities and
24 capabilities. A student may or may not need all five required activities and may need to
25 participate in multiple activities.

26 (c) **Case recording requirements.** The results of the comprehensive assessment and the
27 counselor's analysis of them will be recorded in a case narrative. The narrative will contain
28 reasonable justification of the employment goal and services that will be provided in the IPE,
29 considering the unique strengths, resources, priorities, concerns, abilities, capabilities,
30 interests, and informed choice of the individual.

31 (d) **Comprehensive assessment for supported employment.**

32 (1) In supported employment cases, the record must document the counselor's
33 determination that the client is an individual:

34 (A) for whom competitive employment has not traditionally occurred; or

35 (B) for whom competitive employment has been interrupted or intermittent as a
36 result of a significant disability; and

37 (C) who, because of the nature and severity of the disability, needs intensive
38 supported employment services, and extended services after the transition from
39 intensive supported employment services, to perform such work.

40 (2) The counselor refers the client to an employment services provider to gather the
41 information necessary to complete the comprehensive assessment. The counselor will
42 authorize career exploration and/or assessment from the Supplemental Employment
43 Services (SES) contract to conduct activities and/or situational assessments. The

44 results of the exploration activities and/or assessments will assist the client and
45 counselor in establishing a vocational goal.

1 **612:10-7-51. Individualized Plan for Employment [AMENDED]**

2 (a) **Options for developing the Individualized Plan for Employment (IPE).** The VR
3 counselor will provide the eligible individual, or the individual's authorized representative, in
4 writing and in appropriate mode of communication, with information on the individual's
5 options for developing the IPE.

6 (1) The required information will include the following:

7 (A) information on the availability of assistance, to the extent determined to be
8 appropriate by the eligible individual, or authorized representative, from a qualified
9 VR counselor in developing all or part of the IPE, and the availability of technical
10 assistance for this purpose;

11 (B) a description of the required content of the IPE;

12 (C) as appropriate:

13 (i) an explanation of agency requirements for client participation in cost of
14 services;

15 (ii) additional information requested by the individual or authorized
16 representative;

17 (iii) information on the availability of assistance in completing DVR/DSBVI
18 forms required in developing the IPE;

19 (iv) For cases involving Diabetes, Mental Disorders, and Obesity, treatment
20 must be incorporated as a service in the IPE, in accordance with DRS rules.

21 (D) a copy of a DRS publication addressing client's rights and responsibilities.

22 (2) For cases in an open priority group, the IPE must be completed and signed as soon
23 as possible, consistent with the needs of the individual, but not more than 90 calendar
24 days following the eligibility determination, unless the individual or the authorized
25 representative and the VR or SBVI counselor jointly agree to an extension of time of a
26 specific duration. The 90-day time frame for development of the IPE will be applied from
27 the date a closed priority group is reopened.

28 (b) **Vocational objective.** The primary purpose in providing vocational rehabilitation
29 services is to assist an eligible individual obtain appropriate competitive employment in an
30 integrated setting consistent with the individual's informed choice. The choice of a vocational
31 objective for an individual receiving vocational rehabilitation services must be based
32 primarily upon the individual's strengths, resources, priorities, concerns, abilities, interests,
33 and capabilities, consistent with the general goal of competitive integrated employment.

34 (1) **Informed choice.** The vocational objective is to be chosen with the full participation
35 of the client. The client's interests and informed choice determine his or her vocational
36 goal to the extent these factors are consistent with the client's strengths, resources,
37 priorities, concerns, abilities, interests, and capabilities.

38 (2) **External conditions.** Factors such as the local labor market or local economy must
39 also be taken into consideration. However, in most cases these factors cannot be used
40 as the only basis upon which to determine whether a vocational objective is appropriate.

41 (c) **General requirements for the Individualized Plan for Employment.**

42 (1) The IPE documents the client's chosen employment goal, and the planning of
43 vocational rehabilitation services which are necessary to achieve a successful
44 employment outcome. The client will be a full participant in the development of the IPE
45 or any amendments consistent with Federal and State regulations, laws, and statutes.
46 The eligible individual must be given the opportunity to exercise informed choice in
47 selecting an employment outcome, the specific VR services to be provided under the
48 plan, the service providers, and the methods for service delivery. For cases in an open
49 priority group, the IPE must be agreed to and signed by the eligible individual or
50 authorized representative, approved by a VR counselor and, as appropriate, other
51 administrators employed by DVR or DSBVI within 90 days of determination of eligibility,
52 unless the individual or the authorized representative of the individual and the VR or
53 SBVI counselor jointly agree to an extension of time of a specific duration. To the
54 maximum extent possible, the IPE is to be provided in the native language or mode of
55 communication of the individual or, as appropriate, of a parent, family member,
56 guardian, advocate, or authorized representative. It is also required the client receive a
57 copy of the plan and any subsequent amendments.

58 (2) The IPE is subject to continuous development and change. Substantial changes to
59 the IPE are documented as amendments. A substantial change is broadly defined as
60 any change in the employment objective, or in service needs or available resources not
61 accounted for in the original IPE or existing amendment(s). The amount of any client
62 participation in the cost of a service will be based upon the determination of client's
63 financial status completed at the time the relevant IPE or amendment is written, and is
64 to be stated in the IPE or amendment. If services based upon financial status are
65 included in the original IPE and/or in the amendment, a new Financial Status
66 Determination form will be completed when the IPE is amended. A copy of any
67 Amendment to an Individualized Plan for Employment will be given to the client, or
68 client's authorized representative, as appropriate.

69 (3) Diagnosis related to eligibility, or the IPE can be provided at any time it is
70 necessary during the life of the case.

71 (4) An IPE is not considered in effect until all required approvals have been obtained in
72 accordance with Department ~~policy~~ administrative rules.

73 (5) Plan reviews are comprehensive reviews of the entire IPE. A plan review can be
74 done at any time, but must be done at least annually. The client must be given the
75 opportunity to review the plan and, if necessary, participate in its redevelopment and
76 agree to its terms. A financial status determination will be completed at the time of plan
77 review when the IPE includes services based upon client's financial status.

78 (d) **Content of the Individualized Plan for Employment.** The Individualized Plan for
79 Employment must include:

80 (1) a description of the specific employment outcome that is chosen by the client
81 consistent with the individual's unique strengths, resources, priorities, concerns,
82 abilities, capabilities, interests, and informed choice consistent with the general goal of
83 competitive integrated employment (except that in the case of a student or a youth with
84 a disability, the description may be a description of the individual's projected post-school
85 employment outcome), and the estimated timeframe for the achievement of the
86 employment outcome;

87 (2) a description of the specific VR services that are:

- 88 (A) needed to achieve the employment outcome including as appropriate, the
89 provision of assistive technology services and devices, and personal assistance
90 services, including training in the management of such services;
- 91 (B) provided in the most integrated setting that is appropriate for the service
92 involved and is consistent with the informed choice of the client; and
- 93 (C) timelines for the achievement of the employment outcome and for the initiation
94 of services.
- 95 (3) a description of the service provider chosen by the client or authorized
96 representative, and the methods of services delivery;
- 97 (4) a description of the criteria that will be used to evaluate progress toward achieving
98 the employment outcome;
- 99 (5) the terms and conditions of the IPE including as appropriate:
- 100 (A) the responsibilities of DVR or DSBVI;
- 101 (B) the responsibilities of the client, including:
- 102 (i) the client's responsibilities for the employment outcome;
- 103 (ii) the client's participation in paying the cost of VR services; and
- 104 (iii) the client's responsibility to apply for, accept, and use comparable services
105 and benefits to defray in whole or in part the cost of VR services.
- 106 (6) for an IPE that includes supported employment services, information identifying:
- 107 (A) the extended services needed by the client; and
- 108 (B) the source of the extended services, including natural supports, or an
109 explanation concluding there is a reasonable expectation a source will become
110 available; and
- 111 (C) the weekly work goal.
- 112 ~~(7) if it appears they will be necessary, a statement of needed post-employment~~
113 ~~services for an IPE for a student with a disability that includes pre-employment transition~~
114 ~~services. Each pre-employment transition service to be purchased for or provided by~~
115 ~~DRS staff must be included as a line of service on the IPE 34 C.F.R. § 361.46(d)(2)(ii).~~
- 116 (A) If appropriate the IPE must include the specific VR services needed to achieve
117 the employment outcome, including a projected post-school employment outcome
118 (34 C.F.R. § 361.46(a)(1)).
- 119 (B) For those students with disabilities who may use a projected post school
120 employment outcome and the plan includes only those services to assist in refining
121 that employment goal, any pre-employment transition services the student would
122 receive would still need to be included 34 C.F.R. § 361.48(b)(18).
- 123 (8) A full array of individualized VR services may be provided to an eligible student or
124 youth with a disability in need of such services so long as they are included on an

125 approved IPE to assist in preparing for, securing, retaining, advancing in or regaining an
126 employment outcome that is consistent with the individual's unique strengths,
127 resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

128 (A) The individualized VR transition services provided will depend on the student's
129 or youth's individual needs and include, but are not limited to:

130 (i) An assessment for determining eligibility and VR needs by qualified
131 personnel, including, if appropriate, an assessment by personnel skilled in
132 rehabilitation technology;

133 (ii) Counseling and guidance, including information and support services to
134 assist an individual in exercising informed choice consistent with the provisions
135 of section 102(d) of the Rehabilitation Act;

136 (iii) Referral and other services to secure needed services from other agencies
137 through agreements developed, if such services are not available under the VR
138 program;

139 (iv) Job-related services, including job search and placement assistance, job
140 retention services, follow-up services, and follow-along services;

141 (v) Transition services for students with disabilities, that facilitate the transition
142 from school to postsecondary life, such as achievement of an employment
143 outcome in competitive integrated employment, or pre-employment transition
144 services for students;

145 (vi) Supported employment services for individuals with the most significant
146 disabilities; and

147 (vii) Services to the family of an individual with a disability necessary to assist
148 the individual to achieve an employment outcome.

1 **612:10-7-52. Scope of vocational rehabilitation services for individuals with**
2 **disabilities [AMENDED]**

3 (a) **Overview of service provision.** Vocational rehabilitation services are provided as
4 specified in the approved IPE. Services are to be provided using the service delivery
5 methods, and within the time frames, specified in the IPE. Authorizations may be issued
6 only for those services for which DRS is specified as the responsible pay source in the
7 approved IPE. New service needs must be included in an approved IPE amendment before
8 they are authorized. All authorizations for payment of services will be made in accordance
9 with applicable DRS purchasing policies administrative rules.

10 (b) **Services for individuals who have applied for or been determined eligible for**
11 **vocational rehabilitation services.** As appropriate to the vocational rehabilitation needs of
12 each individual and consistent with each individual's individualized plan for employment, the
13 designated State unit must ensure that the following vocational rehabilitation services are
14 available to assist the individual with a disability in preparing for, securing, retaining,
15 advancing in or regaining an employment outcome that is consistent with the individual's
16 unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and
17 informed choice, as found in 34 CFR 361.48 (b) (1-21)

18 ~~(c) **Scope of vocational rehabilitation services for groups of individuals with**~~
19 ~~**disabilities.** DRS may provide for the following vocational rehabilitation services for the~~
20 ~~benefit of groups of individuals with disabilities as listed in 34 CFR 361.49 (a) (1-9).~~

1 **612:10-7-55. Job Ready [AMENDED]**

2 (a) **The Use of Job Ready Status:** Job Ready Status is used to identify individuals who are
3 qualified, willing and able to begin an active job search. Job Ready Status can also be used
4 for individuals pursuing a variety of work experiences, including internships, apprenticeships,
5 or temporary jobs to supplement income while attending school or receiving other vocational
6 rehabilitation services. Job Ready status can be used at any time during the life of the case,
7 once an Individual Plan for Employment (IPE) is in place.

8 (1) Job Ready Status should only be used after consultation with the Participant to
9 insure the person is aware they are considered an active job seeker and may be
10 contacted about employment or work experiences in which they have expressed an
11 interest. Also, Job Ready Status should not be used for those who have been referred
12 to an Employment Services Provider for assistance with services such as Employment
13 & Retention, Customized Employment, Supported Employment, Job Placement,
14 Supplemental Employment Services, ~~JOBS~~, etc.

15 (2) Those individuals who are in job ready status but are no longer participating in a job
16 or work experience search should be removed from Job Ready Status. Individuals who
17 have located a job or work experience and are not currently pursuing another position
18 should also be removed.

19 (b) **Case Recording Requirements:** The information on the Job Ready page in AWARE
20 case management system should be completed in conjunction with the Participant to insure
21 it is accurate and timely. The information should be reviewed periodically to make sure it is
22 up-to-date.

1 **612:10-7-56. Employment [AMENDED]**

2 (a) **Use of Employment status.** A case is placed in this status when the client begins
3 employment. The client must be followed in employment for a minimum of 90 days prior to
4 being closed to ensure the adequacy of the employment in relation to the needs and
5 limitations of the client.

6 (b) **Supported employment.** Cases are placed into employment status after the
7 requirements have been met for completion of the "Job Stabilization" ~~Milestone Service~~, and
8 the client is ready to begin the final ~~milestone~~, "Successful Employment" ~~Service~~. During this
9 ~~milestone service~~, the provider must continue delivering ongoing ~~supports~~ support for a
10 minimum of 90 days before the case can be closed.

11 (c) **Employment and Retention.** Cases are placed into employment status when the
12 individual has completed the "~~R4 Four (4) Weeks Job Support Retention~~ Job Support &
13 Retention" ~~Milestone Service~~ which includes short term job coach training and support. The
14 client must be followed in employment for a minimum of 90 days prior to being closed.

15 (d) **Case recording requirements.** After the client has entered employment, it is the
16 client's responsibility to provide the counselor with the job title of employment and salary
17 information. When an individual is placed in employed status, case recording will document:

- 18 (1) Beginning date of employment;
- 19 (2) Name and address of the employer;
- 20 (3) Job title which describes the position held by the individual;
- 21 (4) Client's hourly wages and hours worked per week to determine weekly earnings;
- 22 (5) Suitability of the employment; and
- 23 (6) How the job was obtained. If the information is obtained from a source other than
24 the client, the source of the information will be identified.

25 (e) **Contact.** When a client is placed in employed status, contact is maintained through the
26 end of the required 90 days and documented until it is determined the employment is
27 satisfactory and the case can be closed. This determination that the employment outcome is
28 satisfactory will be made with the full participation of the client.

29 (f) **Case recording.**

- 30 (1) Documentation of all contacts with the client during the 90 days, to address any
31 employment related issues, including satisfaction with the employment.
- 32 (2) Documentation in a case note of the start date of employment, type of employment
33 (i.e. cook, housekeeper, lawyer) employer name address, hourly/weekly wages and
34 benefits.
- 35 (3) When applicable, and information is not obtainable from the client, the counselor will
36 document the employment, type of employment (i.e. cook, housekeeper, lawyer)
37 employer name and address, hourly/weekly wages and benefits including by what
38 means the employment was discovered and the date of the discovery of employment.

39 (4) Attempts to obtain verification of employment earnings will be documented in a case
40 note including the reason as to why this verification was not forthcoming.

1 **612:10-7-58. Closed Rehabilitated [AMENDED]**

2 (a) **Use of Closed Rehabilitated status.** A case is closed as rehabilitated because the
3 client has achieved an employment outcome as a result of vocational rehabilitation services.
4 Cases closed as rehabilitated must as a minimum meet the requirements in (1) through (5)
5 of this Subsection:

6 (1) the provision of services under the individual's IPE has contributed to the
7 achievement of the employment outcome;

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

10 (3) the employment outcome is in an integrated setting, consistent with the individual's
11 informed choice;

12 (4) the individual has maintained the employment outcome for a period of at least 90
13 days beyond the stabilization date; and

14 (5) at the end of the appropriate period under Paragraph (4) of this Section, the
15 individual and the VR Counselor consider the employment outcome to be satisfactory
16 and agree that the individual is performing well on the job.

17 (b) **Out of state.** Clients who move out of state after services have been completed are
18 closed in rehabilitated status if the requirements in Subsection (a) of this Section can be
19 met. If those requirements cannot be met the case will be closed, not rehabilitated.

20 (c) **Successful closure prior to completion of IPE.** If employment is secured before
21 completion of the IPE, a counselor must document the conditions of substantial services and
22 suitable employment were met. If planned services are interrupted prior to achieving the
23 originally planned vocational goal, and services provided have directly contributed to the
24 employment outcome for the individual or to job retention, an IPE amendment is not needed
25 to revise the vocational goal prior to closure. A plan amendment is required when there is a
26 substantial deviation from the original employment goal.

27 (d) **Cases closed from supported employment.** An individual with the most significant
28 disabilities who is receiving supported employment services is considered to be successfully
29 rehabilitated if the individual maintains a ~~supported~~ successful employment placement for a
30 minimum of 90 days beyond stabilization. In addition to the criteria for "suitably employed",
31 the counselor must document that the individual has met or has made substantial progress
32 toward meeting the weekly work goal defined in the IPE, the client is satisfied with the job,
33 the employer is satisfied with the client's job performance, extended services are in place,
34 all supported employment requirements have been met, and the case is ready for closure.
35 The closure documentation will address any significant differences in the ultimate work week
36 achieved as compared with the predicted goal.

37 (e) **Cases closed from employment and retention.** An individual with significant
38 disabilities who is receiving employment and retention services is considered to be
39 successfully rehabilitated when the client maintains employment for a minimum of 90 days
40 beyond the "~~4 Four (4) Weeks Job Support Retention~~ Job Support & Retention" Milestone
41 Service.

42 (f) **Case recording requirements.** The client, or the client's authorized representative as
43 appropriate, will be a full participant in the decision to close the case. The last discussion of
44 the closure decision with the client, or the client's authorized representative, will be held at

45 the end of the required 90 days of the closure, and will be documented in a case narrative.
46 The client will be notified in their preferred format of the case closure.

47 (g) **Documentation at Successful Closure.** Prior to closure, a copy of the current pay stub
48 identifying the individual's competitive hourly wage and hours to determine weekly earnings.
49 If the current pay stub is not available, then the following is acceptable:

50 (1) An individual's written report of employment information and required wage
51 information documented on an authorized DRS form (DRS-C-065) with their dated
52 signature; or

53 (2) A detailed case note identifying the individual's employment information including
54 the current competitive hourly wage and work hours in a typical week that is based on
55 the counselor's conversation with the actual employer. Prior to calling an employer, the
56 individual shall be informed that information provided and gathered is limited to what is
57 necessary to document and verify employment. This provides the individual the
58 opportunity to discuss preferences and options for obtaining required documentation. A
59 signed Release of Information should be in the case file.

60 (3) If verification as stated above is not forthcoming and all efforts to obtain acceptable
61 verification are documented, then the following is acceptable: a detailed case note
62 identifying the individual's employment information including the current competitive
63 hourly wage and work hours in a typical week, the date the final employment verification
64 was received with justification for the individual not providing formal documentation.

65 (4) Individuals who are self-employed are required to provide wage documentation of
66 competitive integrated self-employment.

PART 11. PHYSICAL AND MENTAL RESTORATION SERVICES

1 **612:10-7-98. General guidelines for physical and mental restoration services**
2 **[AMENDED]**

3 (a) To the extent that assistance is not readily available from a source other than DVR
4 or DSBVI, diagnosis and treatment of physical and mental impairments may be
5 provided to assist the individual with a disability in preparing for, securing, retaining or
6 regaining employment. Physical or mental restoration services are provided only when
7 the condition is stable, or slowly progressive. A slowly progressive condition is one in
8 which the client's functional capacity is not expected to diminish so rapidly as to prevent
9 successful completion of vocational rehabilitation services, and/or employment for a
10 reasonable period of time. The individual is liable for services he or she arranged which
11 were not planned and initiated under the auspices of DVR and DSBVI. DVR and DSBVI
12 will not pay for hospitalization or treatment occurring prior to initiation of an
13 Individualized Plan for Employment (IPE). DVR and DSBVI will not pay for emergency
14 hospitalization or treatment needed at the time of referral. However, diagnostic
15 examinations or information may be paid from DVR and DSBVI funds for use in
16 eligibility determination, priority group placement, or determination of vocational
17 rehabilitation needs. Physical and/or mental restoration services will be purchased only
18 from licensed or board certified health professionals unless otherwise specified in DRS
19 policy administrative rules. Payment will be made in accordance with the established
20 fee schedule of the Department.

21 (b) Temporary conditions with sudden onset do not fall within the definition of
22 impairment for eligibility purposes. Emergency treatment of remediable conditions will
23 not be purchased by DVR and DSBVI except under intercurrent illness ~~policy~~
24 administrative rules. When the staff is in doubt as to the effect of such a condition upon
25 the outcome of the IPE objectives, a medical consultation may be requested.

26 (c) DVR and DSBVI do not provide long-term or ongoing physical or psychological
27 treatment. DVR and DSBVI funds cannot be used to initiate treatment that is reasonably
28 anticipated to last more than three months unless supervisory approval has been
29 obtained for a three month extension. Additional three month extensions may be
30 approved if the client maintains reasonable progress toward achieving the vocational
31 goal. Persons needing long-term or ongoing treatment are to be referred to other
32 medical assistance sources if available.

33 (d) Payment from DVR and DSBVI funds may be planned and authorized only after
34 applicable third party pay sources provide verification of the expense they will cover,
35 and not cover, associated with the physical or mental restoration services in question.
36 When DVR and DSBVI funds are used to supplement a third party pay source, planned
37 services and the authorization will be limited to those expenses that fall within the scope
38 of the program and that do not exceed the difference between what the third party pay
39 source will pay and the Department's established payment schedule.

40 (e) Individuals with chronic disabilities that can be removed with little or no residual
41 limitations will not be eligible for purchase of services other than those related to the
42 required treatment.

43 (f) Physical and mental restoration services may include but are not limited to:

44 (1) Braces and orthotic devices.

45 (2) Chiropractic services. A chiropractor providing treatment must be duly licensed
46 to practice his profession in Oklahoma, have a current provider/vendor agreement

47 with DRS, and following evaluation of the client's needs, must provide a treatment
48 plan with goals, time frames and the estimated number of treatments required to
49 meet the goals. Treatment may not be extended beyond three months unless
50 progress toward treatment goals can be determined.

51 (3) Dental services. Dental services may be provided to treat or correct dental
52 conditions that constitute an impediment to employment or participation in the
53 rehabilitation process, produce health problems or aggravate an existing disability.
54 Dental services with a projected cost over \$5,000.00 require review by the DRS
55 dental consultant and supervisory approval.

56 (4) Dialysis and treatment for end-stage-renal-disease. DVR and DSBVI may assist
57 with the cost of Medicare deductible, co-insurance, and services not covered by
58 Medicare if documentation states other resources are not available and the client is
59 actively participating in an IPE with treatment as part of the plan. Requests for
60 kidney transplants must be approved by the medical consultant.

61 (5) Prescription drugs and prescribed medical supplies. Prescription drugs and/or
62 prescribed medical supplies may be purchased when required for proper diagnosis,
63 for post-operative treatment, or to stabilize a documented disability. The need for the
64 drugs and/or medical supplies must be documented in a physician's report. Payment
65 will be made for generic type drugs unless the physician specifically requests a
66 brand name drug.

67 (6) Hearing aids and audiological services.

68 (7) Hospitalization when recommended by a physician and the client is to receive
69 medical treatment or surgery. Hospitalization may also be authorized for diagnostic
70 services upon recommendation of a physician.

71 (8) Treatment for intercurrent illness. Intercurrent illness is an illness or injury which
72 occurs during the course of an individual's vocational rehabilitation and, if not
73 treated, will complicate or significantly delay achievement of the client's employment
74 outcome. DVR and DSBVI will purchase treatment for intercurrent illness or injuries
75 if the client is not covered by health insurance or eligible for comparable services
76 and benefits, or when the provision of services through comparable services and
77 benefits would significantly interrupt or delay treatment for an individual at extreme
78 medical risk, jeopardize a job placement or impair the individual's progress in
79 achieving the planned employment outcome.

80 (9) Laboratory work and x-rays if required by the physician to complete his
81 examination or in conjunction with diagnosis or treatment.

82 (10) Low vision services.

83 (11) Medical examinations, when necessary to determine eligibility, achieve a goal
84 in the IPE or when related to an intercurrent illness.

85 (12) Nursing services can be provided for a client who is convalescing from physical
86 restoration services if recommended by the doctor of treatment. Either Registered
87 Nurses or Licensed Practical Nurses may be used to provide this service when a
88 current medical vendor agreement is on file with the Department. Volunteers may be
89 used if less technical care is needed and if approved by the client's physician.

90 (13) Physical and occupational therapy may be provided on either an in-hospital or
91 outpatient basis if recommended by the attending physician.

92 (14) Post-operative care of cataract patients.

93 (15) Prosthetic eyes, glasses and other optical aids.

94 (A) Glasses and other visual aids and services may be prescribed or provided
95 by either an ophthalmologist or an optometrist. Other optical aids
96 recommended by optical aid clinics are purchased upon the recommendation
97 of the specialist(s) in one or more such clinics. Prosthetic eyes are provided,
98 upon the recommendation of an ophthalmologist.

99 (B) Lenses and frames for glasses purchased by DRS will be authorized at
100 fee schedule prices. The vendor may add a service charge not to exceed the
101 established fee. An additional code and fee may be added for tinting if it has
102 been prescribed by the physician or optometrist that performed the eye
103 examination with written medical/vocational justification.

104 (C) The fee that has been established for frames will only cover the cost of
105 plain sturdy frames. Clients do not have the option of selecting more
106 expensive frames and paying the difference between the vendor's price and
107 the amount authorized. If the vendor accepts payment from the client or a
108 representative of the client and also files a claim with the Department for the
109 same services, a violation of the Provider Agreement has occurred and the
110 vendor would be subject to sanctions.

111 (D) If a client selects special frames and has sufficient resources to purchase
112 them, the frames should not be included on the authorization and the client
113 would be responsible for the entire cost of the frames.

114 (16) Prosthetic limbs.

115 (A) Prosthetic limbs may be provided if the prosthesis is recommended by a
116 physician. The client who has successfully worn a prosthesis will not be
117 required to see an orthopedist or physiatrist, or attend an amputee clinic
118 unless some other disorder is apparent.

119 (B) An individual who has never worn a prosthesis must be seen by a
120 physician before the prosthesis is provided. The client must agree to training in
121 its use. Gait training is considered Personal Adjustment Training and does not
122 require client participation in cost. However, physical therapists providing the
123 training are recognized as medical vendors and require authorizations
124 completed on a Medical Service Authorization.

125 (C) Persons with multiple amputations must have the special examination and
126 training.

127 (D) The counselor may authorize for a prescribed standard prosthesis without
128 further review. The choice of prosthesis must be closely related to its intended
129 use in a work setting, or in relation to reasonable independent living goals.
130 Non-standard prostheses (i.e., myoelectric) will not be purchased with DRS
131 funds unless medically justified and/or required for a specific employment, or
132 independent living, outcome. When a prosthesis other than a standard

133 prosthesis is prescribed the counselor will request a consultation from the
134 appropriate medical consultant. Justification for the non-standard prosthesis
135 must be documented in the case record.

136 (17) Psychiatric and psychological treatment.

137 (A) Psychotherapy may be provided for emotional conditions which may be
138 expected to respond within a reasonable period of time. Psychotherapy can be
139 provided only by the sources in (1) - (5) of this Subsection.

140 (i) Psychiatrists certified by the American Board of Psychiatry and
141 Neurology or completed the required training and are "Board Qualified", or
142 who have spent a major portion of their time in a particular specialty for at
143 least two years and are recognized as specialists in the local community
144 (same criteria as applied to other medical specialists).

145 (ii) Licensed Doctors of Medicine or Doctors of Osteopathy who have
146 received specific training for and are experienced in performing mental
147 health therapeutic, diagnostic, or counseling functions.

148 (iii) Psychologists with a doctorate in clinical or counseling psychology
149 who hold a valid license to practice psychology.

150 (iv) Psychologists with a doctorate in clinical or counseling psychology
151 who are employed by governmental agencies exempt from the licensing
152 law.

153 (v) Other licensed clinicians or those employed by governmental agencies
154 who have received administrative approval to provide this treatment
155 service.

156 (B) Upon receipt of a written report from the therapist, the supervisor may
157 approve additional three-month periods of therapy. Clients needing long-term
158 or ongoing psychiatric or psychological treatment will be referred to the
159 appropriate community mental health center.

160 (C) Personal Adjustment Counseling may be provided for those persons with
161 emotional conditions who may benefit from counseling to bring about a more
162 adequate social adjustment, alleviate superficial anxiety, and to create more
163 effective interpersonal relationships. Personal Adjustment Counseling may be
164 provided by: those individuals listed in (17) (A) of this Subsection.

165 (18) Speech therapy/training as recommended in a speech evaluation. Speech
166 therapy, although provided by recognized speech-language pathologists (SLP), is
167 considered Personal Adjustment training and is not based on financial status. The
168 providers of speech therapy are classified as medical vendors.

169 (19) Surgery and medical treatment.

170 (A) Surgery and complex or unusual medical treatment may be provided when
171 recommended by a specialist. Medical consultant approval will be obtained
172 prior to planning and authorizing a diagnostic procedure which could lead to
173 immediate surgical treatment. The medical consultant will give conditional
174 approval for the possible surgery if deemed necessary. Normal post-operative

175 care is an integral part of the surgery; therefore, no post-operative charges are
176 to be paid above the approved surgical fee.

177 (B) Specified outpatient surgical services are approved for payment when
178 provided in qualified outpatient surgical facilities. Qualified facilities include
179 Medicare certified free standing ambulatory surgical centers, Medicare
180 certified hospitals offering outpatient surgical services, and hospitals which
181 have an agreement with DRS.

182 (C) The counselor will advise the client he/she may be liable for any balance
183 due when payment by private insurance exceeds the Department allowable
184 rate.

185 (20) Weight loss treatment. A weight loss plan or treatment are included as a
186 service in the IPE for individuals who are eligible on the basis of obesity. A licensed
187 dietician or a physician skilled in weight reduction must monitor any treatment
188 program authorized by the agency. Surgery for weight loss is not provided unless
189 medically recommended as treatment for morbid obesity, a second confirming
190 medical opinion is obtained, the surgery is approved by the DRS medical consultant
191 and supervisory approval is obtained. Before approving DRS provision of surgery
192 for treatment of morbid obesity, the supervisor shall consider the individual's past
193 experience with standard weight loss protocols, and medical and behavioral factors
194 that may impact the individual's ability to obtain long-term benefit from the surgery.

195 (21) Wheelchairs and other durable medical equipment when prescribed by a
196 physician or recommended by an occupational therapist, physical therapist,
197 assistive technology specialist or person with equivalent qualifications. Power
198 mobility devices may be purchased for individuals when necessary to assist the
199 client in achieving IPE goals.

200 (A) The client, and/or client's authorized representative, will participate in
201 choosing from which vendor the wheelchair or durable medical equipment will
202 be purchased. Wheelchairs and other durable medical equipment will be
203 authorized at the agency approved fee.

204 (B) The client, or client's family or authorized representative as appropriate, is
205 responsible for maintaining wheelchairs or other durable medical equipment in
206 good working order. DVR and DSBVI will pay for repairs to wheelchairs or
207 other durable medical equipment during the life of the case unless there is
208 clear evidence the equipment has been damaged due to client abuse or
209 neglect. An agency-purchased wheelchair will be returned to the agency if the
210 client becomes unable to use it.

211 (C) Wheelchair rental may be authorized for a period not to exceed six
212 months when necessary to assist the client with mobility. An exception can be
213 made if it is documented that rental is more cost effective than purchase.

PART 13. SUPPORTIVE SERVICES

1 **612:10-7-130. Maintenance [AMENDED]**

2 (a) **General guidelines.** Maintenance means monetary support provided to an
3 individual for expenses, such as food, shelter, and clothing, that are in excess of the
4 normal expenses of the individual and that are necessitated by the individual's
5 participation in an assessment for determining eligibility and vocational rehabilitation
6 needs or the individual's receipt of vocational rehabilitation services under an
7 individualized plan for employment.

8 (1) Maintenance is a supportive service provided to assist with the out-of-ordinary
9 or extra expenses to the individual resulting from and needed to support the
10 individual's participation in diagnostic, evaluative, or other substantial services in
11 the IPE. The provision of maintenance as a supportive service is not synonymous
12 with general assistance payments. It is not intended to pay for those living costs
13 that exist irrespective of the individual's status as a DVR and DSBVI client.

14 (2) Maintenance, including payments, may not exceed the cost of documented
15 expenses to the individual resulting from service provision. Authorizations for
16 maintenance will not be issued to pay the cost, or part of the cost, for any other
17 service or expense.

18 (b) **Provision of maintenance.** To receive maintenance, an individual must be either
19 an eligible DVR or DSBVI client or an applicant for vocational rehabilitation services
20 undergoing diagnostic evaluation and testing. For an accepted client, maintenance must
21 be a supportive service and will be provided in combination, with another VR service
22 listed in the Individualized Plan for Employment. The costs of the maintenance may not
23 exceed the amount of increased expenses that the IPE causes for the individual or
24 his/her family. Maintenance cannot substitute for or supplement income assistance
25 payments.

26 (1) **Maintenance for diagnostic and evaluation services.** Maintenance
27 payments for individuals receiving diagnostic or evaluation services may be
28 authorized for overnight care, short-term lodging and/or meals.

29 (2) **Maintenance for physical restoration services.** Maintenance for physical
30 restoration services is paid to the client until he/she is able to work. The client must
31 be in his/her own home and the covered period of convalescence is to be 60 days
32 or less. For convalescent periods in excess of 60 days, the counselor will refer the
33 client to other sources for assistance (public assistance, SSI). In no instance will
34 medical maintenance be paid while the client is hospitalized.

35 (3) **Maintenance for training.** Maintenance can be authorized for full time
36 vocational school students or college students. Maintenance can be authorized for a
37 client granted an exception to the full-time attendance requirement under 612:10-7-
38 150(a). ~~DRS will not pay for assistance~~ may assist with room and board expenses if
39 ~~there is a at a state funded vocational school, college or university within 40 miles of~~
40 ~~the client's official residence.~~ In addition, DRS may consider assistance with off
41 campus housing if costs are equivalent to on campus costs excluding meal plans,
42 and a copy of the lease for the client has been obtained. DRS will only sponsor
43 room and board expenses related to on-campus housing options with the lowest
44 cost. DRS will only sponsor hotel costs associated with pre-vocational or personal
45 and work adjustment training if the total cost of the hotel stay and per diem is less
46 than the total cost of transportation to and from the hotel. Exceptions to this
47 administrative rule may be granted due to issues such as disability requirements. All

48 exceptions must be approved by the Programs Manager and thorough justification
49 must be documented in the case. If DRS is to assist with summer room and board
50 costs or rental assistance for summer semester at any level, there will be a
51 requirement to participate in a minimum of 6 hours.
52

53 (4) **Maintenance for job search services.** Maintenance for job search services
54 requires an IPE with major services directed toward the goal of employment.

55 (5) **Maintenance for job relocation.** Maintenance may be paid to a client for
56 assistance in relocating to a new job site. Maintenance services for this purpose
57 must be identified on the IPE.

58 (c) **Clothing expenses.** Clothing and/or uniforms can be purchased when needed to
59 begin training or enter employment. Everyday clothing needs of the client are
60 considered as part of the basic living requirements. Any clothing purchased for the client
61 must be:

62 (1) required by the training facility;

63 (2) necessary to participate in job search or begin employment; or

64 (3) necessary to begin a training program that requires clothing standards beyond
65 the client's means.

66 (d) **Day care expenses.** Day care expenses will be paid for from DVR and DSBVI
67 funds only when necessary to participate in the IPE, and it is fully documented that no
68 other resources are available for this service, including family members and friends.

69 (e) **Case Recording.**

70 (1) Maintenance payments will be provided and carefully tied to the achievement of
71 specific VR outcomes which must be stated and documented in the case record
72 and the IPE to justify such payments.

73 (2) Documentation as appropriate that justifies room and ~~board~~ expenses off
74 campus related to on-campus housing options with the lowest cost and a copy of
75 client's lease will be obtained yearly.

76 (3) Documentation that other resources are not available to assist in day care
77 expense, including family and friends.

PART 14. COMMUNITY PROVIDER EMPLOYMENT SERVICES

1 **612:10-7-136. Job Placement Services [AMENDED]**

2 (a) **Overview of Job Placement Services.** Job Placement (JP) Services are provided to
3 individuals having one or more disabilities, not meeting the definition of an individual with a
4 significant or most significant barrier to employment, who need assistance from an
5 employment consultant to identify and implement accommodations to assist the individual
6 with maintaining successful employment. Job Placement Services consists of the
7 Successful Employment ~~Milestone~~ Service.

8 (b) **Provision of Job Placement Services.** Job Placement (JP) services are not subject to
9 financial status determination. JP services are purchased from a qualified contractor with the
10 Oklahoma Department of Rehabilitation Services and are provided by certified employment
11 consultants or job coaches. Payment rates are established by the Commission for
12 Rehabilitation Services and are ~~based~~ paid on a ~~an~~ milestone outcome-based delivery
13 system.

14 (c) **Eligibility for Job Placement Services.** An individual shall be eligible for job placement
15 (JP) services if:

16 (1) The individual is determined to be eligible for vocational rehabilitation services;

17 (2) The individual is determined to have one or more disabilities, not meeting the
18 definition of an individual with a significant or most significant barrier to employment;
19 and

20 (3) The individual needs assistance from an employment consultant to identify and
21 implement accommodations to assist with maintaining successful employment.

1 **612:10-7-137. JOBS Services [REVOKED]**

2 ~~(a) **Overview of JOBS Services.** JOBS services are intended to assist individuals with job~~
3 ~~placement to meet their financial needs, (i.e., housing, transportation, daily living expenses,~~
4 ~~etc.) while completing other services on their Individualized Plan for Employment (IPE), and~~
5 ~~before pursuing placement in their chosen IPE vocational goal. This contract is open to~~
6 ~~individuals in all priority groups who do not need on-site support, but may need~~
7 ~~accommodations.~~

8 ~~(b) **Provision of JOBS Services.** JOBS services are not subject to financial status~~
9 ~~determination. JOBS services are purchased from a qualified contractor with the Oklahoma~~
10 ~~Department of Rehabilitation Services and are provided by certified employment~~
11 ~~consultants or job coaches. Payment rates are established by the Commission for~~
12 ~~Rehabilitation Services.~~

13 ~~(c) **Eligibility for JOBS Services.** An individual shall be eligible for JOBS services if:~~

14 ~~(1) The individual is determined to be eligible for vocational rehabilitation services;~~
15 ~~and~~

16 ~~(2) The individual requires assistance with obtaining employment to meet financial~~
17 ~~needs (i.e., housing, transportation, daily living expenses, etc.) while completing~~
18 ~~other services on their Individualized Plan for Employment (IPE), and before~~
19 ~~pursuing placement in their chosen IPE vocational goal.~~

PART 15. TRAINING

1 **612:10-7-142. General guidelines for training services [AMENDED]**

2 (a) **Types of training.** Training provided by DVR and DSBVI may include:

3 (1) **Vocational.** Vocational training provides the knowledge and skills necessary for
4 performing the tasks involved in an occupation. Such knowledge and skills may be
5 acquired through training from an institution, on-the-job, by tutors or through a
6 combination of these methods. Vocational training may be provided for any occupation.

7 (2) **Prevocational.** Prevocational training includes any form of academic or basic
8 training provided for the preparatory skills needed for entrance into a vocational training
9 program or employment. Prevocational training is initiated to enhance occupational
10 knowledge or skills or to remove an educational deficiency interfering with employment.

11 (3) **Personal or work adjustment.** Personal or work adjustment training includes any
12 training given for one or a combination of the reasons given in (A) - ~~(D)~~ (E) of this
13 paragraph.

14 (A) To assist the individual in developing personal habits, attitudes, and skills
15 enabling the individual to function effectively in spite of disability.

16 (B) To develop or increase work tolerance prior to engaging in prevocational or
17 vocational training or in employment.

18 (C) To develop work habits and to orient the individual to the world of work.

19 (D) To provide skills or techniques enabling the individual to compensate for a
20 disability such as the loss of a body part or the loss of a sensory function.

21 (E) To provide transitional employment services for individuals with serious mental
22 illness. Transitional employment is designed to assist individuals who have not had
23 significant, successful or recent work experience to build work adjustment skills and
24 ego strength/self-esteem, develop a positive work history, learn adjustment skills in
25 a real work environment or clarify their strengths and interests. Transitional
26 employment prepares individuals to make future employment and career decisions.

27 (b) Training may be provided for clients who:

28 (1) are mentally, physically and/or emotionally capable of pursuing a course of training
29 to completion;

30 (2) require training to achieve an employment outcome or other goals established in the
31 Individual Plan for Employment (IPE); and

32 (3) are determined to have a reasonable opportunity for obtaining employment in the
33 chosen vocation.

34 (c) Decisions related to training are based on the individual needs and informed choices of
35 the client as identified in the IPE.

36 (d) DVR and DSBVI will only pay tuition and fees for courses which count toward
37 requirements consistent with the vocational goal of the IPE. Training of DVR and DSBVI
38 clients is provided by colleges, universities, private business and trade schools, state
39 supported vocational schools, employers in the form of on-the-job training, sheltered
40 workshops, and other approved training facilities with valid contracts.

41 (e) Federal regulations require a search for comparable services and benefits with the
42 results documented before payment can be made for training in the following institutions:
43 colleges, universities, community/junior colleges, public or private vocational/technical
44 schools, or hospital schools of nursing. PELL grants and other available Federal/State
45 student aid (excluding merit awards) must be applied to tuition, fees and all other
46 educational expenses as a first dollar source prior to consideration of the expenditure of
47 DRS funds.

48 (f) Training costs will not be authorized by DVR and DSBVI until proof of the availability of
49 comparable benefits is received by the counselor.

50 (g) Once training has begun, the client is expected to progress toward the vocational
51 objective at a steady rate. This requires the client to attend training on a regular basis, and
52 maintain a full-time load unless an exception is granted by the counselor due to severity of
53 disability, scheduling problems or other valid reasons. Training progress reports or other
54 methods of reporting (i.e., grade reports, transcripts) are utilized to document training
55 progress. Sporadic attendance and reduced training loads causing a delay in the
56 completion of training must be reviewed by the counselor. The client is responsible for
57 advising the counselor of problems encountered during the training program.

58 (h) All types of institutional, technical, personal adjustment or employment training are
59 purchased by an authorization issued by the counselor.

1 **612:10-7-152. Payment of tuition and fees at colleges and universities [AMENDED]**

2 (a) **Public institutions of higher learning.** Tuition and fees for DVR and DSBVI clients
3 attending public colleges and universities will be paid at the rate set for resident students by
4 the Oklahoma Regents for Higher Education and within limits prescribed by the Legislature.
5 DVR and DSBVI will pay those fees charged to all students and special fees associated with
6 required courses in the student's major field of study.

7 ~~(b) For the first 60 credit hours or during the completion of an Associate's degree, DRS will~~
8 ~~only sponsor up to the cost of tuition and fees charged by the local state funded community~~
9 ~~college or state university within 40 miles of the client's official place of residence. If the~~
10 ~~client chooses to attend a different training site, DRS will only sponsor an amount equivalent~~
11 ~~to the amount that would be sponsored if attending the local college/university. Additional~~
12 ~~transportation or maintenance costs related to attending another training site will not be~~
13 ~~sponsored by DRS.~~

14 ~~(c) For the completion of a Bachelor's degree, DRS will only sponsor up to the cost of~~
15 ~~tuition and fees charged by the state funded college or university closest to the client's~~
16 ~~official place of residence that offers a program to reach the vocational objective. Additional~~
17 ~~transportation or maintenance costs related to attending another training site will not be~~
18 ~~sponsored by DRS.~~

19 ~~(d) Exceptions to the policies for college/university training must be approved by the~~
20 ~~Programs Manager through justification and must be documented in the case. Possible~~
21 ~~exceptions include but are not limited to:~~

22 ~~(1) The need to attend a school outside of the 40 mile limit is due to disability related~~
23 ~~factors such as the need for accessible on-campus housing.~~

24 ~~(2) The degree major approved by the DRS Counselor for the client is not available at~~
25 ~~the local college or university.~~

26 ~~(e) After the completion of the first semester, a grade report, proof of enrollment, and an~~
27 ~~itemized invoice are required documentation to support the authorization for tuition and fees.~~
28 ~~It is the responsibility of the client to provide this support documentation. The client may~~
29 ~~provide this documentation electronically or as a printed document in the standard format~~
30 ~~used by the school.~~

31 ~~(fb) **Private institutions of higher learning.** Tuition and fees for students in attendance at~~
32 ~~accredited private or denominational schools will be paid at the same rate as that paid at~~
33 ~~state-supported colleges or universities of equal rank. After the completion of the first~~
34 ~~semester, a grade report, proof of enrollment, and an itemized invoice are required~~
35 ~~documentation to support the authorization for tuition and fees. It is the responsibility of the~~
36 ~~client to provide this support documentation. The client may provide this documentation~~
37 ~~electronically or as a printed document in the standard format used by the school.~~

38 ~~(gc) **Federal/State student aid.** Pell Grant and all other Federal/State aid (excluding merit~~
39 ~~awards) must be applied to tuition, fees and all other educational expenses as a first dollar~~
40 ~~source prior to the consideration of the expenditure of DRS funds regardless of whether the~~
41 ~~student is attending a public or private institution of higher education.~~

42 ~~(hd) **Cost documentation.** Each client is responsible for providing the counselor a copy of~~
43 ~~the college or university's current semester costs before the designated "Drop and Add"~~
44 ~~date.~~

1 **612:10-7-157. Out-of-state training [AMENDED]**

2 (a) Out-of-state training of DRS clients is approved when one or more of the following
3 applies:

4 (1) The course of training is not available within the state;

5 (2) The out of state training program is no more expensive than in-state training; or

6 (3) There are specific considerations based on severity of the disability which preclude
7 the use of in-state facilities.

8 (b) The case record is to document the basis for this determination.

9 (c) Individual counselors will be responsible for authorizing payment to out-of-state training
10 facilities, unless a specific counselor has been assigned for the training facility. Tuition for a
11 student who attends an out-of-state college or university will be paid at the same rate paid at
12 Oklahoma colleges or universities of equal rank. Payment for textbooks and training tools
13 and supplies can be provided for clients in out-of-state training, in accordance with DRS
14 ~~policy~~ administrative rules.

15 (d) Prior to client's enrollment at a facility located in another state, an approved Justification
16 for Out-of-State Training form must be submitted to the DRS State Office.

17 (e) The DRS Contracts Unit must complete renewal of contracts no less than two months
18 prior to present contract expiration date to ensure continuation of services. When a contract
19 lapses because renewal was not completed within time frames, the Department cannot pay
20 the institution's claim.

1 **612:10-7-164. Personal and work adjustment training [AMENDED]**

2 (a) Personal and/or work adjustment training is provided by facilities and schools having
3 valid contracts with the Department.

4 (b) Personal or work adjustment training is the provision of skills or techniques for the
5 purpose of enabling the individual to compensate for a disability such as the loss of a
6 member of the body or the loss of sensory function. Personal or work adjustment training
7 includes but is not limited to conditioning activities for developing work tolerance, work
8 therapy, occupational therapy, lip reading, speech training and speech correction, auditory
9 training, gait training, diabetes management courses, driver's training, and mobility training.
10 It may also include development of personal habits, attitudes, and work habits necessary to
11 orient the individual to the world of work. This service does not require client participation in
12 cost of services.

13 (1) ~~Work adjustment training includes but is not limited to:~~ High school students eligible
14 for this service must be at least 16 years of age and may not participate for more than
15 24 months unless client and counselor determine additional time is needed.

16 ~~(A) conditioning activities for developing work tolerance,~~

17 ~~(B) work therapy,~~

18 ~~(C) occupational therapy,~~

19 ~~(D) lip reading,~~

20 ~~(E) speech therapy,~~

21 ~~(F) auditory training,~~

22 ~~(G) gait training,~~

23 ~~(H) diabetes education training,~~

24 ~~(I) driver's training, and~~

25 ~~(J) mobility training.~~

26 (2) ~~Personal adjustment training may also include:~~ Driver's training is intended to be of
27 a rehabilitative and adapted nature due to a disability such as an amputation or residual
28 effects of stroke, etc, which necessitates the need for training using specialized
29 accommodations, ie; hand controls, adapted foot pedals, etc.

30 ~~(A) development of personal habits,~~

31 ~~(B) attitudes, and~~

32 ~~(C) work habits necessary to orient the individual to the world of work.~~

33

34 (3) ~~This service does not require client participation in cost of services. High school~~
35 ~~students eligible for this service must be at least 16 years of age and may not participate for~~
36 ~~more than 18 months unless client and counselor determine additional time is needed.~~
37 Clients with significant or progressive vision loss will not be considered for adapted driving
38 training by DRS due to potential liability implications. Cases of this nature shall be reviewed
39 by the appropriate Programs Manager or Field Service Coordinator.

PART 17. SUPPORTED EMPLOYMENT SERVICES

1 **612:10-7-179. Overview of Supported Employment Services [AMENDED]**

2 Supported Employment Services are provided to individuals with the most significant
3 disabilities who need ~~supports~~ support on and off the job to ~~obtain~~ and maintain employment
4 and who require:

5 (1) A significant degree of job site support to learn job tasks, gain work adjustment
6 skills, and stabilize in employment, and;

7 (2) Long-term support to retain employment.

1 **612:10-7-183. Ongoing support services [AMENDED]**

2 The individual will be provided needed and appropriate ongoing support services such
3 as job site training, transportation, service to family members, or any service necessary to
4 maintain the successful employment throughout the term of employment. DVR and DSBVI
5 sponsored support services are provided by the contractor from the first day of employment
6 until the individual is stabilized on the job and completes all needed supported employment
7 services. ~~(completion of "Stabilization Milestone") by the contractor.~~

1 **612:10-7-184. Extended services [AMENDED]**

2 (a) Extended services are a continuation of ongoing support services provided to individuals
3 in Supported Employment at completion of stabilization, during the "Successful
4 Rehabilitation Employment" Milestone Service. Such services consist of the provision of
5 specific services, including natural supports, needed to maintain the supported employment
6 placement. Extended services are specifically identified in the IPE. Except as provided by
7 federal law with regard to youth with the most significant disabilities, extended services are
8 paid from funding sources other than DVR and DSBVI. An individual may not be found
9 ineligible for supported employment services because the resource for providing extended
10 services cannot be identified.

11 (b) Extended services to youth with the most significant disabilities provided by DRS may
12 be for a period not to exceed four (4) years, or until such time as the youth reaches age 25
13 and no longer meets the definition of "youth with a disability" under final § 34 CFR
14 363.4(a)(2). DRS must identify another source of extended services to ensure that there will
15 be no interruption of services.

1 **612:10-7-185. Provision of supported employment services [AMENDED]**

2 (a) Supported employment (SE) services are provided by DRS for a period of time not to
3 exceed the period specified in federal law, unless under special circumstances the eligible
4 individual and the rehabilitation counselor jointly agree to extend the time in order to achieve
5 the rehabilitation objective identified in the IPE.

6 (b) Supported employment services are not subject to financial status determination.
7 Services are purchased from a qualified contractor with the Oklahoma Department of
8 Rehabilitation Services and are provided by certified employment consultants or job
9 coaches. Payment rates are established by the Commission for Rehabilitation Services and
10 are based paid on a an milestone outcome-based delivery system.

11 (c) Supported employment services may include:

12 (1) Time-limited job coach services to provide intensive on-the-job skills training and
13 additional training and support services needed to achieve and maintain job stability,
14 including follow-up services with employers and others for the purpose of supporting
15 and stabilizing the job placement; and

16 (2) Post-employment services following an individual's transition to extended services,
17 when such services are not available from an extended service provider and are
18 necessary to maintain or regain the job placement or advance in employment. Services
19 may include job coaching, job station redesign, repair and maintenance of assistive
20 technology and repair and replacement of orthotic and prosthetic devices.

21 (d) DRS must utilize Additional Employment Services for individuals who lose a job after
22 achieving a successful rehabilitation outcome, and prior to DRS case closure, if the
23 counselor determines extended services are not adequate to cover re-placement and DRS
24 assistance is necessary. Additional Placement Services include Four (4) Weeks Job
25 Support & Retention, Job Stabilization, and Successful Rehabilitation Employment.

26 ~~(e) Transitional employment services are available for individuals with serious mental
27 illness. Transitional employment is designed to assist individuals who have not had
28 significant, successful or recent work experience to build work adjustment skills and ego
29 strength/self-esteem, develop a positive work history, learn adjustment skills in a real work
30 environment or clarify their strengths and interests. Transitional employment prepares
31 individuals to make future employment and career decisions.~~

PART 18. EMPLOYMENT AND RETENTION SERVICES

1 **612:10-7-186. Overview of Employment and Retention Services [AMENDED]**

2 Employment and Retention (~~E&R~~) (ER) Services are provided to individuals with
3 significant disabilities who need short-term job coach ~~supports~~ support to maintain
4 successful employment. Employment and Retention Services ~~consists~~ consist of the Four
5 (~~4~~) ~~Weeks Job Support-Retention~~ Job Support & Retention, and the Successful Employment
6 ~~Milestones~~ Services.

1 **612:10-7-188. Provision of Employment and Retention Services**

2 Employment and retention (ER) services are not subject to financial status
3 determination. ER services are purchased from a qualified contractor with the Oklahoma
4 Department of Rehabilitation Services and are provided by certified employment consultants
5 or job coaches. Payment rates are established by the Commission for Rehabilitation
6 Services and are based paid on a an milestone outcome-based delivery system.

**PART 19. SPECIAL SERVICES FOR INDIVIDUALS WHO ARE BLIND, DEAF, OR HAVE
OTHER SIGNIFICANT DISABILITIES**

1 **612:10-7-201. Rehabilitation teaching services [AMENDED]**

2 Rehabilitation teachers provide counseling and instruction to aid clients in adjusting to
3 blindness and severe visual impairment. All clients who are legally blind, severely visually
4 impaired or have a rapidly progressive eye condition are to be referred to a rehabilitation
5 teacher. Exceptions are allowed in instances where rehabilitation teaching services have
6 been provided and the client appears to be functioning independently, or when physical
7 restoration services are planned which will likely restore the client's functioning to a level
8 which would remove the need for rehabilitation teaching. Rehabilitation teachers employed
9 by the Division of Services for the Blind and Visually Impaired may serve clients who are
10 legally blind jointly with the ~~DRS~~ Services for the Blind and Visually Impaired counselor.

1 **612:10-7-203. Orientation and Mobility (O & M) [AMENDED]**

2 ~~DVR and DVS~~ DSBVI clients who are blind, visually impaired, or function as such can
3 receive direct instruction from O & M specialists employed by the Department. O & M
4 specialists assist these clients to adjust to their surroundings.

PART 23. SELF-EMPLOYMENT PROGRAMS AND OTHER SERVICES

1 **612:10-7-233. Special consideration in state government employment for persons**
2 **with severe disabilities [REVOKED]**

3 ~~(a) Oklahoma statute [74 O.S. 840-4.12] establishes provisions to promote the employment~~
4 ~~of persons with severe disabilities in state government. The law waives written entrance~~
5 ~~examinations and certain other hiring procedures administered by Human Capital~~
6 ~~Management (HCM) for persons who are certified as having a severe disability based on~~
7 ~~standards and criteria established by the Administrator of HCM. Such applicants must be~~
8 ~~legal residents of Oklahoma and must meet minimum qualifications specified in applicable~~
9 ~~job specifications. Rules implementing the provisions of 74 O.S. 840-4.12 are found at OAC~~
10 ~~260:25-9-100. HCM rules refer to these provisions as the Optional Program for Hiring~~
11 ~~Applicants with Disabilities.~~

12 ~~(b) For purposes of the Optional Program for Hiring Applicants with Disabilities, the~~
13 ~~Department of Rehabilitation Services (DRS) shall certify that an applicant has a severe~~
14 ~~disability according to the definition of "individual with a severe disability" in OAC 612:10-1-~~
15 ~~2, which the HCM Administrator has established as the standard for disability certification.~~
16 ~~DRS shall provide electronic or written verification of an applicant's severe disability to the~~
17 ~~applicant and to Human Capital Management.~~

18 ~~(c) Counselors will document the severity of the disability using existing DRS case~~
19 ~~information for current or former clients. Individuals who have not been DRS clients will~~
20 ~~provide the counselor with documentation necessary for determining that the individual has~~
21 ~~a severe physical or mental impairment which seriously limits one or more functional~~
22 ~~capacities. Medical examinations may not be purchased solely to certify eligibility under 74~~
23 ~~O.S. 840-4.12.~~

PART 25. TRANSITION FROM SCHOOL TO WORK STUDY PROGRAM

1 **612:10-7-240. Overview of transition from school to work study services [AMENDED]**

2 (a) Transition services is a coordinated set of activities for a student or youth with a
3 disability that have been determined eligible for services, that promotes movement from the
4 public schools to post-school activities. Transition services represent the next set of services
5 on the continuum of VR services available to eligible individuals. Transition services, for
6 eligible students or youth with disabilities, provide for further development and pursuit of
7 career interests with postsecondary education, vocational training, job search, job
8 placement, job retention, job follow-up, and job follow along. The transition process is
9 outcome based, leading to post-secondary education, vocational training, competitive
10 integrated employment (including supported employment), continuing and adult education,
11 adult services, independent living, and/or community participation consistent with the
12 informed choice of the individual.

13 (b) The Transition from School to Work Study (SWS) Program program is implemented
14 through a cooperative agreement between DRS and each participating or other recognized
15 education program including local secondary school ~~district districts~~, private ~~school schools~~,
16 charter ~~school schools~~, home school ~~organization organizations~~ and Career and Technology
17 Education Centers, through an MOU with the State Department of Education (SDE). The
18 Transition Coordinator in DRS State Office acts as the liaison with the State Department of
19 Education, and provides statewide coordination and technical assistance for the Transition
20 from School to Work Study Program program.

21 (c) Transition services must be based on the individual student's, or youth's needs, ~~taking~~
22 ~~into account~~ considering the student's individual preferences and interests. Transition
23 planning will include, to the extent needed, services in the areas of:

- 24 (1) instruction;
- 25 (2) community experiences;
- 26 (3) development of employment and other post-school adult living objectives, including
27 job skill training available through vocational-technical schools;
- 28 (4) if appropriate, acquisition of daily living skills and a functional vocational evaluation;
- 29 (5) that promotes or facilitates the achievement of the employment outcome identified
30 in the student's or youth's individualized plan for employment; and
- 31 (6) that includes outreach to and engagement of the parents, or, as appropriate, the
32 representative of such a student or youth with a disability ~~or other needs specific to the~~
33 ~~individual~~.
- 34 (7) supported employment services, 34 CFR 361.5 (c) (54) (iii-v) and supplemental
35 employment services.

36 (d) The Transition from School to Work Study Program program is based upon effective
37 and cooperative working relationships between the Special Education Section of the State
38 Department of Education, the Department of Rehabilitation Services, and the Local
39 Educational Agency (LEA). Each agency retains responsibility for providing or purchasing
40 any transition service that the agency would otherwise provide to students or youth with
41 disabilities who meet the eligibility criteria of that agency.

1 **612:10-7-242. Pre-Employment Transition Services [AMENDED]**

2 (a) ~~**Students with a Disability.** Vocational Rehabilitation (VR) must collaborate with local~~
3 ~~educational agencies (LEAs) to provide, or arrange for the provision of, Pre-employment~~
4 ~~Transition Services (Pre-ETS) for all students with a disability in need of such services~~

5 ~~**Purpose.** The Workforce Innovation and Opportunity Act (WIOA) amended the~~
6 ~~Rehabilitation Act of 1973 and requires VR agencies to set aside at least 15% of their~~
7 ~~federal funds to provide or arrange for pre-employment transition services (Pre-ETS) to~~
8 ~~students with disabilities who are eligible or potentially eligible for VR services. In~~
9 ~~collaboration with the local educational agencies involved, OK DRS shall provide or arrange~~
10 ~~for the provision of pre-employment transition services (Pre-ETS) for all students with~~
11 ~~disabilities in need of such services who are eligible or potentially eligible for services. The~~
12 ~~primary purpose of Pre-ETS is to help students begin to explore and identify career interests~~
13 ~~and to practice and improve workplace skills in preparation for transition to employment~~
14 ~~and/or post-secondary education.~~

15
16 (1) ~~A "Student with a Disability" as defined in Oklahoma is ages 16 through 21 and~~
17 ~~eligible for and receiving special education or related services under an Individualized~~
18 ~~Education Program (IEP); or an individual with a disability for purposes of Section 504~~
19 ~~(individual does not need to have a 504 plan to meet the definition requirements).~~

20 (2) ~~An individual as young as 14 years old may be considered a "Student with a~~
21 ~~Disability" if Pre-ETS is determined necessary by the IEP team.~~

22 (3) ~~The definition of "Student with a Disability" applies to all students enrolled in~~
23 ~~educational programs, including postsecondary education programs or other recognized~~
24 ~~education programs, so long as they satisfy the age requirements. The definition is~~
25 ~~inclusive of secondary students who are homeschooled, as well as students in other~~
26 ~~non-traditional secondary educational programs.~~

27 (4) ~~A student with a disability receiving pre-employment transition services is a client for~~
28 ~~whom goods and services may be procured in the same manner as for clients with an~~
29 ~~approved Individualized Plan for Employment.~~

30 (5) ~~Students with disabilities do not need to apply and be determined eligible for the VR~~
31 ~~program to receive pre-employment transition services. However, these students may~~
32 ~~not receive any VR services other than pre-employment transition services until they~~
33 ~~apply, and are determined eligible, for VR services, and have an approved IPE.~~

34 (6) ~~Eligible students with disabilities, that is, those students who have applied and been~~
35 ~~determined eligible for the VR program, are able to receive any VR services, including~~
36 ~~pre-employment transition services, necessary to assist them in achieving their~~
37 ~~employment outcome, so long as those services are identified on their IPEs.~~

38 (b) ~~**Required Activities.** Services may be provided to students, or groups of students, with~~
39 ~~disabilities who are eligible or potentially eligible for VR services in the following areas. The~~
40 ~~following pre-employment transition services represent the earliest set of services available~~
41 ~~for students with disabilities under the VR program. These are short-term services designed~~
42 ~~to help students identify career interests: **Target Population.** Pre-ETS are provided to~~
43 ~~"students with disabilities" who are:~~

44
45 (1) ~~Job exploration counseling. Eligible for VR services; or~~

46 (2) ~~Work-based learning experiences, which may include in-school or after school~~
47 ~~opportunities or experience outside the traditional school setting, including internships,~~
48 ~~that is provided in an integrated environment to the maximum extent possible~~ Potentially
49 eligible for VR services (i.e., all students with disabilities, including those who have not
50 applied or been determined eligible for VR services).

51 (3) ~~Counseling on opportunities for enrollment in comprehensive transition or~~
52 ~~postsecondary educational programs at institutions of higher education.~~

53 (4) ~~Workplace readiness training to develop social skills and independent living.~~

54 (5) ~~Instruction in self-advocacy, including instruction in person-centered planning, which~~
55 ~~may include peer mentoring, including peer mentoring from individuals with disabilities~~
56 ~~working in competitive integrated employment.~~

57 (6) ~~Auxiliary aids or services. Any "student with a disability" with a sensory or~~
58 ~~communicative disorder who needs auxiliary aids or services to access pre-employment~~
59 ~~transition services, regardless of whether the student has applied or been determined~~
60 ~~eligible for the VR program.~~

61 (A) ~~The provision of pre-employment transition services to pay for auxiliary aids and~~
62 ~~services for students with disabilities with sensory and communicative disorders who~~
63 ~~need such aids and services in order to access or participate in pre-employment~~
64 ~~transition services.~~

65 (B) ~~DRS is required to work in collaboration with education agencies to identify how~~
66 ~~these funds can be used for such costs. The VR agency may use the funds to pay for~~
67 ~~auxiliary aids and services needed to access or participate in pre-employment~~
68 ~~transition, no other public entity is required to provide such aids or services.~~

69 (C) ~~DRS need not conduct a search for comparable services and benefits when~~
70 ~~providing auxiliary aids and services to either eligible or potentially eligible students~~
71 ~~with disabilities to the extent that these aids and services constitute "rehabilitation~~
72 ~~technology" and are necessary for the student with a disability to participate in pre-~~
73 ~~employment transition services.~~

74 (c) ~~Delivery of Services. Pre-ETS may be delivered in collaboration with school~~
75 ~~districts/LEAs via any combination of~~ **Definitions:**

76 (1) ~~Vocational rehabilitation counselors~~ Pre-employment transition services: Pre-
77 employment transition services are a specific set of services that are designed to
78 improve the transition of students with disabilities from school to postsecondary
79 education or to an employment outcome, increase opportunities for students with
80 disabilities to practice and improve workplace readiness skills, through work-based
81 learning experiences in a competitive, integrated work setting and, increase opportunities
82 for students with disabilities to explore post-secondary training options, leading to more
83 industry recognized credentials, and meaningful post-secondary employment.

84 ~~(2) The vocational rehabilitation counselor will coordinate Pre-ETS with other entities~~
85 ~~who maybe delivering these services.~~

86 ~~(3) Other entities contracted with VR such as:~~

87 (A) Community Rehabilitation Programs Pre-employment transition services
88 represent the earliest set of services available for students with disabilities who are
89 eligible or potentially eligible for VR services, are short-term in nature, and are
90 designed to help students identify career interests, which may be further explored
91 through additional vocational rehabilitation (VR) services, such as transition services
92 and other individualized VR services and, are provided to all who meet the definition
93 of a student with a disability who may need such services.

94
95 (B) Independent Living Centers Pre-employment transition services includes a
96 specific set of activities that can only be provided to those individuals who meet the
97 definition of a student with a disability and must be available statewide to all students
98 with disabilities in the state who may need such services (under section 113 of the
99 Rehabilitation Act and 34 C.F.R. 361.48(a)) and include:

100 (I) Five Required Activities (section 113(b) of the Act and §361.48(a)(2));

101 (II) Four Pre-employment Transition Coordination Activities that are essential
102 for arranging and providing pre-employment transition services (section 113(d)
103 of the Act and §361.48(a)(4)), and;

104 (III) Nine Authorized Activities (section 113(c) of the Act and §361.48(a)(3)) VR
105 agencies may use if they have sufficient funds.

106
107 (IV) A more detailed description of these required, coordination, and authorized
108 activities is provided further below.

109
110 (2) The definition of "Student with a Disability" applies to all students enrolled in
111 educational programs, including postsecondary education programs or other recognized
112 education programs, so long as they satisfy the age requirements. The definition is
113 inclusive of secondary students who are homeschooled, as well as students in other
114 non-traditional secondary educational programs.

115 (A) A student with a disability receiving pre-employment transition services is a
116 client for whom goods and services may be procured in the same manner as for
117 clients with an approved Individualized Plan for Employment.

118 (B) Students with disabilities do not need to apply and be determined eligible for the
119 VR program to receive pre-employment transition services. Pre-employment
120 transition services must continue to be provided to students with disabilities who
121 were receiving such services prior to being determined eligible and assignment to a
122 priority category. However, these students may not receive any VR services other
123 than pre-employment transition services until they apply, and are determined
124 eligible, for VR services, and have an approved IPE.

125 (C) Eligible students with disabilities, that is, those students who have applied and
126 been determined eligible for the VR program, are able to receive any VR services.

127 including pre-employment transition services, necessary to assist them in achieving
128 their employment outcome, so long as those services are identified on their IPEs.

129 (b3) Required Five Activities. Pre-employment transition Services services may be
130 provided to students, or groups of students, with disabilities who are eligible or
131 potentially eligible for VR services in the following areas. The following pre-employment
132 transition services represent the earliest set of services available for students with
133 disabilities under the VR program. These services are designed to be short-term,
134 services based on the student's needs, and designed to help students identify career
135 interests:

136 (4A) Job exploration counseling.

137 (2B) Work-based learning experiences, which may include in-school or after school
138 opportunities or experience outside the traditional school setting, including
139 internships, that is provided in an integrated environment to the maximum extent
140 possible.

141 (3C) Counseling on opportunities for enrollment in comprehensive transition or
142 postsecondary educational programs at institutions of higher education.

143 (4D) Workplace readiness training to develop social skills and independent living.

144 (5E) Instruction in self-advocacy, including instruction in person-centered planning,
145 which may include peer mentoring, including peer mentoring from individuals with
146 disabilities working in competitive integrated employment.

147 (6E) Auxiliary aids or services. Any "student with a disability" with a sensory or
148 communicative disorder who needs auxiliary aids or services to access pre-
149 employment transition services, regardless of whether the student has applied or
150 been determined eligible for the VR program.

151 (A) The provision of pre-employment transition services to pay for auxiliary aids
152 and services for students with disabilities with sensory and communicative
153 disorders who need such aids and services in order to access or participate in
154 pre-employment transition services.

155 (B) DRS is required to work in collaboration with education agencies to identify
156 how these funds can be used for such costs. The VR agency may use the funds
157 to pay for auxiliary aids and services needed to access or participate in pre-
158 employment transition, no other public entity is required to provide such aids or
159 services.

160 (C) DRS need not conduct a search for comparable services and benefits
161 when providing auxiliary aids and services to either eligible or potentially eligible
162 students with disabilities to the extent that these aids and services constitute
163 "rehabilitation technology" and are necessary for the student with a disability to
164 participate in pre-employment transition services.

165 (d) **Considerations under 00S.** VR must continue to provide Pre-ETS to students with
166 disabilities who were receiving such services prior to being determined eligible for ~~SBV~~ VR
167 services and are placed in a closed category.

168 (e) **Pre-Employment Transition Coordination. Four Pre-employment Transition**
169 **Coordination Activities** that are essential for arranging and providing pre-employment
170 transition services (§ 113(d) of the Act and §361.48(a)(4)):

171 (1) District office staff will be responsible for attending IEP meetings for students with
172 disabilities when invited; using conference calls and video conferences, when
173 necessary;

174 (2) working with local workforce development boards, job centers and employers to
175 develop work opportunities for students with disabilities, including apprenticeships,
176 internships, summer employment and other employment opportunities available
177 throughout the school year;

178 (3) working with schools to coordinate and ensure the provision of Pre-ETS; and

179 (4) attending person-centered planning meetings for individuals with developmental
180 disabilities receiving SSI-D/Medicaid when invited.

181 (f) ~~Eligible students with disabilities are able to access any other VR services needed~~
182 ~~to participate in pre-employment transition services or other VR services that are unrelated~~
183 ~~to pre-employment transition services, none of which would be available to them without~~
184 ~~approved IPEs, these eligible students with disabilities may need certain VR services to fully~~
185 ~~benefit from pre-employment transition services. By receiving other VR services and~~
186 ~~supports, along with the pre-employment transition services, enables eligible students with a~~
187 ~~disability to develop the skills to experience competitive, integrated employment as they~~
188 ~~leave school and enter the workforce~~ **Nine Authorized Activities.** Through its fiscal
189 forecasting, DRS will determine annually whether there are sufficient funds available to
190 engage in authorized activities and charge these costs to the reserve. DRS may provide
191 the nine authorized activities to improve the transition of students with disabilities from
192 school to postsecondary education or an employment outcome. There is no requirement
193 that DRS wait until all students with disabilities have received direct services before it can
194 spend funds on other authorized activities, rather, that funds remain to engage in authorized
195 activities. (section 113(c) of the Act and §361.48(a)(3)).

196 (1) Implementing effective strategies to increase the likelihood of independent living
197 and inclusion in communities and competitive integrated workplaces.

198 (2) Developing and improving strategies for individuals with intellectual disabilities and
199 individuals with significant disabilities to live independently; participate in postsecondary
200 education experiences; and obtain, advance in and retain competitive integrated
201 employment.

202 (3) Providing instruction to vocational rehabilitation counselors, school transition
203 personnel, and other persons supporting students with disabilities.

204 (4) Disseminating information about innovative, effective, and efficient approaches to
205 improve the transition of students with disabilities from school to postsecondary
206 education or an employment outcome.

207 (5) Coordinating activities with transition services provided by local educational
208 agencies under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

209 (6) Applying evidence-based findings to improve policy, procedure, practice, and the
210 preparation of personnel, in order to better improve the transition of students with
211 disabilities from school to postsecondary education or an employment outcome.

212 (7) Developing model transition demonstration projects.

213 (8) Establishing or supporting multi state or regional partnerships involving states, local
214 educational agencies, designated state units, developmental disability agencies, private
215 businesses, or other participants to improve the transition of students with disabilities
216 from school to postsecondary education or an employment outcome.

217 (9) Disseminating information and strategies to improve the transition to postsecondary
218 activities of individuals who are members of traditionally unserved and underserved
219 population.

220 **(g) Eligible students with disabilities are able to access** any other VR services needed
221 to participate in pre-employment transition services or other VR services that are unrelated
222 to pre-employment transition services, none of which would be available to them without
223 approved IPEs, these eligible students with disabilities may need certain VR services to fully
224 benefit from pre-employment transition services. By receiving other VR services and
225 supports, along with the pre-employment transition services, enables eligible students with a
226 disability to develop the skills to experience competitive, integrated employment as they
227 leave school and enter the workforce.

228 (1) Should a student with a disability apply for and is determined eligible and assigned
229 a disability priority category that is closed, they may continue to receive any of the 5
230 required Pre-ETS services if they had begun to receive at least one Pre-ETS service
231 prior to being determined eligible and assignment to a priority category. However, these
232 students may not receive any VR services other than pre-employment transition
233 services until they apply, and are determined eligible, for VR services, and have an
234 approved IPE. (See 612 10.7-25.1 for more information on OOS).

235 (2) Eligible students with disabilities, that is, those students who have applied and been
236 determined eligible for the VR program, are able to receive any VR services, including
237 pre-employment transition services, necessary to assist them in achieving their
238 employment outcome, so long as those services are identified on their IPEs.

1 **612:10-7-245. Definitions [AMENDED]**

2 The following words and terms, when used in this Part, shall have the following
3 meaning, unless the context clearly indicates otherwise:

4 "**Employer Work Study**" or "**(EWS)**" means a program that allows youth or students
5 with disabilities employment experience in part-time jobs in the community with the
6 employers paying the wages/salary(ies). In this instance, the youth or students are
7 employees of the community employers, and DRS does not reimburse the employers for the
8 wages/salary(ies).

9 "**FLSA**" means the Fair Labor Standards Act which sets forth labor standards and
10 protections as enforced by the U.S. Department of Labor.

11 "**IDEA**" means the Individuals with Disabilities Education Act, P.L. 101-476 which
12 ensures the rights and protections of children with disabilities and their parents being served
13 by public education agencies through special education services and on an individualized
14 education program (IEP).

15 "**IEP**" means Individualized Education Program. This is an educational document
16 developed on an annual basis that documents the educational and transition goals students
17 are working toward each year in grades PK-12.

18 "**LEA**" means Local Educational Agency, or local school district.

19 "**School Work Study**" or "**(SWS)**" means a program that allows youth or students with
20 disabilities to work on the school campus. The youth or students are supervised or closely
21 monitored by school personnel, and the school pays the youth or students a stipend with
22 DRS making reimbursement to the school for that payment. The stipend is not a
23 wage/salary. The school maintains liability for the youth or students while working on
24 campus.

25 "**SDE**" means State Department of Education.

26 "**SECTION 504 Plan**" is means a plan designed as a protection for youth or students
27 with disabilities who may not be considered eligible for special education under the IDEA in
28 compliance with Section 504 of the Rehabilitation Act of 1973 as amended.

29 "**Teacher coordinator**" means a teacher employed by a school who is released as part
30 of her work day ~~workday~~ and responsible for working with ~~DVR/SBVI~~ DVR/DSBVI
31 counselors and students eligible for the Transition from School to Work Program.

32 "**Transition services**" means, for a student or a youth with a disability, a coordinated
33 set of activities designed within an outcome-oriented process that promotes movement from
34 school to post-school activities, including postsecondary education, vocational training,
35 competitive integrated employment, supported employment, continuing and adult education,
36 adult services, independent living, or community participation. Transition services are based
37 upon the individual student's or youth's needs, preferences and interests; including
38 instruction, community experiences, the development of employment and other post-school
39 adult living objectives, and, if appropriate, acquisition of daily living skills and functional
40 vocational evaluation; that promote or facilitate the achievement of the employment outcome
41 identified in the student's or youth's individualized plan for employment (IPE); and including
42 outreach to and engagement of the parents, or, as appropriate, the representative of such a
43 student or youth with a disability.

44 **"Trial Work"** ~~has the meaning given these terms in DRS policy and federal law/rules~~
45 means the exploration of the individual's abilities, capabilities, and capacity to perform in
46 realistic work situations, that is completed prior to any determination that an individual with a
47 disability is unable to benefit from vocational rehabilitation services in terms of an
48 employment outcome because of the severity of that individual's disability.

49 **"Work Adjustment Training" or "(WAT)"** ~~is provided on~~ means a program that
50 provides a work site, in a school, or in an approved Community Rehabilitation Program
51 (CRP) having valid contracts with DRS. WAT may also include (but is not limited to)
52 activities aimed toward work tolerance, development of personal habits, attitudes, and work
53 habits necessary to orient the individual to the world of work. High school youth or students
54 with disabilities eligible for this service must be at least 16 years of age and may not
55 participate for more than 18 months unless determined necessary by the counselor and
56 client.

57 **"Work Site Learning" or "(WSL)"** means a program that allows youth or students with
58 disabilities to work in the community. The youth or students are supervised or closely
59 monitored by school personnel, and the school pays the students individuals a stipend with
60 DRS making reimbursement to the school for that payment. The stipend is not a
61 wage/salary. The school maintains liability for the youth or students while working off
62 campus.

1 **612:10-7-246. Cooperative agreements for transition services [AMENDED]**

2 Cooperative agreements are entered into by the Department of Rehabilitation Services and
3 the Local Educational Agency (LEA), private school, charter school, home school
4 organization and Career and Technology Education Center to facilitate cooperative working
5 relationships leading to positive employment outcomes for eligible students with disabilities,
6 including those served through an individualized education program (IEP), Section 504 Plan,
7 or those with other documented disabilities. Each agreement sets the framework for a
8 comprehensive and coordinated effort to identify and serve all students with physical and/or
9 mental disabilities enrolled in secondary school or attending CareerTech during secondary
10 school or being home schooled who are jointly eligible. Continuous and uninterrupted
11 services are provided through common areas without duplication or encroachment of the
12 separate programs. Staff should refer to the cooperative agreement in addition to the ~~policy~~
13 administrative rules contained in this Part.

SUBCHAPTER 9. REHABILITATION TEACHING SERVICES

PART 1. GENERAL PROVISIONS

1 **612:10-9-2. Consumer rights [AMENDED]**

2 (a) **Rights.** Each person applying for services will be given full consideration of his/her
3 needs as they relate to the Rehabilitation Teaching Program. No one will be denied services
4 based on his/her age, race, sex, creed, color, or national origin. Each consumer determined
5 eligible for services through any Rehabilitation Teaching Program has the right to participate
6 in the development of the plan of service.

7 (b) **Right of appeal.** The consumer has the right to appeal the decision of the rehabilitation
8 teacher, in accordance with DRS ~~policy~~ administrative rules on due process. The teacher is
9 required to advise the consumer of the Client Assistance Program (CAP) and will provide
10 copies of such brochures in consumer's chosen format.

1 **612:10-9-3. Rehabilitation teacher's role [AMENDED]**

2 (a) The primary goal of the rehabilitation teacher is to provide evaluation, instruction, and
3 guidance to assist individuals who are legally blind or severely visually impaired to live more
4 independently with their loss of vision. Services through the Rehabilitation Teaching
5 Program can be provided through Title I as a joint case with the Rehabilitation Counselor, or
6 through the Older Blind Program outlined in Subchapter 11.

7 (b) **Confidentiality.** All consumer information is confidential and will be treated according
8 to DRS ~~policy~~ administrative rules.

SUBCHAPTER 13. SPECIAL SERVICES FOR THE DEAF AND HARD OF HEARING

PART 3. CERTIFICATION OF INTERPRETERS

1 **612:10-13-20. Certification maintenance [AMENDED]**

2 (a) **General provisions for certification maintenance.** The interpreter certification in
3 Interpreting and Transliterating, for levels I-V, are valid for a term of three years at which
4 time the certification will expire unless the interpreter takes the skill-based performance
5 evaluation again, including paying the appropriate fee. The exception for re-testing applies
6 to those that achieve a certification level in Transliterating: V and Interpreting: V; those are
7 the only levels that will not be required to retest providing the annual CEUs and the annual
8 renewal fee is satisfied.

9 (1) Level V certification: An interpreter holding a certification level V in either
10 Transliterating or Interpreting, but not both, will be required to retest. Testing will include
11 performance test that consists of the ethical situation interview, and only the interactive
12 section that the interpreter does not hold a level V in. The interpreter must pass the
13 ethical situation interview with 80% before a level is granted. If a level V is not obtained,
14 the interpreter will continue to follow the retesting process.

15 (2) Level I-IV certification: An interpreter with levels I, II, III, IV are required to take the 3
16 part performance evaluation that consists of the ethical situation interview, interactive
17 Interpreting and interactive Transliterating. The interpreter must pass the ethical
18 situation interview with at least an 80% before a level is granted.

19 (3) Certification will remain valid for an interpreter who has applied for evaluation and
20 cannot be scheduled for testing prior to his/her certificate's expiration date, provided the
21 application is received no later than 160 calendar days before the expiration date. Any
22 certification will lapse if any of the following occurs: annual renewal fee is not paid,
23 continuing education requirements are not met by stipulated due dates, and/or if the
24 application is not submitted 160 days before levels expire. Individuals who have allowed
25 certification to lapse due to non-compliance with requirements must take and pass the
26 written test before they are eligible for the skill-based performance evaluation.

27 (4) An interpreter that holds only one level V in either Interpreting or Transliterating, and
28 holds a nationally recognized certification in good standing, such as, CI and CT or NIC,
29 can be exempted from the requirement of retesting for the mode they do not have a
30 level V in. The exemption is only valid providing the interpreter satisfies the annual
31 ICRC CEUs by due date, the annual renewal fee by due date, and provides a current
32 copy of their national certification card. If any of the stated requirements are not
33 satisfied, the exemption is voided, and the interpreter will be required to take to meet
34 the V/V certification requirements.

35 (b) **Continuing education requirements.** ~~QAST certified interpreters are required to~~
36 ~~satisfy one (10 hours) Continuing Education Unit (CEU) annually, with .1 (1 hour) of this in~~
37 ~~the category of Ethics. It is the interpreter's responsibility to ensure all supportive CEU~~
38 ~~documentation is submitted to the Interpreter Certification Resource Center (ICRC) staff~~
39 ~~before or on December 31st, to avoid certification becoming invalid. If certification becomes~~
40 ~~invalid, the individual must apply to test, and will be required to take and pass the written~~
41 ~~ICRC/QAST test before becoming eligible for the performance portion. The Interpreter~~
42 Certification Resource Center (ICRC) interpreters are required to satisfy Continuing
43 Education Units (CEUs) annually, the CEU cycle is January 1st - December 31st. It is
44 strongly encouraged for the CEUs to be in a variety of settings, such as medical, mental
45 health, education, legal, etc. It is the interpreter's responsibility to ensure all supportive CEU
46 documents are submitted to the ICRC staff before or on December 31st to avoid certification

47 becoming invalid due to CEU non-compliance. If certification becomes invalid, the individual
48 will be required to pass the knowledge-based test before eligible for the skill-based
49 performance evaluation. The following is the outline for the annual CEU requirement.

50
51 (1) FY2025: January 1-December 31. The annual CEU requirement is 1.2 (12 hours)
52 with .1 (1 hour) of this in the category of ethics. Ethics can include Power, Privilege, and
53 Oppression titled workshops.

54
55 (2) Newly certified interpreters will be required to satisfy the following CEUs.

56 (A) January-May: 1.2 CEUs with .1 in ethics.

57 (B) June-September: .6 CEUs with .1 in ethics.

58 (C) October-November: .4 CEUs with .1 in ethics.

59 (D) December: start CEUs the next fiscal year.

60 (3) FY2026: January 1-December 31. The annual CEU requirement is 1.6 (16 hours),
61 with .2 (2 hours) of this in the category of ethics. Ethics can include Power, Privilege,
62 and Oppression titled workshops.

63 (A) January-May: 1.6 CEUs with .2 in ethics.

64 (B) June-September: .8 CEUs with .2 in ethics.

65 (C) October-November: .5 CEUs with .1 in ethics.

66 (D) December: start CEUs the next fiscal year.

67 (4) FY2027 and forward: January 1-December 31. The annual CEU requirement is 2
68 CEUs, (20 hours), with .3 (3 hours) of this in the category of ethics. Ethics can include
69 Power, Privilege and Oppression titled workshops.

70 (A) January-May: 2 CEUs with .3 in ethics.

71 (B) June-September: .1 CEUs with .3 in ethics.

72 (C) October-November: .5 CEUs with .2 in ethics.

73 (D) December: start CEUs the next fiscal year.

74 (5) FY27 and forward. An interpreter can apply for a 90-day CEU extension, the
75 application must be submitted, reviewed, and approved by or before October 1st. The
76 90-day CEU extension will only include the CEUs for that requested fiscal year CEU
77 cycle. The 90-day extension CEUs will not apply towards the next fiscal CEU cycle. The
78 interpreter will be required to obtain the amount of CEUs applied for in the 90-day
79 extension and be completed and submitted by March 31st to ICRC. Additionally, the
80 interpreter will be required to satisfy the 2 CEUs the next fiscal year cycle by December

81 31st. A 90-day extension request is allowed, per the same requestor, every 2 years. A
82 90-day extension application will be reviewed for approval or decline by the designated
83 Oklahoma Interpreter Certification Program official members.

84
85 (6) DRS/ICRC will be committed to funding and providing various workshops to assist
86 with interpreters obtaining CEUs until FY28.

87
88 (c) **Certification renewal fee.** A certification renewal fee and renewal form are due by
89 January 31st each year. The renewal form must be postmarked on or before January 31st to
90 avoid certification becoming suspended.

91 (d) **Certification suspension and reinstatement.** If the certification renewal fee and
92 renewal form are submitted after January 31st, the interpreter's certification will become
93 suspended. An interpreter who's certification has become suspended has an option to make
94 application for reinstatement. The reinstatement process includes the following: (1) The
95 reinstatement application, (2) a \$100 reinstatement fee, and (3) payment of the annual
96 certification renewal fee, with the renewal form. The reinstatement process must be
97 submitted on or before February 28th to avoid certification becoming invalid. If certification
98 becomes invalid, the individual must take and pass the written test before becoming eligible
99 for the skill-based performance evaluation.

100 (e) **Expiration of certification.** If an interpreter does not submit an application and
101 appropriate fee for testing 160 days prior to the level(s) expiration date, the interpreter's
102 certification level(s) will be considered invalid on the expiration date. If level(s) become
103 invalid, the individual must take and pass the sign language interpreter written test before
104 becoming eligible for the skill-based performance evaluation. If an interpreter's certification
105 becomes invalid twice consecutively due to non-compliance with either, the CEU or annual
106 renewal fee requirements, the interpreter will not be allowed to take the written test or the
107 skill-based performance evaluation until one (1) year from the date of the second
108 documented non-compliance.

109 (f) **Modification of requirements.** Requirements for certification renewal of any level may
110 be changed or modified by future amendments to this section or the rules of this subchapter.

1 **612:10-13-23. Formal hearing [AMENDED]**

2 (a) A formal hearing may be requested by the complainant or respondent by contacting the
3 designated Oklahoma interpreter certification program official by written form. The hearing
4 will be scheduled at a time and place convenient to all parties concerned. All parties will
5 receive two weeks' notice of the hearing date.

6 (b) The complainant and/or respondent may invite a representative to attend during the
7 proceedings. Either party may present witnesses or other written documentation related to
8 any relevant aspect of the charge or defense. Parties must provide name of witnesses and
9 other written documentation two weeks prior to the scheduled hearing date to the
10 designated Oklahoma interpreter certification program official.

11 c) The hearing will be conducted by a grievance panel selected by the Oklahoma interpreter
12 certification program and the Department. With effort, at least one member must be deaf or
13 hard of hearing; must be a former or current Oklahoma interpreter certification test evaluator
14 and/or acknowledgeable and adhering to a form of Code of Ethics; with effort, one member
15 must be an interpreter holding national or Oklahoma State Level V/V certification; with effort,
16 one member will be selected at the discretion of Department and may be from a profession
17 other than interpreting for the deaf, but must be knowledgeable of Code adhering to a form
18 of Ethics. The panel will review information presented and make a determination based on
19 the facts. Based upon this determination, the panel can make recommendations for a
20 course of appropriate action to the Oklahoma interpreter certification program official.
21 Possible actions are set forth in (1) through (8) of this Subsection.

22 (1) The complaint be dismissed;

23 (2) A written warning be issued;

24 (3) A written reprimand be issued indicating unsatisfactory performance;

25 (4) Probation a trial period for a specific length of time during which the interpreter is
26 required to fulfill a set of conditions to improve work performance or work behavior;

27 (5) Suspension - removal of the individual from the list of certified interpreters for a
28 specified period of time, not to exceed six (6) months;

29 (6) Revocation - removal of the individual from the list of certified interpreters for an
30 extended period or permanently;

31 (A) It must be determined and proven there was a severe violation against Code of
32 Professional Conduct tenets, and/or

33 (B) ICRC Level of Limitations, and/or

34 (C) a malicious intent of harm, and/or

35 (D) disregarding or violation of any governing State or Federal Laws before a
36 certification can be revoked.

37 (7) The complainant may be retested using a different evaluation team at no cost to the
38 individual; and

39 (8) A recommended change in ~~policy~~ administrative rules or procedures in the
40 interpreter evaluation ~~process~~.

41 (d) The recommended course of action submitted by the selected panel will be reviewed by
42 the designated interpreter certification program official will notify parties involved in writing of
43 the decision within thirty (30) days.

44 (e) If a party is dissatisfied with the outcome of a formal hearing, an appeal may be made to
45 the Director of the Department of Rehabilitation Services, within fifteen (15) days of
46 receiving the recommended decision. The Director shall have forty-five (45) days to render a
47 decision. The Director's decision shall be final.

CHAPTER 25. BUSINESS ENTERPRISE PROGRAM

SUBCHAPTER 2. GENERAL PROVISIONS

1 **612:25-2-5. Definitions [AMENDED]**

2 The following words or terms, when used in this Manual, shall have the following
3 meaning unless the context clearly indicates otherwise:

4 "**Act**" means the Randolph-Sheppard Vending Facility Act (Public Law 74-732), as
5 Amended by Public Law 83-565 and Pub Law 93-516, 20 U.S.C., Ch. 6A, Sec. 107.

6 "**Active participation**" means a process of good faith negotiations involving the Elected
7 Committee of Licensed Managers and the State Licensing Agency. The Committee must be
8 given the opportunity to have meaningful input into the decision-making process in the
9 formulation of program policies which govern the duties, supervision, transfer, promotion
10 and financial participation of licensed managers. The SLA is charged with the ultimate
11 responsibility for the administration and operation of all aspects of the Business Enterprise
12 Program.

13 "**Annual Evaluation**" means an evaluation conducted on a yearly basis of a manager.
14 This evaluation will be performed at the end of each calendar year.

15 "**BEP**" means the Business Enterprise Program of the State Licensing Agency which
16 provides self-employment opportunities for qualified persons who are blind.

17 "**BEP Operations Coordinator**" means the person who has responsibility for the
18 operation of the Business Enterprise Program in the State.

19 "**Blind person**" means a person who, after examination by a physician skilled in the
20 diseases of the eye or by an optometrist, whichever the person shall select, has been
21 determined to have (1) not more than 20/200 central visual acuity in the better eye with
22 correcting lenses, or (2) an equally disabling loss of the visual field as evidenced by a
23 limitation to the field of vision in the better eye to such a degree that its widest diameter
24 subtends an angle of no greater than 20 degrees.

25 "**Board**" or "**Commission**" means the governing body for the State Licensing Agency.

26 "**Business Consultant**" "**(BC)**" means an individual who provides consultative and
27 management services to those business enterprises and licensed managers of the State to
28 which the consultant is assigned.

29 "**Business Enterprise**" means an approved business administered by the State
30 Licensing Agency. See definition of "Vending Facility."

31 "**Business Enterprise Program**" "**(BEP)**" means the Business Enterprise Program
32 services available to establish business enterprises for persons who are blind.

33 "**Cafeteria facility**" means a food dispensing business enterprise capable of providing
34 a broad variety of prepared foods and beverages (including hot meals) primarily through the
35 use of a line where customers serve themselves from displayed selections. A cafeteria may
36 be fully automatic or provide limited waiter or waitress service. Table and/or booth seating
37 facilities are always provided.

38 "**Client or Consumer**" means any person who has made application for the State
39 Licensing Agency's services and has been determined by the State Licensing Agency to be
40 eligible for services.

41 **"Commissioner"** means the Commissioner of the Rehabilitation Services
42 Administration (RSA) who exercises approval authority for the Federal government under
43 the Randolph-Sheppard Act.

44 **"Committee"** means the Elected Committee of Licensed Managers.

45 **"Contract"** means a written agreement between the State Licensing Agency and
46 officials in control of Federal or other property to establish a business enterprise in
47 cafeterias.

48 **"Contract labor"** means a person or company that performs duties or services not a
49 part of the regular duties of the business enterprise.

50 **"Counselor"** means Division of Vocational Rehabilitation or Division of Services for the
51 Blind and Visually Impaired counselors assigned to the State Licensing Agency's program of
52 vocational rehabilitation.

53 **"Director"** or **"Executive Director"** means the chief administrator of the State
54 Licensing Agency.

55 **"Displaced licensed manager"** means a licensed manager who has been displaced
56 from his or her business enterprise through no fault of his or her own.

57 **"Dry/Wet facility"** means any business enterprises providing manual dispensing of
58 prepackaged articles, refreshments, and services.

59 **"Elected Committee of Licensed Managers" "(ECM)"** means the committee elected
60 biennially by licensed managers in accordance with 34 CFR 395.14.

61 **"Emergency"** means ~~an unforeseen a serious, unexpected and/or dangerous~~
62 ~~circumstance that calls for immediate action. When a piece of equipment is out of order it is~~
63 ~~not normally considered an emergency unless it will harm/destroy lives, other equipment or~~
64 ~~property.~~

65 **"Employee"** means an individual who receives compensation for services rendered to a
66 licensed manager.

67 **"Equipment, expendable"** means items having a relatively small cost per item and
68 having a relatively short life expectancy.

69 **"Equipment, non-expendable"** means all necessary equipment which requires a
70 relatively high capital outlay and has a normal life expectancy of several years.

71 **"Extenuating Circumstances"** means circumstances which are sudden, unexpected,
72 significantly disruptive and beyond control.

73 **"Federal property"** means any building, land or other real property owned, leased, or
74 occupied by any department, agency, or instrumentality of the United States (including the
75 Department of Defense and the United States Postal Service), or any other instrumentality
76 wholly owned by the United States.

77 **"Federal regulations"** means the regulations issued pursuant to the Randolph-
78 Sheppard Act.

79 "Grantor" means a Federal, State, County, Parish, city government, private
80 corporation, company, partnership or individual, who grants a permit or enters into an
81 agreement with the State Licensing Agency to operate a business enterprise on its/their
82 property.

83 "Grantor's agreement" means a written document between a Grantor and the State
84 Licensing Agency which sets forth the terms, conditions and responsibilities of all parties to
85 the agreement for the operation of a business enterprise on private and/or public property.

86 "Gross receipts" means all revenue from a business enterprise, including sales tax.

87 "Gross Sales" means the grand total of all sales transactions reported in a period
88 without any deductions included in the figure, not including sales tax.

89 "Inactive Licensee" means a licensed individual who is not currently working in the
90 Business Enterprise Program.

91 "Initial stock and supplies" means those resalable items or supplies necessary for the
92 opening and operation of a specific type of business enterprise.

93 "Interim manager" means a licensed manager appointed to manage a business
94 enterprise on a temporary basis.

95 "License" means a written instrument issued by the State Licensing Agency to a
96 person who is blind, authorizing such person to manage a business enterprise.

97 "Licensed employee" means a licensed individual who is currently working for a
98 licensed manager.

99 "Licensed Manager" "(LM)" means a licensed individual who has signed an
100 agreement with the State Licensing Agency to manage a Randolph-Sheppard business
101 enterprise under the supervision of the State Licensing Agency.

102 "Licensee" means a person who is blind and holds a valid BEP license.

103 "Licensing agency" means the State Licensing Agency (SLA), which has been
104 designated by the Commissioner, pursuant to the Act, to issue licenses to persons who are
105 blind for the management of business enterprises.

106 "Management" means the personal supervision of the day-to-day operation of the
107 assigned business enterprise facility by the assigned manager.

108 "Management services" means inspection, quality control, consultation, accounting,
109 regulating, in-service training, and other related services provided on a systematic basis to
110 support and improve business enterprises operated by licensed managers. Management
111 services does not include those services or costs which pertain to the on-going operation of
112 an individual facility after the initial establishment period.

113 "Manager's agreement" means an agreement between a licensed manager and the
114 State Licensing Agency, establishing basic terms and conditions for management of a
115 business enterprise.

116 "Mail" is a method of distributing information that includes, but is not limited to, the U.S.
117 Postal System, email, fax, or Federal Express.

118 "Merchandise Loan" means the total dollar value of the initial stocks of suitable
119 merchandise provided to a licensed manager that will be repaid in monthly installments of
120 no less than two percent of gross sales to pay loan balance in full.

121 "Net earnings" or "Net profits" means gross profit after deducting operating expenses
122 and set-aside collected.

123 "Net proceeds" means the amount remaining from the sale of articles or services of
124 business enterprises and any vending machine income or other income accruing to licensed
125 managers after deducting the cost of such sales and other authorized expenses excluding
126 set-aside charges required to be paid by the licensed managers.

127 "Net sales" means the sum total of sales, excluding sales tax.

128 "Nominee" means a nonprofit agency or organization designated by the State
129 Licensing Agency through a written agreement to act as its agent in the provision of services
130 to licensed managers under the State's Business Enterprise Program.

131 "Other income" means money received by a licensed manager from sources other
132 than over the counter and machine sales.

133 "Other property" means property which is not Federal property and on which business
134 enterprises are established or operated by the use of any funds derived in whole or in part,
135 directly or indirectly, from the operation of vending facilities on any Federal property.

136 "Performance Evaluation" means an evaluation conducted to determine if a manager
137 is eligible to apply for a facility or to be awarded a permanent BEP license.

138 ~~"Permanent BEP License" means a license issued on a permanent basis to a BEP~~
139 ~~manager who has successfully completed all probationary requirements.~~

140 "Permit" means the official approval given a State Licensing Agency by a department,
141 agency, or instrumentality in control of the maintenance, operation and protection of Federal
142 property or person in control of other property where the State Licensing Agency is
143 authorized to establish a business enterprise.

144 ~~"Probationary BEP License" means a license issued to an individual on their first~~
145 ~~day as manager of an Oklahoma BEP facility.~~

146 ~~"Probationary Licensee" means a person who has received a certificate of~~
147 ~~completion of the Business Enterprise Program training and has not completed their six (6)~~
148 ~~month probationary period.~~

149 "Purveyor" means an approved source of supply for food, beverages, supplies, or
150 services.

151 "Randolph-Sheppard Act" means Public Law 74-732 as amended by Public Law 83-
152 565, Public Law 93-516, and Public Law 95-602, 20 U.S.C. Chapter 6A, Section 107.

153 "Retained vending machine income" means vending machine income disbursed by a
154 property managing department, agency or instrumentality of the United States, or received
155 from vending machines on State or other property in excess of the amounts eligible to
156 accrue to licensed managers.

157 **"Routine preventive maintenance"** means the regular care, upkeep, and cleaning of
158 equipment used in a business enterprise.

159 **"Rules and regulations"** means the instrument written by the State Licensing Agency
160 and approved by the Secretary of Education setting forth the conduct and operation of the
161 Business Enterprise Program. A copy of the document granting approval of the rules and
162 regulations from RSA, will be mailed to each licensed manager.

163 **"Saleable stock/merchandise"** means products comprising the merchandise available
164 for sale to the public and determined by the SLA to be from an approved source in the
165 original container, in date, consistent with the needs of the customers for a particular
166 business enterprise.

167 **"Satellite business enterprise"** means a business enterprise assigned to a licensed
168 manager on a temporary basis.

169 **"Satellite Manager"** means a licensed manager appointed to manage a business
170 enterprise on a temporary basis.

171 **"Satellite Performance Evaluation"** means an evaluation conducted to determine a
172 manager's eligibility to continue operating a satellite to be performed at the 180 day satellite
173 review.

174 **"Satisfactory site"** means an area determined by the BEP Operations Coordinator to
175 have sufficient space, electrical and plumbing outlets, and other such accommodations as
176 prescribed by the Act, for the location and operation of a business enterprise in accordance
177 with applicable health laws and building codes.

178 **"Secretary"** means the United States Secretary of Education.

179 **"Set-aside funds"** means funds which accrue to a State Licensing Agency from an
180 assessment against the net proceeds of each business enterprise in the State's business
181 enterprise Program and any income from vending machines on Federal property which
182 accrues to the SLA.

183 **"Snack bar business enterprise"** means a business enterprise engaged in selling
184 limited lines of refreshment and prepared food items necessary for a light meal service.

185 **"State Licensing Agency (SLA)"** means the State agency that issues licenses to
186 persons who are blind for the operation of business enterprises on public and/or private
187 property.

188 **"State property"** means lands, buildings, and/or equipment owned, leased, or
189 otherwise controlled by the State.

190 **"Statewide average manager earnings"** means the average annual manager earnings
191 (after set-aside) as calculated each year for the RSA-15 Report.

192 **"Teaming Partner Agreement"** means an arrangement between a Licensed Manager
193 and a company as a contractual relationship or joint venture to perform a specific federal,
194 state, county or other contract with the exclusion of automated vending machines. Such
195 agreements are intended for large complex operations such as food services on a military
196 base.

197 **"Temporary Variance"** means an instrument used to allow a business enterprise to
198 install alternate vending operations on a temporary basis when a determination has been
199 made by the SLA that a blind operated vending facility is not viable at time of survey.

200 **"Third Party Vendor"** means a separate individual or organization, other than a
201 Teaming Partner, that operates and/or manages a BEP business enterprise facility and pays
202 a fee or commission to the licensed manager.

203 **"Timely submission"** means the receipt of an accurate monthly report and correct
204 payment, if applicable, on or before the due date in the BEP office.

205 **"Trainee"** means a qualified client of the Division of Visual Services for the Blind and
206 Visually Impaired, who when referred to the Business Enterprise Program, is placed in
207 training to prepare for licensing under the rules and regulations of the State Licensing
208 Agency.

209 **"Training program"** means the program of study and/or on-the-job training provided to
210 prospective and/or experienced licensed managers.

211 **"Vending facility"** means automatic vending machines, cafeterias, snack bars, cart
212 service, shelters, counters, and such other appropriate auxiliary equipment which may be
213 operated by licensed managers and which is necessary for the sale of newspapers,
214 periodicals, confections, tobacco products, foods, beverages, and other articles or services
215 dispensed automatically or manually and prepared on or off the premises in accordance with
216 all applicable health laws and including the vending or exchange of chances for any lottery
217 authorized by State Law and conducted by an agency of a State within such State. [CFR 34,
218 Part 395.1(X)]

219 **"Vending machine"** means any machine, operated using currency or other medium of
220 exchange, which dispenses articles or services, except any machine operated by the United
221 States Postal Service for the sale of postage stamps or other postal products and services.
222 Machines providing services of a recreational nature and telephones shall not be considered
223 to be vending machines.

224 **"Vending machine facility"** means an automated business enterprise which dispenses
225 a variety of food and refreshment items and services from vending machines. Included in
226 this category would be interstate highway locations and vending machine routes.

227 **"Vocational Rehabilitation Services"** means those services as defined in the
228 Rehabilitation Act. [29 USC 701 et seq.]

229 **"Volunteer"** means an individual who works in a business enterprise and receives no
230 compensation.

SUBCHAPTER 4. THE STATE LICENSING AGENCY

PART 11. BUSINESS ENTERPRISE PROGRAM AUDITING AND DUE PROCESS

1 **612:25-4-73. Due process [AMENDED]**

2 (a) **Due process overview.** The SLA provides procedures for fair hearings of licensed
3 managers' grievances. These procedures provide each licensed manager the
4 opportunity to seek remediation of dissatisfaction with any SLA action arising from the
5 operation of the BEP.

6 (b) **Informal administrative review.** It is the policy of the SLA to resolve complaints in
7 an expeditious and facilitative manner. These resolutions shall be accomplished through
8 the informal administrative review process whenever possible. A licensed manager has
9 the right to request a full evidentiary hearing at any time within established due process
10 timelines. These timelines are identified later in this policy.

11 (1) Informal administrative reviews are conducted by the SLA staff person closest
12 to the problem who was not involved in the action resulting in the complaint, and
13 who can resolve the complaint in the most expeditious manner.

14 (2) The informal administrative review is to be completed within 30 calendar days of
15 receipt of the complaint to the appropriate SLA staff person.

16 (3) The results of the informal administrative review are to be reported in writing
17 within 15 calendar days to the BEP Operations Coordinator, with a copy going to
18 the licensed manager affected, in accessible format.

19 (c) **Full evidentiary hearings.** Licensed managers have the right to a full evidentiary
20 hearing to resolve dissatisfaction with any SLA action arising from the operation or
21 administration of the Business Enterprise Program.

22 (1) If the complaint cannot be resolved with an informal administrative review, or in
23 the absence of an informal administrative review, the licensed manager may
24 request a full evidentiary hearing. The request for a full evidentiary hearing must be
25 made to the BEP Operations Coordinator ~~in writing, in the licensed managers~~
26 preferred format, within 30 calendar days from the date the licensed manager
27 receives the notification of adverse action, or the written report of the informal
28 administrative review. ~~The request for a full evidentiary hearing is to be sent by~~
29 ~~certified mail.~~ Upon receipt, the BEP Operations Coordinator will immediately
30 forward the request to the Visual Services for the Blind and Visually Impaired
31 Division Administrator. The Licensed Manager submitting the request for full
32 evidentiary hearing will be notified of the date it was forwarded.

33 (2) The licensed manager may be represented in the evidentiary hearing by legal
34 counsel, or other representation of the licensed manager's choice, and at the
35 licensed manager's expense.

36 (3) Reasonable accommodations will be arranged by the SLA upon the request of
37 the licensed manager.

38 (4) The hearing will be scheduled by the SLA for a time and place convenient and
39 accessible to the licensed manager and the SLA staff involved in the hearing. The
40 licensed manager will be notified, in their preferred format, of the place and time of
41 the hearing and the right to be represented by legal or other counsel in writing.

42 (5) The hearing will be conducted by an impartial and qualified official with no
43 involvement or vested interest in the SLA, action at issue, or with the operation of

44 the affected business enterprise. The presiding officer will conduct the hearing in
45 accordance with State and/or Federal laws and rules governing the conduct of such
46 proceedings. In any case, the hearing will be conducted in a manner that avoids
47 delay, maintains order, and provides for a full recording and reporting of the
48 proceedings so that a full and true disclosure of the facts and issues occurs.

49 (6) The hearing officer's determination will be based upon the facts as presented by
50 both parties and upon applicable law and the existing rules of the SLA. The hearing
51 officer does not have the power to rule upon the legality or construction of the rules
52 themselves. The officer's decision will determine the relevant issues and facts to be
53 ruled upon.

54 (7) The hearing officer shall make a written report of the evidence presented, the
55 laws and rules used in determining a resolution, and the resolution itself. This report
56 shall be issued to the BEP Operations Coordinator and the licensed manager, or
57 his/her authorized representative within 15 calendar days of the conclusion of the
58 full evidentiary hearing.

59 (8) The hearing officer's report shall be issued to the Director of the SLA within 15
60 calendar days of the conclusion of the full evidentiary hearing. The SLA Director
61 issues his or her final written decision to the BEP Operations Coordinator and the
62 licensed manager, in accessible format, within 30 calendar days of the date on
63 which he or she receives the hearing officer's report.

64 (9) If the licensed manager is dissatisfied with the decision, she or he may request
65 that the Secretary (~~USDE~~ USDEd) convene an arbitration panel.

1 **612:25-4-75. Arbitration of complaints after the evidentiary hearing [AMENDED]**

2 (a) The licensed manager has the right to file a request for arbitration with the
3 Secretary (~~USDE~~ USDEd) if dissatisfied with the outcome of the evidentiary hearing. By
4 filing a complaint with the Secretary, the licensed manager consents to the release of
5 information necessary for the conduct of an ad hoc arbitration panel.

6 (b) The complaint must be filed in writing and must contain:

7 (1) a statement of the grievance;

8 (2) the date and place of the full evidentiary hearing;

9 (3) a copy of the decision and what actions have been taken because of the
10 decision;

11 (4) the part of the decision which is causing the dissatisfaction and reason for the
12 dissatisfaction; and

13 (5) a statement as to what is required to remedy the situation.

14 (c) The Secretary (~~USDE~~ USDEd) will convene an arbitration panel after receiving a
15 complaint which meets the requirements in (b) of this Section. The decision of the panel
16 will be final, except as provided for in 20 U.S.C. 107d-2. The Secretary will pay the
17 reasonable costs for the arbitration. ~~An abstract of the arbitration decision will be~~
18 ~~published in the Federal Register. Notification of the decision will be published in the~~
19 Federal Register and the full decision will be published on the RSA website. The panel
20 will be convened by the Secretary in accordance with (1) through (4) of this Subsection.

21 (1) The SLA shall designate one member of the panel.

22 (2) The licensed manager shall designate one member of the panel.

23 (3) The designees of the SLA and the licensed manager shall together designate
24 the third panel member who shall not be an employee of the SLA. This member
25 shall be the chairperson of the panel.

26 (4) If the SLA or licensed manager does not select a member for the panel, the
27 Secretary will designate such a member on the applicable party's behalf.

1 **612:25-4-76. Arbitration of SLA complaints against federal agencies [AMENDED]**

2 The SLA is to resolve problems related to the operation of a business enterprise
3 with the full participation of the licensed manager and the appropriate property
4 manager. The SLA may file a complaint with the Secretary (~~USDE~~ USDEd) if it
5 determines that an agency controlling Federal property is not complying with the
6 provisions of the Randolph-Sheppard Act or U.S. Department of Education regulations.
7 After the complaint is received, the Secretary will convene an arbitration panel. If the
8 panel finds that the Federal agency is in violation of the Act or ~~USDE~~ USDEd
9 regulations, that Federal agency will be notified that it is expected to correct the violation
10 according to 20 U.S.C. 107d-2. The Secretary pays the reasonable costs of this
11 arbitration. ~~The Notification of the~~ decision resulting from the arbitration will be
12 published in the Federal Register and the full decision will be published on the RSA
13 website. The arbitration panel will be convened by the Secretary in accordance with (1)
14 through (4) of this Subsection.

15 (1) The SLA will designate one member of the panel.

16 (2) The agency controlling the Federal property over which the dispute arose will
17 designate one member of the panel.

18 (3) The designees of the SLA and the agency controlling the property will designate
19 a third member who is not an employee of the agency controlling the Federal
20 property. This member will chair the panel.

21 (4) If either the SLA or the head of the Federal department, agency, or
22 instrumentality fails to designate a member of an arbitration panel, the Secretary
23 shall designate such member on behalf of such party.

DEPARTMENT OF REHABILITATION SERVICES

SUMMARY OF 2025 ADMINISTRATIVE RULE AMENDMENTS

CHAPTER 10. VOCATIONAL REHABILITATION AND SERVICES FOR THE BLIND AND VISUALLY IMPAIRED

SUBCHAPTER 1. GENERAL PROVISIONS

612:10-1-2. Definitions [AMENDED] – language revised throughout the rule to conform with OAR formatting requirements. Definitions added or amended:

“Driver Rehabilitation Training – Low Tech” added so counselors could easier identify the vendor needed for their clients. Low-Tech Driver rehabilitation training must be conducted by a Certified Driving Rehabilitation Specialist, a Driving Rehabilitation Professional, an American Occupational Therapy Association member, or a Driving Rehabilitation Specialist.

“Driver Rehabilitation Training – High Tech” added so counselors could easier identify the vendor needed for their clients. High Tech Driver rehabilitation training must be conducted by a Certified Driving Rehabilitation Specialist.

“Employment and Retention” (ESS) amended to be consistent with current Employment and Retention contract terminology and requirements.

“Services” added to clarify the use of “Services” in current employment contracts as it relates to the scope of “Milestones” defined in the Oklahoma Administrative Code.

“Student with a disability” amended to add requirements (A) – (C) to students in a secondary, postsecondary, or other education program.

(A) – not younger than the earliest age (Oklahoma age is 15) for the provision of transition services.

(B) – is not older than 21, unless state law provides for a higher maximum age on or before the receipt of services under the Individuals with Disabilities Education Act and is not older than the maximum age which is 21, they must be 21 on or before September 1st.

(C) – Is eligible for and receiving special educated or related services under Part B of the Individuals with Disabilities Education Act.

612:10-1-3.2. Pilot projects [AMENDED] – amended language correcting “policy” to read “administrative rules”.

612:10-1-5. Confidentiality [AMENDED] – amended language correcting “policy” to read “administrative rules”.

SUBCHAPTER 3. CLIENT PARTICIPATION IN COST OF SERVICES

612:10-3-3. Participation of individuals in cost of services based on financial need [AMENDED] – Language “JOBS” revoked from (d)(9) to be consistent with the discontinuation of the JOBS contract.

SUBCHAPTER 7. VOCATIONAL REHABILITATION AND SERVICES FOR THE BLIND AND VISUALLY IMPAIRED

PART 1. SCOPE OF VOCATIONAL REHABILITATION AND SERVICES FOR THE BLIND AND VISUALLY IMPAIRED

612:10-7-1. Overview of Vocational Rehabilitation and Services for the Blind and Visually Impaired [AMENDED] – amended (c) to be consistent with current Employment and Retention contract terminology and requirements as well as more direct alignment with the terminology in WIOA 361.49 (a)(1-9).

PART 3. CASE PROCESSING REQUIREMENTS

612:10-7-20. Case recording [AMENDED] – amended (a) language correcting “policy” to read “administrative rules”.

612:10-7-22.1. Processing referrals and applications [AMENDED] – amended (a)(2) to clarify that all clients who are blind, legally blind or severely visually impaired should be served by SBVI Rehabilitation Teacher and not by VR. Revoked (f) that refers to the general health checklist which was discontinued in 2022 when the application for services was revised. Renumbered following sections accordingly.

612:10-7-24.1. Basic eligibility requirements for vocational rehabilitation services [AMENDED] – revoked (h)(2) categories of Allergies and Asthma are too vague and are common diagnostics, generally without substantial impediments to employment that would meet the required criteria for a determination of eligibility. This section of Administrative Rules is to provide basic eligibility requirements and to clarify certain diagnostics/conditions that have very specific eligibility criteria. Amended (h)(4)(A)(I) to provide better alignment between counselors.

612:10-7-24.2. Assessment for determining eligibility [AMENDED] – amended (d) replacing “will” with “may” since “will” implies automatic. Each program maintains its sole authority for determination of eligibility. Decisions should be expedited, however, eligibility for one program does not mean automatic eligibility for another program.

612:10-7-24.3. Trial Work Experience [AMENDED] - amended language correcting “policy” to read “administrative rules”.

612:10-7-25.1. Ability to serve all eligible individuals; order of selection for services [AMENDED] – Added language to (b) to align with RSA guidelines. “DRS must continue to provide pre-employment transition services to students with disabilities who were receiving such services prior to being determined eligible for vocation rehabilitation services”. This section covers client assurance that services can be provided for all eligible individuals.

PART 5. CASE STATUS AND CLASSIFICATION SYSTEM

612:10-7-50.1. Assessment for determining rehabilitation needs [AMENDED] – Added (1)-(2) under (b) Comprehensive assessment to align with RSA guidelines. Section (1) explains the (5) required Pre-employment transition service activities which will be provided or arranged by DRS based upon individual needs of the student with disabilities and (2) recognizing each student needs are different based on their interests and unique circumstances. Determining services based on student needs,

strengths, abilities and capabilities, a student may or may not need all five required activities and may need to participate in multiple activities.

612:10-7-51. Individualized Plan for Employment [AMENDED] – amended (d)(7) revising language that pre-employment transition services purchased for or provided by DRS staff must be included as a line of service. Under (7) added (A) explaining the IPE must include the specific VR services needed to achieve employment outcome and (B) students with disabilities that use a projected post school employment outcome and the plan only includes those services to assist in refining that employment goal. Added (8) providing a list of individualized VR services that may be provided to an eligible student or youth with a disability as long as services are included on an approved IPE. Amended to align with RSA guidelines.

612:10-7-52. Scope of vocational rehabilitation services for individuals with disabilities [AMENDED] - amended language correcting “policy” to read “administrative rules”. Revoked (c) Scope of vocational rehabilitation services for groups of individuals with disabilities due to duplication with this information provided in 612:10-7-1.

612:10-7-55. Job Ready [AMENDED] – revoked language related to “JOBS” under (a)(1) due to discontinuation of the JOBS contract.

612:10-7-56. Employment [AMENDED] – amended (b) revising language to be consistent with current Supported Employment and Employment and Retention contract terminology and requirements. “Milestone” terminology replaced with “Service” for job stabilization and (c) “R4 Four Weeks Job Support-Retention Milestone” terminology replaced with “Four (4) Weeks Job Support & Retention Service”.

612:10-7-58. Closed Rehabilitated [AMENDED] – amended (a)(4) to provide clarification that the required 90 days of employment is 90 days beyond the date identified as the stable date. Amended (d) and (e) to be consistent with current Supported Employment and Employment and Retention contract terminology and requirements.

PART 11. PHYSICAL AND MENTAL RESTORATION SERVICES

612:10-7-98. General guidelines for physical and mental restoration services [AMENDED] – amended language correcting “policy” to read “administrative rules”.

PART 13. SUPPORTIVE SERVICES

612:10-7-130. Maintenance [AMENDED] – amended (b)(3) removing 40-mile requirement for DRS assistance with room expense allowing consideration of assistance with off campus housing if costs are equivalent to on campus costs, excluding meal plans. Revised (e)(2) requiring a copy of client’s lease agreement prior to DRS assistance with off-campus housing expenses.

PART 14. COMMUNITY PROVIDER EMPLOYMENT SERVICES

612:10-7-136. Job Placement Services [AMENDED] – amended terminology in (a) and (b) consistent with current Job Placement contract terminology and requirements.

612:10-7-137. JOBS Services [REVOKED] – revoked rule to be consistent with the discontinuation of the JOBS contract.

PART 15. TRAINING

612:10-7-142. General guidelines for training services [AMENDED] – added (E) under (a)(3) providing transitional employment services for individuals with serious mental illness. This section is moved from 612:10-7-185. Provision of supported employment services.

612:10-7-152. Payment of tuition and fees at colleges and universities [AMENDED] – revoked (b)-(e) which eliminates the 60-credit hour at closest regional university within 40 miles of client’s residence.

612:10-7-157. Out-of-state training [AMENDED] – amended (a) language correcting “policy” to read “administrative rules”.

612:10-7-164. Personal and work adjustment training [AMENDED] – (b): Work Adjustment Training (WAT) contracts specify 24 months rather than 18 months. This brings the rule into line with contract terminology. Amended (b)(2) adding language to differentiate between driver’s education and driver’s training. This also provides guidance for clients with severe visual impairments and blindness seeking adaptive driver’s training. Amended (b)(3) to explain clients with significant or progressive vision loss will not be considered for adaptive driving training by DRS due to the potential liability implications. These cases will be reviewed by the appropriate PM or FC.

PART 17. SUPPORTED EMPLOYMENT SERVICES

612:10-7-179. Overview of Supported Employment Services [AMENDED] – amended to be consistent with current Supported Employment contract terminology and requirements.

612:10-7-183. Ongoing support services [AMENDED] – amended to be consistent with current Supported Employment contract terminology and requirements.

612:10-7-184. Extended services [AMENDED] - amended revising (a) removing “Milestone” language and replacing with “Employment”. Added (b) for extended services to youth with the most significant disabilities provided by DRS. This period is not to exceed four years, or until the youth reaches age 25 and no longer meets this definition. DRS must identify another source of extended services so no interruptions in service occur. Revised to be consistent with current Supported Employment contract terminology and requirements, as well as to align with RSA guidelines.

612:10-7-185. Provision of supported employment services [AMENDED] – revoked (e), required discontinuation of Transitional employment services from under the provision of supported employment per updated federal regulations.

PART 18. EMPLOYMENT AND RETENTION SERVICES

612:10-7-186. Overview of Employment and Retention Services [AMENDED] – amended to be consistent with current Employment and Retention contract terminology and requirements.

612:10-7-188. Provision of Employment and Retention Services [AMENDED] – amended to be consistent with current Employment and Retention contract terminology and requirements.

PART 19. SPECIAL SERVICES FOR INDIVIDUALS WHO ARE BLIND, DEAF, OR HAVE OTHER SIGNIFICANT DISABILITIES

612:10-7-201. Rehabilitation teaching services [AMENDED] – amended to clarify that clients who are legally blind should be served by SBVI and not by VR.

612:10-7-203. Orientation and Mobility (O & M) [AMENDED] – amended language correcting “DVR and DVS” to read “DSBVI”.

PART 23. SELF-EMPLOYMENT PROGRAMS AND OTHER SERVICES

612:10-7-233. Special consideration in state government employment for persons with severe disabilities [REVOKED] – rule revoked due to HB1146 which went into effect January 1, 2022, and overrode HB1340 which allowed individuals with disabilities to be designated by letter from DRS staff to be excluded from certain testing and other requirements to apply for and be considered for state jobs.

PART 25. TRANSITION FROM SCHOOL TO WORK STUDY PROGRAM

612:10-7-240. Overview of transition from school to work study services [AMENDED]-amended (a) to revise “student” to “student or youth” terminology. (b) revises “School to Work” to “School Work Study (SWS)”. Additional amendments were made to align with RSA guidelines.

612:10-7-242. Pre-Employment Transition Services [AMENDED] – significant revisions to each section to align with RSA guidelines.

612:10-7-245. Definitions [AMENDED] – Multiple revisions were correcting the definition title to display the definition name followed by the acronym to align with the Office of Administrative Rule (OAR) formatting requirements. New definitions “Transition services” defines a coordinated set of activities designed with an outcome-oriented process that will promote movement from school to post-school activities, to include postsecondary education, vocational training, competitive integrated employment, supported employment, continuing and adult education, independent living, or community participation. Definition for “Trial Work” revised to provide clarification the term means the exploration of an individual’s capabilities to perform in realistic work situations and completed prior to any determination that an individual with a disability is unable to benefit from VR services in term of an employment outcome due to severity of that individual’s disability.

612:10-7-246. Cooperative agreements for transition services [AMENDED] – amended language correcting “policy” to read “administrative rules”.

SUBCHAPTER 9. REHABILITATION TEACHING SERVICES

PART 1. GENERAL PROVISIONS

612:10-9-2. Consumer rights [AMENDED] - amended language correcting “policy” to read “administrative rules”.

612:10-9-3. Rehabilitation teacher’s role [AMENDED] - amended language correcting “policy” to read “administrative rules”.

SUBCHAPTER 13. SPECIAL SERVICES FOR THE DEAF AND HARD OF HEARING

PART 3. CERTIFICATION OF INTERPRETERS

612:10-13-20. Certification maintenance [AMENDED] – amended (b), the CEU increase demonstrates a commitment to the profession by increasing knowledge and enhancement of skills. It is critical that interpreters maintain professional knowledge and skills within the field of interpreting, including ethical decision making and broadening knowledge in different technical areas, such as medical, mental health, and legal in different technical areas. The increase will ensure interpreters can continue to provide high quality services, which is the utmost importance for the Deaf and Hard of Hearing community who rely on interpreting services for communication access (per OAD’s letter). Additionally, increase of CEUs is parallel to other states that require 2 CEUs per year (Missouri and Utah).

612:10-13-23. Formal hearing [AMENDED] – amended language under (c)(8) correcting “policy” to read “administrative rules”.

Chapter 25. BUSINESS ENTERPRISE PROGRAM

SUBCHAPTER 2. GENERAL PROVISIONS

612:25-2-5. Definitions [AMENDED] Revisions to the following definitions: Contract, Emergency, Extenuating Circumstances, Management services, Trainee.

Removal of the following definitions: Permanent BEP License, Probationary BEP License, Probationary Licensee.

Added the following definitions: Extenuating Circumstances, Gross Sales, Management, Merchandise Loan, Satellite Manager, Satellite Performance Evaluation, Teaming Partner Agreement, Temporary Variance, Third Party Vendor and Timely submission.

SUBCHAPTER 4. THE STATE LICENSING AGENCY

PART 11. BUSINESS ENTERPRISE PROGRAM AUDITING AND DUE PROCESS

612:25-4-73. Due process [AMENDED] – revised adding “ preferred accessible format” language.

612:25-4-75. Arbitration of complaints after the evidentiary hearing [AMENDED] – added language for notification of arbitration decision published in the Federal Register and on the RSA website.

612:25-4-76. Arbitration of SLA complaints against federal agencies [AMENDED] – added language for notification of arbitration decision published in the Federal Register and on the RSA website.

**STATE OF OKLAHOMA
DEPARTMENT OF REHABILITATION SERVICES AND
OKLAHOMA REHABILITATION COUNCIL**

**PUBLIC HEARING
DRS PROPOSED ADMINISTRATIVE RULE
AMENDMENTS**

The Department of Rehabilitation Services will hold a Public Hearing to receive comments on proposed amendments to the Department's administrative rules. The proposed rules:

Title 612. State Department of Rehabilitation Services
Chapter 10. Vocational Rehabilitation and Services for the Blind and Visually Impaired
Subchapter 1. General Provisions
612:10-1-2. Definitions [AMENDED]
612:10-1-3.2 Pilot projects [AMENDED]
612:10-1-5. Confidentiality [AMENDED]
Subchapter 3. Client Participation in Cost of Services
612:10-3-3. Participation of individuals in cost of services based on financial need [AMENDED]
Subchapter 7. Vocational Rehabilitation and Services for the Blind and Visually Impaired
Part 1. Scope of Vocational Rehabilitation and Services for the Blind and Visually Impaired
612:10-7-1. Overview of Vocational Rehabilitation and Services for the Blind and Visually Impaired [AMENDED]
Part 3. Case Processing Requirements
612:10-7-20. Case recording [AMENDED]
612:10-7-22.1. Processing referrals and applications [AMENDED]
612:10-7-24.1. Basic eligibility requirements for vocational rehabilitation services [AMENDED]
612:10-7-24.2. Assessment for determining eligibility [AMENDED]
612:10-7-24.3. Trial Work Experience [AMENDED]
612:10-7-25.1 Ability to serve all eligible individuals; order of selection for services [AMENDED]
Part 5. Case Status and Classification System
612:10-7-50.1. Assessment for determining rehabilitation needs [AMENDED]
612:10-7-51. Individualized Plan for Employment [AMENDED]
612:10-7-52. Scope of vocational rehabilitation services for individuals with disabilities [AMENDED]
612:10-7-55. Job Ready [AMENDED]
612:10-7-56. Employment [AMENDED]
612:10-7-58. Closed Rehabilitated [AMENDED]

Part 11. Physical and Mental Restoration Services
612:10-7-98. General guidelines for physical and mental restoration services [AMENDED]

Part 13. Supportive Services
612:10-7-130. Maintenance [AMENDED]

Part 14. Community Provider Employment Services
612:10-7-136. Job Placement Services [AMENDED]
612:10-7-137. ~~Job Services~~ [REVOKED]

Part 15. Training
612:10-7-142. General guidelines for training services [AMENDED]
612:10-7-152. Payment of tuition and fees at colleges and universities [AMENDED]
612:10-7-157. Out-of-state training [AMENDED]
612:10-7-164. Personal and work adjustment training [AMENDED]

Part 17. Supported Employment Services
612:10-7-179. Overview of Supported Employment Services [AMENDED]
612:10-7-183. Ongoing support services [AMENDED]
612:10-7-184. Extended services [AMENDED]
612:10-7-185. Provision of supported employment services [AMENDED]

PART 18. Employment and Retention Services
612:10-7-186. Overview of Employment and Retention Services [AMENDED]
612:10-7-188. Provision of Employment and Retention Services [AMENDED]

PART 19. Special Services for Individuals Who are Blind, Deaf, or have other Significant Disabilities
612:10-7-201. Rehabilitation teaching services [AMENDED]
612:10-7-203. Orientation and Mobility (O & M) [AMENDED]

Part 23. Self-Employment Programs and Other Services
612:10-7-233. ~~Special consideration in state government employment for persons with severe disabilities~~ [REVOKED]

Part 25. Transition from School to Work Study Program
612:10-7-240. Overview of transition from school to work study services [AMENDED]
612:10-7-242. Pre-Employment Transition Services [AMENDED]
612:10-7-245. Definitions [AMENDED]
612:10-7-246. Cooperative agreements for transition services [AMENDED]

Subchapter 9. Rehabilitation Teaching Services
Part 1. General Provisions
612:10-9-2. Consumer rights [AMENDED]
612:10-9-3. Rehabilitation teacher's role [AMENDED]

Subchapter 13. Special Services for the Deaf and Hard of Hearing
Part 3. Certification of Interpreters
612:10-13-20. Certification maintenance [AMENDED]
612:10-13-23. Formal hearing [AMENDED]

CHAPTER 25. Business Enterprise Program
Subchapter 2. General Provisions
612:25-2-5. Definitions [AMENDED]
Subchapter 4. The State Licensing Agency
Part 11. Business Enterprise Program Auditing and Due Process

- 612:25-4-73. Due process [AMENDED]
- 612:25-4-75. Arbitration of complaints after the evidentiary hearing [AMENDED]
- 612:25-4-76. Arbitration of SLA complaints against federal agencies [AMENDED]

Copies of the proposed rules may be obtained from:

DRS Website www.okdrs.gov

E-mail talloway@okdrs.gov

Letter to the Policy Administration and Development Section, attention Tina Calloway, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112, Calling (405) 951-3552 – Toll free 1-800-845-8476.

PUBLIC HEARING WILL BE HELD

Tuesday, January 28, 2025

2:00 PM - 3:00 PM

Department of Rehabilitation Services

2ND Floor Conference Room

3535 N.W. 58th Street

Oklahoma City, OK 73112

or by

<https://www.zoomgov.com/j/1605285836?pwd=rTaxm7OYWvs8QYq5LjbIJYJwIP8bbm.1>

If you would like to provide input but are unable to attend, written comments may be sent to the attention of Tina Calloway, Policy Administration and Development, Department of Rehabilitation Services, 3535 N.W. 58th street, Suite 500, Oklahoma City, Oklahoma 73112, email talloway@okdrs.gov, or by calling (405) 951-3552 – Toll free 1-800-845-8476. All public comments must be received and post-marked no later than close of business on January 28, 2025.



Human Resources Report

PERSONNEL ACTIVITY REPORT AS OF NOVEMBER 30, 2024

FILLED AND VACANT POSITIONS

Personnel Activity = 10 vacant positions filled / 53 positions in Announcement or Selection Process

Division	Title/PIN	Date Vacated	Location	Begin date	End date	Ann. #	Action/Incumbent	Date Filled
EXEC	Public Information Mgr. / Dir. of Communications / 1484	08/31/2024	EXEC	10/08/2024	Continuous	25-043	Currently Open	
DDS	Disability Program Administrator / 0758	11/01/2024	DDS	11/19/2024	11/27/2024	25-051	In Selection Process	
DDS	Deputy Administrator / 0219	09/30/2024	DDS	10/01/2024	10/07/2024	25-039	Charles Schimmels	11/01/2024
		09/30/2022						
		12/01/2022						
DDS	Disability Program Administrator / 0987, 1243, 1440, 1442	10/04/2024	DDS	10/09/2024	10/17/2024	25-040	In Selection Process	
DDS	Accountant / 0593	09/01/2024	DDS	10/14/2024	10/18/2024	25-045	Annalise Bourn	11/01/2024
MSD	Administrative Programs Officer / 1082	08/01/2023	MSD	11/22/2024	12/13/2024	25-053	Currently Open	
MSD	Administrative Programs Officer / 0479	09/11/2024	MSD	09/23/2024	09/27/2024	25-038	Amy Kimzey	11/01/2024
OSB	LPN / 0420	11/03/2024	OSB	11/13/2024	Continuous	25-050	Currently Open	
		10/01/2024						
OSB	Direct Care Specialist / 0421, 0378	10/24/2024	OSB	01/17/2024	Continuous	24-057	Currently Open	
OSB	School Psychologist, 2045 / 0463	07/31/2023	OSB	10/26/2023	Continuous	23-095	Currently Open	
OSD	Administrative Assistant / 0672	10/14/2024	OSD	10/21/2024	Continuous	25-046	Currently Open	
OSD	Early Development Specialist / 1496	07/31/2024	OSD	09/19/2024	Continuous	25-036	Currently Open	
	Construction/Maintenance Tech / 0701, 1042	09/30/2024						
OSD		10/01/2024	OSD	09/19/2024	Continuous	25-037	Currently Open	
OSD	Construction/Maintenance Tech / 0607	10/01/2024	OSD	09/24/2024	Continuous	25-041	Currently Open	
OSD	Food Service Specialist / 0486	09/01/2024	OSD	08/21/2024	Continuous	25-025	Charlene Boding	11/01/2024
OSD	School Counselor / 1488	10/06/2022	OSD	07/15/2024	Continuous	25-007	Currently Open	
OSD	Teacher (Vocational) / 0448	08/01/2010	OSD	06/28/2024	Continuous	24-107	Currently Open	
	Dir of Family and Early Childhood Services / 1494	05/10/2024	OSD	05/08/2024	Continuous	24-084	Currently Open	
			OSD -					
OSD	Teacher / 0635	07/31/2024	Chickasha	04/15/2024	Continuous	24-083	Currently Open	
OSD	Teaching Assistant / 0648	11/01/2023	OSD	10/15/2024	Continuous	24-038	Currently Open	

OSD	Housekeeping/Custodial Worker / 0542	01/09/2024	OSD	01/17/2024	Continuous	24-058	Currently Open
OSD	Sign Language Specialist, 2308 / 1090	07/20/2023	OSD	08/17/2023	Continuous	24-023	Currently Open
		03/10/2024					
		09/08/2024					
		10/01/2024					
OSD	Direct Care Specialist / 0642, 0746, 0824, 0620	10/30/2024	OSD	10/24/2023	Continuous	23-032	Currently Open
OSD	Teacher, 2083 / 0890	08/01/2021	OSD	10/04/2023	Continuous	23-079	Currently Open
VR	Vocational Rehabilitation Specialist / 0169	10/01/2024	VR45 – Tulsa	11/19/2024	Continuous	25-052	Currently Open
VR	Vocational Rehabilitation Specialist / 0191	09/19/2024	VR81 – Chickasha	10/07/2024	Continuous	25-044	Currently Open
VR	Vocational Rehabilitation Specialist / 0710	10/09/2024	VR12 – Lawton	10/21/2024	Continuous	25-047	Currently Open
VR	Rehabilitation Technician / 0440	10/01/2024	VR38 – Okmulgee	10/29/2024	Continuous	25-049	Currently Open
VR	Rehabilitation Technician / 0278	11/01/2024	VR19 – OKC	10/29/2024	Continuous	25-048	Currently Open
VR	Vocational Rehabilitation Specialist / 0366	09/05/2024	VR31 – OKC	09/16/2024	Continuous	25-032	Currently Open
VR	Rehabilitation Technician / 0152	08/19/2024	VR80 – Tulsa	09/13/2024	Continuous	25-033	Currently Open
VR	Administrative Assistant / 0140	01/01/2018	VR Admin	09/12/2024	09/18/2024	25-034	Jessie Renteria 11/01/2024
VR	Programs Field Representative / 1172	03/01/2022	VR Admin	09/17/2024	Continuous	25-035	Currently Open
VR	Vocational Rehabilitation Specialist / 1040	10/01/2024	VR11 – Idabel	08/20/2024	Continuous	25-022	Tab Rethman 11/04/2024
VR	Vocational Rehabilitation Specialist / 0207	07/19/2024	VR26 – Claremore	08/21/2024	Continuous	25-023	Brian Hendrickson 11/01/2024
VR	Programs Manager / 1133	12/01/2019	VR36 – OKC	08/21/2024	Continuous	25-028	Currently Open
VR	Vocational Rehabilitation Specialist / 0031	07/08/2024	VR – TBD	07/26/2024	Continuous	25-012	Brittani Ham 11/18/2024
VR	Vocational Rehabilitation Specialist / 0339	02/13/2024	VR63 – Alva	07/10/2024	Continuous	25-005	Currently Open
VR	Behavioral Health Clinician / 0034	04/30/2023	VR23 – OKC	04/10/2024	Continuous	24-080	Currently Open
VR	Vocational Rehabilitation Specialist / 0044	02/28/2024	VR67 – Tulsa	03/21/2024	Continuous	24-074	Currently Open
VR	Job Placement Specialist / 0925	05/31/2023	VR47 – OKC	12/04/2023	12/18/2023	24-046	In Selection Process
VR	Vocational Rehabilitation Specialist / 1190	06/09/2023	VR08 – Enid	06/05/2023	Continuous	23-096	Currently Open
VR	Behavioral Health Clinician / 0467	04/14/2023	VR23 – OKC	10/27/2023	Continuous	23-083	Currently Open
VR	Vocational Rehabilitation Specialist / 0646	08/01/2022	VR41 – Ponca City	01/24/2024	Continuous	23-038	Currently Open
VR	Vocational Rehabilitation Specialist / 0904	06/17/2022	VR80 – Tulsa	07/20/2022	Continuous	23-008	Currently Open

VR	Vocational Rehabilitation Specialist / 0955	10/31/2022	VR80 – Tulsa	11/03/2022	Continuous	23-037	Currently Open
VR	Vocational Rehabilitation Specialist / 0567	09/01/2020	VR67 – Tulsa	12/22/2020	Continuous	21-028.1	Currently Open
SBVI	Vocational Rehabilitation Specialist / 0563	04/01/2017	TBD	10/07/2024	Continuous	25-042	Currently Open
SBVI	Programs Manager / 0260	08/01/2023	SBVI64 – Tulsa	08/06/2024	Continuous	25-021	Currently Open
SBVI	Vending Machine Technician / 1027	07/08/2024	SBVI33 – OKC	08/23/2024	09/06/2024	25-031	Jessie McDermid 11/01/2024
SBVI	Vocational Rehabilitation Specialist / 0709	06/30/2024	SBVI84 – McAlester	07/30/2024	Continuous	25-018	Currently Open
SBVI	Rehabilitation of the Blind Specialist / 0582	06/28/2024	SBVI91 – Tulsa	07/29/2024	Continuous	25-017	Currently Open
SBVI	Vending Facility Business Consultant / 0003	06/30/2023	SBV33 – OKC	05/01/2024	Continuous	24-090	Currently Open
SBVI	Job Placement Specialist / 0097	02/01/2023	SBVI64 – Tulsa	05/07/2024	Continuous	24-091	David Lawrence 11/01/2024
SBVI	Assistive Technology Trainer / 0654	01/03/2023	TBD	03/25/2024	Continuous	24-075	Currently Open

DISCHARGES/RESIGNATIONS/RETIREMENTS = 8

As of November 30, 2024

SUPPORT SERVICES DIVISION (Executive/MSD/FSD)

DIVISION OF VOCATIONAL REHABILITATION

Discharge = 1
1 = 23 years 10 months

Resignation = 1
1 = 8 years 6 months

SERVICES FOR THE BLIND AND VISUALLY IMPAIRED DIVISION

Retirement = 1
1 = 25 years 1 month

OKLAHOMA SCHOOL FOR THE BLIND

Resignation = 2
1 = 5 months
1 = 11 months

OKLAHOMA SCHOOL FOR THE DEAF

Resignation = 2
1 = 2 years 2 months
1 = 2 months

DISABILITY DETERMINATION SERVICES

Death = 1
1 = 20 years 1 month

CURRENT FTE STATUS FY 2025

FTE as of November 30, 2024

<u>DIVISION</u>	<u>BUDGETED FTE</u>	<u>FILLED</u>	<u>PENDING</u>	<u>EXEMPT FTE</u>	<u>TOTAL FILLED PLUS PENDING MINUS EXEMPT FTE</u>
Support Services (Executive/MSD/FSD)	85.3	74.00	2.00	0.00	76.00
Vocational Rehabilitation	238.0	205.00	19.00	(1.00)	223.00
Services for the Blind and Visually Impaired	115.0	100.00	6.00	(2.00)	104.00
VR/SBVI-DP	4.00	4.00	0.00	0.00	4.00
Oklahoma School for the Blind	100.5	96.00	4.00	0.00	100.00
Oklahoma School for the Deaf	134.0	109.00	17.00	(1.00)	125.00
Total (NON-EXEMPT)	676.80	588.00	48.00	(4.00)	632.00
Disability Determination Services (EXEMPT)	342.40	329.00	5.00	(334.00)	334.00
TOTAL NON-EXEMPT & EXEMPT	1019.20	917.00	53.00	(338.00)	966.00

FY 25 Budgetary Limit = 1255

*** Authorized agency FTE limit does not include Executive Fellow and SWIP appointments**

ROUTING TO: Melinda Fruendt, Director
 Kevin Statham, Chief Financial Officer
 Randy Weaver, Chief of Operations
 Tom Patt, Human Resources Program Director
 Dana Tallon, Public Information Manager II
 Kathleen Arrieta, Executive Assistant
 Brett Jones, Public Information Officer III



Commission Minutes

October 16, 2024



Oklahoma Commission for Rehabilitation Services

REGULAR MEETING MINUTES **October 16, 2024**

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 10:33 a.m. by Commissioner Flannery with a quorum present. Present: Theresa Flannery, Commission Chair, Dr. Janet Barresi, Commission Vice-Chair and Kelsey Lee, Commission Member.

STATEMENT OF COMPLIANCE

Commission Assistant Kathleen Arrieta confirmed the Commission for Rehabilitation Services follows the Open Meetings Act.

PUBLIC COMMENTS

Lisa Toth, the CEO of Rise Staffing, spoke briefly about the working relationship with the Department of Rehabilitation Services. Ms. Toth stated that the communication is lacking, and that DRS needs to have an independent grievance procedure for vendors/providers.

PRESENTATION OF LONGEVITY CERTIFICATES

Theresa Flannery, Acting Chair

The Commission presented longevity awards to the following staff:

- Faye Miller, Mobility and Orientation Specialist, 25 years with DRS.
- Sherry Holder, Outreach Coordinator, 30 years with DRS.
- Cammeron Brice, Direct Care Specialist, 35 years with DRS.

EXECUTIVE DIRECTOR'S REPORT

Melinda Freundt, Executive Director

Highlights of Meetings and events attended:

09/12 - Virtual meeting with Dante Allen, RSA Commissioner, which focused on the potential of artificial intelligence in serving individuals with disabilities. Governor Stitt is forming an AI Task Force, and Jonathan Woodward will represent DRS.

09/25 OSB Western Heritage Day. She encouraged everyone to attend next year.
9/26 VR TAC Meeting - The monitoring report process is going well.

3535 N.W. 58th Street, Suite 500, Oklahoma City, OK 73112
o: 405-951-3400 | f: 405 951-3529 | Oklahoma.gov | okdrs.gov

Executive Director Melinda Freundt
Commissioners Janet Barresi, Theresa Flannery, and Kelsey Lee

09/30 Governor's Council on Workforce and Economic Development (GCWED)
Executive Committee meeting

10/2-4 Oklahoma Works Conference

10/15 SBVI White Cane Day - Downtown Tulsa

10/16 OSB White Cane Day - Muskogee

Other Updates:

- The OKDRS Strategic Plan template for FY2025-2029 was submitted on September 30.
- Federal Reporting: ETA 9169 WIOA Annual Report PY23 has been submitted.
- AWARE System:
 - A new version of the RSA 911 went into effect on July 1st. The RSA 911 (Rehabilitation Services Administration Case Service Report) is a system of records that collects and stores information on individuals who have participated in or left the VR and Supported Employment programs. The data is used for a variety of purposes, including performance accountability, research, and monitoring.
 - The Pre-VR portal is progressing.
 - The agency has taken over responsibility of facilitating new user training for the AWARE system to provide more in-depth, one-on-one training and feedback.

CHIEF FINANCIAL OFFICER'S REPORT

Paula Nelson, Financial Budget Manager

- Financial Status Reports for FY 2024. As of August 31, 2024, the agency had spent \$143.2M of the \$187.3M budget, with remaining encumbrances of \$18.8M which represent 86.5% of the budget.
- Financial Status Reports for FY 2025. As of August 31, 2024, the agency had spent \$21.5M of the \$193.6M budget, with remaining encumbrances of \$155.4M which represent 91.4% of the budget.

VOCATIONAL REHABILITATION (VR) REPORT

Mark Kinnison, Division Administrator

Report highlights:

- The federal production year ended September 30, 2024. The employment programs completed 4,484 applications, 2,289 plans of employment, and 1,012 successful outcomes. The outcomes were lower by 25-30 cases, but this number is expected to rise with the new portal improvements.
- Wages on successful outcomes were up 6%, with an average wage of \$17.17 per hour, with an average of 34 hours a week worked.
- Mark Kinnison and Tracy Brigham recently attended an Oklahoma Tribal Vocational Rehabilitation (OKTVR) meeting and gave a presentation regarding the employment programs. This was a collaboration with the Apache, Muscogee, Iowa, and Wichita tribal VR programs.

- Business Services is planning a job fair in November.
- The agency has surpassed three million dollars in reimbursement on SSI/SSDI cases for the fourth year in a row.
- Portal Update: There were 68 online referrals of which one has followed through with an application; one is unassigned; and two have been closed either because they already had a case, already had a referral or, after discussion with the counselor decided not to apply. Twenty-six of these referrals are pending assignment to a caseload, and 38 are active referrals assigned to a counselor.
- Priority Group Update: as of October 2, 115 clients were released off the Priority Group 3 waitlist. As of October 7:
 - Priority Group 1 is open.
 - Priority Group 2 is open.
 - Priority Group 3 is closed, clients waiting: 1
 - Total clients on waiting list: 1

HUMAN RESOURCES REPORT

Tom Patt, HR Director

Personnel Activity report as of September 30, 2024: 31 vacant positions were filled; 59 positions were open. There were eight separations which include retirements, resignations, and discharges. There were 971 Full-Time Equivalent (FTE) positions. Commissioner Flannery noted that the vacancies were lower than in past months, which Mr. Patt attributed to pay adjustments and a streamlined process.

OKLAHOMA SCHOOL FOR THE BLIND (OSB) REPORT

Brent Pearce, Principal and Interim Superintendent

Report highlights:

- SBVI held an Adult VIBE (Visually Impaired and Blindness Empowerment) camp on the OSB campus July 8th -12th, with twelve people attending.
- Representatives from the TSET program were on campus July 10th to congratulate OSB on the successful grants received. They were given a tour of the greenhouse, bottle filling stations, and the new sidewalk for which the funds were allocated.
- OSB students and staff celebrated the Annual Western Heritage Day at the Silver Spur Ranch in Haskell on September 25th. Members of the Oklahoma Quarter Horse Association and Connor's State College Rodeo Team, Archery Team, and President's Leadership class assisted the students with fishing, rock climbing, mechanical bull riding, horseback riding, and other activities.
- Science teacher Cheryl Daniels, along with five students traveled to Huntsville, Alabama in early October to attend the Space Camp for Interested Visually Impaired Students.
- Brent Pearce and several staff attended the 2024 Council of Schools & Services to the Blind (COSB) Leadership Institute on October 1st in Louisville, KY and went to the American Printing House for the Blind (APH) while in Louisville.

ACCEPTANCE OF DONATIONS TO THE OKLAHOMA SCHOOL FOR THE BLIND (OSB)

Brent Pearce, Principal and Interim Superintendent

The donations for September 2024 totaled \$8,418.00.

A motion was made by Commissioner Barresi and seconded by Commissioner Lee to accept the September 2024 OSB donations. All Commissioners voted in the affirmative and the motion carried.

APPROVAL OF THE COMMISSION MEETING MINUTES - SEPTEMBER 11, 2024

Theresa Flannery, Chair

A motion was made by Commissioner Lee and seconded by Commissioner Barresi to approve the minutes from the September 11, 2024, Commission meeting as submitted. All Commissioners voted in the affirmative and the motion carried.

ACCEPTANCE OF DONATIONS TO THE OKLAHOMA SCHOOL FOR THE DEAF (OSD)

Dr. Heather Laine, Superintendent

The donations for September 2024 totaled \$463.99.

A motion was made by Commissioner Barresi and seconded by Commissioner Lee to accept the September 2024 OSD donations. All Commissioners voted in the affirmative and the motion carried.

ACCEPTANCE OF DONATIONS TO THE OKLAHOMA LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED (OLBPH)

Tracy Brigham, Division Administrator, Services for the Blind and Visually Impaired (SBVI)

The donations for September 2024 totaled \$350. Ms. Brigham said that the library is in need of volunteers to read and are always appreciated.

A motion was made by Commissioner Lee and seconded by Commissioner Flannery to accept the September 2024 OLBPH donations. All Commissioners voted in the affirmative and the motion carried.

ADJOURNMENT

The meeting was adjourned at 11:38 a.m.



Commission Minutes

October 29, 2024



Oklahoma Commission for Rehabilitation Services

SPECIAL MEETING MINUTES
October 29, 2024

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 10:34 a.m. by Commissioner Flannery with a quorum present.

Present: Theresa Flannery, Commission Chair, Dr. Janet Barresi, Commission Vice-Chair and Kelsey Lee, Commission Member.

STATEMENT OF COMPLIANCE

Commission Assistant Kathleen Arrieta confirmed the Commission for Rehabilitation Services follows the Open Meetings Act.

AMENDMENT TO THE COMMISSION'S ENABLING ACT TO ENLARGE COMMISSION MEMBERSHIP

Theresa Flannery, Chair

Commissioner Barresi requested an amendment to the Commission's Enabling Act 74 OK Stat § 166.2 (C)(1)(2) to enlarge the Commission membership. She noted that because of the current limitations on number of Commission members, which currently stands at three, and a quorum of two, there can be no communication between board members on Commission matters outside of a Commission meeting. The ideal size of the commission would be five to seven members, with the quorum then being three or four members.

Commissioner Flannery appointed an exploratory committee with Commissioner Barresi as Chair, and Jennifer Hardin, DRS Legislative Liaison as a member. A third committee member will be added. The goal of the committee is to research the topic of expanding the DRS Commission and solidify the language for a request bill. The Committee will report to the Commission at a future meeting.

EXECUTIVE SESSION TO DISCUSS THE RESULTS OF DRS EMPLOYEE SURVEY



Commissioner Flannery made a motion to convene into an Executive Session as authorized by the Open Meeting Act 25 O.S. 307 (B) (7) for the purpose of reviewing the results of the DRS Employee Survey to be used for the Executive Director's Performance Review. Commissioner Barresi seconded. All Commissioners voted in the affirmative and the motion carried.

VOTE TO RECONVENE INTO REGULAR SESSION

A motion was made by Commissioner Flannery and seconded by Commissioner Barresi to convene into Regular Session. All Commissioners voted in the affirmative and the motion carried.

DISCUSSION AND POSSIBLE ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION

The Executive Session consisted of reviewing the survey results and a discussion about updating the Executive Director's job description. The Commission will send the Commission Assistant suggestions for the updated job description, which will then be updated. Future executive sessions will be necessary to complete this task.

ADJOURNMENT

A motion was made by Commissioner Flannery and seconded by Commissioner Barresi to adjourn the meeting. All Commissioners voted in the affirmative and the motion carried. The meeting was adjourned at 12:35 p.m.



Oklahoma School for the Deaf Report

OSD Donation Report

October 2024

Donations Under \$500.00

Date	Name	Cash	Fund	Explanation	Property Value
10/28	Braum's		Book Buddy	Reading Program for Students	407.08
10/28	Tiffany Mc Daniel		Library	2 Library Books	37.98
Subtotal Cash Under \$500.00					445.06

Donations Over \$500.00

Subtotal Cash Combined

Subtotal Property Combined

Total donations for October 2024

\$445.06

OSD Donation Report

November 2024

Donations Under \$500.00

Date	Name	Cash	Fund	Explanation	Property Value
11/14	Restored Hearts & Soles		Student	1 Pair of shoes for a student	87.80
	Subtotal Cash Under \$500.00			Subtotal Property Under \$500.00	87.80


Donations Over \$500.00

Subtotal Cash Combined

Subtotal Property Combined

Total donations for November 2024

\$87.80



Oklahoma School for the Blind Report

OSB DONATION REPORT


October 2024 Donations

Date	Name	Cash	Fund	Property	Value
10/9/2024	Gail McClellan /Low Vision Portable Magnifier Flipper F				
10/9/2024	Sherry Holder / Anti-Choking Devices	\$ 320.00	701	Flipper port	\$ 450.00
10/9/2024	Sherry Holder / Memory of Frank Dirksen/Rec Needy	\$ 100.00	701		
10/9/2024	Unique Dry Cleaners			In kind	\$ 35.00
10/24/2024	Beta Gamma ESA/Halloween treat bags			candy	\$ 120.00
10/29/2024	Rockin R Farms LLC/Elementary education	\$ 200.00	701		
Subtotal of Cash (under \$500) donated in October 2024		\$ 620.00		Subtotal prop.	\$ 605.00
Donations \$500 and over					
10/29/2024	Nix Foundation/Library	\$ -	701		
10/29/2024	Patsi Nix Smith/Library	\$ 1,000.00	701		
10/29/2024	Muskogee Tourism Authority/SCASB	\$ 4,000.00	701		
		\$ 500.00	216		
Subtotal of Cash (\$500 and over) donated in October 2024		\$ 5,500.00		Subtotal prop.	\$ -
TOTAL DONATION AMOUNTS October - 2024		\$6,725.00			

OSB DONATION REPORT

November 2024 Donations

Donations under \$500						
Date	Name	Cash	Fund	Property	Value	
11/19/2024	Anonymous / FCCLA food drive	\$ 120.00	701			
11/19/2024	Faye & Robert Miller / FCCLA food drive	\$ 50.00	701			
Subtotal of Cash (under \$500) donated in November 2024		\$ 170.00				\$ -
Donations \$500 and over						
11/19/2024	Anthony Alsbrook / musical equipment	\$ -		instruments		\$ 3,885.00
11/1//2024	Downtown Lions Club of Tulsa/student needs	\$ 2,000.00	701			
11/19/2024	Patsi Nix Smith / Space Camp expenses	\$ 3,500.00	701			
11/20/2024	Delta Gamma Foundation / Student expenses	\$ 1,716.00	701			
Subtotal of Cash (\$500 and over) donated in November 2024		\$ 7,216.00				\$ 3,885.00
TOTAL DONATION AMOUNTS November - 2024		\$11,271.00				



Oklahoma Library for the Blind and Physically Handicapped Report

Donations under \$500				
DATE	NAME	CASH	PROPERTY	VALUE
10/03/2024*	Johnny Griffin	\$100		
10/08/2024**	Martha Helmcke	\$100		
10/16/2024**	David Ross and Kelli Carroll	\$100		
Subtotal of Donations Under \$500		\$300		

Donations \$500 and over				
DATE	NAME	CASH	PROPERTY	VALUE
10/29/2024**	Sarabeth and Perry Brown	\$500		
10/29/2024**	Dennis and Angi Graham	\$500		
10/29/2024**	Mike and Kathy Chauveaux	\$500		
Subtotal of Donations \$500 and over		\$1500		

Total Donation Amount	\$1,800
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* Patron donation

**Continued donations in honor of Kent Graham

OLBPH November 2024 Donation Report

Donations under \$500				
DATE	NAME	CASH	PROPERTY	VALUE
11.14.2024*	Donna Smith	\$200		
Subtotal of Donations Under \$500		\$200		

Donations \$500 and over				
DATE	NAME	CASH	PROPERTY	VALUE
11.12.2024**	Lynn Graham	\$5000		
Subtotal of Donations \$500 and over		\$5,000		

Total Donation Amount	\$5,200
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*Donation for a friend that is a patron of ours

**Continued donation in honor of Kent Graham, this one is from his wife