



OKLAHOMA
Rehabilitation Services

Commission for Rehabilitation Services



**Commissioners
Janet Barresi, Theresa Flannery,
Lindsay Hanna, Kelsey Lee
and Kevin Wallace**

Regular Meeting

There is no video conferencing for this meeting

Disability Determination Services
9801 N. Kelley Avenue, West Entrance
Oklahoma City, OK

Friday, January 16, 2026

Empowering Oklahomans with Disabilities

State of Oklahoma Commission for Rehabilitation Services
Regular Commission Meeting
Friday, January 16, 2026 at 10:30 a.m.

Disability Determination Services
9801 N. Kelley Avenue, West Entrance
Oklahoma City, OK

Commissioners: Theresa Flannery, Chair; Dr. Janet Barresi, Vice Chair; Lindsay Hanna, Member; Kelsey Lee, Member; Kevin Wallace, Member

There is no virtual option for this meeting. Sign Language Interpreters are provided for public accessibility.

Public Comment: Please sign up on arrival prior to the start of the meeting. 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. Presentation of the 2025 Oklahoma Commission for Rehabilitation Services Award

Theresa Flannery, Chair

6. Executive Director's Report

Melinda Fruendt, Executive Director

- a) Certificates of Appreciation
- b) Report includes meetings, corrective action plan, and other departmental updates.
- c) Possible discussion

Pg. 7

7. Oklahoma School for the Deaf (OSD) Report

Dr. Heather Laine, Superintendent

- a) Report includes school updates including meetings, events, student activities, enrollment, and capital improvements. Pg. 10
- b) Possible discussion

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

Dr. Heather Laine, Superintendent

- a) Donation Report for December 2025 Pg. 13
- b) Discussion and possible action to accept the donations.

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

Brent Pearce, Superintendent

- a) Donation Report for December 2025 Pg. 15
- b) Discussion and possible action to accept the donations.

10. Chief Financial Officer's Report

Kevin Statham, CFO

- a) Financial Status Report for FY 26 Pg. 17
- b) Possible discussion

11. Human Resources Report

Tom Patt, HR Director

- a) December Personnel Activity report & current FTE Status Pg. 25
- b) Introductions of new staff
- c) Possible discussion

12. Priority Group and Portal Updates

Mark Kinnison, Division Administrator, Vocational Rehabilitation

- a) Possible discussion.

13. Legislative Report

Jennifer Hardin, Legislative Liaison

- a) Report includes legislative bills status and Commission expansion. Pg.31
- b) 2026 DRS Request Bill Pg.32
- c) Bill Status Report Pg.38
- d) Possible discussion

14. DRS Proposed Administrative Rule Revisions

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

- | | |
|--|---------|
| a) 2026 Administrative Rules Amended | Pg. 61 |
| b) 2026 Administrative Rules Chapter Index | Pg. 226 |
| c) 2026 Administrative Rules Summary | Pg. 229 |
| d) Discussion and possible action to adopt proposed amendments to the 2026 Administrative Rules: | |

<u>OAC Title 612</u>	<u>Chapter 10 con't</u>	<u>Chapter 25</u>
<u>Chapter 10</u>	612:10-7-142	612:25-2-5
612:10-1-2	612:10-7-152	612:25-4-14
612:10-1-3.2	612:10-7-157	612:25-4-25
612:10-1-5	612:10-7-164	612:25-4-27
612:10-1-7	612:10-7-179	612:25-4-53
612:10-3-3	612:10-7-183	612:25-4-54
612:10-7-1	612:10-7-184	612:25-4-55
612:10-7-20	612:10-7-185	612:25-4-58
612:10-7-22.1	612:10-7-186	612:25-4-60
612:10-7-24.1	612:10-7-201	612:25-4-61
612:10-7-24.2.	612:10-7-203	612:25-4-73
612:10-7-24.3.	612:10-7-220	612:25-4-75
612:10-7-25.1	612:10-7-221	612:25-4-76
612:10-7-50.1	612:10-7-230	612:25-6-1
612:10-7-51	612:10-7-233	612:25-6-2
612:10-7-52	612:10-7-240	612:25-6-3
612:10-7-55	612:10-7-242	612:25-6-15
612:10-7-56	612:10-7-245	612:25-6-18
612:10-7-58	612:10-7-246	612:25-6-20
612:10-7-87	612:10-9-2	
612:10-7-98	612:10-9-3	
612:10-7-130	612:10-13-22	
612:10-7-137	612:10-13-23	

15. Review of the December 3, 2025 Commission Meeting Minutes

Pg. 245

Theresa Flannery, Chair

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

16. New Business

Theresa Flannery, Chair

Any matter not known about, or which could not have been reasonably foreseen prior to the time of posting (24 hours prior to the meeting) as authorized by 25 O.S. § 311.

17. Adjourn

Theresa Flannery, Chair

- a) 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, February 11, 2026



Executive Director's Report

Oklahoma Department of Rehabilitation Services
EXECUTIVE DIRECTOR REPORT
January 16, 2026

Remembrance

Rosemarie Chitwood Hunsinger passed away on December 11. She was a devoted public servant dedicating 55 years of her life to the Oklahoma Vocational Rehabilitation Services, tirelessly advocating for the needs of blind and disabled individuals across the state. Her work had an immeasurable impact, and her colleagues regarded her as a passionate, steadfast force in the ongoing fight for disability rights in Oklahoma. Rosemarie was known for her impeccable sense of style and had a deep love for Western culture and fashion. She will be greatly missed.

Executive
December

3 – Commission for Rehabilitation Services meeting; DRS Executive Team meeting.
8 – OK Inclusive Post Secondary Education meeting.
16 – VR/SBVI New Employee Academy Welcome.
17 – Oklahoma School for the Blind Christmas Program.
18 – Oklahoma School for the Deaf Christmas Program.
22 – OK Workforce System Meeting.
24-25 – Christmas Holiday.

January

1 – New Years Day Holiday.
8 – OK Workforce System Partners Meeting.
16 - Commission for Rehabilitation Services meeting.

Statewide Needs Assessment Update – Stephanie Roe

The 2023-2025 Statewide Needs Assessment was finalized on December 22, 2025. It is a comprehensive report on the service needs of individuals with disabilities in the State of Oklahoma. We can have a special report presented to Commission at the February meeting, if desired.

WIOA State Plan Modification – Stephanie Roe

Oklahoma Vocational Rehabilitation will submit a Unified State Plan modification in March of 2026 covering PYs 2026 and 2027 (July 1, 2026 - June 30, 2028). DOE and DOL have indicated that they are in process of releasing joint guidance for the State Plan modifications with early indicators that the due date for the WIOA State Plan may be delayed until April.

**Workforce System Pilot Sites- Integrated Workforce delivery model –
Stephanie Roe**

In Progress: Securing partners buy-in and resource commitments

Pryor
McAlester
Oklahoma City
Lawton

FFY 23 Monitoring Corrective Action Plan Update – Stephanie Roe

OKDRS submitted the 5th quarterly update to RSA on September 30th. One of two remaining corrective actions were resolved by RSA. The next update is due to RSA on January 30, 2026, where we anticipate resolving the final corrective action with RSA.

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



Oklahoma School for the Deaf Report

Oklahoma School for the Deaf
Report for the DRS Commission
January 16, 2026
Dr. Heather Laine
Superintendent

Happy New Year! It is hard to believe how quickly the second half of 2025 has passed.

Since September, Oklahoma School for the Deaf has been extremely busy with academics, athletics, and residential programming. Below are a few highlights from the past several months:

- Our football team celebrated several wins this season and gained valuable experience traveling to California School for the Deaf–Fremont and Washington School for the Deaf, winning both games.
- The volleyball team competed at the Great Plains Schools for the Deaf (GPSD) Tournament hosted by New Mexico School for the Deaf. The team showed tremendous growth and finished in third place.
- Four of our high school students are participating in Youth Leadership Murray County, meeting monthly with peers from Sulphur and Davis High Schools to learn about civics and community service.
- The OSD Foundation hosted its annual golf tournament on October 20 in Ada, blessed with beautiful weather and strong community support.
- In November, we welcomed two Oklahoma legislative groups to campus for tours, providing an opportunity to share more about our programs and statewide services.
- Our Science Fair on November 20 had an excellent turnout, allowing parents to view and celebrate their students' projects.
- The residential program continues to offer meaningful activities focused on life skills and enriching experiences for our students.
- Basketball season is now underway for both junior high and high school students. The high school team will travel to Arkansas on January 9–11 and to Kansas for the GPSD Tournament on February 5–8.
- We also enjoyed a wonderful Christmas program on December 18 in our auditorium, where attendees were excited to experience the new seating.

Overall, it has been a very productive and rewarding season for OSD, and we look forward to continued growth and success in the coming months.

Current OSD Data:

Student Enrollment at OSD: 107 (preschool through 12th grade)

Family Engagement and Early Language Program: 80 (birth to five)

Outreach Program: Educational Consultant Services: 231 (preschool through 12th grade)

OSD News as of January 5, 2025:

Several additional projects are underway across campus:

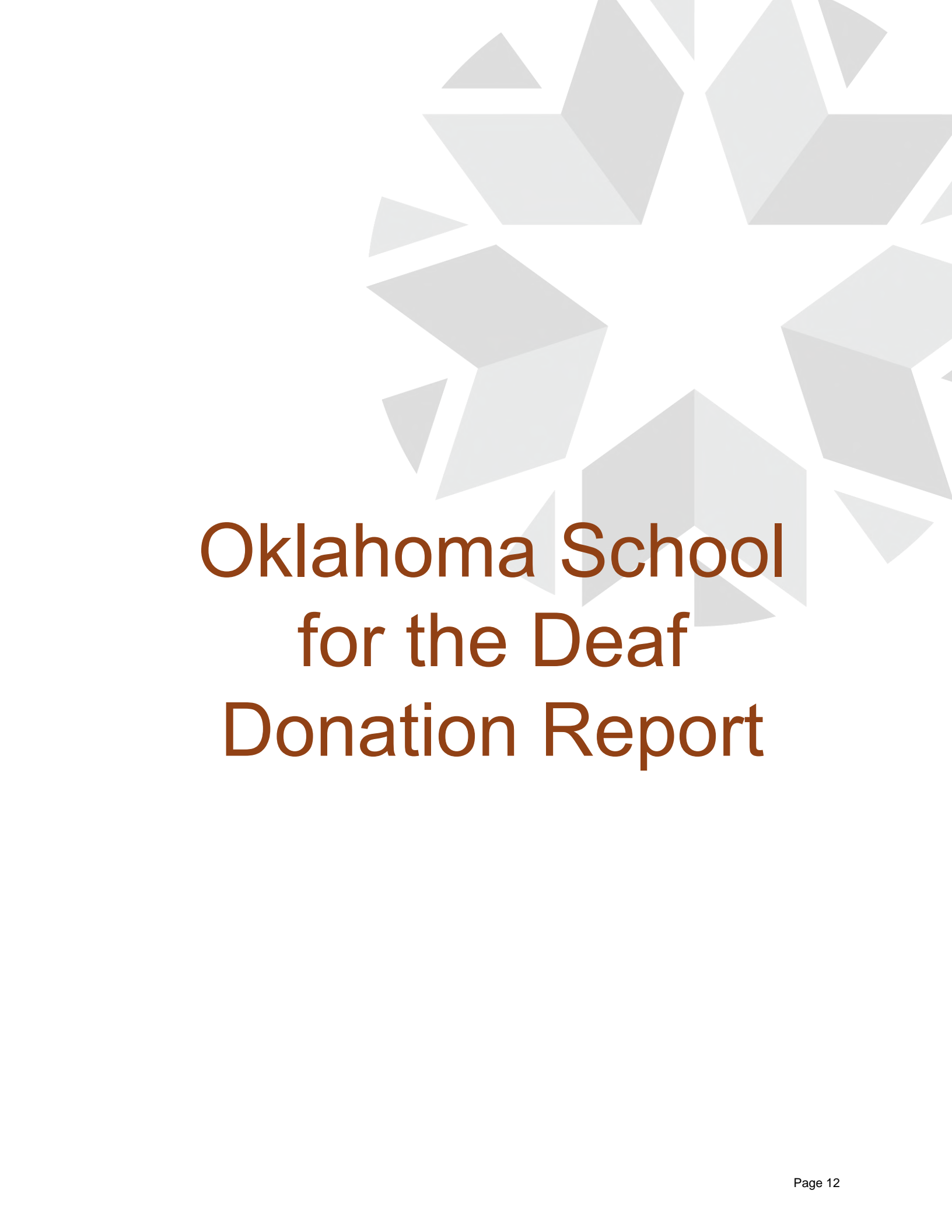
- **Road Improvements** – This project has been completed across campus. We have received positive feedback noting that the roads are smoother and significantly safer. A small remaining issue involving standing water near the bus parking lot has been identified and is currently being addressed.
- **Parking Lot by the Superintendent's House** – This project has been completed. We have received positive feedback from staff and families regarding the additional parking space and improved accessibility.
- **Auditorium Seat Replacement** – This project has been completed. We received very positive feedback from students, staff, and families, particularly during last month's Christmas program.
- **Campus Wide Door Replacements** - Entrance doors in most campus buildings have been replaced to improve accessibility and enhance safety for all students, staff, and visitors.

We are starting another semester of **free online ASL classes**! Registration will open on January 8 and close on **February 5**. These classes are **self-paced**, allowing you to learn at your own speed. You can register at <https://courses.osd.k12.ok.us/>

We have many upcoming events and activities planned for our students throughout the spring semester, particularly educational field trips and athletic and extracurricular opportunities. Below are several key dates and highlights:

- Our Outreach Program will host two community events focused on supporting families in enjoying reading through signing. The first event will take place at OSU–OKC on Saturday, February 21, followed by a second event at Tulsa Community College on Saturday, April 18.
- We will host the Regional Academic Bowl in partnership with the Gallaudet University Youth Program on February 26–March 1. Approximately 16 school teams, including teams from Oklahoma, are expected to participate.
- Our Fundraiser Dinner will be held on Tuesday, April 7 to support academic, residential, and athletic programs. The DRS Commission Meeting will take place the following morning at OSD, and we look forward to welcoming our commissioners to campus.
- OSD will host the GPSD Track & Field Meet for eight schools, including Oklahoma, on April 24–26.
- Robotics and Esports programs are currently underway for the spring semester.
- We are planning our first statewide Prom for high school students on Saturday, May 9.
- High school graduation will be held on Wednesday, May 20 at 1:00 p.m.

Respectfully submitted by Dr. Heather Laine, Superintendent



Oklahoma School for the Deaf Donation Report

OSD Donation Report

December 2025

Donations Under \$500.00

Date	Name	Cash	Fund	Explanation	Property Value
11/11/2026	Walmart		Dorm	Dorm Activities	\$ 302.13
12/1/2025	Restored Hearts & Soles		Student	Shoes for student	\$ 30.59
12/16/2025	Candy Fields	\$ 60.00	Silent Auction	Cash donation for Jr. class	
Subtotal Cash Under \$500.00		\$ 60.00		Subtotal Property Under \$500.00	\$ 332.72

Donations Over \$500.00

Date	Name	Cash	Fund	Explanation	Property Value
	Subtotal Cash Over \$500.00	\$ -		Subtotal Property Over \$500.00	
	Subtotal Cash Combined	\$ 60.00		Subtotal Property Combined	\$ 332.72

Total donations for December 2025

\$392.60

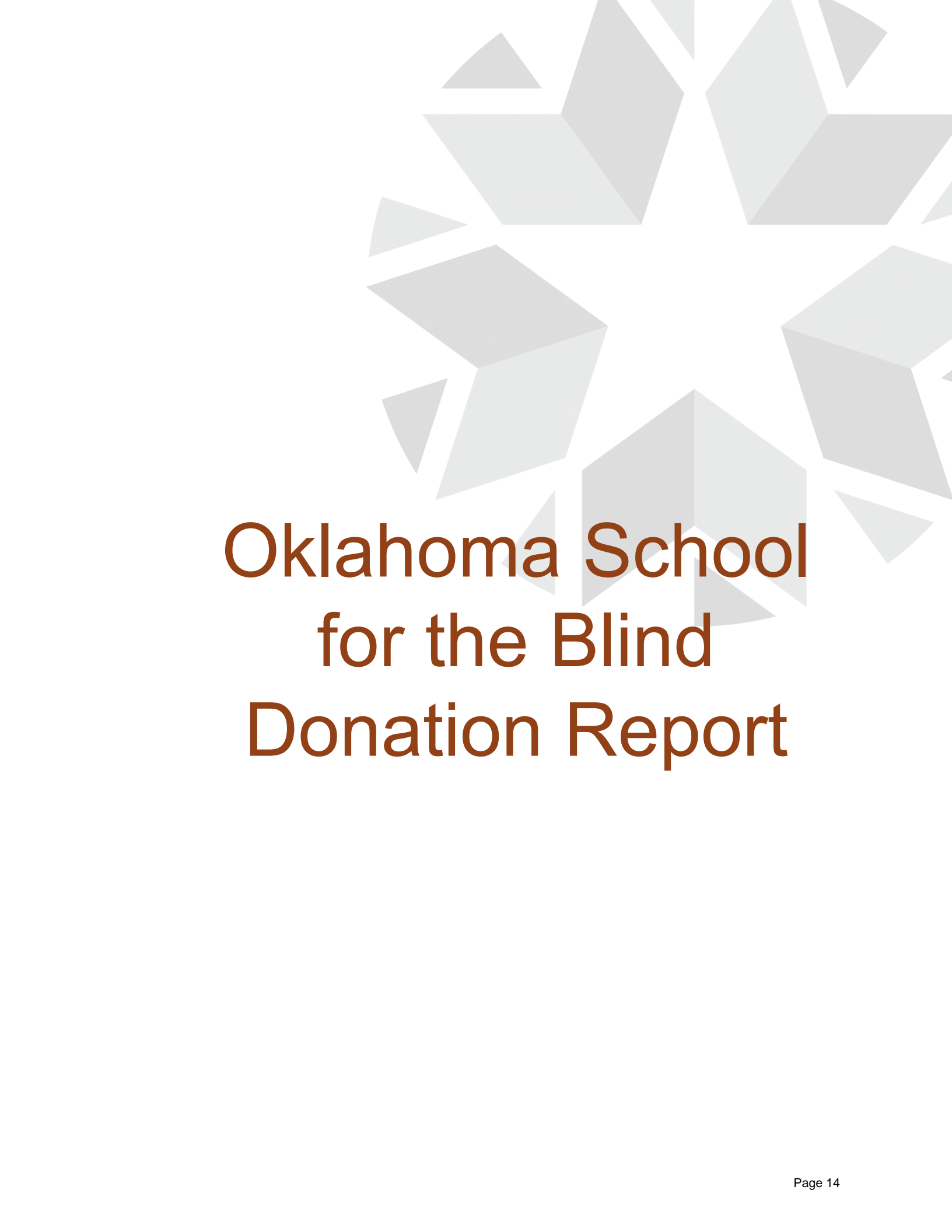
These October donations were overlooked for the October donation report.

10/1/2026	Restored Hearts & Soles		Student	Shoes	\$ 34.98
10/1/2026	Restored Hearts & Soles		Student	Shoes	\$ 28.98
10/6/2026	United Way of S. Central Okla.		Campus	Cleaning supplies	\$ 396.68
Total of overlooked October donations					\$ 460.64

Oklahoma School for the Deaf Foundation

Dorm Christmas wishlist for students

\$1,628.90



Oklahoma School for the Blind Donation Report

OSB DONATION REPORT

December 2025 Donations

Donations under \$500

Date	Name	Cash	Fund	Property	Value
12/16/2025	Sherry Holder / FCCLA Food Drive	\$ 100.00	701		
12/16/2025	Faye & Robert Miller / FCCLA Food Drive	\$ 100.00	701		
12/16/2025	Richard & Allison Garner / FCCLA Food Drive	\$ 100.00	701		
12/16/2025	Ann Lamons / FCCLA Food Drive	\$ 41.00	701		
12/16/2025	ESA/Kappa Alpha #5393 Tulsa / Student Needy	\$ 200.00	701		

Subtotal of Cash (under \$500) donated in December 2025	\$ 541.00		Subtotal prop.	\$ -
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Donations \$500 and over

	\$ -	
12/2/2025 OFEBCY / Space Camp	\$ 3,000.00	701
12/16/2025 The Nix Foundation / Space Camp	\$ 3,500.00	701
12/17/2025 Muskogee Lodge 28 AF&AM / SCASB	\$ 11,550.00	216

Subtotal of Cash (\$500 and over) donated in December 2025	\$ 18,050.00		Subtotal prop.	\$ -
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TOTAL DONATION AMOUNTS December - 2025	\$18,591.00	
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Chief Financial Officer's Report

Department of Rehabilitation Services Financial Status Report FY 26

As of November 30, 2025

Agency Summary						
	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	94,941,599.00	49.7%	34,958,000.02	36.8%	59,164,784.04	99.1%
Travel	1,767,991.00	0.9%	593,082.62	33.5%	24,095.50	34.9%
General Operating	25,945,539.00	13.6%	6,110,514.87	23.6%	16,036,022.06	85.4%
Office Furniture & Equipment	2,583,673.00	1.4%	216,418.03	8.4%	1,278,067.40	57.8%
Client / General Assistance	55,859,813.00	29.2%	12,665,039.33	22.7%	39,178,692.03	92.8%
Indirect Cost	10,100,358.00	5.3%	3,959,571.14	39.2%	6,140,786.86	100.0%
Total	191,198,973.00	100.0%	58,502,626.01	30.6%	121,822,447.89	94.3%

Department of Rehabilitation Services Financial Status Report FY 26

As of November 30, 2025

All Programs						
Vocational Rehabilitation and Services for the Blind & Visually Impaired						
	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	30,745,704.00	32.6%	11,281,823.54	36.7%	18,897,750.53	98.2%
Travel	1,280,300.00	1.4%	425,298.27	33.2%	0.00	33.2%
General Operating	10,003,536.00	10.6%	3,284,939.97	32.8%	6,734,329.80	100.2%
Office Furniture & Equipment	1,333,763.00	1.4%	132,735.49	10.0%	627,700.08	57.0%
Client / General Assistance	46,730,813.00	49.6%	10,019,268.28	21.4%	32,901,809.58	91.8%
Indirect Cost	4,141,700.00	4.4%	1,667,113.02	40.3%	2,474,586.98	100.0%
Total	94,235,816.00	100.0%	26,811,178.57	28.5%	61,636,176.97	93.9%
Vocational Rehabilitation Grant						
	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	27,947,251.00	31.3%	10,267,980.73	36.7%	17,134,525.50	98.1%
Travel	1,245,300.00	1.4%	418,314.79	33.6%	0.00	33.6%
General Operating	9,316,581.00	10.4%	3,100,311.77	33.3%	6,229,396.40	100.1%
Office Furniture & Equipment	1,103,193.00	1.2%	79,442.16	7.2%	627,700.08	64.1%
Client / General Assistance	45,944,667.00	51.4%	9,875,808.10	21.5%	32,348,243.70	91.9%
Indirect Cost	3,813,836.00	4.3%	1,533,534.34	40.2%	2,280,301.66	100.0%
Total	89,370,828.00	100.0%	25,275,391.89	28.3%	58,620,167.34	93.9%

Department of Rehabilitation Services Financial Status Report FY 26

As of November 30, 2025

All Programs Oklahoma School for the Blind						
	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	7,565,178.00	65.0%	2,986,168.36	39.5%	4,519,049.37	99.2%
Travel	92,200.00	0.8%	41,137.54	44.6%	420.00	45.1%
General Operating	2,824,339.00	24.3%	411,756.25	14.6%	1,507,144.30	67.9%
Office Furniture & Equipment	249,142.00	2.1%	45,261.11	18.2%	134,315.70	72.1%
Client / General Assistance	42,000.00	0.4%	11,029.87	26.3%	0.00	26.3%
Indirect Cost	873,770.00	7.5%	349,568.58	40.0%	524,201.42	100.0%
Total	11,646,629.00	100.0%	3,844,921.71	33.0%	6,685,130.79	90.4%

Department of Rehabilitation Services Financial Status Report FY 26

As of November 30, 2025

All Programs Oklahoma School for the Deaf						
	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	9,578,719.00	54.1%	3,333,810.23	34.8%	6,219,088.10	99.7%
Travel	248,540.00	1.4%	90,890.09	36.6%	0.00	36.6%
General Operating	5,709,119.00	32.2%	758,500.31	13.3%	3,382,081.41	72.5%
Office Furniture & Equipment	584,505.00	3.3%	30,713.50	5.3%	341,916.62	63.8%
Client / General Assistance	522,000.00	2.9%	55,926.19	10.7%	287,531.00	65.8%
Indirect Cost	1,076,688.00	6.1%	422,565.48	39.2%	654,122.52	100.0%
Total	17,719,571.00	100.0%	4,692,405.80	26.5%	10,884,739.65	87.9%

Department of Rehabilitation Services Financial Status Report FY 26

As of November 30, 2025

All Programs						
Disability Determination Services						
	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	38,154,742.00	68.5%	13,914,791.16	36.5%	24,178,539.89	99.8%
Travel	52,001.00	0.1%	7,699.94	14.8%	22,775.50	58.6%
General Operating	4,523,017.00	8.1%	959,708.61	21.2%	2,707,810.77	81.1%
Office Furniture & Equipment	381,164.00	0.7%	2,064.95	0.5%	174,135.00	46.2%
Client / General Assistance	8,565,000.00	15.4%	2,575,648.55	30.1%	5,989,351.45	100.0%
Indirect Cost	4,000,991.00	7.2%	1,517,525.06	37.9%	2,483,465.94	100.0%
Total	55,676,915.00	100.0%	18,977,438.27	34.1%	35,556,078.55	97.9%

Department of Rehabilitation Services Financial Status Report FY 26

As of November 30, 2025

All Programs DRS Support Services						
	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	8,897,256.00	74.6%	3,441,406.73	38.7%	5,350,356.15	98.8%
Travel	94,950.00	0.8%	28,056.78	29.5%	900.00	30.5%
General Operating	2,885,528.00	24.2%	695,609.73	24.1%	1,704,655.78	83.2%
Office Furniture & Equipment	35,099.00	0.3%	5,642.98	16.1%	0.00	16.1%
Client / General Assistance	0.00	0.0%	3,166.44	0.0%	0.00	0.0%
Indirect Cost	7,209.00	0.1%	2,799.00	38.8%	4,410.00	100.0%
Total	11,920,042.00	100.0%	4,176,681.66	35.0%	7,060,321.93	94.3%

Department of Rehabilitation Services

Financial Status Report FY 26

As of November 30, 2025

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/Intre 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



Human Resources Report

PERSONNEL ACTIVITY REPORT AS OF DECEMBER 31, 2025

FILLED AND VACANT POSITIONS

Personnel Activity = 4 vacant positions filled / 55 positions in Announcement or Selection Process

Division	Title/PIN	Date Vacated	Location	Begin date	End date	Ann. #	Action/Incumbent	Date Filled
MSD	Administrative Programs Officer / 0630	11/30/2025	MSD	12/09/2025	Continuous	26-034	Currently Open	
MSD	Human Resources Programs Director / 0343	01/31/2026	MSD	12/16/2025	01/07/2026	26-036	Currently Open	
MSD	Human Resources Management Spec / 0893	11/01/2025	MSD	12/17/2025	01/08/2026	26-038	Currently Open	
MSD	Human Resources Management Spec / 1138	10/17/2025	MSD	10/24/2025	Continuous	26-025	Currently Open	
MSD	Business Analyst / 1083	07/12/2024	MSD	05/22/2025	06/11/2025	25-106	In Selection Process	
MSD	Administrative Assistant / 1068	03/31/2025	MSD	11/14/2025	11/24/2025	26-027	Cameron Weatherspoon	12/15/2025
OSB	Independent Living Instructor / 0852	12/03/2025	OSB	12/20/2025	Continuous	26-037	Currently Open	
OSB	LPN / 0017	12/15/2025	OSB	12/29/2025	Continuous	26-039	Currently Open	
OSB	LPN / 0420	09/22/2025	OSB	10/22/2025	Continuous	26-023	Currently Open	
		10/17/2025						
		10/09/2025						
		10/21/2025						
OSB	Direct Care Specialist / 0610, 0237,0586,0235	09/20/2025	OSB	07/08/2025	Continuous	26-002	Currently Open	
OSD	Construction/Maintenance Tech / 0701	11/12/2025	OSD	12/05/2025	Continuous	26-035	Currently Open	
OSD	Transportation Officer / 0460	09/22/2025	OSD	10/17/2025	Continuous	26-022	Currently Open	
OSD	Construction/Maintenance Admin / 0007	09/02/2025	OSD	09/30/2025	Continuous	26-017	Heath Freeborn	12/01/2025
OSD	Teacher / 0423	06/01/2024	OSD	09/19/2025	Continuous	26-016	Currently Open	
OSD	Sign Language Interpreter / 0186	07/31/2025	OSD	08/18/2025	Continuous	26-007	Currently Open	
OSD	Speech Language Pathologist / P107653	NEW PIN	OSD	07/17/2025	Continuous	26-003	Currently Open	
OSD	Counselor / 1028	11/13/2024	OSD	01/24/2025	Continuous	25-062	Currently Open	
	Direct Care Specialist (Classroom) / P103831	09/30/2025	OSD	12/02/2024	Continuous	25-055	Currently Open	
OSD	Early Development Specialist / 1496	07/31/2024	OSD	09/19/2024	Continuous	25-036	Currently Open	
OSD	School Counselor / 1488	10/06/2022	OSD	07/15/2024	Continuous	25-007	Currently Open	
OSD	Dir of Family and Early Childhood Services / 1494	05/10/2024	OSD	12/12/2025	Continuous	26-031	Currently Open	

OSD	Teacher / 0635	07/31/2024	OSD – Chickasha	04/15/2024	Continuous	24-083	Currently Open
OSD	Sign Language Specialist, 2308 / 1090	07/20/2023	OSD	08/17/2023	Continuous	24-023	Currently Open
OSD	Direct Care Specialist (Dorm) / 0375, 0115	07/30/2025 08/20/2025	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 / 0557	11/24/2025	VR80 – Tulsa	12/05/2025	Continuous	26-033	Currently Open
VR	Vocational Rehabilitation Specialist / 0323	11/13/2025	VR47 – OKC	11/19/2025	Continuous	26-030	Currently Open
VR	Rehabilitation Technician / 0437	11/17/2025	VR81 – Chickasha	11/19/2025	Continuous	26-032	Currently Open
VR	Rehabilitation Technician / 0047	10/10/2025	VR07 – Durant	10/16/2025	Continuous	26-019	Currently Open
VR	Rehabilitation Technician / 0708	09/30/2025	VR05 – Weatherford	10/17/2025	Continuous	26-020	Currently Open
VR	Vocational Rehabilitation Specialist / 0073	10/10/2025	VR13 – McAlester	10/17/2025	Continuous	26-021	Currently Open
VR	Rehabilitation Technician / 1189	09/30/2025	VR44 – Stillwater	10/17/2025	Continuous	26-024	Currently Open
VR	Vocational Rehabilitation Specialist / 0066	08/08/2025	VR81 – Chickasha	09/02/2025	Continuous	26-010	Currently Open
VR	Vocational Rehabilitation Specialist / 1040	09/17/2025	VR11 – Idabel	09/17/2025	Continuous	26-014	Currently Open
VR	Job Placement Specialist / 0372	07/01/2025	VR47 – OKC	09/19/2025	Continuous	26-015	Currently Open
VR	Programs Field Representative / 0786	08/31/2024	VR – TBD	05/01/2025	Continuous	25-093	Currently Open
VR	Job Placement Specialist / 0925	05/31/2023	VR86 – Ada	05/09/2025	Continuous	25-098	Currently Open
VR	Behavioral Health Clinician / 0165	03/01/2011	VR13 – McAlester	05/15/2025	Continuous	25-101	Currently Open
VR	Vocational Rehabilitation Specialist / 0056	06/12/2025	VR08 – Enid	05/14/2025	Continuous	25-102	Currently Open
VR	Vocational Rehabilitation Specialist / 0646	08/01/2022	VR41 – Ponca City	04/25/2025	Continuous	25-090	Euclid DeLaune 12/22/2025
VR	Assistive Technology Specialist / 0263	02/01/2025	VR36 – OKC	04/22/2025	Continuous	25-089	Currently Open
VR	Assistive Technology Specialist / 0085	05/01/2024	VR36 – OKC	04/18/2025	Continuous	25-085	Currently Open
VR	Vocational Rehabilitation Specialist / 0659	11/30/2024	VR38 – Okmulgee	01/27/2025	Continuous	25-065	Currently Open
VR	Rehabilitation Technician / 0087	12/20/2024	VR45 – Tulsa	12/12/2024	Continuous	25-058	Currently Open
VR	Vocational Rehabilitation Specialist / 0169	10/01/2024	VR45 – Tulsa	11/19/2024	Continuous	25-052	Currently Open

VR	Vocational Rehabilitation Specialist / 0366	09/05/2024	VR31 – OKC	09/16/2024	Continuous	25-032	Currently Open
VR	Vocational Rehabilitation Specialist / 1190	06/09/2023	VR08 – Enid	06/05/2023	Continuous	23-096	Currently Open
VR	Vocational Rehabilitation Specialist / 0567	09/01/2020	VR67 – Tulsa	11/01/2023	Continuous	21-028.1	Currently Open
SBVI	Rehabilitation Technician / 0038	11/03/2025	SBVI90 – OKC	11/10/2025	Continuous	26-028	Currently Open
SBVI	Vocational Rehabilitation Specialist / 0367	10/28/2025	SBVI64 – Tulsa	11/12/2025	Continuous	26-029	Currently Open
SBVI	Rehabilitation Technician / 0267	10/03/2025	SBVI64 – Tulsa	10/01/2025	Continuous	26-018	Currently Open
SBVI	Rehabilitation of the Blind Specialist / 0679	08/22/2025	SBVI90 – OKC	09/05/2025	Continuous	26-011	Currently Open
SBVI	Public Information Officer / 0198	08/24/2025	SBVI72 – OKC	09/09/2025	Continuous	26-012	Matt Thurber 12/01/2025
SBVI	Mechanical Systems Technician / 0560	08/11/2017	SBVI33 – OKC	06/03/2025	Continuous	25-114	Currently Open
SBVI	Rehabilitation of the Blind Specialist / 0754	10/01/2018	SBVI – TBD	05/23/2025	Continuous	25-107	Currently Open

DISCHARGES/RESIGNATIONS/RETIREMENTS = 7
<i>As of December 31, 2025</i>

SUPPORT SERVICES DIVISION (Executive/MSD/FSD)

Retirement = 1

1 = 25 years 1 months

DVR/SBVI Admin

Retirement = 1

1 = 46 years 3 months

DIVISION OF VOCATIONAL REHABILITATION

Retirement = 2

1 = 36 years 6 months

1 = 30 years 5 months

SERVICES FOR THE BLIND AND VISUALLY IMPAIRED DIVISION

OKLAHOMA SCHOOL FOR THE BLIND

Resignation = 2

1 = 4 years 3 months

1 = 3 months

OKLAHOMA SCHOOL FOR THE DEAF

Resignation = 1

1 = 22 years

DISABILITY DETERMINATION SERVICES

CURRENT FTE STATUS FY 2026

FTE as of December 31, 2025

<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)	82.5	75.00	5.00	(1.00)	79.00
Vocational Rehabilitation	230.0	209.00	22.00	0.00	231.00
Services for the Blind and Visually Impaired	113.0	104.00	6.00	0.00	110.00
VR/SBVI-DP	4.00	4.00	0.00	0.00	4.00
Oklahoma School for the Blind	100.0	93.00	7.00	0.00	100.00
Oklahoma School for the Deaf	131.5	114.00	15.00	0.00	129.00
Total (NON-EXEMPT)	660.80	599.00	55.00	(1.00)	653.00
Disability Determination Services (EXEMPT)	327.20	299.00	0.00	(299.00)	299.00
TOTAL NON-EXEMPT & EXEMPT	988.2	898.00	55.00	(300.00)	952.00

FY 26 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
 Mark Beutler, Director of Communications
 Kathleen Arrieta, Executive Assistant
 Brett Jones, Public Information Officer III



Legislative Report

DRS Commission Legislative Report

Date: January 16, 2026

Prepared by: Jennifer Hardin

Report Submission Date: January 7, 2026

Key Legislative Dates

- **January 15, 2026** – Bill Filing Deadline
 - *Total Bills Filed: TBD*
 - **February 2, 2026** – First Day of the Second Session of the 60th Legislature
 - Governor to deliver the **State of the State Address**
 - **March 5, 2026** – First Committee Deadline in Chamber of Origin
-

Legislative Engagement & Updates

- An **OSD student** has been selected to serve as a **page for Representative Eaves** during the legislative session.
-

‘26 DRS Request Bill

- **December 16, 2025** – Legislative language submitted to **Representative Lawson**
 - *(See attached report for draft language)*

Purpose of Requested Legislation

The requested legislation amends statute to allow the **State Committee of Blind Vendors** to conduct executive sessions using **videoconference technology**.

- The proposed language mirrors legislation passed during the **2025 legislative session** for the **Statewide Independent Living Council** (See HB 1664).
-

Legislative Monitoring

- The **DRS legislative monitoring list** will be continuously updated as bills are reviewed or amended.

1 Short Title: Public meetings; videoconference exceptions; State
2 Committee of Blind Vendors; audible or visible; meeting notice;
3 emergency.
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STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL NO. _____

By: Lawson

AS INTRODUCED

An Act relating to public meetings; amending 25 O.S. 2021, Section 307.1, as last amended by Section 3, Chapter 369, O.S.L. 2025 (25 O.S. Supp. 2025, Section 307.1), which relates to videoconference exceptions; providing exception for the State Committee of Blind Vendors; requiring members to be audible or visible; providing information meeting notice shall contain; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 25 O.S. 2021, Section 307.1, as last amended by Section 3, Chapter 369, O.S.L. 2025 (25 O.S. Supp. 2025, Section 307.1), is amended to read as follows:

Section 307.1. A. A public body may hold meetings by videoconference where each member of the public body is visible and audible to each other and the public through a video monitor, subject to the following:

1. a. except as provided for in subparagraph b of this paragraph, no less than a quorum of the public body shall be present in person at the meeting site as posted on the meeting notice and agenda,

- 1 b. a virtual charter school approved and sponsored by the
2 Statewide Charter School Board pursuant to the
3 provisions of Section 3-132.1 of Title 70 of the
4 Oklahoma Statutes, ~~or~~ the Statewide Independent Living
5 Council established pursuant to Section 625.2 of Title
6 56 of the Oklahoma Statutes, or the State Committee of
7 Blind Vendors established pursuant to Section 78 of
8 Title 7 of the Oklahoma Statutes shall maintain a
9 quorum of members for the entire duration of the
10 meeting whether using an in-person site,
11 videoconference sites or any combination of such sites
12 to achieve a quorum, and
- 13 c. each public meeting held by videoconference or
14 teleconference shall be recorded either by written,
15 electronic, or other means;

16 2. The meeting notice and agenda prepared in advance of the
17 meeting, as required by law, shall indicate if the meeting will
18 include videoconferencing locations and shall state:

- 19 a. the location, address, and telephone number of each
20 available videoconference site, and
- 21 b. the identity of each member of the public body and the
22 specific site from which each member of the body shall
23 be physically present and participating in the
24 meeting;

1 3. After the meeting notice and agenda are prepared and posted,
2 as required by law, no member of the public body shall be allowed to
3 participate in the meeting from any location other than the specific
4 location posted on the agenda in advance of the meeting;

5 4. In order to allow the public the maximum opportunity to
6 attend and observe each public official carrying out the duties of
7 the public official, a member or members of a public body desiring
8 to participate in a meeting by videoconference shall participate in
9 the videoconference from a site and room located within the district
10 or political subdivision from which they are elected, appointed, or
11 are sworn to represent;

12 5. Each site and room where a member of the public body is
13 present for a meeting by videoconference shall be open and
14 accessible to the public, and the public shall be allowed into that
15 site and room. Public bodies may provide additional videoconference
16 sites as a convenience to the public, but additional sites shall not
17 be used to exclude or discourage public attendance at any
18 videoconference site;

19 6. The public shall be allowed to participate and speak, as
20 allowed by rule or policy set by the public body, in a meeting at
21 the videoconference site in the same manner and to the same extent
22 as the public is allowed to participate or speak at the site of the
23 meeting;

1 7. Unless confidential or privileged under applicable law, any
2 materials shared electronically between members of the public body,
3 before or during the videoconference, shall also be immediately
4 available to the public in the same form and manner as shared with
5 members of the public body; and

6 8. All votes occurring during any meeting conducted using
7 videoconferencing shall occur and be recorded by roll call vote.

8 B. Except as provided for in subsections C and D of this
9 section, no public body shall conduct an executive session by
10 videoconference.

11 C. The Oklahoma Tax Commission may conduct executive sessions
12 with the taxpayer at issue attending using videoconference
13 technology to discuss confidential taxpayer matters as provided for
14 in Section 205 of Title 68 of the Oklahoma Statutes. During
15 executive sessions, the Commission is required to be physically
16 present while taxpayers may appear using videoconference technology.
17 The technology selected and utilized by the Commission shall ensure
18 taxpayer confidentiality including compliance with safeguards as
19 provided for in Internal Revenue Service Publication 1075.

20 D. The Statewide Independent Living Council established
21 pursuant to Section 625.2 of Title 56 of the Oklahoma Statutes may
22 conduct executive sessions using videoconference technology. For
23 such executive sessions, no Council member shall be required to be
24 physically present as long as each Council member is audible or

1 visible to each other. The meeting notice and agenda prepared in
2 advance of the meeting as required by law shall indicate if the
3 executive session will include videoconferencing and shall also
4 state the identity of each Council member appearing remotely, and
5 whether any member will be physically present at the meeting site,
6 if any, for the executive session.

7 E. The State Committee of Blind Vendors established pursuant to
8 Section 78 of Title 7 of the Oklahoma Statutes may conduct executive
9 sessions using videoconference technology. For such executive
10 sessions, no Committee member shall be required to be physically
11 present as long as each Committee member is audible or visible to
12 other members participating in the executive session. The meeting
13 notice and agenda prepared in advance of the meeting as required by
14 law shall indicate whether the executive session will include
15 videoconferencing, shall state the identity of each Committee member
16 appearing remotely, and shall note whether any member will be
17 physically present at the meeting site, if any, for the executive
18 session.

19 SECTION 2. It being immediately necessary for the preservation
20 of the public peace, health or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

23
24 60-2-15153 CMA 12/16/25



OKLAHOMA Rehabilitation Services

Bill Status Report

01-07-2026 - 11:40:04

Direct DRS Impact Bills

[HB 1237](#) [Humphrey, Justin J.J.\(R\)](#) [Bullard, David\(R\)](#) Increases the monetary benefit paid to families, amongst various retirement systems, in the case of death of a member.

Bill History: 11-07-25 H Carried Over

[HB 1268](#) [Hays, Neil\(R\)](#) Creates the Retirement Reform Act.

Bill History: 11-07-25 H Carried Over

[HB 1334](#) [Humphrey, Justin J.J.\(R\)](#) Increases the contribution for health insurance by certain state retirement systems.

Bill History: 11-07-25 H Carried Over

[HB 1495](#) [Rosecrants, Jacob\(D\)](#) Provides a four-year college tuition waiver for the children of parents with disabilities; EMERGENCY.

Bill History: 11-07-25 H Carried Over

[HB 1539](#) [Lepak, Mark\(R\)](#) [Bergstrom, Micheal\(R\)](#) Provides for income tax rate reductions based on estimated state revenue calculations.

Bill History: 11-07-25 S Carried Over

[HB 1553](#) [Patzkowsky, Kenton\(R\)](#) Creates the Retirement Reform Act.

Bill History: 11-07-25 H Carried Over

[HB 1679](#) [Hays, Neil\(R\)](#) Creates the Retirement Reform Act.

Bill History: 11-07-25 H Carried Over

[HB 1692](#) [Stewart, Ron \(F\)\(D\)](#) Declares the general election day during election years as a state holiday.

Bill History: 11-07-25 H Carried Over

HB 1836	Hefner, Ellyn(D) Dossett, Jo Anna(D)	Modifies the definition of persons with significant disabilities to include those with intellectual or developmental disabilities and only requires them to work 50% of the labor hours offered by a qualified nonprofit agency.
Bill History:		11-07-25 S Carried Over
HB 1879	Luttrell, Ken(R)	Terminates the current defined contribution retirement plan for state employees and returns them to a defined benefit plan, permitting saved account balances to convert into service credit under the defined contribution plan.
Bill History:		11-07-25 H Carried Over
HB 1934	Sterling, Danny(R) Weaver, Darrell(R)	Creates the Jamie Lea Pearl Act which outlines standards and liability requirements for tax exempt medical needs motor carriers.
Bill History:		11-07-25 S Carried Over
HB 1986	Ranson, Trish(D)	Provides for a cost-of-living increase in benefits for participants in state retirement systems.
Bill History:		11-07-25 H Carried Over
HB 2327	Hilbert, Kyle(R)	Creates the Blind Persons Act.
Bill History:		11-07-25 H Carried Over
HB 2328	Hilbert, Kyle(R)	Creates the Blind Persons Act.
Bill History:		11-07-25 H Carried Over
HB 2329	Hilbert, Kyle(R)	Creates the Blind Persons Act.
Bill History:		11-07-25 H Carried Over
HB 2958	Grego, Jim(R)	Provides a one-time salary increase to state employees meeting certain conditions; EMERGENCY.
Bill History:		12-29-25 H Filed
HB 2968	Grego, Jim(R)	Increases the amount of retirement income which is exempt from income tax calculations and related combined total amounts of exemptions.
Bill History:		01-05-26 H Filed
SB 5	Bergstrom, Micheal(R) Kendrix, Gerrid(R)	Expands the responsibilities of the Legislative Office of Fiscal Transparency to include review of the OK Administrative Code and proposed administrative rules; EMERGENCY.
Bill History:		11-07-25 S Carried Over

SB 90	Frix, Avery (F)(R)	Provides for an increase in certain retirement benefits for participants in various state retirement systems and surviving spouses of such beneficiaries.
Bill History:		11-07-25 S Carried Over
SB 97	Sacchieri, Kendal (F)(R) Adams, Stacy Jo (F)(R)	Establishes standards for lobbyists and agency legislative liaisons and prohibits any state agency from employing either variety of advocate without express permission from their overseeing Executive Cabinet Secretary.
Bill History:		11-07-25 S Carried Over
SB 169	Hall, Chuck(R)	Increases the values of certain longevity payments to state employees across all brackets.
Bill History:		11-07-25 S Carried Over
SB 179	Bullard, David(R) Shaw, Jim (F)(R)	Redirects various technological responsibilities back into the discrete agencies of the state from the Information Services Division of OMES; EMERGENCY.
Bill History:		11-07-25 S Carried Over
SB 182	Gollihare, Todd(R)	Expands various eligible participants in various state retirement systems.
Bill History:		11-07-25 S Carried Over
SB 384	Jett, Shane(R)	Requires blind voters registering for an absentee ballot to provide documentation from a licensed physician confirming that they are blind.
Bill History:		11-07-25 S Carried Over
SB 481	Deevers, Dusty(R)	Prohibits public employees from participating in public demonstrations or strikes during work hours or using public resources or equipment, but does not restrict political action outside of work hours; EMERGENCY.
Bill History:		11-07-25 S Carried Over
SB 487	Dossett, Jo Anna(D)	Requires Service Oklahoma to establish rules that allow a person to act as an instructor for an injured or disabled individual needing to use a modified motor vehicle; EMERGENCY.
Bill History:		11-07-25 S Carried Over
SB 579	Bergstrom, Micheal(R)	Prohibits investment by state retirement systems in any entity owned or controlled by the government of China or a subdivision of it.
Bill History:		11-07-25 S Carried Over

SB 633	Weaver, Darrell(R) Blair, Jason (F)(R)	Gives access to the Office of Juvenile Affairs' management information system to public school district superintendents. Bill History: 11-07-25 H Carried Over
SB 918	Bergstrom, Micheal(R) Kendrix, Gerrid(R)	Prohibits the reviewing court or officer hearing an administrative action from deferring to the interpretation established by state agency, requiring them to instead favor to an interpretation which limits agency power and maximizes liberty. Bill History: 11-07-25 S Carried Over
SB 1029	Sacchieri, Kendal (F)(R) Wilk, Jonathan (F)(R)	Authorizes public employees to opt out of the defined contribution retirement system without penalty. Bill History: 11-07-25 S Carried Over
SB 1215	Sacchieri, Kendal (F)(R)	Prohibits state entities from entering into nondisclosure agreements. Bill History: 12-04-25 S Filed
SB 1233	Mann, Mark (F)(D)	Creates the State Employee Compensation Board to recommend salary and benefit adjustments for state employees. Bill History: 12-11-25 S Filed
SB 1273	Bergstrom, Micheal(R)	Creates the State Agency, Board and Commission Review Task Force to examine and provide related recommendations on potential efficiencies or redundancies in state agencies, boards and commissions; EMERGENCY. Bill History: 12-18-25 S Filed
SB 1289	Stewart, Jack(R)	Authorizes a pay raise for qualifying state employees effective July 1, 2026, with exclusions for certain officials and employees; EMERGENCY. Bill History: 12-19-25 S Filed
SB 1399	Bergstrom, Micheal(R)	Creates the Federal Funds Oversight Act which requires reporting by OMES and state agencies on certain actions taken related to federal funding and create an online transparency portal for such information. Bill History: 12-31-25 S Filed

Disability Oversight Bills

[HB 1176](#) [Stark, Marilyn\(R\)](#) Includes the act of knowingly targeting the elderly or disabled to purchase their residential property for less than 70 percent of actual market value to the definition of exploitation of an elderly person or disabled adult.

Bill History: 11-07-25 H Carried Over

Education Bills

[HB 1006](#) [Olsen, Jim\(R\)](#) Requires every classroom of every school in the state to display a durable poster of the ten commandments meeting certain standards; EMERGENCY.

Bill History: 11-07-25 H Carried Over

[HB 1011](#) [Vancuren, Mark\(R\)](#) Creates an Education Employee Assistance Program within the Dept. of Mental Health and Substance Abuse Services to provide resources for school district employee management; EMERGENCY.

Bill History: 11-07-25 H Carried Over

[HB 1013](#) [Vancuren, Mark\(R\)](#) Limits the State Board of Education's Authority to revoke or suspend licenses or certificates; EMERGENCY.

Bill History: 11-07-25 H Carried Over

[HB 1014](#) [Vancuren, Mark\(R\)](#) Provides that if a teacher participates in any immoral acts or child abuse, it could lead to their dismissal and non-reemployment; EMERGENCY.

Bill History: 11-07-25 H Carried Over

[HB 1015](#) [Vancuren, Mark\(R\)](#) Allows teachers who are employed on an emergency or provisional certificate to teach for more than four semesters; EMERGENCY.

Bill History: 11-07-25 H Carried Over

HB 1020	McCane, Michelle (F)(D)	Extends OHLAP qualifications to the children of school district personnel meeting certain standards and exempts them from related determinations of financial qualification; EMERGENCY.
Bill History:		11-07-25 H Carried Over
HB 1054	Rosecrants, Jacob(D)	Adjusts appointments to the Board of Education to require several appointments from the leadership of the Legislature rather than entirely from the Governor; EMERGENCY.
Bill History:		11-07-25 H Carried Over
HB 1094	Woolley, Gabe (F)(R) Bullard, David(R)	Directs public schools to develop materials and resources related to the atrocities of Communism and directs them to be taught to students in certain grade levels.
Bill History:		11-07-25 H Carried Over
HB 1226	West, Kevin(R)	Modifies various provisions related to Charter Schools Act, specifying who may contract with a sponsor to operate a charter school and eliminating stipulations related to sectarian and religions prohibitions.
Bill History:		11-07-25 H Carried Over
HB 1258	Hays, Neil(R) Bullard, David(R)	Creates the Defined Contribution Retirement Plan for teachers which establishes a defined contribution system for certified personnel, directing the Teachers' Retirement System to define contribution system.
Bill History:		11-07-25 H Carried Over
HB 1274	Hays, Neil(R)	Removes previous provisions related to postretirement employment and earnings for retired teachers and permits them to be re-employed after a sixty day waiting period with an annual cap on earnings.
Bill History:		11-07-25 H Carried Over
HB 1286	Caldwell, Chad(R)	Establishes a limited virtual school day policy for public schools, permitting ten virtual days a year, such days to be taken only for particular, approved circumstances and notice to be provided in advance where possible; EMERGENCY.
Bill History:		11-07-25 H Carried Over

HB 1417	West, Josh(R) Weaver, Darrell(R)	Creates the School Access for Emergency Response Act which establishes a grant program for certain emergency communication system to be installed and maintained in school buildings.
Bill History:		11-07-25 S Carried Over
HB 1491	Johns, Ronny(R) Paxton, Lonnie(R)	Authorizes members of the Board of Education to place an item on the following or subsequent meeting agenda upon written requests by at least two members.
Bill History:		11-07-25 S Carried Over
HB 1538	Dollens, Mickey(D)	Creates the Student Retention Protocol Act which directs certain screenings, assessments and treatment for students identified as being at risk of being retained; EMERGENCY.
Bill History:		11-07-25 H Carried Over
HB 1761	Moore, Anthony(R)	Directs students who screened positively for dyslexia to be rescreened every three years and directs related reporting by school districts; EMERGENCY.
Bill History:		11-07-25 H Carried Over
HB 1938	Sterling, Danny(R) Rader, Dave(R)	Requires school districts to conduct an annual fitness assessment.
Bill History:		11-07-25 S Carried Over
HB 1944	McCane, Michelle (F)(D)	Directs schools to assign grade levels based on earned credits; EMERGENCY.
Bill History:		11-07-25 H Carried Over
HB 1981	Ranson, Trish(D)	Modifies when kindergarteners are screened in accordance with the Strong Readers Act, no longer requiring a screening at the beginning of the school year; EMERGENCY.
Bill History:		11-07-25 H Carried Over
HB 2188	Blancett, Meloyde(D)	Requires hearing screenings of all children in pre-kindergarten through seventh grade and eleventh grade.
Bill History:		11-07-25 H Carried Over

HB 2246	Waldron, John(D)	Directs the Dept. of Education to develop standards to implement the least restrictive environment conditions of the Individuals with Disabilities Education Act and minimize exclusion of disabled students.
Bill History: 11-07-25 H Carried Over		
HB 2247	Waldron, John(D) Hines, Kelly (F)(R)	Requires the Department of Education to develop and implement the least restrictive environment requirements for the IDEA Act, to ensure students with special needs are not unnecessarily excluded from the classroom.
Bill History: 11-07-25 S Carried Over		
HB 2253	Waldron, John(D)	Creates a Data Governance Council within the Dept. of Education to monitor and analyze data on teacher certification pathways.
Bill History: 11-07-25 H Carried Over		
HB 2288	Hilbert, Kyle(R) Frix, Avery (F)(R)	Modifies provisions relating to the postretirement employment of teachers, allowing retired members to receive earning without a reduction in their retirement benefits; EMERGENCY.
Bill History: 11-07-25 S Carried Over		
HB 2418	Fetgatter, Scott(R) Frix, Avery (F)(R)	Requires adjunct teachers to obtain State Board of Education approval before employment and to be reapproved if any significant changes in their qualifications occur; EMERGENCY.
Bill History: 11-07-25 S Carried Over		
HB 2696	Ford, Ross(R) Rader, Dave(R)	Sets standards for the release of certain educational records to parents and adult former students by school districts and public educational institutions, including records for discipline and correspondence.
Bill History: 11-07-25 H Carried Over		
HB 2702	Ford, Ross(R) Rader, Dave(R)	Defines special education administrator for school districts and requires the Board of Education to offer certain options for completing competency requirements; EMERGENCY.
Bill History: 11-07-25 S Carried Over		

HB 2928	Pittman, Ajay(D)	Extends the eligibility of the Lindsey Nicole Henry Scholarship for Students with Disabilities Program to include students who have at least one incarcerated parent.
Bill History:		11-07-25 H Carried Over
HB 2954	Rosecrants, Jacob(D)	Adjusts standards for the Higher Learning Access Program to remove certain references to certified teachers; EMERGENCY.
Bill History:		12-29-25 H Filed
SB 6	Seifried, Ally(R) Banning, Chris(R)	Adjusts school board elections dates and modifies filing periods to account for the adjustment.
Bill History:		11-07-25 H Carried Over
SB 7	Seifried, Ally(R)	Creates a Teacher Recruitment Academy under the Regents for Higher Education to provide tuition and fee assistance to teacher preparation program participants; EMERGENCY.
Bill History:		11-07-25 S Carried Over
SB 11	Weaver, Darrell(R)	Provides for an increase in benefits to participants of the Teachers' Retirement System.
Bill History:		11-07-25 S Carried Over
SB 17	Daniels, Julie(R)	Repeals provisions creating and governing the School Finance Review Commission.
Bill History:		11-07-25 S Carried Over
SB 19	Hamilton, Warren(R)	Prohibits school libraries from keeping materials meeting certain standards as age inappropriate accessible to minors and requires yearly reporting of library contents to the Dept. of Education, with parents able to monitor such contents; EMERGENCY.
Bill History:		11-07-25 S Carried Over
SB 26	Bullard, David(R) Wolfley, Max(R)	Allows teachers retired for at least ninety days to be re-employed as active school teachers with no limits on earnings for a period of three years; EMERGENCY.
Bill History:		11-07-25 S Carried Over

SB 63	Goodwin, Regina (F)(D) Johns, Ronny(R)	Increases the per-meeting stipend paid to school district board members in districts of a certain size or larger. Bill History: 11-07-25 S Carried Over
SB 84	Sacchieri, Kendal (F)(R) Crosswhite-Hader, Denise(R)	Removes certain restrictions related to the carry and transport of firearms and other weapons on school property. Bill History: 11-07-25 S Carried Over
SB 88	Boren, Mary(D)	Allows The Board of Trustees of the Teachers' Retirement System of Oklahoma to approve cost-of-living adjustments for retirees under certain circumstances. Bill History: 11-07-25 S Carried Over
SB 142	Hicks, Carri(D)	Provides for a pay increase to certified school personnel; EMERGENCY. Bill History: 11-07-25 S Carried Over
SB 174	Pederson, Roland(R) Townley, Tammy(R)	Provides for a scaled cost-of-living adjustment for beneficiaries of the Teachers' Retirement System, greater increases provided to persons retired longer. Bill History: 11-07-25 S Carried Over
SB 201	Pugh, Adam(R)	Establishes a new pay scale for certified school personnel and sets standards for qualifying prior experience to advance up the scale; EMERGENCY. Bill History: 11-07-25 S Carried Over
SB 215	Seifried, Ally(R) Moore, Anthony(R)	Creates the Math Achievement and Proficiency Act which adjusts the standards and practices related to the education of mathematics in public schools. Bill History: 11-07-25 H Carried Over
SB 245	Deevers, Dusty(R) Hasenbeck, Toni(R)	Adjust various provisions related to advanced teachers and stipend calculations, directing the Education Dept. to establish and manage a High Dosage Tutoring Program to produce and assess tutors to improve student performance; EMERGENCY. Bill History: 11-07-25 S Carried Over

SB 376	Murdock, Casey(R)	Adjusts qualification standards for the Lindsey Nicole Henry Scholarship to extend eligibility to any student with an IEP or individualized service plan; EMERGENCY.
Bill History:		11-07-25 S Carried Over
SB 382	Bullard, David(R) Stark, Marilyn(R)	Requires all children enrolling in pre-kindergarten to be toilet trained and directs the Dept. of Education to develop procedures to temporarily remove children not meeting required standards from the classroom; EMERGENCY.
Bill History:		11-07-25 H Carried Over
SB 388	Seifried, Ally(R) Kane, John(R)	Declares that students enrolled in physical or virtual charter schools be permitted to participate in extracurricular activities offered by their resident public school district; EMERGENCY.
Bill History:		11-07-25 S Carried Over
SB 412	Jett, Shane(R)	Reduces recurring continuing education requirements for members of school district boards of education; EMERGENCY.
Bill History:		11-07-25 S Carried Over
SB 413	Jett, Shane(R)	Creates the Sexual Education Reform and Parental Rights Protection Act which adjusts terms related to sexual education and requires affirmative parental consent for student participation in such programs; EMERGENCY.
Bill History:		11-07-25 S Carried Over
SB 472	Bergstrom, Micheal(R) Lepak, Mark(R)	Expands the Parental Choice Tax Credit Act to allow parents of students receiving any scholarship to still claim the credit.
Bill History:		11-07-25 S Carried Over
SB 486	Jett, Shane(R)	Permits school districts to contract with chaplains to provide certain school counseling duties; EMERGENCY.
Bill History:		11-07-25 S Carried Over
SB 646	Paxton, Lonnie(R) Kerbs, Dell(R)	Creates the Oklahoma Federal Official and Judicial Security and Privacy Act which allows high risk individuals to have their personal information kept confidential by state agencies upon request; EMERGENCY.
Bill History:		11-07-25 H Carried Over

SB 788	Jett, Shane(R)	Creates the Students' Bill of Rights for those enrolled in and attending public schools within the State; EMERGENCY.
		Bill History: 11-07-25 S Carried Over
SB 792	Jett, Shane(R) Hall, Rob (F)(R)	Directs that schools shall not automatically reprimand or discipline students being bullied or threatened from using violence in self-defense if such conditions are present; EMERGENCY.
		Bill History: 11-07-25 S Carried Over
SB 793	Jett, Shane(R)	Allows public and charter schools, including institutions of higher education to display certain documents in classrooms, including The Ten Commandments, Mayflower Compact, and other such materials; EMERGENCY.
		Bill History: 11-07-25 S Carried Over
SB 795	Rader, Dave(R) Caldwell, Chad(R)	School districts are to provide information to parents or guardians of public school students concerning all education options available, including open transfer, tax credits, and charter schools; EMERGENCY.
		Bill History: 11-07-25 S Carried Over
SB 798	Reinhardt, Aaron (F)(R)	Enumerates reasons that the State Board of Education is authorized to revoke or suspend a teaching certificate; EMERGENCY.
		Bill History: 11-07-25 S Carried Over
SB 917	Jett, Shane(R)	Requires any state or education employee charged with a felony to forfeit their retirement benefits.
		Bill History: 11-07-25 S Carried Over
SB 1017	Deevers, Dusty(R)	Allows for Medicaid coverage to student individualized education programs where determined to be medically and educationally necessary; EMERGENCY.
		Bill History: 11-07-25 S Carried Over
SB 1190	Bullard, David(R)	Public school districts shall designate a minimum of one day per school year as industry day for students in grades nine through twelve for the purpose of providing career information; EMERGENCY.
		Bill History: 10-31-25 S Filed

SB 1214	Bergstrom, Micheal(R)	Directs the Board of Education to develop curriculum on age-appropriate sex trafficking education for all students in grades 6-12.
		Bill History: 12-04-25 S Filed
SB 1251	Jech, Darcy(R)	Adjusts the distribution of funds from the School Security Revolving Fund, directing an equal distribution each fiscal year for three years; EMERGENCY.
		Bill History: 12-15-25 S Filed
SB 1271	Bergstrom, Micheal(R)	Revises the Strong Readers Act by mandating third-grade retention for students who do not meet reading standards, expanding intervention services, and requiring enhanced district reporting; EMERGENCY.
		Bill History: 12-18-25 S Filed
SB 1291	Hicks, Carri(D)	Upgrades the literacy pilot program in the Strong Readers Act to a full program, increases related staff requirements and directs the Dept. of Education to make biennial reports; EMERGENCY.
		Bill History: 12-22-25 S Filed
SB 1292	Hicks, Carri(D)	Establishes standards for a high dosage tutoring program to be administered by the Dept. of Education and creates a related fund to provide for program expenses; EMERGENCY.
		Bill History: 12-22-25 S Filed
SB 1293	Hicks, Carri(D)	Creates a LETRS Training Fund under the Dept. of Education to be used for language essentials training for public school teachers; EMERGENCY.
		Bill History: 12-22-25 S Filed
SB 1298	Bullard, David(R)	Updates statewide student assessment requirements by authorizing alternative high school assessments for college and career readiness, permitting parental opt-out of certain exams, and revising graduation testing requirements; EMERGENCY.
		Bill History: 12-23-25 S Filed
SB 1317	Dossett, Jo Anna(D)	Modifies career teacher definitions to permit recognition of prior qualifying service when a teacher is employed by a different school district; EMERGENCY.
		Bill History: 12-29-25 S Filed

SB 1334	Hicks, Carri(D)	Revises reading assessment requirements under the Strong Readers Act by adjusting the number of screening instruments approved and strengthening approval criteria; EMERGENCY.
Bill History: 12-30-25 S Filed		
SB 1337	Pugh, Adam(R)	Provides paid paternity leave for eligible education employees, updates leave-without-pay and shared-leave provisions, and renames related revolving funds; EMERGENCY.
Bill History: 12-30-25 S Filed		
SB 1338	Pugh, Adam(R)	Makes the Strong Readers Act literacy instructional team permanent, conditions eligibility for certain literacy funds on acceptance of instructional support, and updates reporting requirements; EMERGENCY.
Bill History: 12-30-25 S Filed		
SB 1339	Pugh, Adam(R)	Updates the statutory minimum salary schedule for certified school personnel and requires annual allocation of funds by the State Board of Education to support salary increases; EMERGENCY.
Bill History: 12-30-25 S Filed		
SB 1341	Hall, Chuck(R)	Establishes the Career Counselor Revolving Fund within the State Department of Education to provide support for career counselors and makes an appropriation; EMERGENCY.
Bill History: 12-30-25 S Filed		
SB 1342	Hamilton, Warren(R)	Provides a \$500 bonus monthly compensation to certified and support school personnel who choose not to participate in the school-district-sponsored cafeteria plan in lieu of the flexible benefit analysis.
Bill History: 12-30-25 S Filed		
SB 1360	Seifried, Ally(R)	Creates the Office of Mathematics Improvement within the State Dept of Education and authorizes the Superintendent of Public Instruction to appoint a Director focused on mathematics instruction for students in K-5; EMERGENCY.
Bill History: 12-30-25 S Filed		

SB 1363	Hicks, Carri(D)	Establishes a new minimum salary schedule for teachers and provides additional compensation based on experience, credentials, and staffing needs; EMERGENCY.
Bill History: 12-30-25 S Filed		
SB 1366	Deevers, Dusty(R)	Establishes a high dosage tutoring program under the Dept. of Education for grades K-8; EMERGENCY.
Bill History: 12-30-25 S Filed		
SB 1375	Stanley, Brenda(R)	Modifies graduation curriculum requirements by allowing a Computer Science unit focused on emerging technologies to satisfy certain existing course requirements; EMERGENCY.
Bill History: 12-30-25 S Filed		
SB 1411	Prieto, Dana(R)	Requires charter school sponsors to provide and publicly post annual oversight and performance reviews containing specified academic, operational, and financial information; EMERGENCY.
Bill History: 12-31-25 S Filed		
SB 1413	Hicks, Carri(D)	Creates parental notification requirements for emergency-certified teachers, establishes instructional hour limits for adjunct teachers, and modifies alternative placement teaching certificate provisions; EMERGENCY.
Bill History: 01-05-26 S Filed		
SB 1416	Alvord, Jerry(R)	Revises character education laws by requiring a THRIVE Program developed by the Dept. of Ed, limiting approved curricula, mandating district implementation, and establishing parental notice, opt-out, and reporting requirements; EMERGENCY.
Bill History: 01-05-26 S Filed		
SB 1429	Jech, Darcy(R)	Allows public school foundations to fund professional development, scholarships, literacy initiatives, STEM programs, technology, and related educational activities for school districts; EMERGENCY.
Bill History: 01-06-26 S Filed		

[SB 1432](#) [Dossett, Jo Anna\(D\)](#) Makes the alternative teacher certification pilot program permanent by removing its sunset date; EMERGENCY.

Bill History: 01-06-26 S Filed

[SB 1437](#) [Pugh, Adam\(R\)](#) Directs the Dept. of Education to set rules for the Presidential Fitness Test and requires school districts to administer the test with training, exemptions, and opt-out options; EMERGENCY.

Bill History: 01-07-26 S Filed

[SJR 24](#) [Hicks, Carri\(D\)](#) Constitutional Amendment to require persons running for the office of Superintendent of Public Instruction to meet the qualifications to be a superintendent of schools as provided for in statute.

Bill History: 12-18-25 S Filed

General Government Bills

[HB 1068](#) [Gann, Tom\(R\)](#) Prohibits state or local governments from entering into agreements with entities that prohibit disclosure of information when the use of state taxes are involved.

Bill History: 11-07-25 H Carried Over

[HB 1148](#) [Humphrey, Justin J.J.\(R\)](#) Provides for protections against actions which target whistleblowers working for state agencies or public officials, making retaliation against them criminally and civilly punishable.

Bill History: 11-07-25 H Carried Over

[HB 1943](#) [McCane, Michelle \(F\)\(D\)](#) Creates the Oklahoma Plain Writing Act which directs state agencies to use plain writing meeting certain standards in public-facing documentation.

Bill History: 11-07-25 H Carried Over

[HB 2231](#) [Munson, Cyndi\(D\)](#) Grants state employees who have minor children immediate eligibility for the DHS Child Care Subsidy Program.

Bill History: 11-07-25 H Carried Over

[SB 10](#) [Weaver, Darrell\(R\)](#) Provides for an increase in benefits to participants in the Public Employees Retirement System.

Bill History: 11-07-25 S Carried Over

[SB 70](#) [Daniels, Julie\(R\)](#) Directs any legal authorities interpreting the meaning of a statute, administrative rule or other related document to make their determinations de novo rather than relying on the interpretation of a state agency and make rulings to limit agencies.

Bill History: 11-07-25 S Carried Over

[SB 89](#) [Frix, Avery \(F\)\(R\)](#) Directs the Office of Management and Enterprise Services to establish a way to allow state employees to transfer unused time off in exchange for certain insurance benefit allowance purchases.

Bill History: 11-07-25 S Carried Over

[SB 168](#) [Hicks, Carri\(D\)](#)
[Strom, Judd\(R\)](#) Requires all state entities and their designees making purchases for construction on projects in excess of a certain size to affirm that materials used in the completion of the contract are produced within the United States.

Bill History: 11-07-25 S Carried Over

[SB 874](#) [Hall, Chuck\(R\)](#) Transfers the authority to oversee and administrate certain occupational licenses from various administering authorities to Service Oklahoma.

Bill History: 11-07-25 S Carried Over

[SB 1397](#) [Hall, Chuck\(R\)](#) Directs certain state entities which accept cash as payment to round all costs down to the nearest cent that is a multiple of five when cash is being used for payment; EMERGENCY.

Bill History: 12-31-25 S Filed

OMES Bills

[HB 1341](#) [Humphrey, Justin J.J.\(R\)](#) Dissolves OMES and creates the OMES Duties Intervention Now Task Force to determine how best to divide and reassign the duties of OMES; EMERGENCY.

Bill History: 11-07-25 Carried Over

OMES Bills

[HB 1752](#) [Moore, Anthony\(R\)](#) Creates the Central Purchasing Act.

Bill History: 11-07-25 H Carried Over

[SB 1356](#) [Bullard, David\(R\)](#) Adjusts various provisions related to OMES and agencies contracting or outsourcing services to it, including Fleet Management, adjusting duties and obligations for services and accountability; EMERGENCY.

Bill History: 12-30-25 S Filed

Open Meeting/Rules Bills

[HB 1409](#) [Crosswhite-Hader, Denise\(R\)](#)
[Sacchieri, Kendal \(F\)\(R\)](#) Permits public bodies subject to the Open Meeting Act which have a opt-in notice distribution system to require subscribers to such systems to annually renew their participation.

Bill History: 11-07-25 S Carried Over

[HB 2095](#) [Menz, Annie\(D\)](#)
[Kirt, Julia\(D\)](#) Requires public bodies to respond to an open records request within 30 business days of receipt.

Bill History: 11-07-25 S Carried Over

[HB 2209](#) [Lay, Mike \(F\)\(R\)](#)
[Guthrie, Brian \(F\)\(R\)](#) Allows a member of a public body to participate in a public meeting via videoconference or teleconference from a private residence and does not require them to disclose their location when certain conditions are met.

Bill History: 11-07-25 S Carried Over

[HB 2727](#) [Ford, Ross\(R\)](#) Creates the Oklahoma Open Records Reform Act.

Bill History: 11-07-25 H Carried Over

[HB 2878](#) [Staires, Clay\(R\)](#) Creates the Oklahoma Administrative Rules Reform Act.

Bill History: 11-07-25 H Carried Over

HB 2940	Olsen, Jim(R)	Prohibits public bodies from restricting the ability of members of the public to record certain hearings, including public legislative hearings.
Bill History:		12-12-25 H Filed
SB 318	Bergstrom, Micheal(R) Kendrix, Gerrid(R)	Creates the Regulations from the Executive in Need of Scrutiny Act which establishes a Legislative Economic Analysis Unit to review and analyze the Administrative Code and conduct a rule impact analyses for certain proposed rules.
Bill History:		11-07-25 S Carried Over
SB 896	Bergstrom, Micheal(R)	Terminates any permanent administrative rules promulgated or amended, providing a renewal process and preserving the Legislature's ability to repeal certain rules; EMERGENCY.
Bill History:		11-07-25 S Carried Over
SB 1206	Prieto, Dana(R)	Adjusts standards related to public comment in open hearings, including requirements that action based on public comment must be considered at subsequent meetings and placed on agendas.
Bill History:		12-01-25 S Filed
SB 1252	Guthrie, Brian (F)(R)	Requires all bodies subject to the Open Meetings Act to provide an opportunity for public comment on any action item on each agenda, subject to standards and limitations at the discretion of the body.
Bill History:		12-15-25 S Filed
SB 1316	Bergstrom, Micheal(R)	Requires permanent rules of designated agencies, boards, and commissions to sunset on a rotating basis and mandates legislative review and approval for renewal.
Bill History:		12-29-25 S Filed
SB 1420	Mann, Mark (F)(D)	Permits public comment during public meetings while allowing public bodies to impose uniform and reasonable limits on participation.
Bill History:		01-06-26 S Filed

Workforce Dev. Bills

[HB 1077](#)

[Kelley, Mike \(F\)\(R\)](#)

Creates the Workforce Development Act.

Bill History: 11-07-25 H Carried Over



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 C.F.R. § 361.36 in the States that use an order of selection; and to the
23 extent necessary, the provision of appropriate assessment activities to obtain necessary
24 additional 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 (GRP)"(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.F.R. § 361.53, and
49 commensurate to the services that the individual would otherwise receive from the
50 designated State vocational rehabilitation agency. For the purposes of this definition,
51 comparable services 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.F.R. § 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.F.R. 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.F.R. § 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 34 C.F.R. § 361.13(b); or the State agency that is primarily
96 concerned with the vocational rehabilitation or vocational and other rehabilitation of
97 individuals with disabilities. (Authority: Sections 7(8)(B) and 101(a)(2)(B) of the
98 Rehabilitation Act of 1973, 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 C.F.R. § 361.42(a).

117 **"Employment and Retention" or "(E&R)"** 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 ~~C.F.R.~~ § 361.5(c)(9) (including customized employment, self-employment,
131 telecommuting, or business ownership), or supported employment as defined in 34 ~~C.F.R.~~
132 § 361.5(c)(53), that is consistent with an individual's unique strengths, resources,
133 priorities, concerns, abilities, capabilities, interests, and informed choice. (Note: As specified
134 in federal rule, a designated State unit may continue services to individuals with
135 uncompensated employment goals on their approved individualized plans for employment
136 prior to the effective date of the final federal regulations until June 30, 2017, unless a longer
137 period of time is required based on the needs of the individual with the disability, as
138 documented in 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 ~~C.F.R.~~ § 361.48(b)(9), ~~means~~ an individual who either is a relative
157 or guardian of an applicant or eligible individual; or lives in the same household as an
158 applicant or eligible individual; who has a substantial interest in the well-being of that
159 individual; and whose receipt of vocational rehabilitation services is necessary to enable the
160 applicant or 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:

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

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

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

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

"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
230 CFR.F.R. § 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-DCAMOMES"**~~ means Office of Management & Enterprise Services-~~Division of~~
302 ~~Capital 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;

(viii) Any other service identified in the scope of vocational rehabilitation services for individuals, described in ~~section~~34 C.F.R. § 361.48(b); or

(ix) Any service similar to the foregoing services.

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

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

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

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

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

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

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

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

413 **"Small business enterprises"** means a small business operated by blind or other
414 individuals with ~~severe~~significant disabilities under the management and supervision of the
415 state DRS. Such businesses include only those selling, manufacturing, processing,
416 servicing, agricultural, and other activities which are suitable and practical for the effective
417 utilization of the skills and aptitudes of individuals who are blind or individuals who have
418 ~~severe~~significant disabilities. Small business enterprise provides substantial gainful

419 employment or self-employment commensurate with the time devoted by the operators to
420 the business, the cost of establishing the business and other factors of an economic nature.

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

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

429 **"Student with a disability"** means an individual with a disability in a secondary,
430 postsecondary, or other recognized education program who meets the requirements set forth
431 in 34 C.F.R. § 361.5(c)(51):

432 (A) is not younger than the earliest age for the provision of transition services
433 under section 614(d)(1)(A)(i)(VIII) of the Individuals with Disabilities Education Act
434 (codified at 20 U.S.C. § 1414(d)(1)(A)(i)(VIII));

435 (B) is not older than 21, unless the state law provides for a higher maximum age
436 on or before for receipt of services under the Individuals with Disabilities Education
437 Act and is not older than the maximum age; and

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

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

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

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

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

458 (A) competitive integrated employment, including customized employment, or
459 employment in an integrated work settings in which an individual with a most
460 significant disability, including a youth with a most significant disability, is working on

a short-term basis toward competitive integrated employment that is individualized, and customized, consistent with the unique strengths, abilities, interests, and informed choice of the individual, including with ongoing support services for individuals with the most significant disabilities who meet the requirements set forth in 34 C.F.R. § 361.5(c)(53).

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

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

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

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

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

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

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

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

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

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

"Transition services" means, for a student or a youth with a disability, a coordinated set of activities designed within an outcome-oriented process that promotes movement from

501 school to post-school activities, including postsecondary education, vocational training,
502 competitive integrated employment, supported employment, continuing and adult education,
503 adult services, independent living, or community participation. Transition services (1) are
504 based upon the individual student's or youth's needs, preferences and interests; (2) include
505 instruction, community experiences, the development of employment and other post-school
506 adult living objectives, and, if appropriate, acquisition of daily living skills and functional
507 vocational evaluation; (3) promote or facilitate the achievement of the employment outcome
508 identified in the student's or youth's individualized plan for employment; and (4) include
509 outreach to and engagement of the parents, or, as appropriate, the representative of such a
510 student or youth with a disability.

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

514 **"Vocational rehabilitation services"** ~~means~~, if provided to an individual, ~~means~~, those
515 services listed in 34 ~~CFR~~C.F.R. § 361.48; and if provided for the benefit of groups of
516 individuals, means those services listed in 34 ~~CFR~~C.F.R. § 361.49.

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

519 **"Youth with a disability"** means an individual with a disability who is not younger than
520 14 years of age; or older than 24 years of age. Youth with disabilities means more than one
521 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
6 ~~policies~~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-

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

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

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

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

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

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

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

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

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

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

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

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

(2) for purposes which would significantly improve the quality of life for persons with 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 [~~34-CFRC.F.R. § 361.38~~]

1 **612:10-1-7. Purchase of services and goods for individuals with disabilities**
2 **[AMENDED]**

3 (a) All Department authorizations are made in compliance with the state purchasing policy
4 under legal authority of the Director or by an employee to whom the Director has delegated
5 such authority. Services, other than diagnosis and pre-employment transition services for
6 students with disabilities regardless of whether the student has applied or been determined
7 eligible for vocational rehabilitation services, must be in an approved Individualized Plan for
8 Employment prior to authorization.

9 (1) All authorizations are to be issued prior to or simultaneously with the provision of
10 the services.

11 (2) Verbal authorizations may be made when needed to ensure effective delivery of
12 services. Verbal authorization must be followed immediately by the actual authorization.

13 (3) Separate authorizations for each fiscal year are required when a planned service
14 extends beyond a single fiscal year. Rehabilitation professionals may not authorize fees
15 for services in excess of those established by the Department unless approved by the
16 Division Administrator.

17 (b) A prior vendor contract is required before authorizations can be made to any post-
18 secondary school.

19 (1) By state law, a vendor contract cannot be issued for more than 12 months. If this
20 written purchase agreement should lapse, vendor's claims will be denied by the
21 Department.

22 (A) Training facility agreements. Training services are purchased from a specific
23 vendor when a written agreement has been approved. Training facility are any type
24 of facility that provides training such as colleges, real estate school, private trade
25 schools, private vocational schools, and career techs. A post-secondary school
26 (private or public) must have a prior written vendor contract with DRS before
27 services can be authorized to that vendor unless the school is participating in a
28 direct payment program.

29 (B) Out-of-state vendor contracts. Are required to have a prior written vendor
30 contract with DRS before services can be authorized to that vendor. The client will
31 be provided an opportunity to attend the training facility of choice provided the
32 facility has a written agreement with the Department.

33 (2) When a vendor has this prior written purchasing agreement with the Department,
34 and required approvals have been obtained, authorization may be issued for vocational
35 rehabilitation services directly to that vendor.

36 (c) Other nonmedical vendors will not require a prior written purchasing agreement unless
37 stated otherwise in the DRS administrative rule manual section(s) for that service.

38 (d) All other vocational rehabilitation services will be purchased pursuant to the
39 administrative rules in (j) and (m) of this Section. However, a requisition may be submitted to
40 the DRS Purchasing Section if, in the judgment of the responsible rehabilitation
41 professional, the best interests of the individual and/or the agency would be served by
42 having the Purchasing Section handle the procurement. In either case, once items have
43 been received and checked against the authorization, the appropriate DVR or DSBVI staff,

44 in accordance with (j) and (m) of this Section, approves the claim, then forwards it to the
45 DRS Finance Services Division.

46 (1) When a vendor does not abide by the authorization or written purchasing agreement
47 or bills and accepts payment from the client in addition to those agreed upon, the
48 rehabilitation professional will bring this to the immediate attention of the supervisor for
49 action by the administration.

50 (2) The vendor will not be used for further rehabilitation services until agreement to
51 discontinue the objectionable practice is reached.

52 (e) Since the Department is a state-federal agency, it does not pay sales, excise, or
53 transportation taxes.

54 (f) All claims for medical and/or nonmedical client services must be filed on claim forms
55 approved by the Department. When the provision of an authorization is fulfilled, payment for
56 the authorized client services constitutes payment in full. The client will not have any
57 financial liability other than the amount required of clients who must participate in the cost of
58 the service provided.

59 (g) The individual is liable for services he/she arranged which were not planned and
60 initiated under the auspices of DRS.

61 (h) The Department retains right and title to any tools, equipment, durable medical
62 equipment, or other goods costing \$500 or more purchased with DVR and DSBVI funds,
63 until and unless such goods are released to the client. Upon delivery of any such goods to
64 the client, a Receipt for Equipment and Title Agreement must be completed and approved.

65 (1) Completion of Program: Any tools, equipment or durable medical goods purchased
66 for training or occupational purposes remain with the client after completion of the
67 program of services if they can be used in the client's chosen vocation. If the client fails
68 to complete the program of service, the counselor will make effort to reclaim the goods
69 to transfer to another client.

70 (2) Disposition at closure: Case recording must reflect the disposition at the time of
71 closure of tools, equipment, and goods provided the client. All occupational tools,
72 equipment, and durable medical goods remain the property of the agency until released.
73 If the client is not using the items, the counselor will pick them up if an economical
74 savings to the agency will result, and if the transfer will not endanger the health or safety
75 of the client.

76 (3) Title Release: Title on any tools, equipment or durable medical equipment
77 purchased with DRS funds for training or occupational purposes will not be released to
78 the client until the counselor has determined the client is using the items as planned.

79 (i) When the rehabilitation professional determines an authorization or portion of an
80 authorization will not be utilized, procedures to cancel the remaining services will be
81 completed. Before the case is closed, all unliquidated authorizations must be canceled or
82 accounted for to determine if a claim will be made against any outstanding authorization.

83 (j) Purchasing vocational rehabilitation goods or services, other than direct client payments,
84 when there is no prior written purchasing agreement is basically a three-step process.
85 These steps include specifying the requirements for the goods or services, authorizing for
86 the purchase, and receiving delivery of the goods or services. For audit purposes, no one
87 person can perform more than one of these steps. A different person is required for:

88 (1) identifying the requirement for the purchase;

89 (2) placing the order; and

90 (3) accepting the material or service.

91 (k) When a prior written purchasing agreement for vocational rehabilitation goods or
92 services, other than direct client payments, is not required, and the service or package of
93 services to be obtained will cost the amount of the ~~OMES-DCAMOMES~~ authority order limit
94 or less, the rehabilitation professional and client will jointly choose an appropriate vendor.
95 The rehabilitation professional will then authorize for the planned services to the chosen
96 vendor. When a prior written purchasing agreement for vocational rehabilitation services,
97 other than direct client payments, is not required, and the service or package of services will
98 cost more than the ~~OMES-DCAMOMES~~ authority order limit, the rehabilitation professional
99 will follow administrative rules in (1) through (7) of this Subsection.

100 (1) The rehabilitation professional will obtain specialist recommendations for purchase
101 requirements and approvals in accordance with agency administrative rules.

102 (2) The participation of the client, or the client's authorized representative, will be
103 obtained in deciding upon at least three vendors to be contacted by the rehabilitation
104 professional to obtain bids for the goods or services. The rehabilitation professional will
105 review available vendor information with the client, or client's authorized representative,
106 to jointly determine which vendor(s) can best meet the needs of the client in terms of
107 product and service function, quality, and vendor accessibility.

108 (3) At least three vendors offering the goods or services will be contacted to obtain
109 bids. To expedite planning and service delivery, bids may be obtained verbally. Upon
110 request, contacted vendors will be afforded at least 24 hours in which to prepare and
111 submit the verbal bid. The rehabilitation professional will ensure that all bids are
112 submitted in writing for the same or comparable item and will document the bids
113 received by using the Vendor Bid Documentation Form.

114 (4) The rehabilitation professional will issue the appropriate authorization and claim to
115 the vendor submitting the lowest and best bid. If the rehabilitation professional
116 managing the case is also the recognized specialist who identified the purchase
117 requirements, then the supervisor will issue the appropriate authorization. Authorization
118 may be issued to a vendor not submitting the lowest bid only with strong documentation
119 that the selected vendor can best meet the needs of the client. When the bid is in
120 excess of \$5,000.00 the successful bidder will sign a non-collusion statement (to be
121 sent with the claim), which will be maintained in the case service record.

122 (5) In the case of a vehicle modification or housing modification, upon completion of the
123 authorized services, the counselor will contact the AT Specialist to schedule inspection
124 of the work in accordance with agency administrative rules. The AT Specialist will
125 complete the "Assistive Technology Inspection Report" verifying the modification
126 conforms to acceptable standards and the work is satisfactory.

127 (6) Upon delivery of the goods or services in accordance with the IPE and
128 authorization, a rehabilitation staff person other than the specialist who specified the
129 purchase requirements and the rehabilitation professional who authorized the purchase
130 will accept delivery, verify that goods received match the vendor invoice, sign the
131 appropriate claim form, sign and attach the invoice and forward them to the DRS
132 Finance Services Division.

133 (7) Upon delivery of any goods costing \$500 or more to the client, a Receipt for
134 Equipment and Title Agreement must be completed and approved.

135 (8) Itemized documentation will be in the case record on all orders costing less than
136 \$500 and the client will acknowledge their receipt. (For example, signing and dating the
137 packaging slip, vendor's invoice, or typed list of goods.)

138 (9) Returned or repossessed items must be documented on for "Receipt for Equipment
139 and Title Agreement" and the final disposition noted in Case Narrative entry.

140 (l) Program Managers will review record of services when submitted for approvals to ensure
141 that purchases are being awarded in a manner that ensures competition and client
142 participation within the scope of DRS and applicable fiscal rules. At least once each fiscal
143 year a random selection of record of services will be reviewed by the DRS
144 Central/Departmental Services Unit to monitor compliance with DRS and applicable fiscal
145 rules. If a Program Manager has reason to believe that a rehabilitation professional is not
146 making a good faith effort to award purchases in a competitive manner and in accordance
147 with agency administrative rules, a fiscal audit of the entire caseload will be requested to
148 determine the appropriate action to take. Prior to the initiation of the Individualized Plan for
149 Employment (IPE), the counselor must determine if:

150 (1) a vendor agreement is needed;

151 (2) there is an established rate or fee schedule; and

152 (3) client's participation in cost of services is required.

153 (m) Pursuant to 74 O.S. 85.44A, any goods or services required under a court order shall
154 be purchased in accordance with DRS fiscal rules.

155 (n) In regards to monies provided to clients via direct client payment, such monies shall be
156 utilized only for the purpose and in the manner identified in the Individual Plan for
157 Employment. Client must agree to submit receipts and/or other appropriate verification
158 within 7 days of the receipt of the direct client payment. If these monies are utilized for any
159 other purpose, or if the client fails to provide the required receipts or verification, he or she
160 will be expected to reimburse DRS immediately for the undocumented amount. If the client
161 fails to reimburse DRS, the agency may use legal means to recover such amounts.

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 ~~CFRC.F.R.~~ § 361.42(e)
5 for 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 ~~CFRC.F.R.~~ § 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~~C.F.R. §
52 361.48(b)(12);
- 53 (8) compensatory training;
- 54 (9) Supported Employment (SE), Employment and Retention (ER); Job Placement
55 (JP), ~~JOBS~~, Support Services for Employment (SSE), Supplemental Employment
56 Services (SES), and Customized Employment (CE); or
- 57 (10) any auxiliary aid or service (e.g., interpreter services, reader services) that an
58 individual with a disability require under Section 504 of the Act or the American with
59 Disabilities Act (42 U.S.C. 12101, et seq.) or regulations implementing those laws, in
60 order for the individual to participate in the VR program.
- 61 (e) Any client who does not have a surplus is not required to participate in the cost of
62 services. Financial need does not exempt the client from required use of comparable
63 benefits. If a payment is required of the client, it will be made to the vendor.
- 64 (f) The counselor will re-evaluate the client's financial situation at least annually and any
65 time there is a change in the financial situation of the client or household. The amount of
66 client participation in cost is based upon the most recent determination of client's financial
67 needs at the time the IPE or amendment. If applicable, the extent of the individual's
68 participation in paying for the cost of services is identified on the IPE service (e.g.
69 Household monthly income surplus will be exhausted prior to agency financial contribution).
- 70 (g) The client's financial needs must be verified when an IPE includes service which require
71 client participation in costs of services.
- 72 (h) Determination of income and liabilities will be verified and documented by the counselor
73 in the record of service when services in the IPE and amendments require client
74 participation in cost. If the individual refuses to provide the requested information, DRS
75 resources will not be used to purchase services which require client participation in cost of
76 the services.
- 77 (1) Income.
- 78 (A) Income generated from salaried wages will be calculated by gross earnings
79 minus federal taxes, state taxes and social security deductions.

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

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

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

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

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

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

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

102 (i) Case recording requirements. A statement regarding the re-evaluation of financial needs
103 must be included in the record of service. The financial review may be included in the IPE
104 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;

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

(12) occupational licenses, tools, equipment, and initial stocks and supplies;

(13) technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent such resources are authorized to be provided through the statewide workforce investment system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome;

(14) rehabilitation technology, including rehabilitation engineering, assistive technology devices and assistive technology services;

(15) transition services for students with disabilities, that facilitate the achievement of the employment outcome identified in the Individualized Plan for Employment, and pre-employment transition services as described in 34 ~~CFR~~CFR.F.R. § 361.48(a) and 29 USC 733;

(16) supported employment services for individuals with the most significant disabilities that need ongoing support services from an employment consultant and/or job coach to maintain employment;

(17) employment and retention services for individuals with significant disabilities who require short term support from an employment consultant and/or job coach to ~~obtain~~ and maintain a successful employment outcome;

(18) transitional employment services for individuals with the most significant disabilities due to mental illness who have little or no successful work history and need work adjustment/trial work experience;

(19) work experiences, internships, and apprenticeships;

(20) services to the family of an individual with a disability necessary to assist the individual to achieve an employment outcome; and

(21) specific post-employment services necessary to assist an individual with a disability to maintain, retain, regain, or advance in employment.

(c) Vocational rehabilitation services for groups of individuals with disabilities are described in 34 ~~CFR~~CFR.F.R. § 361.49 and include:

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

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

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

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

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

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

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

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

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

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

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

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

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

152 ~~(10) The establishment, development or improvement of a community rehabilitation~~
153 ~~program that is used to provide vocational rehabilitation services that promote~~
154 ~~integration into the community and prepare individuals with disabilities for competitive~~
155 ~~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~~C.F.R. § 361.41(b)(1)(i-
28 ii).

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

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

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

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

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

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

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

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

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

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

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

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

78 (3) The record must document that the applicant was given the opportunity to register
79 to vote or change registration when applying for or receiving services, in accordance
80 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:

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

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

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

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

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

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

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

~~(3)~~ Deafness and Hearing Loss. In most cases, for the purpose of vocational rehabilitation, the majority of cases served will be in the moderate range to profound range, barring any other significant functional limitations as determined by a rehabilitation counselor for the Deaf (RCD). Degree of hearing loss from normal to profound are based on the hearing loss ranges as follows:

(A) Normal (-10-15)

(B) Slight (6-25)

(C) Mild (26-40)

(D) Moderate (41-55)

(E) Moderately severe (56-70)

(F) Severe (71-90)

(G) Profound (91+)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) If an individual is determined eligible, the VR counselor will notify the individual in writing. If the individual is determined to be ineligible, the counselor will notify the applicant and provide information on further options in accordance with DRS policy on ineligibility 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~~ Order of selection**
2 **Selection (OOS) for services [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 ~~CFRC.F.R.~~ § 361.48, as appropriate, to all eligible
5 individuals or, in the event that vocational rehabilitation services cannot be provided to all
6 eligible individuals in the State who apply for the services, include in the vocational
7 rehabilitation services portion of the Unified or Combined State Plan the order to be followed
8 in selecting 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 ~~CFRC.F.R.~~ § 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 individual's in higher priority
20 groups are being served. Considerations in making this determination will include, but
21 not be limited to, the projected outcomes, service goals, expenditures, and resources
22 available for each priority group. Projected costs and resources for each priority group
23 will be based upon costs of current Individualized Plans for Employment, anticipated
24 referrals, availability of financial resources, and adequacy of staffing levels. The Director
25 will implement actions under the ~~order~~Order of ~~selection~~Selection (OOS) through written
26 notice to DVR and DSBVI staff.

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

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

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

43 (1) need to establish an ~~order~~Order of ~~selection~~Selection, including any re-evaluation of
44 the need;

45 (2) priority categories of the particular ~~order~~Order of ~~selection~~Selection;

46 (3) criteria for determining individuals with the most significant disabilities; and

(4) administration of the ~~order~~Order of ~~selection~~Selection.

(e) **Establishing an ~~order~~Order of ~~selection~~Selection.** Basis for ~~order~~Order of ~~selection~~Selection. An ~~order~~Order of ~~selection~~Selection must be based on a refinement of the three criteria in the definition of individual with a significant disability in section 7 (21) (A) of the Act and 34 ~~CFRC.F.R.~~CFRC.F.R. § 361.5(c)(30).

(1) Factors that cannot be used in determining order of selection of eligible individuals. An ~~order~~Order of ~~selection~~Selection may not be based on any other factors, including requirements identified in 34 ~~CFRC.F.R.~~CFRC.F.R. § 361.36(d)(2)(i-vii).

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

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

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

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

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

(1) When a client is reclassified into a different priority category, he or she shall be notified, in writing, of the new priority category and provided written information as to how the change will affect the availability of vocational rehabilitation services. The written

notification shall include information about Due Process rights and the Client Assistance Program.

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

(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~~C.F.R. § 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, pursuant to Section 113(b) of the Act and C.F.R. § 361.48(a)(2)
18 are based upon the individual needs of the student with disabilities. Each service should
19 enrich, not delay transition planning, and the continuum of vocational rehabilitation
20 services necessary for movement from school to post-secondary education or to an
21 employment outcome.

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

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

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

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

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

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

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

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

45 results of the exploration activities and/or assessments will assist the client and
46 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
21 administrative rules.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) needed to achieve the employment outcome including as appropriate, the provision of assistive technology services and devices, and personal assistance services, including training in the management of such services;

(B) provided in the most integrated setting that is appropriate for the service involved and is consistent with the informed choice of the client; and

(C) timelines for the achievement of the employment outcome and for the initiation of services.

(3) a description of the service provider chosen by the client or authorized representative, and the methods of services delivery;

(4) a description of the criteria that will be used to evaluate progress toward achieving the employment outcome;

(5) the terms and conditions of the IPE including as appropriate:

(A) the responsibilities of DVR or DSBVI;

(B) the responsibilities of the client, including:

(i) the client's responsibilities for the employment outcome;

(ii) the client's participation in paying the cost of VR services; and

(iii) the client's responsibility to apply for, accept, and use comparable services and benefits to defray in whole or in part the cost of VR services.

(6) for an IPE that includes supported employment services, information identifying:

(A) the extended services needed by the client; and

(B) the source of the extended services, including natural supports, or an explanation concluding there is a reasonable expectation a source will become available; and

(C) the weekly work goal.

(7) if it appears they will be necessary, a statement of needed post-employment services for an IPE for a student with a disability that includes pre-employment transition services. Each pre-employment transition service to be purchased for or provided by DRS staff must be included as a line of service on the IPE 34 C.F.R. § 361.46(d)(2)(ii).

(A) If appropriate the IPE must include the specific VR services needed to achieve the employment outcome, including a projected post-school employment outcome (34 C.F.R. § 361.46(a)(1)).

(B) For those students with disabilities who may use a projected post school employment outcome and the plan includes only those services to assist in refining that employment goal, any pre-employment transition services the student would receive would still need to be included 34 C.F.R. § 361.48(b)(18).

(8) A full array of individualized VR services may be provided to an eligible student or youth with a disability in need of such services so long as they are included on an

approved IPE to assist in preparing for, securing, retaining, advancing in or regaining an employment outcome that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. The individualized VR transition services provided will depend on the student's or youth's individual needs and include, but are not limited to:

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

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

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

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

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

(F) Supported employment services for individuals with the most significant disabilities; and

(G) Services to the family of an individual with a disability necessary to assist 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~~C.F.R. § 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~~ensure 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 ensure it is accurate and timely. The information should be reviewed periodically to make
22 sure it is 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, and the
8 client is ready to begin the final milestone, "Successful Employment". During this milestone,
9 the provider must continue delivering ongoing support~~support~~ for a minimum of 90 days
10 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 which includes short term job coach training and support. The client
14 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 (f) **Case recording requirements.** The client, or the client's authorized representative as
42 appropriate, will be a full participant in the decision to close the case. The last discussion of
43 the closure decision with the client, or the client's authorized representative, will be held at

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

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

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

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

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

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

PART 9. Actions Requiring Review and Approval

612:10-7-87. Actions requiring supervisor's approval [AMENDED]

(a) Actions requiring supervisory approval include:

- (1) All actions of a newly employed counselor/teacher.
 - (2) All IPE's or amendments when the total of the planned DVR and DSBVI expenditures for the entire case exceed \$25,000.
 - (3) All case closures in which an IPE was developed and the case was placed into service status or beyond.
 - (4) Transfer of cases from one counselor/teacher caseload to another outside the sending supervisor's unit (signed by the supervisor of the sending counselor or teacher).
 - (5) All IPE's which include purchase of physical or mental restoration services, prescription drugs or prescribed medical supplies lasting more than three months.
 - (6) Small Business plans with a cost to the agency in excess of \$5,000.00.
 - (7) Vehicle or home modifications over the ~~OMES-DCAMOMES~~ authority order limit and housing modifications involving structural modifications.
 - (8) Vehicle repairs that exceed \$1,000.00 for the life of a case.
 - (9) Dental services with a projected cost over \$5,000.00.
- (b) Documentation in a case note of when verbal approval may be given.

PART 11. PHYSICAL AND MENTAL RESTORATION SERVICES

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

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

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

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

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

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

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

(1) Braces and orthotic devices.

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

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

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

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

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

(6) Hearing aids and audiological services.

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

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

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

(10) Low vision services.

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

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

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

(14) Post-operative care of cataract patients.

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

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

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

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

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

(16) Prosthetic limbs.

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

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

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

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

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

(17) Psychiatric and psychological treatment.

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

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

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

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

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

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

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

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

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

(19) Surgery and medical treatment.

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

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

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

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

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

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

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

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

(C) Wheelchair rental may be authorized for a period not to exceed six months when necessary to assist the client with mobility. An exception can be 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 at a state funded vocational school, college or university within 40 miles of~~
40 ~~the client's official residence.~~ 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

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

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

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

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

(1) required by the training facility;

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

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

(d) **Day care expenses.** Day care expenses will be paid for from DVR and DSBVI funds only when necessary to participate in the IPE, and it is fully documented that no other resources are available for this service, including family members and friends. All day care expenses paid by DVR and DSBVI funds will only be paid to facilities licensed by the OK Department of Human Services.

(e) **Case Recording.**

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

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

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

PART 14. COMMUNITY PROVIDER EMPLOYMENT SERVICES

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) 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. After the completion of the first
7 semester, a grade report, proof of enrollment, and an itemized invoice are required
8 documentation to support the authorization for tuition and fees. It is the responsibility of the
9 client to provide this support documentation. The client may provide this documentation
10 electronically or as a printed document in the standard format used by the school.

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

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

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

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

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

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

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

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

46 (h) **Cost documentation.** Each client is responsible for providing the counselor a copy of
47 the college or university's current semester costs before the designated "Drop and Add"
48 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.~~

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

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. Such services consist of the provision of specific
5 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 C.F.R. §
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 on a milestone 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 ~~support~~support to maintain
4 successful employment. Employment and Retention Services ~~consists~~consist of the Four (4)
5 Weeks Job ~~Support-Retention~~Support & Retention, and the Successful Employment
6 Milestones.

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

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

Rehabilitation teachers provide counseling and instruction to aid clients in adjusting to blindness and severe visual impairment. All clients who are legally blind, severely visually impaired or have a rapidly progressive eye condition are to be referred to a rehabilitation teacher. Exceptions are allowed in instances where rehabilitation teaching services have been provided and the client appears to be functioning independently, or when physical restoration services are planned which will likely restore the client's functioning to a level which would remove the need for rehabilitation teaching. Rehabilitation teachers employed by the Division of Services for the Blind and Visually Impaired may serve clients who are 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 DVSD~~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 21. PURCHASE OF EQUIPMENT, OCCUPATIONAL LICENSES AND
CERTIFICATIONS**

612:10-7-220. Vehicle modification services [AMENDED]

(a) Vehicle modification services may be provided as needed to enable a Vocational Rehabilitation client to prepare for, enter or retain employment. Vehicle modifications include the range of modifications and special equipment needed by a person with an impairment to drive or be a passenger in a vehicle. Vehicle modifications above the State Capitalization rate are subject to the Prior Approval from RSA in accordance with 2 ~~CFRC.F.R.~~ 200.439.

(b) Vehicle modification services provided to an individual in the Vocational Rehabilitation program may include:

(1) purchase and installation of adaptations or devices in a vehicle;

(2) assistance with payment of the portion of the cost attributable to modifications pre-installed in a new or used vehicle purchased from a dealer;

(3) evaluation of an individual's ability to operate a motor vehicle;

(4) required devices recommended by AT Specialist specific to both the individual needs and the vehicle. The AT report must not be older than six months at a time of purchase of recommended devices.

(5) training in the operation of the vehicle.

(c) Vehicle modifications which are projected to cost the amount of the ~~OMES-DCAM~~ OMES authority order limit or less will be made in accordance with agency administrative rules. Vehicle modifications projected to cost more than the ~~OMES-DCAM~~ OMES authority order limit will require additional processing by DRS Central/Departmental Services after the process is completed by the counselor as outlined in Categories A through C below. Clients purchasing new vehicles shall apply for any mobility equipment rebate available from the vehicle manufacturer and the amount of any such rebate shall be assigned to DRS.

(1) Category A: New or used vehicle with structural modifications: In this process, the vehicle will be purchased by client choice and not obtained through a bid process. The client will be responsible for the purchase of the vehicle and DRS will be responsible for the costs attributable to the structural modifications.

(2) Category B: New or used vehicle with structural modifications and accessibility modifications additions: In this process, the vehicle will be purchased by client choice and not obtained through a bid process. The client will be responsible for the purchase of the vehicle and DRS will be responsible for the costs attributable to the structural modifications and the accessibility modification additions. DRS will participate in this method only if the client obtains warranty from the mobility aids vendor. A copy of the warranty agreement will be obtained by the counselor and maintained in the case file.

(3) Category C: Any modifications to a new or used vehicle not purchased as part of the vehicle package with a cost greater than the ~~OMES-DCAM~~ OMES authority order limit will require additional processing by C/DS after the bid process is completed by the counselor in accordance with agency administrative rules.

(d) The qualifications in (1) – (9) of this Subsection apply to all vehicle modifications.

(1) The client or individual providing the transportation must have a current, valid driver's license. If the client will be driving the vehicle and does not yet have a driver's license, he/she must be legally permitted to drive or participate as a driving student.

(2) The name of the client must appear on the title to the vehicle and current vehicle registration. The client may be listed as a co-owner on these documents.

(3) The client must agree to maintain the vehicle for the predictable life of the equipment and is responsible for maintaining special equipment in good working order. DRS may pay for repairs to such equipment during the life of the case unless there is clear evidence that the special equipment has been damaged due to client abuse or neglect as determined by the dealer, vendor or Assistive Technology Specialist.

(4) The client must maintain full vehicle coverage (both collision and comprehensive) to include special equipment and any other vehicle modifications. All potential and/or additional drivers permitted to drive the vehicle must be insured and the appropriate insurance documentation provided to OKRS.

(5) The vehicle must be evaluated by an Assistive Technology Specialist or person with equivalent qualifications (Driver Rehabilitation Instructor, Occupational Therapist, Rehab Engineer, etc.) for identification of the appropriate adaptive equipment and assessment of the compatibility of the vehicle with recommended adaptive equipment.

(6) A used vehicle must be inspected by an ASE or manufacturer certified mechanic to assure it is mechanically and structurally sound before equipment can be installed. This inspection may be authorized by the counselor if necessary. If the ASE or manufacturer certified mechanic recommends it, a separate inspection related to structural soundness will be completed. This inspection may be authorized by the counselor.

(7) Existing modifications on a new or used vehicle shall be inspected for the appropriateness of the adaptive equipment for the client's needs by the Assistive Technology Specialist or other qualified person. DRS also requires documentation that existing modifications on a used vehicle have been inspected by the mobility equipment dealer/vendor to determine efficiency, quality and fair market value of the modification or adaptive equipment. This documentation may be obtained directly from the mobility equipment dealer/vendor or from the lender when such documentation has been required for loan approval.

(8) DRS will not pay the expense of replacing the equipment unless the equipment no longer meets the needs of the client as determined through review of current medical reports and assistive technology evaluation indicating replacement is required to meet the IPE goals.

(9) DRS will not provide comprehensive structural modifications to include vertical, butterfly, or gull-wing doors for any vehicle types.

(10) Certain types of vehicle modification equipment are considered "transferable" by design: i.e., hand controls, left foot accelerator, and hitch lift systems for wheelchairs/scooters. DRS may assist with the cost of transferring this type of equipment to meet the IPE goals. These modifications are categorized as non-structural modifications.

(11) When vehicle modifications are completed, installation is to be inspected by an Assistive Technology Specialist or person with equivalent qualifications, to determine if the authorized equipment conforms to prescribed standards, is properly installed and meets the functional needs of the client. The counselor must obtain a statement of satisfaction from the client.

(12) Once a vehicle modification is complete, an Assistive Technology Specialist will conduct the inspection, and if required, a Driving Rehabilitation Instructor (DRI) to determine if the authorized equipment conforms to prescribed standards, is properly installed, and meets the functional needs of the client. The modified vehicle is not to be released to the client until after the inspection process is complete. This includes the Assistive Technology Specialist obtaining the following: valid driver's license, vehicle title, insurance verification, client's signed statement of satisfaction, and vehicle modification pictures. Counselor will not release final payment until all items are received and reviewed.

1 **612:10-7-221. Housing Modification**

2 (a) Modification of a residence may include installation of ramps, widening of doors,
3 installation of grab bars and other accessibility modifications when such modifications are
4 necessary to support the client in achievement of an employment outcome. DRS will not
5 provide major structural modifications such as elevators, room additions or major wall
6 removal. Housing modifications that will cost more than the ~~OMES-DCAMOMES~~ authority
7 order limit require supervisor approval. All housing modifications are subject to the Prior
8 Approval from RSA in accordance with 2 ~~CFRC.F.R.~~ 200.439.

9 (b) In all situations where housing modification is to be done, the owner of the house must
10 provide proof of ownership, sign a written release form, and be current on mortgage
11 payments. DRS will not provide permanent modification to rental properties but may assist
12 with portable/removable modifications. The renter/client is responsible for obtaining prior
13 written permission from the owner for any portable/removable modifications. The counselor
14 must make a referral to the Assistive Technology (AT) Specialist who will then evaluate the
15 residence recommending modifications needed to make the residence accessible for the
16 client. After modifications have been completed the counselor will contact the AT Specialist
17 for inspection of the home, to ensure the modifications conform to prescribed standards and
18 meet the client's accessibility needs. The AT Specialist will provide a report to the counselor
19 that will contain pictures of the completed work and a signed statement of satisfaction from
20 the client.

21 (c) Once the Assistive Technology (AT) Specialist has completed the initial evaluation of a
22 home for a home modification and the report is received back to the counselor:

23 (1) The counselor has six (6) months to act on the AT Evaluation, in that, it must be
24 sent to Purchasing for bidding/out to bid, prior to six months from the date of the AT
25 Evaluation, or a new evaluation must be done. An AT Report should not be more than
26 six months old. Many things can happen in six months, especially in older homes, such
27 as, settling, damage from storms, etc. A new report will be required after this period of
28 time.

29 (2) No second egress on any home modification. Our purpose is to get the client out the
30 front door to go to work. If the client feels the necessity to have a second egress, then
31 that should be up to them or the homeowner, that is not the purpose of DRS.

PART 23. SELF-EMPLOYMENT PROGRAMS AND OTHER SERVICES

1 **612:10-7-230. Self-employment programs [AMENDED]**

2 (a) Self-employment is not a vocational goal itself but a method of achieving employment.
3 Self-employment programs may be divided into Contract Labor and Self-Employment.

4 (1) Contract Labor. Employment is contract labor when the client has a contract or on-
5 going business with a company or person to provide a specific product or service for a
6 fee. The service or product is produced to meet the vendor's specifications and needs.
7 The purchasing company often supervises the work.

8 (2) Self-Employment. In Self-Employment, the client owns, manages and operates a
9 business selling goods or services for the purpose of making a profit. Self-Employment
10 ranges from sole proprietorships and independent contractors to multi-employee
11 companies and independent franchise operations.

12 (A) The client must have the proper skills and managerial ability to succeed in the
13 trade or occupation for which the services are provided; and

14 (B) The client must have adequate resources available for the proper maintenance
15 and upkeep of the required tools, equipment, and stocks. The client is responsible
16 for the maintenance and repair of any tools, equipment, and stocks.

17 (b) Agency Role. The role of the VR Agency is not to serve as the sole funding source for
18 self-employment endeavors. Other funding resources must be researched and utilized when
19 available. DRS may participate in partially funding small business start-up or the retention of
20 an existing client owned and operated business but does not have a capital or loan program
21 for the establishment businesses. These investment resources must come from other
22 sources. DRS will assist the client in making informed decisions, reduce or eliminate the
23 barriers created by the disability(ies), training regarding small business development/self-
24 employment, and assisting the individual in identifying possible funding resources.

25 (c) DRS will not assist with services to maintain or expand an existing self-employment
26 business. However, services can be offered which might address changes brought on by a
27 disabling condition that limits or interferes with a person's ability to continue to operate their
28 business independently. These services might include but are not limited to such things as
29 AT assessment for changes in worksite or job tasks; recommendations for purchase of
30 adaptive equipment; worksite or vehicle modifications that are needed for a person to
31 continue operating their business; or training in the use of required adaptive equipment or
32 techniques. Before consideration will be given to assisting with an existing business the
33 client must provide copies of the most recent two years of profit and loss statements and/or
34 tax returns showing business profitability. DRS will not support businesses that have failed
35 to demonstrate profit sufficient to support the individual financially.

36 (d) When to Consider Self-employment. The counselor may consider self-employment
37 when all of the following guidelines have been met.

38 (1) The income derived from a self-employment plan is to be the primary source of
39 support.

40 (2) Is the client's informed choice consistent with their unique strengths, resources,
41 priorities, concerns, abilities, capabilities and interests.

42 (3) When a client expresses interest in self-employment, the individual will be required
43 to participate in a vocational assessment with focus on self-employment potential. The
44 assessment will include a self-evaluation completed by the client.

45 (4) The counselor will document, as appropriate, in the comprehensive assessment that
46 the client has the academic, communication and managerial skills to manage their own
47 business and the resources to demonstrate a likelihood of success.

48 (e) Once it has been determined by DRS that self-employment is a feasible goal, an IPE will
49 be written to further assist the self-employment concept and the client is sent to training for
50 developing a business plan.

51 (f) Certain individuals may require on-going supports or services for a business plan to be
52 successful. The counselor will assist the individual in identifying and securing these support
53 services. DRS cannot be responsible for funding these supports following successful
54 employment outcomes.

55 (g) Clients who are receiving SSI/SSDI will be referred to a DRS Benefits Planner to review
56 how profits from self-employment will affect their benefits prior to the completion of an
57 Individualized Plan for Employment.

58 (h) The agency may provide some financial assistance toward self-employment plans that
59 have met the requirements as specified in policy. The counselor will determine the client's
60 financial status and any required financial participation by the client. The client's contribution
61 may come from personal resources, property, loans, PASS plan funds or small business
62 start-up grants from other assistance programs. A client who is receiving SSI/SSDI must
63 submit a Plan to Achieve Self-sufficiency to SSA for review and consideration before any
64 DRS funds can be expended toward a self-employment start up business.

65 (i) Any required client financial participation is applied to the cost of planned services.

66 (j) The agency's contribution to a self-employment plan will not exceed \$5,000 without
67 supervisory approval.

68 (k) The Agency will consider three-tiers of support for self-employment.

69 (1) Tier 1 is for self-employment plans that are considered low cost, simple and
70 considered low risk. These cases will be limited to DRS financial contribution up to
71 \$5,000. DRS will cover 100% of costs minus any required client financial contributions. In
72 Tier 1 cases the client is required to provide the Basic Business Plan which includes the
73 following items:

74 (A) Business feasibility study.

75 (B) Monthly personal and living expenses worksheet.

76 (C) Business start-up expenses worksheet.

77 (D) Projected monthly casecash flow worksheet showing business profits versus
78 cost of operations.

79 (2) Tier 2 is for self-employment businesses with anticipated costs from \$5,000 up to
80 \$10,000. In these cases the client is responsible for providing 25% of the anticipated
81 costs. Client contribution can come in many forms including the use of existing
82 equipment or home/office space which the client owns: bank loans; PASS Plans, or any
83 other Agency approved financial contribution. All IPE's included in Tier 2 with planned
84 expenses over \$5,000 must be reviewed and approved by the Programs Manager. In

Tier 2 self-employment cases the client is required to provide the Comprehensive Business Plan that includes:

- (A) Detailed description of the proposed business.
- (B) Market research.
- (C) Sales Plan.
- (D) Management Plan.
- (E) Business License and City Zoning regulations.
- (F) Supporting documents will include:
 - (i) List of identified vendors.
 - (ii) Items requested to be paid by DRS.
 - (iii) Items and resources provided by client.
 - (iv) Credit Report.
 - (v) Copy of the client's last two years of tax returns if they were required to file.
 - (vi) A 100 form completed and signed by the client to be submitted to the Oklahoma Tax Commission for disclosure of tax information.

(3) Tier 3 self-employment cases are those with an anticipated cost which exceeds \$10,000. Tier 3 cases will require the same supporting documentation as Tier 2. In Tier 3 the client will be required to contribute a minimum of 50% of the anticipated costs exceeding \$10,000. All Tier 3 self-employment cases require review and approval by the Field Coordinator.

(4) Tier 2 and Tier 3 self-employment proposals will be required to have their Business Plan reviewed and approved by Agency designated staff and/or Review Panels.

(I) Items that the agency will not approve for funding include:

- (1) Construction or purchase of real estate.
- (2) Businesses that are speculative in nature such as stocks, bonds or other investments or considered speculative by the Better Business Bureau.
- (3) Businesses that are organized as not for profit.
- (4) Businesses organized as hobbies.
- (5) Purchase of vehicles including farming, ranching and construction vehicles.
- (6) Refinancing of existing debt.
- (7) Business plans that are not developed as the primary source of support.

- 117 (8) A business endeavor that does not have an agency approved business plan.
- 118 (9) Any business activity related to the Marijuana business including the production,
119 distribution and/or sale of marijuana products.
- 120 (10) DRS will not assist with the purchase of a franchise business or any type of
121 pyramid business arrangement.
- 122 (11) The purchase of domestic animals or livestock.
- 123 (m) Purchases and support services. All Agency purchases for a plan with a goal of self-
124 employment will be in accordance with established purchasing policy regarding the
125 competitive bid process and referrals to the State Office Purchasing Unit. Any requests for
126 assistance with maintenance or transportation will be required to meet established policy
127 guidelines for these support services.
- 128 (n) The counselor will continue to be available for technical assistance upon completion of
129 approved purchases. Counselor will review with client every 3 months the progress of the
130 business. This will include copies of the businesses profit and loss statements and record of
131 business performed. The purpose of these reviews is to determine if the involvement in self-
132 employment is allowing the client to substantially increase his/her earnings to achieve self-
133 employment success and be able to meet on-going financial obligations of the business.
134 Should the business not be showing an increase in the income of the client, the counselor
135 will review, with the client, the client's business plans to try to increase the business income.
136 If necessary, the client may be referred to the small business development center or similar
137 program for technical assistance in making changes in business operation to achieve a
138 business profit.
- 139 (o) As stated in the IPE, this case would be agreed upon as a successful closure if the
140 business is stable after 90 days and has met the specified level of performance. At the time
141 of case closure, title for all goods purchased by the agency will be released to the client.
- 142 (p) As stated on the IPE the Counselor will discuss with the client at time of successful case
143 closure that the client will be expected to furnish the Agency with income verification for the
144 first year after successful case closure for reporting purposes as required under WIOA. This
145 income verification can come in the form of self-employment worksheets signed and
146 attested to by program participants or other approved Agency forms of verification.

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

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

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

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

PART 25. TRANSITION FROM SCHOOL TO WORK STUDY PROGRAM

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

(a) Transition services is a coordinated set of activities for a student or youth with a disability who is 15 to 21 years of age and has been determined eligible for services, that promotes movement from the public schools or recognized education program to post-school activities. Transition services represent the next set of services on the continuum of VR services available to eligible individuals. Transition services, for eligible students or youth with disabilities, provide for further development and pursuit of career interests with post-secondary education, vocational training, job search, job placement, job retention, job follow-up, and job follow along. The transition process is outcome based, leading to post-secondary education, vocational training, competitive integrated employment (including supported employment), continuing and adult education, adult services, independent living, and/or community participation consistent with the informed choice of the individual.

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

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

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

(d) The Transition from School ~~to~~ Work Study Program is based upon effective and cooperative working relationships between the Special Education Section of the State Department of Education, the Department of Rehabilitation Services, and the Local Educational Agency (LEA) or recognized education program. Each agency retains responsibility for providing or purchasing any transition service that the agency would otherwise provide to students or youth with 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 or a recognized education program, OK
10 DRS shall provide or arrange for the provision of pre-employment transition services (Pre-
11 ETS) for all students with disabilities in need of such services who are eligible or potentially
12 eligible for services. The primary purpose of Pre-ETS is to help students begin to explore
13 and identify career interests and to practice and improve workplace skills in preparation for
14 transition to employment and/or post-secondary education.

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

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

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

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

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

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

37 (b) **Required Activities.** Services may be provided to students, or groups of students, with
38 disabilities who are eligible or potentially eligible for VR services in the following areas. The
39 following pre-employment transition services represent the earliest set of services available
40 for students with disabilities under the VR program. These are short-term services designed
41 to help students identify career interests: **Target Population.** Pre-ETS are provided to
42 "students with disabilities" who are 14 to 21 years of age and who are:

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

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

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

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

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

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

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

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

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

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

(1) ~~Vocational rehabilitation counselors~~ Pre-employment transition services:

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

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

(A) Community Rehabilitation Programs Pre-employment transition services are a specific set of services that are designed to improve the transition of students with disabilities from school to post-secondary education or to an employment outcome, increase opportunities for students with disabilities to practice and improve workplace readiness skills, through work-based learning experiences in a

competitive, integrated work setting and, increase opportunities for students with disabilities to explore post-secondary training options, leading to more industry recognized credentials, and meaningful post-secondary employment.

(B) ~~Independent Living Centers~~ Pre-employment transition services represent the earliest set of services available for students with disabilities who are eligible or potentially eligible for VR services, are short-term in nature, and are designed to help students identify career interests, which may be further explored through additional vocational rehabilitation (VR) services, such as transition services and other individualized VR services and, are provided to all who meet the definition of a student with a disability who may need such services.

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

(I) Five Required Activities (section 113(b) of the Act and 34 C.F.R. § 361.48(a)(2));

(II) Four Pre-employment Transition Coordination Activities that are essential for arranging and providing pre-employment transition services (section 113(d) of the Act and 34 C.F.R. § 361.48(a)(4)), and;

(III) Nine Authorized Activities (section 113(c) of the Act and 34 C.F.R. § 361.48(a)(3)) VR agencies may use if they have sufficient funds.

(IV) A more detailed description of these required, coordinated, and authorized activities is provided further below.

(2) A "Student with a Disability" as defined in Oklahoma, is an individual with a disability who is:

(A) Currently enrolled in a secondary, post-secondary, or other recognized educational program;

(B) Not younger than fourteen years of age and not older than the maximum age established for the receipt of services under part B section 614(d)(1)(A)(i)(VIII) of the Individuals with Disabilities Education Act (IDEA) (codified at 20 U.S.C. section 1414(d)(1)(A)(i)(VIII)); and

(C) Receiving special education or related services under part B of IDEA or is a student with a disability for the purposes of section 504 of the Rehabilitation Act of 1973, as amended.

(d) ~~Considerations under 00S.~~ VR must continue to provide Pre-ETS to students with disabilities who were receiving such services prior to being determined eligible for SBVI and are placed in a closed category. **Required Five Activities.** Pre-employment transition services may be provided to students, or groups of students, with disabilities who are eligible or potentially eligible for VR services in the following areas. The following pre-employment transition services represent the earliest set of services available for students

with disabilities under the VR program. These services are designed to be short-term, based on the student's needs, and designed to help students identify career interests:

(1) Job exploration counseling.

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

(3) Counseling on opportunities for enrollment in comprehensive transition or post-secondary educational programs at institutions of higher education.

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

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

(e) Pre-Employment Transition Coordination-Auxiliary aids or services. Any "student with a disability" with a sensory or communicative disorder who needs auxiliary aids or services to access pre-employment transition services, regardless of whether the student has applied or been determined eligible for the VR program.

~~(1) District office staff will be responsible for attending IEP meetings for students with disabilities when invited; using conference calls and video conferences, when necessary;~~The provision of pre-employment transition services to pay for auxiliary aids and services for students with disabilities with sensory and communicative disorders who need such aids and services in order to access or participate in pre-employment transition services.

~~(2) working with local workforce development boards, job centers and employers to develop work opportunities for students with disabilities, including apprenticeships, internships, summer employment and other employment opportunities available throughout the school year;~~DRS will collaborate with education agencies to identify who is responsible for the purchase of auxiliary aids and services based on whether the aids and services are needed for FAPE or for VR purposes and access to Pre-ETS. If it is determined to benefit both the VR program and the IDEA services, then VR can only pay for the portion of the cost that benefits the VR program. The VR agency may use the funds reserved for Pre-ETS to pay for auxiliary aids and services when they are needed to access or participate in pre-employment transition.

~~(3) working with schools to coordinate and ensure the provision of Pre-ETS; and DRS does not need to conduct a search for comparable services and benefits for potentially eligible students with disabilities, including when providing auxiliary aids and services. The search for comparable benefits and services is required for eligible students with disabilities, except to the extent that these aids and services constitute "rehabilitation technology." (34 C.F.R. § 361.5(c)(45)).~~

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

(f) Eligible students with disabilities are able to access any other VR services needed to participate in pre-employment transition services or other VR services that are unrelated to pre-employment transition services, none of which would be available to them without approved IPEs, these eligible students with disabilities may need certain VR services to fully

169 ~~benefit from pre-employment transition services. By receiving other VR services and~~
170 ~~supports, along with the pre-employment transition services, enables eligible students with a~~
171 ~~disability to develop the skills to experience competitive, integrated employment as they~~
172 ~~leave school and enter the workforce.~~**Delivery of Services.** Pre-ETS may be delivered in
173 collaboration with school districts/LEAs or a recognized education program via any
174 combination of:

175 (1) Vocational rehabilitation counselors

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

178 (3) Other entities contracted with VR such as:

179 (A) Community Rehabilitation Programs

180 (B) Independent Living Centers

181 (g) **Considerations under 00S.** VR must continue to provide Pre-ETS to students with
182 disabilities who were receiving such services prior to being determined eligible for VR
183 services and are placed in a closed category.

184 (h) **Four Pre-employment Transition Coordination Activities** that are essential for
185 arranging and providing pre-employment transition services (Section 113(d) of the Act and
186 34 C.F.R. § 361.48(a)(4)):

187 (1) District office staff, or staff of a recognized education program, will be responsible
188 for attending IEP meetings for students with disabilities when invited; using conference
189 calls and video conferences, when necessary;

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

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

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

197 (i) **Nine Authorized Activities.** Through its fiscal forecasting, DRS will determine annually
198 whether there are sufficient funds available to engage in authorized activities and charge
199 these costs to the reserve. DRS may provide the nine authorized activities to improve the
200 transition of students with disabilities from school to post-secondary education or an
201 employment outcome. There is no requirement that DRS wait until all students with
202 disabilities have received direct services before it can spend funds on other authorized
203 activities, rather, that funds remain to engage in authorized activities. (section 113(c) of the
204 Act and 34 C.F.R. § 361.48(a)(3)).

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

207 (2) Developing and improving strategies for individuals with intellectual disabilities and
208 individuals with significant disabilities to live independently; participate in post-secondary

- 209 education experiences; and obtain, advance in and retain competitive integrated
210 employment.
- 211 (3) Providing instruction to vocational rehabilitation counselors, school transition
212 personnel, and other persons supporting students with disabilities.
- 213 (4) Disseminating information about innovative, effective, and efficient approaches to
214 improve the transition of students with disabilities from school to post-secondary
215 education or an employment outcome.
- 216 (5) Coordinating activities with transition services provided by local educational agencies
217 or a recognized education program under the Individuals with Disabilities Education Act
218 (20 U.S.C. 1400 et seq.).
- 219 (6) Applying evidence-based findings to improve policy, procedure, practice, and the
220 preparation of personnel, in order to better improve the transition of students with
221 disabilities from school to post-secondary education or an employment outcome.
- 222 (7) Developing model transition demonstration projects.
- 223 (8) Establishing or supporting multi state or regional partnerships involving states, local
224 educational agencies, recognized education programs, designated state units,
225 developmental disability agencies, private businesses, or other participants to improve
226 the transition of students with disabilities from school to post-secondary education or an
227 employment outcome.
- 228 (9) Disseminating information and strategies to improve the transition to post-secondary
229 activities of individuals who are members of traditionally unserved and underserved
230 population.
- 231 (j) **Eligible students with disabilities are able to access** any other VR services needed to
232 participate in pre-employment transition services or other VR services that are unrelated to
233 pre-employment transition services, none of which would be available to them without
234 approved IPEs, these eligible students with disabilities may need certain VR services to fully
235 benefit from pre-employment transition services. By receiving other VR services and
236 supports, along with the pre-employment transition services, enables eligible students with a
237 disability to develop the skills to experience competitive, integrated employment as they
238 leave school and enter the workforce.
- 239 (1) Should a student with a disability apply for and is determined eligible and assigned
240 a disability priority category that is closed, they may continue to receive any of the 5
241 required Pre-ETS services if they had begun to receive at least one Pre-ETS service
242 prior to being determined eligible and assignment to a priority category. However, these
243 students may not receive any VR services other than pre-employment transition
244 services until they apply, and are determined eligible, for VR services, and have an
245 approved IPE. (See 612 10.7-25.1 for more information on OOS).
- 246 (2) Eligible students with disabilities, that is, those students who have applied and been
247 determined eligible for the VR program, are able to receive any VR services, including
248 pre-employment transition services, necessary to assist them in achieving their
249 employment outcome, so long as those services are identified on their IPEs.

250 (k) **Coordination and Collaboration with Education:** The Oklahoma State Department of
251 Education (OSDE) and the Department of Rehabilitation Services (DRS) have created a
252 Memorandum of Understanding (MOU) to form a partnership aimed at supporting youth with
253 disabilities across Oklahoma. This MOU focuses on ensuring a free appropriate public
254 education (FAPE) and includes coordination for timely provision of necessary transition
255 services. Through this partnership, DRS staff are assigned to schools or recognized
256 education programs throughout the state, ensuring a direct point of contact with OSDE staff.
257 The collaboration aims to enhance the goals, initiatives, objectives, and activities of the
258 Oklahoma Pathways to Partnerships (OP2P) grant. The ultimate objective is to improve
259 education and training, employment, independent living, and community participation
260 outcomes for children and youth with disabilities.

261 (1) The Department of Rehabilitation Services (DRS) in Oklahoma has specialized staff
262 dedicated to working with targeted populations to provide tailored support and services.
263 These populations include Deaf and Hard of Hearing, Services for the Blind and Visually
264 Impaired, Juvenile Justice, and bilingual staff. By having specialized staff for these
265 groups, DRS aims to provide comprehensive and accessible services tailored to the
266 unique needs of each population.

267 (2) Decisions as to which entity, the VR agency, LEA, or a recognized education
268 program, is responsible for providing and/or paying for pre-employment transition
269 services or transition services considered to be both a special education (or related
270 service or VR service must be made at the State level). Nothing under title I of the
271 Rehabilitation Act shall be construed as reducing a LEA's obligation to provide special
272 education or related services under IDEA (see section 101(c) of the Rehabilitation Act
273 and 34 C.F.R. § 361.22(c)). DRS Counselors, the Statewide transition coordinator, and
274 their State and Local Education agency partners or a recognized education program will
275 coordinate services and make determinations on an individual basis based upon the
276 purpose of the service, eligibility for services, and who customarily provides the
277 services.

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 or, to the extent applicable, by recognized education
14 programs, through special education services and on an individualized education program
15 (IEP).

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

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

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

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

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

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

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

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

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

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

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

Cooperative agreements are entered into by the Department of Rehabilitation Services and the Local Educational Agency (LEA), private school, charter school, home school organization and Career and Technology Education Center to facilitate cooperative working relationships leading to positive employment outcomes for eligible students with disabilities, including those served through an individualized education program (IEP), Section 504 Plan, or those with other documented disabilities. Each agreement sets the framework for a comprehensive and coordinated effort to identify and serve all students with physical and/or mental disabilities enrolled in secondary school or attending CareerTech during secondary school or being home schooled who are jointly eligible. Continuous and uninterrupted services are provided through common areas without duplication or encroachment of the separate programs. Staff should refer to the cooperative agreement in addition to the ~~policy~~ 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 rule 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 **612:10-13-22. Grievance procedures [AMENDED]**

2 (a) Individuals who are dissatisfied with certification testing procedures or ~~performance with~~
3 ~~the professional performance or ethical conduct of a certified~~ an Interpreter Certification
4 Resource Center (ICRC) credentialed interpreter may file a written ~~or a clear, signed video~~
5 using American Sign Language explaining the complaint with the designated Oklahoma
6 interpreter certification program official, Department of Rehabilitation Services, within thirty
7 (30) days of the grieved incident.

8 (b) The ~~Department~~ ICRC will accept jurisdiction only for those incidents directly related to
9 the evaluation and ~~certification~~ credentialing of interpreters for the deaf in Oklahoma, ~~and for~~
10 those incidents involving the performance of ~~State-Certified Interpreters~~ ICRC registered
11 interpreters that are alleged to be in a specific violation of interpreting standards or
12 ethical behavior.

13 (c) Each complaint must be in writing and must provide:

14 (1) The date of the incident;

15 (2) The name(s) of the person(s) involved;

16 (3) The location of the incident;

17 (4) A description of the specific action or actions in question; and

18 (5) The specific policy or procedure in question or the NAD-RID Code of Professional
19 Conduct ethical tenet(s) and/or the ICRC Certification of Levels, and/or governing State
20 or Federal law in possible violation.

21 (d) Upon receipt of a properly executed complaint, the ~~Department~~ Interpreter Certification
22 Resource Center and the designated Department staff will review the complaint and within
23 thirty (30) days will notify the parties that a complaint has been filed. The respondent will
24 have thirty (30) days from the date they receive notification to respond in written form.

25 (e) Upon the receipt of a written response, the designated Oklahoma interpreter certification
26 program official and Department will review the information presented and make an initial
27 decision regarding the merit of the complaint based on facts presented. The designated
28 Oklahoma interpreter certification program official has thirty (30) days from the submission
29 of the ~~grievance~~ written response to provide a decision. All parties concerned will be notified
30 of the decision in writing. If there has not been sufficient information provided, in the formal
31 grievance or response from either party, the Oklahoma Interpreter Certification program
32 official can request more information, in writing, to make a determination.

33 (f) The designated Department and the Interpreter certification program official(s) can seek
34 the assistance from a merit panel to determine if there is a direct violation against (c) 5(5).
35

36 (1) The function of the merit panel is to assist the Department in determining if there is a
37 founded merit to the claimed violation(s) set forth in (c) 5(5). The names of the parties
38 will be anonymous when presented to the merit panel. The panel can recommend a
39 course of action.
40

41 (2) Possible course of action(s) are set forth as: ~~defined in 612:10-13-23 in (1) through~~
42 ~~(8) of that subsection.~~

43
44 (A) The complaint be dismissed:

45 (B) A written warning be issued;

46 (C) A written reprimand be issued indicating unsatisfactory performance;

47 (D) Probation a trial period for a specific length of time during which the interpreter is
48 required to fulfill a set of conditions to improve work performance or work behavior;

49 (E) Suspension - removal of the individual from the list of certified interpreters for a
50 specified period of time, not to exceed six (6) months;

51 (F) Revocation - removal of the individual from the list of certified interpreters for an
52 extended period or permanently;

53 (I) It must be determined and proven there was a severe violation against Code of
54 Professional Conduct tenets, and/or

55 (II) ICRC Level of Limitations, and/or

56 (III) a malicious intent of harm, and/or

57 (IV) disregarding or violation of any governing State or Federal Laws before a
58 certification can be revoked.

59 (G) The complainant may be retested using a different evaluation team at no cost to the
60 individual; and

61 (H) A recommended change in policy or procedures in the interpreter evaluation process.

62 ~~(g) If it is determined that no violation of rules related to evaluation and certification or~~
63 ~~violation of interpreting standards and ethical behavior has occurred, the~~The involved
64 parties will be notified, ~~and the complaint will be dismissed~~of a course of action based on
65 merit. If the complaint is dismissed, the complainant or respondent may appeal and request
66 a formal hearing. The appeal must be in either written form or a clear-signed video using
67 American Sign Language that explains the reason for the appeal and submitted within thirty
68 (30) days of receiving the course of action notification. The request for formal hearing must
69 be in writing and addressedappeal must be sent to the designated Oklahoma interpreter
70 certification program official at the Department of Rehabilitation Services.

71 (1) The function of the grievance panel is to review the grievance information presented
72 at the formal hearing. Each party will have a designed time to present their case/cause
73 for appeal to the grievance panel members. After each party has presented their
74 case/cause for appeal, the grievance panel members will make a decision based on
75 presented facts.

76 (2) The grievance panel can make recommendations for a course of appropriate action
77 to the Oklahoma interpreter certification program official. The Oklahoma interpreter
78 certification program official has thirty (30) days to notify the parties of the grievance
79 panels and the Oklahoma interpreter certification program officials course of action. The
80 course of action(s) is set forth in subsection of this administrative rule (f), (2), and rule
81 612:10-13-23 Formal Hearing.

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 or a clear,
4 signed video using American Sign Language explaining the reason for an appeal for a
5 formal hearing. The hearing will be scheduled at a time and place convenient to all parties
6 concerned. All parties will receive two weeks' notice of the hearing date.

7 (b) The complainant and/or respondent may invite a representative to attend during the
8 proceedings. Either party may present witnesses or other written documentation related to
9 any relevant aspect of the charge or defense. Parties must provide name of witnesses and
10 other written documentation two weeks prior to the scheduled hearing date to the
11 designated Oklahoma interpreter certification program official.

12 c) The hearing will be conducted by a grievance panel selected by the Oklahoma interpreter
13 certification program and the Department. With effort, at least one member must be deaf or
14 hard of hearing; must be a former or current Oklahoma interpreter certification test evaluator
15 and/or acknowledgeable and adhering to a form of Code of Ethics; with effort, one member
16 must be an interpreter holding national or Oklahoma State Level V/V certification; with effort,
17 one member will be selected at the discretion of Department and may be from a profession
18 other than interpreting for the deaf, but must be knowledgeable of Code adhering to a form
19 of Ethics. The panel will review information presented and make a determination based on
20 the facts. Based upon this determination, the panel can make recommendations for a
21 course of appropriate action to the Oklahoma interpreter certification program official.
22 Possible actions are set forth in (1) through (8) of this Subsection.

23 (1) The complaint be dismissed;

24 (2) A written warning be issued;

25 (3) A written reprimand be issued indicating unsatisfactory performance;

26 (4) Probation a trial period for a specific length of time during which the interpreter is
27 required to fulfill a set of conditions to improve work performance or work behavior;

28 (5) Suspension - removal of the individual from the list of certified interpreters for a
29 specified period of time, not to exceed six (6) months;

30 (6) Revocation - removal of the individual from the list of certified interpreters for an
31 extended period or permanently;

32 (A) It must be determined and proven there was a severe violation against Code of
33 Professional Conduct tenets, and/or

34 (B) ICRC Level of Limitations, and/or

35 (C) a malicious intent of harm, and/or

36 (D) disregarding or violation of any governing State or Federal Laws before a
37 certification can be revoked.

38 (7) The complainant may be retested using a different evaluation team at no cost to the
39 individual; and

40 (8) A recommended change in policy~~administrative rules~~ or procedures in the
41 interpreter evaluation ~~process~~.

42 (d) The recommended course of action submitted by the selected panel will be reviewed by
43 the designated interpreter certification program official to make a final decision on the
44 course of action suggested and will notify parties involved in writing of the decision within
45 thirty (30) days.

46 (e) If a party is dissatisfied with the outcome of a formal hearing, an appeal may be made to
47 the Director of the Department of Rehabilitation Services, within fifteen (15) days of
48 receiving the recommended decision. The Director shall have forty-five (45) days to render a
49 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" or "(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" or "(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" or "(ECM)"** means the committee
60 elected biennially by licensed managers in accordance with 34 GFR.C.F.R. § 395.14,
61 operating a BEP facility.

62 **"Emergency"** means ~~an unforeseen~~ a serious, unexpected and/or dangerous
63 circumstance that calls for immediate action. ~~When a piece of equipment is out of order it is~~
64 ~~not normally considered an emergency unless it will harm/destroy lives, other equipment or~~
65 ~~property.~~

66 **"Employee"** means an individual who receives compensation for services rendered to a
67 licensed manager.

68 ~~**"Equipment, expendable"** means items having a relatively small cost per item and~~
69 ~~having a relatively short life expectancy.~~

70 ~~**"Equipment, non-expendable"** means all necessary equipment which requires a~~
71 ~~relatively high capital outlay and has a normal life expectancy of several years.~~

72 **"Extenuating Circumstances"** means circumstances which are sudden, unexpected,
73 significantly disruptive and beyond control.

74 **"Federal property"** means any building, land or other real property owned, leased, or
75 occupied by any department, agency, or instrumentality of the United States (including the
76 Department of Defense and the United States Postal Service), or any other instrumentality
77 wholly owned by the United States.

78 **"Federal regulations"** means the regulations issued pursuant to the Randolph-
79 Sheppard Act.

80 **"Grantor"** means a Federal, State, County, Parish, city government, private
81 corporation, company, partnership or individual, who grants a permit or enters into an
82 agreement with the State Licensing Agency to operate a business enterprise on its/their
83 property.

84 **"Grantor's agreement"** means a written document between a Grantor and the State
85 Licensing Agency which sets forth the terms, conditions and responsibilities of all parties to
86 the agreement for the operation of a business enterprise on private and/or public property.

87 **"Gross receipts"** means all revenue from a business enterprise, including sales tax.

88 **"Gross Sales"** means the grand total of all sales transactions reported in a period
89 without any deductions included in the figure, not including sales tax.

90 **"Inactive Licensee"** means a licensed individual who is not currently working in the
91 Business Enterprise Program.

92 **"Initial stock and supplies"** means those resalable items or supplies necessary for the
93 opening and operation of a specific type of business enterprise.

94 ~~**"Interim manager"** means a licensed manager appointed to manage a business~~
95 ~~enterprise on a temporary basis.~~

96 **"License"** means a written instrument issued by the State Licensing Agency to a
97 person who is blind, authorizing such person to manage a business enterprise.

98 **"Licensed employee"** means a licensed individual who is currently working for a
99 licensed manager.

100 **"Licensed ManagerManager" or "(LM)"** means a licensed individual who has signed
101 an agreement and is operating a facility with the State Licensing Agency to manage a
102 Randolph-Sheppard business enterprise under the supervision of the State Licensing
103 Agency.

104 **"Licensee"** means a person who is blind and holds a valid BEP license.

105 **"Licensing agency"** means the State Licensing Agency (SLA), which has been
106 designated by the Commissioner, pursuant to the Act, to issue licenses to persons who are
107 blind for the management of business enterprises.

108 **"Management"** means the personal supervision of the day-to-day operation of the
109 assigned business enterprise facility by the assigned manager.

110 **"Management services"** means inspection, quality control, consultation, accounting,
111 regulating, in-service training, and other related services provided on a systematic basis to
112 support and improve business enterprises operated by licensed managers. Management
113 services does not include those services or costs which pertain to the on-going operation of
114 an individual facility after the initial establishment period.

115 **"Manager's agreement"** means an agreement between a licensed manager and the
116 State Licensing Agency, establishing basic terms and conditions for management of a
117 business enterprise.

118 **"Mail"** is a method of distributing information that includes, but is not limited to, the U.S.
119 Postal System, email, fax, or Federal Express.

120 **"Merchandise Loan"** means the total dollar value of the initial stocks of suitable
121 merchandise provided to a licensed manager that will be repaid in monthly installments
122 before Period of Performance end of state fiscal year.

123 **"Net earnings" or "Net profits"** means gross profit after deducting operating expenses
124 and set-aside collected.

125 **"Net proceeds"** means the amount remaining from the sale of articles or services of
126 business enterprises and any vending machine income or other income accruing to licensed
127 managers after deducting the cost of such sales and other authorized expenses excluding
128 set-aside charges required to be paid by the licensed managers.

129 **"Net sales"** means the sum total of sales, excluding sales tax.

130 **"Nominee"** means a nonprofit agency or organization designated by the State
131 Licensing Agency through a written agreement to act as its agent in the provision of services
132 to licensed managers under the State's Business Enterprise Program.

133 **"Other income"** means money received by a licensed manager from sources other
134 than over the counter and machine sales such as, Atm, and rebate income.

135 **"Other property"** means property which is not Federal property and on which business
136 enterprises are established or operated by the use of any funds derived in whole or in part,
137 directly or indirectly, from the operation of vending facilities on any Federal property.

138 **"Performance Evaluation"** means an evaluation conducted to determine if a manager
139 is eligible to apply for a facility or to be awarded a permanent BEP license.

140 ~~**"Permanent BEP License"** means a license issued on a permanent basis to a BEP~~
141 ~~manager who has successfully completed all probationary requirements.~~

142 **"Permit"** means the official approval given a State Licensing Agency by a department,
143 agency, or instrumentality in control of the maintenance, operation and protection of Federal
144 property or person in control of other property where the State Licensing Agency is
145 authorized to establish a business enterprise.

146 ~~**"Probationary BEP License"** means a license issued to an individual on their first~~
147 ~~day as manager of an Oklahoma BEP facility.~~

148 ~~**"Probationary Licensee"** means a person who has received a certificate of~~
149 ~~completion of the Business Enterprise Program training and has not completed their six (6)~~
150 ~~month probationary period.~~

151 **"Purveyor"** means an approved source of supply for food, beverages, supplies, or
152 services.

153 **"Randolph-Sheppard Act"** means Public Law 74-732 as amended by Public Law 83-
154 565, Public Law 93-516, and Public Law 95-602, 20 U.S.C. Chapter 6A, Section 107.

155 **"Retained vending machine income"** means vending machine income disbursed by a
156 property managing department, agency or instrumentality of the United States, or received

157 from vending machines on State or other property in excess of the amounts eligible to
158 accrue to licensed managers.

159 **"Routine preventive maintenance"** means the regular care, upkeep, and cleaning of
160 equipment used in a business enterprise.

161 **"Rules and regulations"** means the instrument written by the State Licensing Agency
162 and approved by the Secretary of Education setting forth the conduct and operation of the
163 Business Enterprise Program. A copy of the document granting approval of the rules and
164 regulations from RSA, will be mailed to each licensed manager.

165 **"Saleable stock/merchandise"** means products comprising the merchandise available
166 for sale to the public and determined by the SLA to be from an approved source in the
167 original container, in date, consistent with the needs of the customers for a particular
168 business enterprise.

169 **"Satellite business enterprise"** means a business enterprise assigned to a licensed
170 manager on a temporary basis.

171 **"Satellite Manager"** means a licensed manager appointed to manage a business
172 enterprise on a temporary basis.

173 **"Satellite Performance Evaluation"** means an evaluation conducted to determine a
174 manager's eligibility to continue operating a satellite to be performed at the 180 day satellite
175 review.

176 **"Satisfactory site"** means an area determined by the BEP Operations Coordinator with
177 active participation of the Elected Committee, to have sufficient space, electrical and
178 plumbing outlets, and other such accommodations as prescribed by the Act, for the location
179 and operation of a business enterprise in accordance with applicable health laws and
180 building codes.

181 **"Secretary"** means the United States Secretary of Education.

182 **"Set-aside funds"** means funds which accrue to a State Licensing Agency from an
183 assessment against the net proceeds of each business enterprise in the State's business
184 enterprise Program and any income from vending machines on Federal property which
185 accrues to the SLA.

186 **"Snack bar business enterprise"** means a business enterprise engaged in selling
187 limited lines of refreshment and prepared food items necessary for a light meal service.

188 **"State Licensing Agency (SLA)"** means the State agency that issues licenses to
189 persons who are blind for the operation of business enterprises on public and/or private
190 property.

191 **"State property"** means lands, buildings, and/or equipment owned, leased, or
192 otherwise controlled by the State.

193 **"Statewide average manager earnings"** means the average annual manager earnings
194 (after set-aside) as calculated each year for the RSA-15 Report.

195 **"Teaming Partner Agreement"** means an arrangement between a Licensed Manager
196 and a company as a contractual relationship or joint venture to perform a specific federal,

197 state, county or other contract with the exclusion of automated vending machines. Such
198 agreements are intended for large complex operations such as food services on a military
199 base.

200 **"Temporary Variance"** means an instrument used to allow a business enterprise to
201 install alternate vending operations on a temporary basis when a determination has been
202 made by the SLA that a blind operated vending facility is not viable at time of survey.

203 **"Third Party Vendor"** means a separate individual or organization, other than a
204 Teaming Partner, that operates and/or manages a BEP business enterprise facility and pays
205 a fee or commission to the licensed manager.

206 **"Timely submission"** means the receipt of an accurate monthly report and correct
207 payment, if applicable, on or before the due date in the BEP office.

208 **"Trainee"** means a qualified client of the Division of Visual Services for the Blind and
209 Visually Impaired, who when referred to the Business Enterprise Program, is placed in
210 training to prepare for licensing under the rules and regulations of the State Licensing
211 Agency.

212 **"Training program"** means the program of study and/or on-the-job training provided to
213 prospective and/or experienced licensed managers.

214 **"Vending facility"** means automatic vending machines, cafeterias, snack bars, cart
215 service, shelters, counters, and such other appropriate auxiliary equipment which may be
216 operated by licensed managers and which is necessary for the sale of newspapers,
217 periodicals, confections, tobacco products, foods, beverages, and other articles or services
218 dispensed automatically or manually and prepared on or off the premises in accordance with
219 all applicable health laws and including the vending or exchange of chances for any lottery
220 authorized by State Law and conducted by an agency of a State within such State.
221 [CFRC.F.R. 34, Part 395.1(X)]

222 **"Vending machine"** means any machine, operated using currency or other medium of
223 exchange, which dispenses articles or services, except any machine operated by the United
224 States Postal Service for the sale of postage stamps or other postal products and services.
225 ~~Machines providing services of a recreational nature and telephones shall not be considered~~
226 ~~to be vending machines.~~

227 **"Vending machine facility"** means an automated business enterprise which dispenses
228 a variety of food and refreshment items and services from vending machines. Included in
229 this category would be interstate highway locations and vending machine routes.

230 **"Vocational Rehabilitation Services"** means those services as defined in the
231 Rehabilitation Act. [29 USC 701 et seq.]

232 **"Volunteer"** means an individual who works in a business enterprise and receives no
233 compensation.

SUBCHAPTER 4. THE STATE LICENSING AGENCY

PART 3. BUSINESS ENTERPRISE PROGRAM TRAINING

1 **612:25-4-14. Training for new or potential licensed managers [AMENDED]**

2 (a) **Overview of Licensed Manager Training.** The Business Enterprise Program (BEP)
3 provides individuals who are blind with training that leads to potential employment as a
4 Licensed Manager of a vending facility or related business in the Business Enterprise
5 Program. The training program includes but is not limited to training in laws and regulations
6 affecting the Business Enterprise Program, state and federal tax reporting, food service
7 operations, sanitation, inventory control, money management, staffing of personnel, safety
8 procedures, business management principles and techniques, and preparation of reports
9 required by the State Licensing Agency. The licensed manager training program will be
10 based on a curriculum developed and periodically reviewed through consultation with
11 appropriate business representatives, trainers, BEP experts, and the Elected Committee of
12 Licensed Managers. Additional training required by the licensed manager trainee to adjust
13 to blindness, learn assistive technology skills or improve the trainee's opportunity to succeed
14 as a licensed manager may be arranged through coordination with the DRS Division of
15 ~~Visual Services for the Blind and Visually Impaired~~ and DRS Division of Vocational
16 Rehabilitation.

17 (b) **Application process.** Applications for BEP training shall include the following
18 information which shall be obtained from the individual's counselor:

- 19 (1) current eye examination, documenting blindness;
- 20 (2) documentation for United States citizenship;
- 21 (3) documentation the client is at least 18 years of age; and
- 22 (4) completion of any rehabilitation training prerequisites established by the BEP in
23 consultation with the ECM to better optimize the successful employment outcome;

24 (c) **Acceptance for training.** Applicant qualifications will be reviewed by BEP staff who will
25 report any training-related recommendations to the individual's DVR/DSBVI counselor and
26 BEP operations coordinator. An individual's application must be approved by the BEP
27 operations coordinator prior to acceptance into the training program.

28 (d) **Notice regarding criminal background record and Oklahoma sales tax**
29 **background check.** Before entering training, BEP applicants will be informed that a criminal
30 background investigation and an Oklahoma sales tax background check will be performed
31 and may prevent their being licensed to manage some BEP facilities.

32 (e) **Duration of training.** To be eligible for licensure as a BEP facility manager an individual
33 must complete the full BEP manager training program, unless the BEP operations
34 coordinator, in consultation with the Chair of the Elected Committee of Licensed Managers,
35 determines an exception is justifiable.

36 (f) **Completion of training.** Each trainee who completes the BEP manager training
37 program is issued a certificate certifying that the trainee has met all the training criteria to be
38 a licensed manager in the Business Enterprise Program. Upon assuming management of
39 their first facility, a certified graduate shall be issued.

40 (g) **Failure to complete training.** If it appears that a trainee will not be able to successfully
41 complete training, the BEP operations coordinator, in consultation with the ECM Chair, will
42 review the individual's training record before making a decision to terminate training. The
43 BEP operations coordinator will notify the trainee and their DSBVI or DVR counselor of any
44 BEP decision to terminate training.

45 (h) **Post-training interview.** Upon completion of a new manager's training, they will be
46 interviewed by a representative of the Elected Committee of Licensed Managers, normally
47 the chairperson, to evaluate the effectiveness of the training program. The interviewer
48 formulates recommendations and comments regarding the training program and provides
49 them to the BEP Operations Coordinator.

50 (i) ~~**Acceptance of out-of-state licenses.** The BEP Operations Coordinator will evaluate~~
51 ~~the skills and knowledge of BEP applicants who were licensed managers in other states.~~
52 ~~Training will be provided to correct any noted deficiencies and acquaint the applicant with~~
53 ~~Oklahoma's program. After qualifications are met, the applicant is issued a training~~
54 ~~completion certificate~~**Out-of-state applicants.** All out-of-state license requests will complete
55 all training requirements for new Oklahoma BEP candidates.

56 (j) **Seniority.** Seniority in the Oklahoma Business Enterprise Program will only accrue when
57 managing an Oklahoma BEP facility. Seniority is earned at a rate of .25 points per year of
58 qualifying time and is tracked by the BEP trainer.

59 (k) **Licensed Manager Benefits.** Benefits such as insurance will begin the same date the
60 Licensed Manager signed the manager's agreement.

**PART 5. STATE LICENSING AGENCY RESPONSIBILITY FOR BUSINESS ENTERPRISE
OPERATIONS**

1 **612:25-4-25. Management of BEP equipment and fixtures [AMENDED]**

2 (a) The SLA will provide each business enterprise with fixtures and equipment in such
3 quantity and quality so as to give reasonable assurance of successful operation by the
4 licensed manager. The SLA retains the right, title, and interest to all BEP equipment and
5 fixtures. The SLA has the authority to direct, control, transfer and dispose of such equipment
6 as it deems necessary. All capital equipment is purchased, inventoried, and disposed of in
7 accordance with Department of Rehabilitation Services policy.

8 (b) Equipment for new locations will be determined by the BEP Operations Coordinator and
9 staff pursuant to 612:25-6-16 Criteria to establish a business enterprise with Active
10 Participation from Elected Committee of Managers.

11 (c) The licensed manager may make additions, deletions or modifications to the business
12 enterprise and its operation, in the form of equipment, fixtures or facilities, by obtaining
13 written authorization from the BEP. The licensed manager may not remove any state-owned
14 equipment from the facility.

1 **612:25-4-27. Initial inventory and supplies [AMENDED]**

2 (a) **Initial inventory and supplies.** A licensed manager may acquire initial merchandise
3 for resale by purchasing it with his/her own funds, utilizing start-up assistance/client services
4 that may be available from DRS or other public and private sources, or use of a
5 merchandise loan provided by the State Licensing Agency (SLA). When the SLA provides
6 the manager a merchandise loan for initial merchandise, the manager is not allowed to
7 utilize DRS start-up assistance for same purpose.

8 (b) **Merchandise loan.** When necessary to enable a licensed manager to acquire initial
9 merchandise inventory, the SLA may extend a merchandise loan subject to the following
10 terms:

11 (1) The amount of the loan will be determined by the SLA in consultation with the
12 licensed manager and based on an assessment of merchandise necessary to initiate
13 sales and the availability of funds.

14 (2) The total amount of the loan will not exceed the average of the prior year's
15 inventories without approval from the BEP operations coordinator. This means the prior
16 year's inventories will be summed and then divided by twelve to obtain the average.

17 (3) All merchandise purchased and placed on a merchandise loan must have prior
18 approval by the SLA. The SLA will not make multiple purchases from any purveyor.

19 (4) The incoming licensed manager, BEP business consultant and BEP operations
20 coordinator will determine what may be purchased from the existing stock of the
21 outgoing facility manager. Only salable merchandise may be purchased.

22 (5) A merchandise loan must be repaid to the SLA by a licensed manager by close of
23 period of performance for the current state fiscal year in monthly installments of no less
24 than two percent of gross sales to pay loan balance in full. A licensed manager shall
25 not allow the facility inventory level to fall below that of the balance of the merchandise
26 loan and are subject to disciplinary action should this occur. Managers receiving loans
27 will sign a merchandise security agreement that will be retained on file by DRS and
28 released to the manager when loan repayment is complete along with a letter from the
29 BEP Operations Coordinator officially notifying the licensed manager of their full
30 repayment of the loan.

31 (6) When a merchandise loan is secured by stock, a licensed manager may not permit
32 the ownership of the stock to vest in any person or organization other than the SLA.

33 (7) When a licensed manager leaves a business enterprise, any remaining
34 merchandise loan balance (and other unmet obligations to the SLA) will be subtracted
35 from the ending inventory to determine the manager's equity in the ending stock.

36 (8) Merchandise loans are not allowed for satellite facilities unless extenuating
37 circumstances prevail and only after approval of the SLA and Active Participation with
38 the Elected Committee of Managers (ECM) ~~BEP Operations Coordinator in consultation~~
39 ~~with the ECM chair person.~~

40 (9) Merchandise loans for existing managers currently operating an "A" or "B" classified
41 facility as their primary may be granted at the discretion of the SLA with Active
42 Participation with Elected Committee of Managers (ECM) ~~BEP Operations Coordinator in~~
43 ~~consultation with the ECM chair person.~~

44 **(c) Failure of licensed manager to repay loan.**

45 (1) If a licensed manager's merchandise loan payment is not received in the BEP office
46 within five days after the due date, the licensed manager will be placed on probation
47 and is not eligible to make application into the selection process. Merchandise loan
48 payments are due at the time monthly reports and set-aside payments are due. (612:25-
49 6-22)

50 (2) If a licensed manager's merchandise loan payment remains delinquent through the
51 succeeding month and is not received in the BEP office within five days after the
52 succeeding month's due date, the BEP operations coordinator will recommend
53 suspension or termination of the operator's agreement by the SLA director unless an
54 alternate repayment schedule has been approved by the SLA. The SLA will initiate
55 action to collect a remaining merchandise loan balance when a loan payment is two
56 months overdue.

57 (3) When a licensed manager leaves the program for any reason, the merchandise loan
58 is due in full unless arrangements are made with the SLA to divide the balance into
59 twelve (12) equal payments that will be due on the first day of each month.

60 **(d) Second merchandise loan.**

61 (1) Under documented extreme circumstances, a licensed manager who has paid off
62 his/her previous merchandise loan may receive a second merchandise loan for the
63 same facility when it has been determined that the loan is necessary to allow the
64 licensed manager to remain in his/her facility.

65 (2) If a licensed manager requires a second merchandise loan while the first loan is still
66 outstanding, other than for the expansion of his/her facility, he/she will be placed on
67 probation until one of the loans is paid in full.

68 (3) Second merchandise loans for the purpose of facility expansion will be limited to
69 50% of the cost of additional salable merchandise needed.

70 (e) It is the incoming Licensed Manager's choice to accept or reject any and or all
71 merchandise or personal property from the out-going-Licensed Manager, however, a
72 merchandise loan cannot be used to purchase property. The incoming Licensed Manager
73 must notify the Business Consultant and the outgoing Licensed Manager of his/her intent of
74 purchasing outgoing manager's inventory seven (7) days prior to the day of the inventory
75 count.

76 (f) If the incoming manager rejects all of the outgoing manager's merchandise, the outgoing
77 manager may be allowed two weeks to reduce his/her inventory, before transfer of facility.
78 This two week period must be approved by the BEP Operations Coordinator in consultation
79 with the ECM chair.

80 (g) In order to expedite the processing of merchandise loans, the outgoing manager must
81 provide a merchandise price list to the business consultant and incoming manager seven (7)
82 days before the day of the inventory count.

PART 9. ASSIGNMENT OF LICENSED MANAGERS

1 **612:25-4-53. Assignment and transfer [AMENDED]**

2 (a) **Assignment.** The State Licensing Agency (SLA) administers a competitive selection
3 process to accomplish the assignment of primary facilities to qualified individuals. The
4 selection process established by the SLA provides that the Elected Committee of Licensed
5 Managers (ECM) is an active participant in the selection of facility managers.

6 (b) **Transfer.** The SLA, in consultation with the ECM board, may transfer a qualified
7 licensed manager to a different location of similar complexity and income potential when it
8 appears to be in the best interest of the licensed manager and/or the BEP. The SLA notifies
9 the licensed manager and the ECM board, in writing, by registered or certified mail of the
10 transfer and the grounds for the transfer. The transfer policy cannot be used to circumvent
11 the competitive selection process.

12 (c) **Displaced Licensed Manager.**

13 (1) A Displaced Licensed manager will have up to ~~one (1) year~~ two (2) years to make
14 application for a BEP facility that is comparable to his or her displaced facility.

15 (2) A Displaced Licensed Manager will be given 15 bonus points in the next interview
16 selection for a permanent placement in a BEP facility that is relatively comparable in
17 complexity, financially and if possible, geographically.

18 (3) A Displaced Licensed Manager could accept a satellite assigned facility that is not
19 comparable to their recent displaced facility without surrendering their displaced bonus
20 points and status.

21 (4) Should the Displaced Licensed Manager elect to accept the assigned satellite as his
22 or her primary placement facility, then that Displaced Licensed Manager would
23 surrender the displacement status with the agreement from the SLA and ECM.

24 (5) Date of displacement is the first day the Licensed Manager is not able to return to
25 their facility through no fault of their own. The SLA will ~~consult with the ECM Chair to~~
26 ~~determine beginning and expiration date of eligibility of the Displaced Licensed Manager~~
27 ~~and provide notice in the Licensed Managers~~ Manager's preferred format.

29 **612:25-4-54. Business enterprise vacancy announcement [AMENDED]**

30 (a) The procedure for announcing business enterprise openings is ~~a-mail, emailed or sent~~
31 by most accessible format out to all licensed managers, licensed employees, and licensees.

32 (b) The announcement period will be ten working days.

33 (c) If available, the information in (1) through (9) of this Subsection will be contained on
34 each announcement.

35 (1) type of business enterprise;

36 (2) estimated number of employees in the building and/or traffic flow unless security
37 considerations prohibit release of such information;

38 (3) location of the business enterprise;

39 (4) classification;

40 (5) average gross sales as reported on monthly report for the previous 12 months;

41 (6) for a new business enterprise, estimates of monthly gross sales based upon
42 potential patronage, with disclaimer this estimate is not a guarantee of sales;

43 (7) application due date;

44 (8) name and telephone number of the BEP business consultant;

45 (9) name and telephone number of the current manager; and

46 (10) a copy of an OTC Form A 100.

47 (11) Prior to the distribution of any facility announcement, the facility will be re-
48 evaluated for proper classification.

49 (d) The following statement will be placed on all announcements. "All applicants are to be
50 advised that any records provided with ~~you~~your application, including Business Plans, may
51 be subject to the Oklahoma Open Records Act."

612:25-4-55. Qualifications [AMENDED]

(a) In order to apply for manager placement an individual must hold a license issued by the State Licensing Agency (SLA). In addition, the SLA requires experience in the program before an individual will be considered eligible to apply for "A" or "B" classification business enterprises with the exception of (b) of this section. Certified graduates of the BEP Training Program are only eligible to apply for Classification "C" or "D" facilities with the exception of (b) of this section. A location new to the BEP program is to be classified "C" for the initial 90 days of operation. The BEP Operations Coordinator, in ~~consultation~~active participation with the ECM-Chairperson, will determine the need for any experience requirements.

(b) Applicants who qualify for the next lower classification will be considered for interview when no qualified applicants apply for a classification "A" or "B" facility announcement when it is deemed appropriate to do so by the BEP Operations Coordinator in ~~consultation~~active participation with the ECM-Chairperson.

(c) Experience requirements for each classification are:

(1) Classification A. Applicants will be restricted to individuals who have a minimum of three (3) years total experience in an Oklahoma Business Enterprise including a minimum of one (1) year of management experience.

(2) Classification B. Applicants will be restricted to individuals who have a minimum of two (2) years total experience in an Oklahoma Business Enterprise, including a minimum of six (6) months of management experience.

(3) Classification C. No experience required, except on new locations as deemed appropriate by the BEP Operations Coordinator in consultation with the active participation with ECM-Chairperson.

(4) Classification D. No experience required.

(d) The BEP Operations Coordinator, in ~~consultation~~ with active participation with the ECM Chairperson, may require additional BEP experience on applications for any facility. Verified BEP experience from another state may be considered.

(e) Applicants will not be eligible to apply for a business enterprise facility if any of the following conditions exist:

(1) The applicant's cumulative total days of probation is sixty (60) or more days in the most recent twelve (12) months or the SLA has initiated suspension/termination proceedings against the licensed manager.

(2) The applicant is not current with their merchandise loan payments.

(3) The applicant is not current with his/her set-aside owed to the SLA.

(4) Applicants have not scored at least an 80 on their performance evaluation.

(5) Conditions 1-4 will not apply to new BEP training graduates.

(f) Applicants must be eligible to obtain an Oklahoma Tax Permit and be in good standing with the Oklahoma Tax Commission (OTC) for assigned, transferred or satellite business enterprises. Along with each application, the applicant is to provide a signed OTC form A 100 to determine their standing in relation to Sales Tax and Employee Withholding. The

41 OTC form A 100 will be used on a one-time basis for a tax inquiry in relation to that
42 announcement application only.

1 **612:25-4-58. Annual and Performance Evaluations [AMENDED]**

2 (a) The BEP will conduct an annual evaluation of each licensed manager at the end of each
3 calendar year. Performance evaluations will be conducted when a manager applies for a
4 facility or when a probationary period ends. All evaluations will be based on data collected
5 from the manager's primary assigned facility and will consist of the previous twelve (12)
6 working month's information. If a Licensed Manager does not have a primary facility, the
7 satellite facility will be used (in accordance with BEP 612:25-4-53(c)(1-5). The Licensed
8 Manager will be advised of the results of any evaluation in writing. The manager will be
9 evaluated in the following areas:

10 (1) Tasks/responsibilities

11 (A) Timely submission and accuracy of all required monthly reports and payments
12 (set-aside and merchandise loan payments, if applicable).

13 (B) Accurately calculated gross profit percentage reported on monthly reports.

14 (C) Accurately calculated net profit percentage reported on monthly reports.

15 (D) Maintenance of an acceptable level of merchandise inventory (including
16 preventing the merchandise levels from falling below any outstanding merchandise
17 loan balance).

18 (E) Attendance at Agency and other certified training.

19 (F) Attendance at Quarterly ECM Meetings.

20 (2) Work Habits

21 (A) Provides preventive maintenance and appropriate cleaning/sanitation.

22 (B) Merchandise displayed, rotated and stocked sufficiently.

23 (C) Maintains required insurances.

24 (D) Maintains agreed upon hours of operation.

25 (E) Maintains professional relationships with customers and grantors.

26 (b) When a Licensed Manager applies for a facility a performance evaluation will be
27 conducted to determine their eligibility to apply.

28 (1) To be eligible the manager must score at least 80 of the available 100 points. Any
29 score above 80 will accrue to the benefit of the licensed manager in that selection
30 process by adding it to their total score. If there is a second interview conducted, these
31 points will not be added to the total points of the second interview.

32 (2) For months not having data available, a one month's average will be determined
33 using the monthly point totals for that same period. This amount will be added for each
34 month not having data.

1 **612:25-4-60. Ninety day replacement [AMENDED]**

2 If the licensed manager defaults on the Manager's Agreement for any reason (i.e.
3 resignation, removal by the SLA or death) during the first 90 days from the date of selection,
4 the BEP Operations Coordinator will, following such default and completion of any resulting
5 due process action, offer the business enterprise to the applicant who ranked second in the
6 previous selection process. If the second person decides to remove his/her name from
7 consideration, it will be offered to the next applicant with the highest accumulated points. In
8 the event of a tie, or there are scores within five (5) points of the now highest ranking score,
9 the procedures identified in 612:25-4-59 will be followed. This procedure will be exercised
10 until a qualified licensed manager accepts the business enterprise. If all the applicants have
11 removed their names from consideration, a determination will be made by the BEP
12 Operations Coordinator, ~~in consultation with the ECM Chairperson~~ with Active Participation
13 with Elected Committee of Managers (ECM) to combine, remove, re-announce, or satellite
14 the business enterprise.

612:25-4-61. Satellite business enterprise locations [AMENDED]

(a) A business enterprise facility will be considered a satellite and may be assigned to a licensed manager on a temporary basis when:

- (1) the regular selection process does not produce a permanent licensed manager,
- (2) a licensed manager has been removed by the SLA, or
- (3) when a business enterprise is vacated by a Licensed Manager without giving the SLA at least 30 days notice.
- (4) when notification of a new business enterprise is received by the SLA from a federal, state, county or private entity with less than a 30 day notice.

(b) The BEP Operations Coordinator, ~~in consultation with the Chairperson of the Elected Committee of Licensed Managers, with Active Participation with Elected Committee of Managers (ECM)~~ may assign a licensed manager to a satellite business enterprise. The length of the agreement for a temporary assignment will be until the regular selection process can generate a permanent licensed manager, but not less than 180 days, unless a shorter period is agreed upon by the satellite manager. In order to achieve an equitable distribution of satellite business enterprises, a licensee that currently operates a satellite location will not be eligible for an additional satellite unless there are no other qualified licensed managers interested. Licensed Managers who only qualify for lower facility classifications than the satellite under consideration may be assigned when it is deemed appropriate by the BEP Operations Coordinator, in consultation with the ECM Chairperson.

(c) Satellite locations will be reviewed by the SLA, ~~in consultation with the ECM board through consultation with the ECM chair person, with Active Participation with the ECM~~ every 10 months for possible advertisement of permanent assignment, adding in whole or in part to another business enterprise facility, continue the satellite assignment, or issuing Grantor a temporary variance. The satellite manager will be kept informed when this will occur and the result of the review.

(d) The licensed manager may resign the satellite agreement with 30 days written notice.

(e) The satellite business enterprise will be managed as a separate business location for all purposes except for insurance and the tax permit. It is the licensed manager's responsibility to notify the Oklahoma Tax Commission and his or her insurance carrier of the addition and when the satellite manager agreement has ended.

(f) If a satellite is to be continued by the current licensed manager after review, the manager must:

- (1) Score at least an 80 on the satellite performance evaluation.
- (2) Be current with all BEP monthly reports and payments.

(g) Merchandise loans are not allowed for satellite facilities unless extenuating circumstances prevail and only after approval of BEP Operations Coordinator in Active Participation ~~consultation with the ECM chair person.~~

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 which
63 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 of the United States Department of Education (USDEED)
66 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 of the United States Department of Education (USDEED) if dissatisfied with
4 the outcome of the evidentiary hearing. By filing a complaint with the Secretary, the
5 licensed manager consents to the release of information necessary for the conduct of
6 an ad hoc arbitration panel.

7 (b) The complaint must be filed in writing and must contain:

8 (1) a statement of the grievance;

9 (2) the date and place of the full evidentiary hearing;

10 (3) a copy of the decision and what actions have been taken because of the
11 decision;

12 (4) the part of the decision which is causing the dissatisfaction and reason for the
13 dissatisfaction; and

14 (5) a statement as to what is required to remedy the situation.

15 (c) The U.S. Secretary of Education (USDEED) will convene an arbitration panel after
16 receiving a complaint which meets the requirements in (b) of this Section. The decision
17 of the panel will be final, except as provided for in 20 U.S.C. 107d-2. The Secretary will
18 pay the reasonable costs for the arbitration. ~~An abstract of the arbitration decision will~~
19 ~~be published in the Federal Register.~~ Notification of the decision will be published in the
20 Federal Register and the full decision will be published on the RSA website. The panel
21 will be convened by the Secretary in accordance with (1) through (4) of this Subsection.

22 (1) The SLA shall designate one member of the panel.

23 (2) The licensed manager shall designate one member of the panel.

24 (3) The designees of the SLA and the licensed manager shall together designate
25 the third panel member who shall not be an employee of the SLA. This member
26 shall be the chairperson of the panel.

27 (4) If the SLA or licensed manager does not select a member for the panel, the
28 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 of the United States
5 Department of Education (USDEED) if it determines that an agency controlling Federal
6 property is not complying with the provisions of the Randolph-Sheppard Act or U.S.
7 Department of Education regulations. After the complaint is received, the Secretary will
8 convene an arbitration panel. If the panel finds that the Federal agency is in violation of
9 the Act or USDE ED regulations, that Federal agency will be notified that it is expected
10 to correct the violation according to 20 U.S.C. 107d-2. The Secretary pays the
11 reasonable costs of this arbitration. ~~The Notification of the decision resulting from the~~
12 ~~arbitration will be published in the Federal Register and the full decision will be~~
13 ~~published on the RSA website.~~ The arbitration panel will be convened by the Secretary
14 in accordance with (1) 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.

SUBCHAPTER 6. LICENSED MANAGERS AND BUSINESS ENTERPRISE OPERATION

PART 1. LICENSED MANAGERS

**612:25-6-1. Licensing requirements for managing a business enterprise
[AMENDED]**

(a) **Issuance and conditions of a license.** A license shall be issued by the SLA in accordance with Federal regulations making the individual eligible to operate a business enterprise. This license will be issued upon successful completion of the SLA training program. This license shall be prominently displayed in the licensed manager's business enterprise. Licensed Managers whose facility consists of only vending machines, must carry their BEP license with them. This license remains effective for an indefinite length of time, unless terminated or suspended by the SLA in accordance with State and Federal regulations. A license issued to a qualified individual is non-transferable.

(b) **Termination of agreement or removal from a business enterprise.** The SLA may terminate a manager's agreement and/or immediately remove the licensed manager from operation of a business enterprise for cause shown. Termination of a manager's agreement or removal from operation of a business enterprise does not necessarily mean that the manager's license will be suspended or terminated. The licensed manager has the right to a full evidentiary hearing when dissatisfied with any State Licensing Agency action in accordance with BEP, State, and Federal regulations.

(c) **Reinstatement of suspended or terminated license.** Reinstatement of a BEP license for an individual can be accomplished by formally requesting the SLA reinstate the BEP License within a two year period. When the license is reinstated, the amount of seniority/experience in the BEP will also be reinstated.

(d) **Termination of license.** A license automatically expires when the licensed manager is no longer a U.S. citizen, no longer meets the definition of legal blindness, surrenders his or her license, resigns, retires, or dies. A license may be terminated or suspended by the SLA, after affording the licensed manager an opportunity for a full evidentiary hearing in accordance with State and Federal regulations in accordance with BEP Rule 612:25-6-3.

(e) **Continuation of Benefits.** If a Licensed Manager has not worked in the program for 1 year the Licensed Manager has the option of paying for his or her own medical and retirement benefits to continue coverage and not DRS.

612:25-6-2. Standards for licensed managers [AMENDED]

(a) The licensed manager will agree to the terms of the licensed manager's agreement, rules and regulations governing the Business Enterprise Program, and the permit or contract governing the specific business enterprise.

(b) The licensed manager will operate the business enterprise in accordance with all applicable health laws and regulations, safety regulations and other federal, state, county, and municipality laws and regulations applicable to the business enterprise.

(c) The licensed manager will work cooperatively with authorized representatives of the SLA in connection with their official responsibilities.

(d) The licensed manager will take proper care of the equipment and fixtures to minimize repair and replacement costs. The licensed manager will be responsible for repair or replacement costs when caused by the negligence of the licensed manager or his or her employees, when repair cost is below \$25.00, or when repairs are not authorized by the BEP. In the event of withdrawal from the business enterprise for any reason, the licensed manager will leave all SLA-owned equipment to the disposal of the SLA.

(e) The licensed manager will collect and pay sales tax as required.

(f) The licensed manager will be responsible for substitute operation.

(g) The licensed manager will not take action inconsistent with the paramount right, title, and interest of the SLA to business enterprise equipment.

(h) The licensed manager will accept the agreement and any modifications subject to the policies, rules, and regulations of the SLA as they exist or are modified.

(i) The licensed manager will keep records of gross sales, merchandise purchased, and other financial transactions for the business enterprise.

(j) The licensed manager will complete and submit all necessary Federal and State reports and payments as required for each individual business enterprise.

(k) The licensed manager will convey a positive public image.

(l) The licensed manager will maintain appropriate professional relationships with purveyors, customers, and building officials as in (1) through (3) of this Subsection.

(1) Relationships with purveyor. The licensed manager is free to choose the purveyor from whom he/she is to make purchases, provided, however, that such purveyor is established and reputable.

(2) Relationships with customers. To serve the best interest of the public, the licensed manager and his/her employees will provide prompt and courteous service to all customers.

(3) Relationships with building officials. The licensed manager will comply with all reasonable requests concerning the operation of a business enterprise that may be made by officials of the building in which the enterprise is located, provided that such requests do not conflict with the agreement and the rules and regulations

40 issued by the SLA as contained herein. If differences should arise between the
41 licensed manager and the grantor, the licensed manager shall bring the matter to
42 the immediate attention of the BEP business consultant for appropriate action.

43 (m) The licensed manager will supervise employees in a manner that promotes quality
44 customer service.

45 (n) The licensed manager will maintain and display current licenses and permits,
46 including BEP license, in the business enterprise or in the case of a facility of only
47 vending machines, carried with the Licensed Manager.

48 (o) The licensed manager will comply with all regulations and laws governing the
49 possession and/or use of firearms, weapons, alcohol and other drugs.

50 (p) When a licensed manager starts or buys a similar business, the licensed manager
51 must make assurances to the SLA that the two businesses will not intermingle in any
52 manner and the merchandise of the two businesses will be in separate locations. At no
53 time will state owned equipment be used in the private business.

54 (q) A licensed manager is expected to visit their facility at least once per month to
55 ensure proper operation of site.

612:25-6-3. Grounds for suspension or termination of a license [AMENDED]

(a) A BEP license may be suspended or terminated for the reasons set forth in (1) through (15) of this Subsection.

(1) Failure to open the assigned business enterprise as stated in the permit/contract with the grantor agency, without prior proper approval from the SLA (abandonment of business enterprise).

(2) Defrauding any agency of the government (including the SLA) or any purveyor or failure to pay monies due including taxes, fees, or assessments to any governmental entity or purveyor.

(3) Failure to file required monthly reports with the SLA or failure to comply/cooperate with audits conducted by the SLA or other State or Federal agencies.

(4) Failure to maintain the required insurance coverage.

(5) The business enterprise is not being operated in accordance with the rules and regulations, terms and conditions of the permit with the grantor agency, or the terms and conditions of the business enterprise manager's agreement.

(6) Intentional abuse, neglect, unauthorized use or removal of the business enterprise equipment; or failure to properly maintain the equipment in a clean and operating manner within the scope of the licensed manager's level of maintenance authorization.

(7) Substance abuse (alcoholic beverages, illegal drugs, etc.) while operating the business enterprise; or other substance abuse that interferes with the operation of a business enterprise.

(8) Operation of a business enterprise in such a way that the SLA's interest in retaining the contract for the location is obviously endangered.

(9) Failure to comply with all Federal and State laws prohibiting discrimination and failure to provide services without regard to race, gender, color, national origin, religion, age, political affiliation, or disability.

(10) Determination by the SLA that the licensed manager no longer has the necessary skills and abilities for effectively managing a business enterprise.

(11) Use of the business enterprise to conduct unlawful activities.

(12) Failure to personally operate and manage the business enterprise in accordance with the manager's agreement. Management means the personal supervision of the day-to-day operation of the assigned BEP facility by the assigned manager.

(13) Use of a third-party vendor to operate the assigned business enterprise facility. However, Licensed Managers may contract with entities for operation of an ATM machine.

(14) Operating a motor vehicle. Under federal law, only individuals who meet the legal definition of blindness may be licensed to participate in the vending facility program under the Randolph-Sheppard Act [20 USC 107a(b) and 107e(1)]. Under Oklahoma driver licensing rules established by the Oklahoma Department of Public Safety, individuals who are blind are not eligible to be licensed to operate motor vehicles.

(15) Intentionally representing one's self as an agent of the SLA or as an SLA official. The licensed manager is not allowed to negotiate or act on behalf of the SLA.

(16) Failure to pay outgoing Licensed Manager for product left in BEP site agreed on by both parties.

(17) Bullying, harassment, intimidation, or threatening behavior or communication of any kind—whether verbal, written, electronic, or physical—will not be tolerated toward any State Licensing Agency (SLA) personnel, Licensed Managers, their families, personal property, program property, building site managers, purveyors, or customers. Prohibited Conduct Includes, but is Not Limited To:

(A) Verbal abuse, insults, slurs, or derogatory remarks.

(B) Threats of physical harm, intimidation, or acts intended to cause fear.

(C) Harassing phone calls, emails, texts, or other forms of communication.

(D) Spreading false or malicious information.

(b) When the BEP Operations Coordinator determines that a BEP license should be suspended or terminated, the BEP Operations Coordinator will notify the ECM Chair and shall make a written recommendation to the Division Administrator. The Division Administrator shall then recommend to the SLA Director for action. The licensed manager shall be notified in his or her preferred format if action is to be taken. The BEP license may only be suspended or terminated after affording the licensed manager an opportunity for a full evidentiary hearing in accordance with BEP Rule 612:25-4-73. The licensed manager may be immediately removed from the operation pursuant to BEP Rule 612:25-6-1(c) pending the outcome of the evidentiary hearing.

PART 3. BUSINESS ENTERPRISES

1 **612:25-6-15. Setting aside of funds [AMENDED]**

2 (a) Set-aside charges paid by the licensed manager will be placed in a revolving
3 account maintained by the SLA. Set-aside charges will be re-evaluated yearly by the
4 SLA and the Elected Committee of Licensed Managers and RSA. Adjustments will be
5 made accordingly in the appropriate classification, with allowances for reasonable
6 charges for improving services, fluctuation of costs, and for program expansion.

7 (b) Funds will be set aside only for the purpose of:

8 (1) maintenance and replacement of equipment;

9 (2) the purchase of new equipment;

10 (3) management services;

11 (4) assuring a fair minimum of return to licensed managers; or

12 (5) the establishment and maintenance of retirement or pension funds and health
13 insurance contributions.

14 (c) The licensed manager's set-aside charges will be on a sliding scale of 0% to not
15 more than 12% of the net proceeds of the business enterprise during any one month.
16 The sliding scale will be in four classifications: Class A, B, C, and D (based on prior
17 year's performance). The Elected Committee of Licensed Managers in Active
18 Participation with the BEP Operations Coordinator will review and set classification
19 amounts annually. Classification amounts will be kept by secretary of the ECM and
20 Business Manager or designee of the SLA. Classification amounts will be sent out to all
21 Licensed Managers and SLA staff through preferred format. Business manager will
22 communicate any changes to the SLA finance department for accurate accounting
23 practices.

24 ~~(1) Class A - 12% of net proceeds, \$60,000 and above.~~

25 ~~(2) Class B - 10% of net proceeds, \$25,000 to \$59,999.~~

26 ~~(3) Class C - 6% of net proceeds, \$10,000 to \$24,999.~~

27 ~~(4) Class D - 0% of net proceeds, \$9,999 and below.~~

28 (d) A licensed manager will submit his/her set-aside payment to the BEP office on or
29 before the 25th of the current calendar month. If the 25th falls on a weekend, the
30 payment is due in the BEP office no later than the close of business on the last
31 business day prior to the 25th. Set-aside payments may be mailed to the BEP office.
32 To be considered on time, they must be postmarked by the 21st of the month for regular
33 mail or the 22nd for overnight mail. If these dates fall on a day where the post office is
34 closed, they must be postmarked the day before. If the set-aside payment is late the
35 SLA shall notify the manager by phone on the next business day following the due date.
36 If the accurate set-aside payment is not received in the BEP office by the due date, the
37 licensed manager will be placed on probation and assessed a \$50 late charge. If the
38 licensed manager's overdue set aside payment is not received in the BEP office by the

due date in the succeeding month (i.e. is over one month late), the manager is assessed another \$50 late fee. If the first and second payments are not received by the time the third report is due, the licensed manager's agreement will be cancelled and the BEP licenses will be suspended, unless an alternate payment schedule has been approved in advance by the SLA. Failure to pay monthly set-aside in a timely manner three or more times within any twelve month period will result in formal disciplinary action.

(e) If a business enterprise should show a marked change in net proceeds, a request for reclassification may be made by the licensed manager or the SLA after 90 days. Each licensed manager will be notified of changes in set-aside charges, and the new percentage of net proceeds will be due at the time of the next monthly report due date, following the mailing of notice to the licensed manager. The licensed manager will start paying the higher or lower percentage of set-aside with the next report due following notification.

(f) All new business enterprises will be placed in class C for 90 days, at which time the SLA will review the business enterprise for reclassification and notify the licensed manager of changes in set-aside charges and the new percentage of net proceeds shall be effective at the beginning of the first business month following the mailing of notice to the licensed manager.

1 **612:25-6-18. Establishing licensed managers in business enterprises [AMENDED]**

2 Business Enterprise Program (BEP) staff will provide consultation and assistance to
3 accomplish installation of licensed managers in business enterprises. Steps in the
4 installation process will include the following:

5 (1) BEP staff will orient the new licensed manager to the business enterprise as
6 needed.

7 (2) An inventory of the outgoing Licensed Manager's merchandise that will be
8 acquired by the incoming Licensed Manager will be performed by the outgoing and
9 incoming licensed managers with oversight by the BEP. The outgoing licensed
10 manager or designee, incoming licensed manager or designee, and a
11 representative from the BEP must be present when merchandise is counted. The
12 outgoing Licensed Manager must provide a merchandise price list to the BEP and
13 incoming Licensed Manager or their designee (7) seven days before the day the
14 merchandise is counted. The completed merchandise inventory is signed by both
15 outgoing and incoming licensed managers, accepting the count of merchandise. All
16 items not being acquired by the incoming Licensed Manager must be removed from
17 the facility prior to the incoming Licensed Manager taking responsibility for the
18 facility. The outgoing licensed manager or their designee and the incoming licensed
19 manager or their designee is responsible for removing and counting all currency
20 prior to the date of the merchandise inventory count. The BEP Operations
21 Coordinator shall develop and implement equipment and merchandise inventory
22 procedures with Active Participation with Elected Committee of Licensed Managers
23 (ECM). These procedures will be read by the business consultant to the outgoing
24 and incoming managers prior to the actual physical inventory to ensure that both the
25 outgoing and incoming managers understand these procedures.

26 (3) The BEP will assist the incoming licensed manager in procuring initial
27 merchandise for sale and will arrange for the licensed manager to obtain a
28 merchandise loan as necessary and in accordance with agency policy.

29 (4) An equipment inventory is completed and the incoming licensed manager signs
30 the inventory sheet and assumes responsibility for the equipment.

31 (5) The BEP will assist the incoming licensed manager in filling out any insurance
32 or retirement enrollment or change forms as necessary.

33 (6) The BEP will verify that workers compensation and liability insurance on the
34 business enterprise are in effect. The business enterprise will not be opened by the
35 new licensed manager until this is verified.

36 (7) The BEP will provide the incoming licensed manager with a copy of the
37 permit/contract in effect for the business enterprise.

38 (8) The BEP will provide the incoming licensed manager with a supply of the forms
39 required by the SLA relative to the business enterprise operation.

40 (9) The incoming licensed manager must read and sign a licensed manager's
41 agreement before assuming the operation of any business enterprise. If needed,
42 BEP staff will read the agreement to the manager and/or provide the agreement in
43 the accessible format required by the manager.

44 (10) The business consultant will remain at the business enterprise, for a time to
45 exceed 6 months based upon agreement with all stakeholders involved with the site
46 to ensure a smooth business operation. If possible, the incoming licensed manager
47 will be available one week prior to the opening of the facility to become familiar with
48 the business, discuss BEP requirements and business issues with BEP consultant,
49 and arrange for purchase of initial stock. The business consultant will inform the
50 incoming manager of options for procuring initial stock and assist with procurement
51 of stock and arrangement for a merchandise loan, if necessary.

52 (11) If the facility is to be closed while inventory is being conducted, sufficient and
53 proper notice must be given to the grantor and customers. Deposits and personal
54 equipment are not to be included on the inventory. Arrangements may be made
55 between outgoing and incoming managers for these items. Receipts collected for
56 the pricing of merchandise should be returned to the outgoing licensed manager at
57 the conclusion of the pricing phase.

1 **612:25-6-20. Closing a business enterprise [AMENDED]**

2 (a) A business enterprise may be closed immediately by the SLA, the grantor, any
3 government agency or the licensed manager when an emergency situation occurs such
4 as: when a life threatening situation, or a health or safety hazard exists. Notice of the
5 closing should be made as soon as possible to the SLA and the grantor.

6 (b) The business enterprise will also be closed immediately for failure to have proper
7 insurance verification for liability and workers' compensation insurance.

8 (c) The business enterprise may be closed for short periods of time with prior written
9 approval from the SLA and the grantor.

10 (d) The SLA's policy is to operate business enterprises that have the potential to
11 produce net profit returns for licensed managers which will enable them to live self
12 sufficiently and with dignity within their communities. Additional consideration is given to
13 the amount of return on investment as related to expenditures for capital outlay,
14 management services overhead, and other expenses of operation. Anytime a licensed
15 manager vacates a business enterprise, the business consultant will re-evaluate the
16 business enterprise if it generates revenue below the program net profit objective. A
17 business enterprise that lacks the potential to meet the SLA's net profit objective will be
18 issued a temporary variance or added to another location.

19 (e) If a manager loses part of their assignment due to no fault of their own the SLA
20 should attempt to find other locations to make up for the loss of income. The attempts
21 will be documented and SLA will notify LM of progress through preferred format of the
22 LM.

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DEPARTMENT OF REHABILITATION SERVICES

SUMMARY OF 2026 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]

Reason for Amendment – language revised throughout rule to conform with OAR formatting requirements and consistent with RSA guidelines. 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.

“Student with a disability” added 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.

Impact on Client – none

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

Reason for Amendment - amended ‘policy’ to ‘administrative rules’, the term policy relates to DRS staff, administrative rules relate to DRS clients.

Impact on Client – none

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

Reason for Amendment - amended 'policy' to 'administrative rules', the term policy relates to DRS staff, administrative rules relate to DRS clients.

Impact on Client – none

612:10-1-7. Direct Client Payments [AMENDED]

Reason for Amendment – clarifying (l)(n), clients receiving funds from DRS must use them only for their intended purpose and provide receipts or other documentation verifying how the funds were spent. In some cases, clients have not submitted receipts for services paid through direct client payments, leaving DRS without the necessary records to account for those expenditures.

Impact on Client – Clarifies any funds disbursed to clients must be spent according to their IPE specifications and documented with receipts or other proof of expenditure.

SUBCHAPTER 3. CLIENT PARTICIPATION IN COST OF SERVICES

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

Reason for Amendment – language 'JOBS' revoked from (d)(9) to be consistent with the discontinuation of the JOBS contract.

RSA CAP – Corrective Action Plan 2.2.1 – cease using the service under the JOBS Contract outside of any connection to an employment goal on an IPE.

Impact on Client – none

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]

Reason for Amendment – 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).

Impact on Client – none

PART 3. CASE PROCESSING REQUIREMENTS

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

Reason for Amendment – (a) amended ‘policy’ to ‘administrative rules’, the term policy relates to DRS staff, administrative rules relate to DRS clients.

Impact on Client – none

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

Reason for Amendment – (a)(2) amended clarifying 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.

Impact on Client – none, one less form client completes at application.

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

Reason for Amendment – (h)(2) revokes categories of Allergies and Asthma, 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.

Impact on Client – none. If an individual has one or these two diagnostics and meets the other criteria for eligibility, the case would be determined eligible.

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

Reason for Amendment – (d) amended 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.

Impact on Client – none, should provide more clarity in the roles of each agency.

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

Reason for Amendment – amended ‘policy’ to ‘administrative rules’, the term policy relates to DRS staff, administrative rules relate to DRS clients.

Impact on Client – none

612:10-7-25.1. Ability to serve all eligible individuals; ~~order~~Order of ~~selection~~Selection (OOS) for services [AMENDED]

Reason for Amendment – (b) adds language 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.

RSA CAP – Corrective Action 2.1.2 – revise or develop, and submit for RSA review, DRS administrative rules that comply with the requirements for the provision of services under pre-employment transition services requirements at 34 C.F.R. § 361.48(a), including policies and procedures specific to the provision of tracking and reporting of pre-employment transition services, as well as staff time, to ensure compliance with the statutory requirements.

Impact on Client – none

PART 5. CASE STATUS AND CLASSIFICATION SYSTEM

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

Reason for Amendment – 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’s 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.

RSA CAP – Corrective Action 2.1.2 – revise or develop, and submit for RSA review, DRS administrative rules that comply with the requirements for the provision of services under pre-employment transition services requirements at 34 C.F.R. § 361.48(a), including policies and procedures specific to the provision of tracking and reporting of pre-employment transition services, as well as staff time, to ensure compliance with the statutory requirements.

Impact on Client – none

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

Reason for Amendment – (d)(7) amends 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. (8) provides 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.

RSA CAP – Corrective Action 2.1.2 – revise or develop, and submit for RSA review, DRS administrative rules that comply with the requirements for the provision of

services under pre-employment transition services requirements at 34 C.F.R. § 361.48(a), including policies and procedures specific to the provision of tracking and reporting of pre-employment transition services, as well as staff time, to ensure compliance with the statutory requirements.

Impact on Client – none

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

Reason for Amendment – amended ‘policy’ to ‘administrative rules’, the term policy relates to DRS staff, administrative rules relate to DRS clients. 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.

Impact on Client – none

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

Reason for Amendment – (a) (1) revokes language related to “JOBS” under due to discontinuation of the JOBS contract.

RSA CAP – Corrective Action Plan 2.2.1 – cease using the service under the JOBS Contract outside of any connection to an employment goal on an IPE.

Impact on Client – none

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

Reason for Amendment – (b) and (c) amends language to be consistent with current Supported Employment and Employment and Retention contract terminology and requirements.

Impact on Client – change in the information collected from client related to their employment date.

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

Reason for Amendment – (a)(4) clarifies that the required 90 days of employment is 90 days beyond the date identified as the stable date. (d) and (e) amended to be consistent with current Supported Employment and Employment and Retention contract terminology and requirements.

Impact on Client – none

Part 9. Actions Requiring Review and Approval

612:10-7-87. Actions requiring supervisor’s approval [AMENDED]

Reason for Amendment – replace ‘OMES-DCAM’ with ‘OMES’ to remove antiquated language.

Impact on Client – none

PART 11. Physical and Mental Restoration Services

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

Reason for Amendment – amended ‘policy’ to ‘administrative rules’, the term policy relates to DRS staff, administrative rules relate to DRS clients.

Impact on Client – none

PART 13. SUPPORTIVE SERVICES

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

Reason for Amendment – (b)(3) amended removing 40-mile requirement for DRS assistance with room and board. (e)(2) amended requiring a copy of client’s lease agreement prior to DRS assistance with off-campus housing expenses. (d) amended to meet RSA monitoring requirements and clarify that day care facilities must be licensed when authorized for clients.

Impact on Client – none. Clients will have access to day care programs supported by the Department of Human Services (DHS) licensing requirements to include standards of care, emergency preparedness, health and hygiene, nutrition, transportation and background checks for personnel.

PART 14. COMMUNITY PROVIDER EMPLOYMENT SERVICES

Impact on Client – none

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

Reason for Amendment – rule revoked to be consistent with the discontinuation of the JOBS contract.

RSA CAP – Corrective Action Plan 2.2.1 – cease using the service under the JOBS Contract outside of any connection to an employment goal on an IPE.

Impact on Client – none

PART 15. TRAINING

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

Reason for Amendment – (a)(3) adds (E) under providing transitional employment services for individuals with serious mental illness. This section is moved from 612:10-7-185 Provision of supported employment services.

Impact on Client – none

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

Reason for Amendment – (b)-(d) revoked which eliminates the 60-credit hour at closest regional university within 40 miles of client's residence.

Impact on Client – allows clients more choices in decisions concerning college/university training.

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

Reason for Amendment – amended 'policy' to 'administrative rules', the term policy relates to DRS staff, administrative rules relate to DRS clients.

Impact on Client – none

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

Reason for Amendment – (b) amended Work Adjustment Training (WAT) contracts to specify 24 months rather than 18 months. This brings the rule into line with contract terminology. (b)(2) added language to differentiate between driver's education and driver's training. Provides guidance for clients with severe visual impairments and blindness seeking adaptive driver's training. (b)(3) amended 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.

Impact on Client – clarifies the time limitation for WAT and provides a longer period of WAT if needed. Provides guidance as to who DRS can consider sponsoring for driver's training.

PART 17. SUPPORTED EMPLOYMENT SERVICES

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

Reason for Amendment – amended to be consistent with current Supported Employment contract terminology and requirements.

Impact on Client – none

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

Reason for Amendment – amended to be consistent with current Supported Employment contract terminology and requirements.

Impact on Client – none

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

Reason for Amendment – (a) amended 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 occurs Amended to be consistent with current Supported Employment contract terminology and requirements, as well as to align with RSA guidelines.

RSA CAP – Corrective Action 2.1.2 – Revise or develop, and submit for RSA review, DRS rules that comply with the requirements for the provision of services under pre-employment transition services requirements at 34 C.F.R. § 361.48(a), including policies and procedures specific to the provision of tracking and reporting of pre-employment transition services, as well as staff time, to ensure compliance with the statutory requirements.

Impact on Client – none

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

Reason for Amendment – (b) amended to be consistent with current Employment contract terminology and requirements. (e) revoked due to required discontinuation of Transitional employment services from under the provision of supported employment per revised federal regulations.

Impact on Client – none

PART 18. EMPLOYMENT AND RETENTION SERVICES

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

Reason for Amendment – amended to be consistent with current Employment and Retention contract terminology and requirements.

Impact on Client – none

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

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

Reason for Amendment – amended to clarify clients who are legally blind should be served by SBVI and not by VR.

Impact on Client – none. Clients who are significantly visually impaired, or blind will receive services from staff who are trained in vision loss and resulting in functional limitations.

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

Reason for Amendment – amended ‘DVR and DVS’ to read ‘DSBVI’ to indicate clients who receive O&M services should be receiving services from SBVI, not VR.

Impact on Client – none. Clients who are significantly visually impaired, or blind will receive services from staff who are trained in vision loss and resulting in functional limitations.

Part 21. Purchase of Equipment, Occupational Licenses and Certifications

612:10-7-220. Vehicle Modification Services [AMENDED]

Reason for Amendment – amended ‘OMES-DCAM’ to ‘OMES’ removing antiquated language.

Impact on Client – none

612:10-7-221. Housing Modifications [AMENDED]

Reason for Amendment – amended ‘OMES-DCAM’ to ‘OMES’ removing antiquated language.

Impact on Client – none

PART 23. SELF-EMPLOYMENT PROGRAMS AND OTHER SERVICES

612:10-7-230. Self-employment programs [AMENDED] – (k)(D) corrects typo, ‘Case’ to ‘Cash’.

Reason for Amendment – amended to correct language error.

Impact on Client – none

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

Reason for Amendment – rule revoked, HB1146 went into effect January 1, 2022, and overrode HB1340 which allowed individuals with disabilities to be designed by letter from DRS staff to be excluded from certain testing and other requirements to apply for and be considered for state jobs.

Impact on Client – negative impacts can include people with disabilities not being considered for state employment and requiring client to compete for state employment openings alongside individuals who do not have disabling conditions.

PART 25. TRANSITION FROM SCHOOL TO WORK STUDY PROGRAM

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

Reason for Amendment – (a) amended ‘student’ to ‘student or youth’ terminology. (b) revises ‘School to Work’ to ‘School Work Study (SWS)’. Amendments were made to align with RSA guidelines. Added language “or recognized education program” for reference to other optional programs.

RSA CAP – Corrective Action 2.1.2 – Revise or develop, and submit for RSA review, DRS rules that comply with the requirements for the provision of services under pre-employment transition services requirements at 34 C.F.R. § 361.48(a), including policies and procedures specific to the provision of tracking and reporting of pre-employment transition services, as well as staff time, to ensure compliance with the statutory requirements.

Impact on Client – none

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

Reason for Amendment – significant amendments to each section to align with RSA guidelines. Added language “or recognized education program” for reference to other optional programs.

RSA CAP – Corrective Action 2.1.2 – Revise or develop, and submit for RSA review, DRS rules that comply with the requirements for the provision of services under pre-employment transition services requirements at 34 C.F.R. § 361.48(a), including policies and procedures specific to the provision of tracking and reporting of pre-employment transition services, as well as staff time, to ensure compliance with the statutory requirements.

Impact on Client – none

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

Reason for Amendment – amended rule name to include acronym to align with OAR formatting requirements. Added language “or recognized education program” for reference to other optional programs. New definitions added:

“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.

“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.

Revisions to the following definitions:

"IDEA" adds language to expand, to the extent applicable, program opportunities that might be available for children with disabilities and their parents who are served by public education.

"School Work Study" adds "youth" to reflect youth or a student with a disability is allowed to work on the school campus.

Impact on Client – none

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

Reason for Amendment - amended 'policy' to 'administrative rules', the term policy relates to DRS staff, administrative rules relate to DRS clients.

Impact on Client – none

SUBCHAPTER 9. REHABILITATION TEACHING SERVICES

PART 1. General Provisions

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

Reason for Amendment - amended 'policy' to 'administrative rules', the term policy relates to DRS staff, administrative rules relate to DRS clients.

Impact on Client – none

612:10-9-3. Rehabilitation teacher's role [AMENDED]

Reason for Amendment - amended 'policy' to 'administrative rules', the term policy relates to DRS staff, administrative rules relate to DRS clients.

Impact on Client – none

SUBCHAPTER 13. SPECIAL SERVICES FOR THE DEAF AND HARD OF HEARING

PART 3. Certification of Interpreters

612:10-13-22. Grievance procedures [AMENDED]

Reason for Amendment – amended to ensure accessibility by allowing the submission of a grievance through a signed video in American Sign Language (ASL) or Pidgin Signed English (PSE), rather than limiting the process to written form only. This revision also serves to clarify the role and function of the grievance panel.

Impact on Community – amendment will benefit both the Deaf and Hard of Hearing (D/HH) community and the interpreter community by clearly outlining the grievance procedure.

612:10-13-23. Formal hearing [AMENDED]

Reason for Amendment – amended to ensure accessibility by including formal hearing request to be made through signed video in American Sign Language (ASL), rather than limiting the process to written form only. Language under (c)(8) correcting ‘policy’ to read ‘administrative rules.’

Impact on Community – amendment will benefit both the Deaf and Hard of Hearing (D/HH) community and the interpreter community by clearly outlining the grievance procedure.

CHAPTER 25. BUSINESS ENTERPRISE PROGRAM

SUBCHAPTER 2. GENERAL PROVISIONS

612:25-2-5. Definitions [AMENDED] – Revisions to the following definitions: Contract, Elected Committee, Emergency, Extenuating Circumstances, Management services, Satisfactory site, Teaming partner agreement, Temporary variance, Third party vendor, Timely submission, Trainee, Vending machine.

Revoked the following definitions: Committee, Dry/Wet facility, Equipment, expendable, Equipment, non-expendable, Interim manager, Permanent BEP License, Probationary BEP License, Probationary Licensee.

Added the following definitions: Extenuating Circumstances, Gross Sales, Management, Management services, 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 3. Business Enterprise Program Training

612:25-4-14. Training for new or potentially licensed managers [AMENDED] – Revised “VS” to read “SBVI”, (e) Duration of Training added “with active participation of ECM” language, (i) renamed to “Out-of-state applicants” stating out-of-state license requests will complete all training requirements for new Oklahoma BEP candidates. (j) Seniority definition- revised stating seniority is earned at a rate of .25 per year of qualifying time and is tracked by the BEP trainer.

Part 5. State Licensing Agency Responsibility for Business Enterprise Operations

612:25-4-25. Management of BEP equipment and fixtures [AMENDED] – Revised (b) adding “with Active participation from Elected Committee of Managers” language.

612:25-4-27. Initial inventory and supplies [AMENDED] – Revised (b)(5), (b)(8) and (b)(9) adding “Active participation with the ECM” language.

Part 9. Assignment of Licensed Managers

612:25-4-53. Assignment, and transfer [AMENDED] – Revised (c)(1) revising to (2) years to reflect the Displaced Licensed Manager allotted time to make application for a BEP facility, (c)(5) adding “Active participation with the ECM” language.

612:25-4-54. Business enterprise vacancy announcement [AMENDED] – Revised (a) adding “Accessible format” to language, added (c)(11) to reflect the facility will be re-evaluated for proper classification prior to distribution of any facility announcement.

612:25-4-55. Qualifications [AMENDED] – Revised (a), (b), (c)(3), (d) adding “Active participation with the ECM” language.

612:25-4-58. Annual and Performance Evaluations [AMENDED] – Revised (b) adds section (2), new data average requirements.

612:25-4-60. Ninety day replacement [AMENDED] – Revision adds “Active participation with ECM” language.

612:25-4-61. Satellite business enterprise locations [AMENDED] – Revised (b) and (c) adding “Active participation with the ECM” language.

Part 11. Business Enterprise Program Auditing and Due Process

612:25-4-73. Due process [AMENDED] – Revised (3) adding “preferred accessible format” language, (c)(1) added “Licensed Manager’s preferred format” and SBVI language, (4) added “In their preferred format”, (c)(8) added “Inaccessible format”, (c)(9) revised “USDE” to “ED” language.

612:25-4-75. Arbitration of complaints after the evidentiary hearing [AMENDED] – Revised (a) adding “the United States Department of Education” language, (c) strike “USDE” revised to “ED” language and added proper process per RSA request.

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. Added language “the United States Department of “ for clarification of “Secretary” and not to confuse with local government.

SUBCHAPTER 6. LICENSED MANAGERS AND BUSINESS ENTERPRISE OPERATION

Part 1. Licensed Managers

612:25-6-1. Licensing requirements for managing a business enterprise [AMENDED] – Revised (c) adding new language “When the license is reinstated, the amount of seniority/experience in the BEP will also be reinstated”. (e) list benefits in addition per an RSA request.

612:25-6-2. Standards for licensed managers [AMENDED] – New section (q) adds the licensed manager is expected to visit their facility once per month to ensure proper operation of site.

612:25-6-3. Grounds for suspension or termination of a license [AMENDED] – Revised (13) clarifying what a third-party vendor usage is, Added (16) relating to failure to pay

outgoing Licensed Manager for left product and (17) relating bullying and harassment will not be tolerated.

Part 3. Business Enterprises

612:25-6-15. Setting aside of funds [AMENDED] – Revised (c) revoking all classifications and adding new requirements for set-a-side classifications.

612:25-6-18. Establishing licensed managers in business enterprises [AMENDED] – Revised (2) adding “Active participation with the ECM” language, (10) and (11) added new requirements.

612:25-6-20. Closing a business enterprise [AMENDED] – Revised (a) added conjunctions to sentence for clarity, added (e) as a new requirement.



Commission Minutes



Oklahoma Commission for Rehabilitation Services

REGULAR MEETING MINUTES

December 3, 2025

Disability Determination Services
9801 N. Kelley Avenue
Oklahoma City, OK 73131

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 10:35 a.m. by Commissioner Barresi with a quorum present: Dr. Janet Barresi, Lindsay Hanna, Kelsey Lee, and Kevin Wallace.

STATEMENT OF COMPLIANCE

Commission Assistant Kathleen Arrieta confirmed the Commission for Rehabilitation Services follows the Open Meetings Act.

PRESENTATION OF LONGEVITY CERTIFICATES

Dr. Janet Barresi, Vice Chair

The Commission presented longevity awards to the following staff:

- Marsha Duren, Rehabilitation Technician, Midwest City
35 years with the State of Oklahoma - 28 years with DRS
- Stephanie Monroe, Vocational Evaluator, Services for the Blind and Visually Impaired (SBVI), Ada - 25 years with DRS
- Teresa McDermott, Field Service Coordinator, Services for the Blind and Visually Impaired (SBVI), Ada - 35 years with DRS

EXECUTIVE DIRECTOR'S REPORT

Melinda Fruendt, Executive Director

Report Highlights:

Meetings and events attended in October and November

- Oklahoma Commission on Children and Youth meeting
- Vocational Rehabilitation and Services for the Blind and Visually Impaired Performance Team meeting

- The Interpreter Certification & Resource Center (ICRC) at DRS is the state's credentialing body for sign language interpreters, providing support for certification, continuing education, and interpreter registry functions. As of November 1, 2025, the ICRC and DRS interpreter scheduling and contracts officially moved from the Vocational Rehabilitation program to the Executive Division, directly supervised by Tonya Garman, Executive Coordinator.
- Process Improvement (PI) – Federal Reporting - RSA 911 Q1 PY 25 was submitted on time.
- AWARE was recently updated; another new release is being tested for the next installation.
- Program Standards, Statistical Research, Data Dashboards - The Older Blind Independent Living Program survey for FFY25 has been completed.
- Power BI - At the November 12th Commission meeting, a list of Power BI projects was discussed. All projects listed are completed, with only ongoing maintenance needed.

Other updates:

Priority Group Update

Director Freundt asked Tracy Brigham to give the Priority Group and Portal Update

As of December 2, 2025:

- Priority Groups 1 and 2 are open.
- Priority Group 3 is closed, clients waiting: 24
- Total clients on waiting list: 24

On December 3rd, 2025, all 24 clients were released off the Priority Group 3 waitlist.

Portal Referral Update for November 2025

- 36 applications received:
 - 20 active assignments
 - 11 referrals pending assignment
 - 5 closed for reasons which include referrals to other agencies, or an application already opened.

CHIEF FINANCIAL OFFICER'S REPORT

Kevin Statham, CFO

- Financial Status Report for FY 2025. As of October 31, 2025, the agency spent a combined (expenditures in FY 25 and FY 26) \$160.2M of the \$202.6M budget, with remaining encumbrances of \$112.0M which represents 85.1% of the budget.
- Financial Status Report for FY 2026. As of October 31, 2025, the agency spent \$47.2M of the \$187.2M budget, with remaining encumbrances of \$131.2M which represents 95.3% of the budget.

HUMAN RESOURCES REPORT

Tom Patt, HR Director

As of November 30, 2025, 9 vacant positions were filled, and 51 positions were open. There were 7 separations, which included retirements, resignations, and trial period discharges. There were 959 full-time equivalent (FTE) positions.

VISUALLY IMPAIRED AND BLINDNESS EMPOWERMENT (VIBE) PRESENTATION

Cheryl Snow, Program Manager, Older Blind Independent Living Program, and Deitra Woody, Vocational rehabilitation Specialist IV, SBVI Field Services

A video with highlights of the VIBE programs was shown. The VIBE program includes:

- a 5-day assessment/training program for clients who have recently become visually impaired or blind or who have lost additional vision and need to learn basic adaptive low vision or blind living skills. There is also a shorter 3-day curriculum available.
- Transition VIBE is a 6-day residential program offered one week during the summer at the Oklahoma School for the Blind for clients aged 16 to 21.
- Employment VIBE is a 4-day program designed to provide job-ready clients with the skills to seek, gain, and retain employment.

OKLAHOMA REHABILITATION COUNCIL (ORC) REPORT

Carolina Colclasure, Program Manager

- Executive Committee: The Council finalized its FFY26 Strategic Plan, and the Executive Committee approved it on September 26, 2025. A copy of the final Strategic Plan was included in the Commission packet.
- Advocacy Committee - The Program and Planning (P&P) Committee and the Policy & Legislative (P&L) Committee have merged and will now be known as the Advocacy Committee. The Committee will continue to support the DRS

Process Improvement (PI) Unit and DRS in planning and developing the State Plan, the Customer Satisfaction Survey, and any other surveys involving individuals with disabilities.

- Transition Committee – This committee assists and supports the DRS Transition program managed by Renne Briscoe. The Committee assisted with planning the 2025 Oklahoma Transition Institute (OTI), which was held on November 12 and 13 at the Tulsa Technology Center Owasso Campus.
- Employment Committee – This committee supports and collaborates with DRS's Business Services Program (BSP). The committee met for the Strategic Planning meeting on September 4, 2025. There will be a training on February 26-27, 2026, focusing on helping clients with their self-employment plans.

REVIEW OF THE NOVEMBER 12, 2025, COMMISSION MEETING MINUTES.

Dr. Janet Barresi, Vice Chair

Commissioner Lee made a motion to approve the minutes from the November 12, 2025, Commission meeting as submitted. Commissioner Hannah seconded. All Commissioners voted in the affirmative. The motion carried.

ACCEPTANCE OF DONATIONS TO THE OKLAHOMA SCHOOL FOR THE DEAF (OSD)

Dr. Heather Laine, Superintendent

The donations for November 2025 totaled \$4,018.97.

Commissioner Wallace made a motion to accept the November 2025 OSD donations. Commissioner Lee seconded. All Commissioners voted in the affirmative, and the motion carried.

ACCEPTANCE OF DONATIONS TO THE OKLAHOMA SCHOOL FOR THE BLIND (OSB)

Brent Pearce, Superintendent

The donations for November 2025 totaled \$8,580.00.

Commissioner Hannah made a motion to accept the November 2025 OSB donations. Commissioner Wallace seconded. All Commissioners voted in the affirmative, and the motion carried.

ADJOURN

Dr. Janet Barresi, Vice Chair

Commissioner Lee made a motion to adjourn. Commissioner Lee Hannah seconded. All Commissioners voted in the affirmative, and the meeting was adjourned at 11:55 a.m.