DRS Administrative Rules Manual

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES

CHAPTER 1. ADMINISTRATIVE OPERATIONS

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Section History

9-1-93 No PT Memo
Emergency, first adoption under OAC Title 612

7-1-94 PT Memo #94-1
Permanent, first adoption under OAC Title 612, added entry for Appendix D

8-1-96 PT Memo #97-1
Permanent, Removed entries for revoked appendices

SUBCHAPTER 1. GENERAL PROVISIONS

Section

612:1-1-1. Purpose

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Section History

9-1-93 No PT Memo
Emergency, first adoption under OAC Title 612

7-1-94 PT Memo #94-1
Permanent, first adoption under OAC Title 612

8-1-96 PT Memo #97-1
Permanent, removed entry for revoked Section 612:1-1-5.

7-1-01 PT Memo #01-08
Permanent, replaced "Blueprint for the future" with "Balanced Scorecard"

612:1-1-1. Purpose

The purpose of this Chapter is to describe the organizational structure and function of the Department of Rehabilitation Services. It includes the legal basis of the Department, identifies the Department's divisions and units, and outlines other rules governing the overall operation of the Department. Authority for promulgating these rules is given to the Oklahoma Commission for Rehabilitation Services in Title 74, Section 166.1 et seq. of Oklahoma Statutes.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-99	POL Memo #00-1
	Permanent, updated legal basis for promulgation of rules

612:1-1-2. Definitions

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

"ADA" means the Americans with Disabilities Act.

"DRS" means the State Department of Rehabilitation Services.

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

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-99	POL Memo #00-1
	Permanent, definition for "Act" deleted and updated under "Rehabilitation Act"

612:1-1-3. Philosophy and Balanced Scorecard

(a) **Philosophy.** The Department of Rehabilitation Services (DRS) provides services to persons with disabilities who may have the ability to pursue employment, education to children who are deaf and/or blind, and those who, due to the severity of their disabilities, may benefit in terms of increased participation in the family or community. DRS also determines eligibility for Social Security Disability Assistance and Social Security Income through its Disability Determination ~~Division~~ Services. Services are arranged through resources available in the community, or provided through DRS resources. All services provided must be appropriate, timely, and provided in an economical and efficient manner within the framework of federal and state laws, the State Plan, and the rules and procedures issued by the Department of Rehabilitation Services.

(b) **Balanced Scorecard.** The underlying philosophy for the Department of Rehabilitation Services rests upon a value-based decision plan developed through the consensus of all DRS personnel. This plan guides the development of rules, management decisions, service delivery, and the organizational environment. The mission of DRS is to provide opportunities for individuals with disabilities to achieve productivity, independence, and an enriched quality of life. This mission will be carried forward through goals and objectives based upon established values. These will be achieved through a strategic planning process consistent with the Rehabilitation Act.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-01	PT Memo #01-08
	Permanent, Name change for Future Goals

612:1-1-4. Legal basis

(a) The Oklahoma State Department of Rehabilitation Services was created by Act of the Oklahoma Legislature on July 1, 1993, codified under Title 74, Section 166.1 et seq. of the Oklahoma State Statutes. Prior to this Act, Rehabilitation Services was a Division within the Oklahoma Department of Human Services. Prior to 1968, Rehabilitation Services were provided under the authority of the Oklahoma Department of Vocational Technical Education. The mission of the Department of Rehabilitation Services is to assist in providing all persons with disabilities the opportunity to identify their individual vocational, social, and personal goals and to reach their potential. The statute created the Commission for Rehabilitation Services and provided for the selection by the Commission of a Director of Rehabilitation Services.

(b) Over the years, numerous federal and state legislative initiatives have been assigned to Rehabilitation Services for administration. When a specific law is the basis for a policy in Title 612, that law is cited in the introduction to the Section under the heading "legal base." Language that is repeated from statute or other legal text are enclosed within quotation marks.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

612:1-1-6. Description of forms and instructions issued by the Department for public use

Forms and instructions issued by the Department for public use are:

(1) A publication outlining rights and responsibilities of applicants for and clients of Vocational Rehabilitation or Visual Services for the Blind and Visually Impaired is issued for public use as a guide to accessing services from the Department, as a guide to requesting fair hearings, and as a guide to the application and eligibility determination process. The explanations given in this publication repeat Department policy faithfully and accurately.

(2) The Certification as a Person With A Severe Disability is issued to qualifying individuals to use in applying for State government jobs, and allows for exemption from specific Merit System requirements.

(3) From time to time, the Department issues public information pamphlets for general distribution. These pamphlets present general overviews of services provided by the Department as a whole, or by Divisions or Units within the Department. These pamphlets are carefully reviewed using the two-person proofreading method to check against the official Code or Register text.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
8-1-96	PT Memo #97-1 Permanent, Certification as a "Special" Handicapped Person changed to Certification as a Person with a Severe Disability.
7-1-99	POL Memo #00-1
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Removal of language "A Personal Directory, Your Rights and Responsibilities as an Applicant or Client" and replaced with "a publication outlining rights and responsibilities of applicants". Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.

SUBCHAPTER 3. ADMINISTRATIVE COMPONENTS OF THE DEPARTMENT

Section

612:1-3-1. The Commission for Rehabilitation Services

612:1-3-2. The Director of Rehabilitation Services

612:1-3-2.1. The Chief of Staff of Rehabilitation Services

612:1-3-3. The Division Administrators

612:1-3-8.1. Executive officers

612:1-3-10. Final signature authority

Section History

9-1-93 No PT Memo
Emergency, first adoption under OAC Title 612

7-1-94 PT Memo #94-1
Permanent, first adoption under OAC Title 612, added new Section on Administrative Services, deleted Sections on units now under Adm. Svs.

7-1-95 PT Memo #95-2
Permanent, added entry for new Section 612:1-3-10

7-1-96 PT Memo #96-5
Permanent, amended tagline for Section 1-3-9

7-1-98 PT Memo #98-14
Permanent, removed revoked Sections and added new Section 612:1-3-8.1, amended tagline for Section 1-3-10

612:1-3-1. The Commission for Rehabilitation Services

(a) Title 74, Section 166.1 et seq. of the Oklahoma Statutes provides that the Department of Rehabilitation Services is under the control of the Oklahoma Commission for Rehabilitation Services, composed of three members: one member appointed by the President Pro Tempore of the Oklahoma State Senate, one member appointed by the Speaker of the Oklahoma House of Representatives, and one member appointed by the Governor. The first three members of the Commission shall serve concurrent terms of three years. At the expiration of the terms of the three members initially appointed, the Commission shall consist of three members: one member appointed by the President Pro Tempore of the Oklahoma State Senate for a term of one year, one member to be appointed by the Speaker of the Oklahoma House of Representatives for a term of two years, and one member to be appointed by the Governor for a term of three years. Thereafter, terms of office of the Commission members are for three years, with the term of one Commission member expiring each year. Members are selected on the basis of having a knowledge and concern for rehabilitation and disability-related issues. A member of the Commission may be appointed to succeed himself or herself. Commission members do not receive compensation for their services but are reimbursed for necessary travel and related expenses incurred in the performance of their official duties. The Commission meets a minimum of ten (10) times per calendar year and holds a regular annual meeting at which it elects from among its membership a chairperson and a vice-chairperson. The Commission may also hold special sessions at such times as deemed necessary or advisable by a majority of Commission members. **1**

(b) The Commission has the legal authority and responsibility to govern the Department of Rehabilitation Services, appoint and remove the Director of the Department of Rehabilitation Services; approve programs; policy and budgets; and perform the necessary functions of a governing board. The Commission has the authority to accept monies gifts and bequests of real and personal property, which become available for operation of programs under the jurisdiction of the Department.

INSTRUCTIONS TO STAFF

1. Staff may attend Commission meetings subject to the guidelines in (a) through (d) of this Instruction:

   (a) With approval from the immediate supervisor, an employee may attend one Commission meeting in order to observe the process. The employee will be considered on duty and no leave will be charged. The supervisor will submit the names of employees approved to attend to the Commission's Administrative Assistant. The Commission's Administrative Assistant will notify the supervisor of the Commission meeting date each approved employee is scheduled to attend.

   (b) Any employee who is requested to attend a Commission meeting by a Division Administrator, School Superintendent or other member of the Executive Team is authorized to attend that meeting. The employee will be considered on duty and no leave will be charged.

   (c) Any employee who requests to attend a Commission meeting to speak on a specific agenda item may do so. Requests must be submitted to the immediate supervisor for approval. The employee will be considered on duty and no leave will be charged.

(d) An employee who wishes to attend a Commission meeting for any other reason may do so but will be required to take annual leave for the time absent from the regular duty station. Decisions to approve or disapprove leave for attendance at Commission meetings will be based on the same considerations as any routine request for annual leave.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-95	PT Memo #95-2 Permanent, frequency of Commission meetings changed from 12 times to 10 times per year.

612:1-3-2. The Director of Rehabilitation Services

(a) The Director of Rehabilitation Services, as the chief administrative and executive officer of the Department of Rehabilitation Services (DRS), is charged with the responsibility for day-to-day direction of the activities necessary for DRS to attain its mission as established by Title 74, Section 166.1 et seq. of Oklahoma State Statute. The work of the Director is overseen by the Commission for Rehabilitation Services.

(b) The Director directly supervises the Chief of Staff, the Chief Fiscal Officer, the Chief Operations Officer, the Communications Director, the Legislative Liaison, Division Administrators for Vocational Rehabilitation, Services for the Blind and Visually Impaired, Disability Determination Services, Process Improvement, the Superintendents of the School for the Blind and School for the Deaf, and the Project Coordinators.

(c) The Director's duties include:

(1) assuring that all of DRS is working toward its mission and the goals established by the Commission through aggressive implementation of the planning and budgeting system;

(2) serving as staff to the Commission for Rehabilitation Services, providing necessary input for decision-making and assuring that actions approved by the Commission are carried out;

(3) serving as ex officio member to the Rehabilitation Council, and to the Independent Living Council;

(4) developing and maintaining cooperative relationships with lawmakers and other officials, both federal and state, to assure the fulfillment of DRS's mission;

(5) maximizing all available resources for the delivery of services to the clients DRS is charged to serve;

(6) serving as the chief spokesperson for DRS and as an advocate for the clients it serves;

(7) assuring the coordination of services with other state agencies; and,

(8) selecting staff capable of carrying out the DRS mission for the areas immediately under the Director's supervision, establishing job descriptions and specifications for each of those positions, delegating authority to complete duties assigned and overseeing the accomplishment of those assigned responsibilities.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612. Added Administrative Services Division and deleted Sections for units now in Adm. Svs. Div. Added relationship of Director to councils.
7-1-95	PT Memo #95-2

Permanent, change Administrative Services to Management Services Division. Indicate Public Information Officer and External Relations Officer are two different positions.

7-1-98 PT Memo #98-14
Permanent, updated staff titles

7-1-10 PT Memo #10-02
Permanent, Changed Deputy Director to Chief of Staff

7-1-13 Permanent, Changed Public Information to Communication

8-27-15 Removal of language regarding the Civil Rights Administrator.

8-11-19 Added new job title of Chief Operations Officer. Added Division Administrators for VS, VR, DDD and school Superintendents for OSB and OSD, under section (b).

9-11-20 Under section (b) added the Legislative Liaison, the Project Coordinators and the Process Improvement unit. Removal of External Relations Officer.
Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI). Disability Determination Division (DDD) to Disability Determination Services (DDS).

612:1-3-2.1. The Chief of Staff of Rehabilitation Services

(a) The Chief of Staff of Rehabilitation Services assists the Director of the Department in fulfilling the chief administrative and executive responsibilities for day-to-day direction of the activities necessary for DRS to attain its mission as established by Title 74, Section 166.1 et seq. of Oklahoma State Statute. The work of the Chief of Staff is overseen by the Director of the Department of Rehabilitation Services. In the Director's absence, the work of the Chief of Staff is overseen by the Commission for Rehabilitation Services.

(b) To the extent deemed necessary and prudent by the Director, or in the Director's absence, the Chief of Staff supervises the Chief Fiscal Officer, the Chief Operations Officer, the Communications Director, the Legislative Liaison, Division Administrators for Vocational Rehabilitation, Services for the Blind and Visually Impaired, Disability Determination Services, Process Improvement, the Superintendents of the School for the Blind and School for the Deaf, and the Project Coordinators.

(c) The Chief of Staff duties include:

(1) assuring that all of DRS is working toward its mission and the goals established by the Commission and the Director through aggressive implementation of the planning and budgeting system;

(2) serving as staff to the Commission for Rehabilitation Services at the direction of, or in the absence of, the Director, providing necessary input for decision-making and assuring that actions approved by the Commission are carried out;

(3) developing and maintaining cooperative relationships with lawmakers and other officials, both federal and state, to assure the fulfillment of DRS's mission;

(4) maximizing all available resources for the delivery of services to the clients DRS is charged to serve;

(5) serving as a spokesperson for DRS and as an advocate for the clients it serves;

(6) assuring the coordination of services with other state agencies; and,

(7) carrying out such other duties and assignments the Director, or in the Director's absence, the Commission deems necessary and prudent to attain the mission of DRS; delegating authority to complete duties assigned, and overseeing the accomplishment of those assigned responsibilities.

Section History

7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612, new Section describing duties of Deputy Director.
7-1-95	PT Memo #95-2 Permanent, change Administrative Services Division to Management Services. Division. Indicate that the Public Information Officer and External Relations Officer are two different positions.
7-1-98	PT Memo #98-14 Permanent, updated staff titles
7-1-99	POL Memo #00-1

	Permanent, updated DVR/DVS
7-1-10	PT Memo #10-02 Permanent, replaced Deputy Director with Chief of Staff
7-1-12	Permanent, Chief of Staff supervises PIO, External Relations officers, Chief Fiscal Officer and Civil Rights Administrator if deemed prudent by Director.
7-1-13	Permanent, Changed Public Information to Communications
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired. Removal of language regarding the Civil Rights Administrator.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
8-11-19	Added new job title of Chief Operations Officer. Removal of FSD Director's title.
9-11-20	Under section (b) added the Legislative Liaison, the Project Coordinators and the Process Improvement unit. Removal of External Relations Officer. Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI). Disability Determination Division (DDD) to Disability Determination Services (DDS).

612:1-3-3. The Division Administrators/School Superintendents

The Division Administrators/School Superintendents within the Department of Rehabilitation Services have responsibility for the day-to-day operational direction of the programmatic aspects of DRS, including the field work. The Division Administrators/School Superintendents supervise the various administrators of program units. The duties of the Division Administrators include:

(1) assuring program integrity across all programs;

(2) coordinating the planning and budgeting system;

(3) coordinating the delivery of all field services;

(4) providing support for all field offices;

(5) exploring and developing resources for programs, including coordination with state and federal officials;

(6) serving as arbitrators for programmatic and field issues;

(7) coordinating field and program issues with administrative functions; and,

(8) providing liaison between DRS and members of the Oklahoma Legislature, the Governor, and other state officials as requested by the Director and/or Chief of Staff.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612, changed number of Division Administrators to four.
7-1-03	PT Memo #03-07 Permanent, Updated to include School Superintendents
7-1-10	PT Memo #10-02 Permanent, changed Deputy Director to Chief of Staff

612:1-3-8.1 Executive officers

The executive officers in (1) through (4) report directly to the Department of Rehabilitation Services Director.

(1) **Chief of Staff.** The Chief of Staff assists the Director of the Department in fulfilling the chief administrative and executive responsibilities for day-to-day direction of the activities necessary for DRS to attain its mission as established by Title 74, Section 166.1 et seq. of Oklahoma State Statute. The work of the Chief of Staff is overseen by the Director of the Department of Rehabilitation Services. In the Director's absence, the work of the Chief of Staff is overseen by the Commission for Rehabilitation Services.

(2) **Chief Fiscal Officer.** The Chief Fiscal Officer is responsible for the direction and oversight of the Department's fiscal operations, including finance, general and federal accounting, budgeting, administration and control of financial information systems, and reporting activities.

(3) **External Relations Officer.** The External Relations Officer coordinates The Department's legislative initiatives and monitors legislative actions affecting the Department.

(4) **Communications Director.** The Communications Director coordinates the dissemination of public information about DRS. This is accomplished through news releases, a Department newsletter, publications in appropriate media formats, and other public relations activities. The Communications Office is also responsible for producing the Department's annual report.

(5) **Chief Operations Officer.** The Chief Operations Officer provides leadership and oversight to internal functioning of the department and providing infrastructure support to the agency programs to include contracting and purchasing, property management, human resources, liaison with information technology and other support services to the agency.

Section History

7-1-98	PT Memo #98-14 Permanent, new Section
7-1-99	POL Memo #00-1 Permanent, Public Information Officer changed to Public Information Administrator
7-1-10	PT Memo #10-02 Permanent, Changed Deputy Director to Chief of Staff
7-1-13	Permanent, Changed Public Information to Communication
8-27-15	Removal of language regarding the Civil Rights Administrator.
8-11-19	Added section (5) Chief Operations Officer.

612:1-3-10. Final signature authority

The Department of Rehabilitation Services recognizes the importance of efficient processing of resource and operations approval requests. At the same time, the Department must assure sufficient oversight of resource allocation in order to fulfill its obligations as a steward of public funds. The Department has therefore established a signature authority listing to delineate final approval levels for resource and operations approval requests. With regard to signature authority on contracts, all expenditures must be consistent with DRS's budget categories as approved by the Commission. Delegation of final signature authority is limited to the next lower administrative level unless approved in writing by the Director. The administrator is to notify the appropriate administrative programs of delegations. Administrators have authority to approve actions within their areas of responsibility at all administrative levels below their own. The requests listed in (1) through (8) of this Subsection must continue to be reviewed and approved by the appropriate staff before presentation to the individual with final signature authority. There are additional resource and operations approvals unique to each administrative area that are stated in the policies established for that administrative area.

(1) **Director's signature.** The Director has final signature authority for items listed in (A) through (E) of this Paragraph.

(A) Sole source contracts.

(B) Initial contracts for $250,000 or more.

(C) Notices of personnel action (may be delegated).

(D) Leave without pay requests for 90 days or more.

(E) Other actions as required by executive order, statute, etc.

(2) **Chief of Staff.** The Chief of Staff has final signature authority for items listed in (A) through (D) of this Paragraph.

(A) Initial contracts between $100,000 and $250,000 on a case by case basis and upon written authority of the Director.

(B) Initial contracts or interagency agreements which obligate the entire Department or more than one division.

(C) New brochures, forms, publications (electronic or printed), and videos produced for more than one division.

(D) Policy Transmittals by the Administrator for Process Improvement.

(3) **Division Administrator.** Division Administrators have final signature authority for items listed in (A) through (K) of this Paragraph.

(A) Initial contracts for less than $100,000.

(B) New or revised interagency agreements involving the division.

(C) Administrative purchases costing $10,000 or more (may be delegated). Computer purchases must be co-signed by the Administrator for Information Services.

(D) Requests for employee in-state travel (may be delegated).

(E) Requests for out-of-state employee travel.

(F) Final decisions for employee grievance resolution, other than discrimination complaints, and for adverse action after review by Human Resources.

(G) Leave without pay requests for less than 90 days.

(H) Brochures, forms, publications (electronic or printed), and videos produced for the division.

(I) Requests for internships or practicums for respective division.

(J) Memos for general distribution to the division.

(K) Grant proposals.

(4) **Chief Operations Officer**. Chief Operations Officer has final signature authority for items listed in (A) through (E) of this Paragraph.

(A) Office supply orders.

(B) Reorder of existing printed materials.

(C) Administrative purchase requisitions under area of responsibility up to $100,000. Computer purchases must be co-signed by the Administrator for Information Services.

(D) Administrative memos under area of responsibility.

(E) Requests for employee in-state travel.

(5) **Field Coordinators and Program Managers in DVR and DSBVI.** The Field Coordinators or Program Managers in Vocational Rehabilitation Services and Services for the Blind and Visually Impaired have final signature authority for administrative purchases up to $10,000. Computer purchases must be co-signed by the Administrator for Information Services. Program Managers have final signature authority for items listed in (A) through (B) of this Paragraph.

(A) Office supply requisitions other than those available on the electronic ordering system.

(B) Reorder of existing printed materials Program Managers have final signature authority for items listed in (A) through (B) of this Paragraph.

(6) **Superintendents at OSB and OSD.** Superintendents have final signature authority for items listed in (A) through (J) of this Paragraph for the respective school.

(A) Initial contracts for less than $100,000.

(B) Interagency agreements involving only the school.

(C) All administrative and educational purchases. Computer purchases must be co-signed by the Administrator for Information Services.

(D) Requests for all employee travel.

(E) Final decisions for adverse action after review by Human Resources.

(F) Final decisions for grievance resolutions, other than discrimination complaints.

(G) Leave without pay requests for less than 90 days.

(H) Requests for internships or practicums.

(I) Brochures, forms, publications (electronic or printed), and videos produced for the school.

(J) Grant proposals.

(7) **Supervisors at OSB and OSD.** Supervisors at OSB and OSD have final signature authority for items in (A) through (B) of this Paragraph for the respective school.

(A) Office supply orders.

(B) Reorder of existing printed materials.

(8) **Program Managers, Disability Determination Services.** Program Managers at the Disability Determination Services have final signature authority for the following items in (A) through (B) of this Paragraph.

(A) The Program Manager responsible for budgets, contracts, and purchases approves administrative purchases under $10,000. Computer purchases must will be co-signed by the Administrator for Information Services.

(B) Reorder of existing printed materials.

Section History

7-1-95	PT Memo #95-2 Permanent, new Section
7-1-96	PT Memo #96-5 Permanent, Added "when not available on state contract" to signatures required on non-medical purchased/requisitions. Field Coordinators and Program Supervisors sign non-medical between 5&10 thousand; District Supervisors and MSD Unit Administrators sign non-medical more than $2500. Corrected typo. (of to or).
7-1-98	PT Memo #98-15 Permanent, signature authority changes to account for Deputy Director, and to move authority close to actual decision makers
7-1-99	POL Memo #00-1

	Permanent, updated DVR/DVS; Changes made to conform with new Department memo categories and system
7-1-03	PT Memo #03-07 Permanent, updated Supervisors to Program Managers
7-1-10	PT Memo #10-02 Permanent, Changed Deputy Director to Chief of Staff
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
8-11-19	Added new section (2)(D) policy transmittals. Updated section (4) replacing MSD Administrator with Chief Operations Officer, (4) (c) removed MSD Unit and replaced $10,000 with $100,000, (4) (E) removed, (5) added language for PM's final signature authority (A) and (B), (6) section removed.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI). Disability Determination Division (DDD) to Disability Determination Services (DDS).

SUBCHAPTER 5. PROGRAM DIVISIONS WITHIN THE DEPARTMENT

Section

612:1-5-1. Overview of the department

612:1-5-2. Division of Vocational Rehabilitation (DVR)

612:1-5-3. Division of Services for the Blind and Visually Impaired (DSBVI)

612:1-5-4. Disability Determination Services (DDS)

612:1-5-4.1. Management Services Division (MSD)

612:1-5-4.2. Financial Services Division (FSD)

612:1-5-5. Oklahoma School for the Blind (OSB)

612:1-5-6. Oklahoma School for the Deaf (OSD)

Section History

9-1-93 No PT Memo
Emergency, first adoption under OAC Title 612

7-1-94 PT Memo #94-1
Permanent, first adoption under OAC Title 612, edited to reorder after inserting Administrative Services Division.

7-1-95 PT Memo #95-2
Permanent, some taglines changed in Subchapter 5.

7-1-99 POL Memo #00-1
Permanent, taglines changed to update division names

7-1-10 PT Memo #10-02
Permanent, New Financial Services Division

8-27-15 Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.

9-11-17 Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.

9-11-20 Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI). Disability Determination Division (DDD) to Disability Determination Services (DDS).

612:1-5-1. Overview of the department

The purpose of this Subchapter is to provide an overview of the program divisions within the Department of Rehabilitation Services. Program divisions are established for the following areas: Vocational Rehabilitation Services, Services for the Blind and Visually Impaired, Disability Determination Services, Management Services, The Oklahoma School for the Blind and the Oklahoma School for the Deaf. Each of the Divisions has one or more components.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-95	PT Memo #95-2 Permanent, Administrative Services references changed to Management Services
7-1-99	POL Memo #00-1 Permanent, updated DVR/DVS
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI). Disability Determination Division (DDD) to Disability Determination Services (DDS).

612:1-5-2. Division of Vocational Rehabilitation (DVR)

The Division of Vocational Rehabilitation provides vocational rehabilitation services designed to result in an employment outcome for persons with disabilities. Priority is given to those with the most severe disabilities. All unit heads, and the Vocational Rehabilitation Field Coordinators report directly to the Division Administrator. DRS has field staff assigned to meet the needs in every county of the state, although staff may not be officed in each county. Local office staff report to DVR Program Managers, who report to Field Coordinators at the State Office.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612, changed Supported Employment to Community Rehabilitation Services and added responsibility for monitoring community rehab. programs.
7-1-99	POL Memo #00-1 Permanent, Section tagline and text updated to DVR
7-1-03	PT Memo #03-07 Permanent, removed reference to TLC and updated language
7-1-04	PT Memo #05-01 Permanent, changed name of Community Rehabilitation Services Unit to Employment Support Services Unit.
9-14-18	Removal of reference to an Independent Living Program no longer operated by the division and removal of references to specific units and program areas and provide a broader description of the division purpose, scope and structure.

612:1-5-3. Division of Services for the Blind and Visually Impaired (DSBVI)

The Division of Services for the Blind and Visually Impaired provides diagnostic, counseling and guidance, physical restoration, training, and other services to individuals whose major disability is blindness, ~~or~~ severe visual impairment, a progressive sight threatening disease, or functional limitation resulting from sight loss. All departmental managers and Services for the Blind and Visually Impaired Field Coordinators report directly to the Division Administrator or designee. Rehabilitation teachers for the blind provide in-home training, counseling and instruction in daily-living skills to blind and visually impaired individuals. DRS has field staff assigned to meet the needs in every county of the state, although staff may not be officed in each county. Local office staff report to SBVI Program Managers, who report to the Field Coordinators. The Oklahoma Library for the Blind and Physically Handicapped provides books and magazines in special media to blind and print-limited Oklahomans. The Division of Services for the Blind and Visually Impaired administers the Randolph-Sheppard Business Enterprise Program in Oklahoma, securing suitable locations for vending facilities; designing and installing equipment; recruiting, training, placing and supervising operators for the facilities.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-99	POL Memo #00-1 Permanent, Section tagline updated to DVS; Section text updated to DVS and BEP
7-1-03	PT Memo #03-07 Permanent, updated supervisors to managers
7-1-05	PT Memo #06-01 Permanent, expanded determining factors for VS and added Field Coordinator.
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
8-25-16	Updated language to remove diabetes language.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-14-18	Added language to clarify DVS may serve individuals with sight threatening progressive conditions or functional limitations due to slight loss, in addition to individuals who are blind or have severe visual impairments.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:1-5-4. Disability Determination Services (DDS)

The Disability Determination Services is responsible for adjudicating applications for Social Security Disability Insurance benefits and Supplemental Security Income payments for all Oklahoma applicants under these programs. This Division is not involved in treatment, diagnosis, or the provision of therapeutic services. Applications for Social Security Disability Insurance benefits are taken in the Social Security District offices throughout the State of Oklahoma and forwarded to this Division for the determination process under federal guidelines.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-95	PT Memo #95-2 Permanent, Changed Section tagline from Disability Determination Division to Disability Determination (DD).
7-1-99	POL Memo #00-1 Permanent, Section tagline and text changed to Disability Determination Division (DDD)
9-11-20	Disability Determination Division (DDD) to Disability Determination Services (DDS).

612:1-5-4.1. Management Services Division (MSD)

The Management Services Division provides all components of the Department administrative and programmatic support.

Section History

7-1-94 PT Memo #94-1
Permanent, first adoption under OAC Title 612, new Section

7-1-95 PT Memo #95-2
Permanent, Administrative Services references changed to Management Services

8-1-96 PT Memo #97-1
Permanent, removed grants management from the Policy Development and Program Standards Unit

7-1-98 PT Memo #98-14
Permanent, removed Budget & Finance Unit from Management Services Division

7-1-99 POL Memo #00-1
Permanent, Section tagline and text updated to Management Services Division (MSD)

7-1-02 POL Memo #02-02
Permanent, Removes Travel Coordination from C/DS unit.

7-1-03 PT Memo #03-07
Permanent, Updated language to reflect current status.

7-1-04 PT Memo #05-01
Permanent, removed duplicate information

612:1-5-4.2. Financial Services Division (FSD)

The Financial Services Division provides quality financial management and administration of all agency budgeting, federal and general accounting, revenue, claims processing, and reporting for our customers.

Section History
7-1-10 PT Memo #10-02
Permanent, New Financial Services Division

612:1-5-5. Oklahoma School for the Blind (OSB)

The Oklahoma School for the Blind provides a full pre-school, primary and secondary educational program for both residential and day students, serving Oklahomans who are blind, or visually impaired. The program is designed to provide students with individualized assistance in order to overcome the limitations imposed by the students' disabilities. The Outreach Program of the school provides services to students who attend public schools, as well as serving school districts throughout the state. The school also serves as an evaluation center for students in Oklahoma who are blind and visually impaired.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

612:1-5-6. Oklahoma School for the Deaf (OSD)

The Oklahoma School for the Deaf provides a full preschool, primary and secondary educational program for both residential and day students, serving Oklahomans who are deaf, hard of hearing, and multidisabled. The program is designed to provide students with individualized assistance in order to overcome the limitations imposed by the students' disabilities. The Outreach Program of the school provides services to students who attend public schools, as well as serving school districts throughout the state. The school also serves as an evaluation center for students in Oklahoma who are deaf or hard of hearing.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612, corrected last sentence from blind and visually impaired to deaf and hard of hearing.

SUBCHAPTER 7. RELATIONSHIPS WITH DEPARTMENT ESTABLISHED BY LAW

Section

612:1-7-1. Relationships with elected state officials

612:1-7-2. Relationships with appointed state officials

612:1-7-3. Relationships with state boards: ex officio representation from the Department

612:1-7-4. Relationships with federal officials

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612

612:1-7-1. Relationships with elected state officials

(a) **Governor.** Under authority of Title 74, Section 166.1 et seq. of Oklahoma State Statutes, a three-member Commission for Rehabilitation Services governs the Department of Rehabilitation Services. One member of the Commission is appointed by the Governor for a three-year term. An annual report of the Department's activities is presented to the Governor. The Governor reviews budget requests and legislative proposals submitted by the Department, among other activities related to the work of the Department.

(b) **Attorney General.** The Attorney General approves bonds provided for in the Oklahoma Social Security Act. He or she renders opinions concerning provisions and effect of laws or acts, when requested by the Commission for Rehabilitation Services, its Chairperson, or the Director of Rehabilitation Services. The Attorney General also prosecutes for or defends the State in civil or criminal actions.

(c) **State Treasurer.** The State Treasurer is designated and made the official custodian of all monies, funds, rentals, penalties, costs, proceeds of sale of property, deeds, fines, forfeitures, and public charges of every kind that may be received by any State Officer, State Board, or Commission. All state agency warrants are issued and paid by the Treasurer. Vouchers issued by the Department for special purposes are drawn by the Department on Special Accounts in the State Treasury and are also paid by the Treasurer.

(d) **State Auditor and Inspector.** State officers, state agencies and all county governments are audited at least annually by the State Auditor and Inspector. In addition, whenever called upon by the Governor, the Auditor shall specially examine the books and accounts of any Officer of the State. In addition to his general responsibility to the State as a whole, the Auditor has the specific responsibility of annually auditing the Department's expenditure of State funds in those programs administered by the Department which are funded solely with State funds.

(e) **Supreme Court.** The Supreme Court is the final arbiter of most questions of state law.

(f) **Secretary of State.** Oaths of members of the Commission for Rehabilitation Services and their bonds are deposited with the Secretary of State, in accordance with provisions of Oklahoma Statutes. Rules of general applicability and future effect are adopted, amended, or revoked in accordance with the Administrative Procedures Act.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

612:1-7-2. Relationships with appointed state officials

(a) **Division of Capital Assets Management.** The Director of the Division of Capital Assets Management is responsible for the award of State contracts for supplies, materials, and equipment. The Division of Capital Assets Management is also the contracting body for leases covering State real property and is responsible for disposing of any real or personal property of the State which an agency determines is surplus to its needs.

(b) **Oklahoma Employment Security Commission.** The Oklahoma Employment Security Commission is charged with the responsibility of promoting employment security by increasing opportunities for job placement, through its operation of public employment offices and by paying compensation to eligible workers who become unemployed. In addition, the Employment Security Commission assists the Department in the verification of employment for applicants and recipients of Department services.

(c) **Merit System of Personnel Administration.** The Merit Act of 1959 established the Merit System of Personnel Administration and created and defined the structure and duties of the first administrative body of that system. Later, the Oklahoma Personnel Act abolished the State Personnel Board and created and transferred the powers, duties, and responsibilities to the Office of Personnel Management and the Ethics Commission and Merit Protection Commission.

(1) **Office of Human Capital Management (HCM).** The Office of Human Capital Management is responsible for: the development of an efficient and effective system of personnel administration that meets the management needs of the various state agencies; maintaining and revising a classified system of employment which protects state employees from arbitrary dismissal or unfair treatment; maintaining an equitable system for the classified service; helping recruit and select qualified people; conducting a management training program; and assuring equal employment opportunity.

(2) **Ethics Commission and Merit Protection Commission.** The Ethics Commission and Merit Protection Commission is responsible for assuring that the rights of employees and agencies under the Merit System of Personnel Administration are not abridged.

(d) **The Director of Office of Management and Enterprise Services.** The Director of Office of Management and Enterprise Services maintains in his office records showing the debits and credits of each separate fund or appropriation for each State agency. He or she also pre-audits the claims of the Department's general administrative funds and any special construction funds. An annual budget estimate is prepared by the Department and filed with the Director of the Office of Management and Enterprise Services, who serves as the senior budget officer of the State.

(e) **State Fire Marshal.** The State Fire Marshal is involved in reviewing fire protection and safety features of facilities operated and funded by the Department.

(f) **Secretary of the State Election Board.** Among other duties, the Secretary of the State Election Board is to promote and encourage voter registration and voter participation in elections. The State Department of Rehabilitation Services will cooperate with the Secretary of the State Election Board in compliance with the National Voter Registration Act of 1993.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-95	PT Memo #95-2 Permanent, new Subsection (f) to indicate cooperation with Secretary of State Election Board on Voter Registration Act of 1993.
7-1-06	PT Memo #07-01 Permanent, updated to reflect name change of Department of Central Services.
9-12-14	Updated to reflect name change of Department of Central Services to Division of Capital Assets Management (DCAM). Updated to reflect name change of Office of Personnel Management to Office of Human Capital Management (HCM). Updated to reflect name change of State Finance to the Office of Management and Enterprise Services (OMES).

612:1-7-3. Relationships with state boards: ex officio representation from the Department

(a) **State Rehabilitation Council.** Section 25 of the Rehabilitation Act requires the state establish a State Rehabilitation Council. The Council membership is appointed by the Governor consistent with the provisions of 29 USC Section 725. The Director of the Department of Rehabilitation Services serves as an ex officio member of the Council. The Council reviews, analyzes, and advises the Department regarding the performance of its responsibilities under the Rehabilitation Act; helps develop the State Plan; and performs other functions as specified in Section 725 of the Rehabilitation Act.

(b) **Statewide Independent Living Council.** Section 706d of the Rehabilitation Act requires the State establish a Statewide Independent Living Council (SILC). Membership of the Council is appointed by the Governor consistent with 29 USC 796(b). When serving as the Designated State Entity (DSE) for receipt and disbursement of federal independent living funds as authorized by 29 USC 796c(c), the Department of Rehabilitation Services (DRS) has a non-voting member position on the SILC. The Council develops and submit the State Plan for Independent Living as described in Section 796c of the Rehabilitation Act, and monitors implementation of the State Plan. The Director of the DSE is a required signer for submission of the State Plan.

Section History

9-1-93 No PT Memo
Emergency, first adoption under OAC Title 612

7-1-94 PT Memo #94-1
Permanent, first adoption under OAC Title 612

7-1-98 PT Memo #98-14
Permanent, added Subsection (d) - The Governor's Commission on the Deaf and Hard of Hearing

7-1-99 POL Memo #00-1
Permanent, changed name of the State Rehabilitation Advisory Council to State Rehabilitation Council

7-1-03 PT Memo #03-07
Permanent, removed reference to expired commission and council.

7-1-07 POL Memo 08-01
Permanent, changed State Rehabilitation Council to Oklahoma Rehabilitation Council.

9-14-18 Updated statutory references, removal of descriptive material that no longer matches current law and revised the description of the relationship between DRS and the SILC to reflect changes in WIOA.

612:1-7-4. Relationships with federal officials

(a) **The Department of Education.** The Department of Education (DOE) is the cabinet-level agency which establishes policy for, administers, and coordinates most federal assistance to education. Created in 1979, pursuant to P.L. 96-88, DOE carries out functions impacting elementary and secondary education, post-secondary education, and education of individuals with disabilities. DOE is also responsible for administration of Vocational and Adult Education services and for Special Education and Rehabilitation Services. The Rehabilitation Services Administration (RSA), United States Department of Education, is the principle federal agency charged with carrying out the Rehabilitation Act. The State Department of Rehabilitation Services must submit a State Plan conforming to the requirements of the Rehabilitation Act to the Commissioner of RSA in order to be eligible to participate in programs under the Rehabilitation Act. Most of the funding for the State Department comes from RSA which promulgates policies and procedures the State Department must follow consistent with the requirements of the Rehabilitation Act.

(b) **Department of Health and Human Services.** The Department of Health and Human Services (DHHS) is a cabinet-level department of the federal executive branch. Among its other duties, DHHS administers the Social Security Administration (SSA) and the Centers for Medicare and Medicaid Services (CMS).

(1) The Social Security Administration's principle functions include program planning, implementation, and evaluation on a long-range basis of problems pertinent to poverty, insecurity, and health-care for the aged, blind, and disabled. SSA administers a national program of contributory social insurance whereby employees, employers, and the self-employed pay contributions, which are pooled in special trust funds so that when earnings stop or are reduced because of retirement, death, or disability, monthly case benefits may be paid, replacing parts of lost earnings. Additionally, SSA administers the Supplemental Security Income (SSI) program. SSI is financed from general revenues, rather than a special trust. SSI provides payments to the aged, blind, and disabled whose income and resources are below amounts considered necessary to support an acceptable standard of living. The Disability Determination Division of DRS determines eligibility of persons for benefits administered by SSA.

(2) The Centers for Medicare and Medicaid (CMS) is the principle DHHS component with oversight of the Medicare and Medicaid programs, the State Children’s Health Insurance Program (SCHIP) and other federal health care functions. The Medicare program provides basic health benefits to Social Security recipients. It is funded through the Social Security Trust Fund. CMS provides assistance to service providers, such as hospitals, physicians, and nursing homes; to the intermediaries who adjudicate claims; and to Medicare recipients. Medicaid provides medical services to persons who cannot afford adequate health care.

(c) **Department of Labor.** A Secretary and Under-Secretary lead the Department of Labor and direct the activities of the Administrators of the various constituent organizational elements. These include the Unemployment Insurance Service and the U.S. Employment Service, both of which are within the Employment and Training Administration. The Office of Disability Employment Policy is also administered by DOL.

(d) **National Library Service of Library of Congress.** The Oklahoma Library for the Blind and Physically Handicapped, operated by DRS, is the regional library for

Oklahoma and a part of the national network of libraries of the Library of Congress National Library Services (NLS) for the Blind and Physically Handicapped.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
9-14-18	Revisions update agency and program names, removal of obsolete references and extraneous descriptive language.

SUBCHAPTER 9. COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973

Section

612:1-9-1. General prohibitions against discrimination

612:1-9-2. Qualified individuals with disabilities

612:1-9-3. Required statement on DRS printed documents

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

612:1-9-1. General prohibitions against discrimination

Section 504 of the Rehabilitation Act of 1973, states in part: "no qualified individual with disabilities, shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives benefits from federal financial assistance." Compliance requirements are the same as those presented in Subchapter 11 of this Chapter.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

612:1-9-2. Qualified individuals with disabilities

Section 504 of the Rehabilitation Act, guarantees the civil rights of qualified individuals with disabilities and defines qualified individuals with disabilities to mean: "with respect to employment, an individual with disabilities who, with reasonable accommodation, can perform the essential functions of the job in question; and with respect to services, an individual with disabilities who meets the essential eligibility requirements for the receipt of such services."

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

612:1-9-3. Required statement on DRS printed documents

The cost statement printed on DRS publications will follow the requirements and wording set for state documents by the Publications Clearinghouse of the Oklahoma Department of Libraries.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-04	PT Memo #05-01
	Permanent, amended as required by statute.
7-1-11	PT Memo #12-01
	Permanent, reducing the size of policy

SUBCHAPTER 11. COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990

PART 1. PURPOSE AND LEGAL BASIS

Section

612:1-11-1. Purpose and structure of the Americans with Disabilities Act

612:1-11-2. Definitions

612:1-11-3. Legal basis

612:1-11-4. DRS and the Americans with Disabilities Act

PART 3. REASONABLE ACCOMMODATION

Section

612:1-11-14. DRS requirements for reasonable accommodation

612:1-11-15. Overview of reasonable accommodation

612:1-11-16. Providing reasonable accommodation

PART 9. MEDICAL AND OTHER CONSIDERATIONS

Section

612:1-11-55. Medical documentation

612:1-11-56. Illegal use of drugs

612:1-11-58. Retaliation or coercion

Section History

9-1-93	Not PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
8-1-96	PT Memo #97-1 Corrected Part 7 tagline to match APA code
10-15-97	PT Memo #98-5 Corrected taglines to match APA code
7-1-98	PT Memo #98-14 Makes emergency rules issued 10-15-97 permanent
7-1-01	PT Memo #01-08 Corrected taglines to match APA code
8-27-15	Revoked tagline 612:1-11-57, Undue hardship/undue burdens under Part 9.

PART 1. PURPOSE AND LEGAL BASIS

Section

612:1-11-1. Purpose and structure of the Americans with Disabilities Act

612:1-11-2. Definitions

612:1-11-3. Legal basis

612:1-11-4. DRS and the Americans with Disabilities Act

612:1-11-1. Purpose and structure of the Americans with Disabilities Act

The Americans with Disabilities Act of 1990 (ADA) extends the framework of federal civil rights laws to people with disabilities. The Act expressly prohibits discrimination against individuals with disabilities, regardless of citizenship status or nationality, in employment, public services, public transportation, public accommodations and telecommunications services. The ADA is divided into these components:

(1) **Title I - Employment.** Employers may not discriminate against qualified individuals with disabilities. Employers must reasonably accommodate the disabilities of qualified applicants or employees, including modifying work stations and equipment, unless undue hardship would result.

(2) **Title II - Public Services.** State and local governments may not discriminate against qualified individuals with disabilities. Newly constructed state and local government buildings, including transit facilities, must be accessible. Alterations to existing state and local government buildings must be done in an accessible manner. New buses and rail vehicles for fixed route systems must be accessible.

(3) **Title III - Public Accommodations.** Restaurants, hotels, theaters, shopping centers and malls, retail stores, museums, libraries, parks, private schools, day-care centers, and other similar places of public accommodation may not discriminate on the basis of disability. Physical barriers in existing public accommodations must be removed if readily achievable. New construction in public accommodations and commercial facilities (non-residential facilities affecting commerce) must be accessible.

(4) **Title IV - Telecommunications.** Telephone companies must provide telecommunications relay services for hearing-impaired and speech-impaired individuals 24 hours per day.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

612:1-11-2. Definitions

The following words and terms, when used in this Subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual. It also means having a record of such an impairment or being regarded as having such an impairment. "Disability" does not include:

(A) sexual behavior disorders;

(B) compulsive gambling, kleptomania, or pyromania;

(C) psychoactive substance abuse disorders resulting from current illegal use of drugs; or

(D) homosexuality and bisexuality.

"Drug" means a controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substances Act [21 U.S.C. 812].

"Equal employment opportunity" means an opportunity to enjoy equal benefits and privileges of employment as are available to an average similarly situated employee without a disability.

"Essential functions" means the fundamental job duties of the employment position the individual with a disability holds or desires. The term does not include the marginal functions of the position.

"Has a record of such impairment" means the individual has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

"Illegal use of drugs" means the use of drugs whose possession or distribution is unlawful under the Controlled Substances Act, as periodically updated by the Food and Drug Administration.

"Is regarded as having such an impairment" means:

(A) has a physical or mental impairment that does not substantially limit major life activities but is treated by a covered entity as constituting such limitation;

(B) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(C) has none of the impairments defined herein but is treated by a covered entity as having a substantially limiting impairment.

"Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

"Physical or mental impairment" means:

(A) any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or

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

"Qualified individual with a disability" means an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position. For purposes of organizational policy, the Department differentiates between a qualified person with a disability in the area of employment and a qualified person with a disability in the area of DRS programs.

(A) **Employment:** A qualified individual with a disability is one who, with or without reasonable accommodation, can perform the essential functions of the position that the individual holds or desires. For the purposes of the ADA, consideration shall be given to the employer's judgement regarding what functions of a job are essential. If an employer has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job.

(B) **Programs:** A qualified individual with a disability is one who, with or without reasonable modifications to rules, policies, or practices; removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by DRS.

"Reasonable accommodation" means:

(A) modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or

(B) modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or

(C) modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

"Relationship or association with an individual with a disability" means a qualified individual with or without a disability who has a known relationship or association with an individual who has a known disability. While such individuals are protected from discrimination in terms of equal jobs and benefits, and equal programs and activities, there is no requirement for an employer to provide a person without a disability with a reasonable accommodation. This duty only applies to qualified applicants or employees with disabilities.

"Substantially limits" means:

(A) unable to perform a major life activity that the average person in the general population can perform; or

(B) significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.

"Undue hardship" means, with respect to the provision of an accommodation, significant difficulty or expense incurred by a covered entity. The concept of undue hardship is not limited to financial difficulty. Undue hardship refers to any accommodation that would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-13	Permanent, Changed Mental Retardation to Intellectual Disability
8-27-15	Updated language

612:1-11-3. Legal basis

(a) The Americans with Disabilities Act (hereinafter referred to as the ADA) was signed into law on July 26, 1990 [42 USC 12101]. Effective January 26, 1992, Title II of the ADA prohibits state and local agencies from discriminating against any qualified individual with a disability in all programs, services or activities provided or made available by such public entities, regardless of whether federal funds are received.

(b) Legislative groundwork for the ADA can be found in the Rehabilitation Act of 1973, which prohibits federal agencies and their grantees and contractors from discriminating against individuals based on a disability. Because of the intentional overlap between Section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794] and the ADA, the Department of Justice has promulgated rules consistent with, yet expanding, the scope of those regulations implementing Section 504. These rules cover all functions of governmental or public entities regardless of whether federal funding is appropriated.

(c) Additional ADA groundwork was laid in the Architectural Barriers Act of 1968, which requires federal and federally assisted facilities (designed, constructed, leased or altered) to be accessible to and usable by the physically disabled. Under the ADA, accessibility mandates adopted from the Architectural Barriers Act can be met by satisfying either the Uniform Federal Accessibility Standards (UFAS) or the ADA Accessibility Guidelines for Buildings and Facilities (ADAAG).

(d) The Department of Rehabilitation Services complies with all provisions of the Americans with Disabilities Act of 1990 and with all standards and regulations pursuant to the Act.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-96	PT Memo #96-5 Permanent, added legal basis for the Americans with Disabilities Act
7-1-02	POL Memo #02-02 Permanent, US Supreme Court upheld the states 11th amendment protection under ADA

612:1-11-4. DRS and the Americans with Disabilities Act

(a) The Americans with Disabilities Act (ADA) is designed to remove barriers which prevent qualified individuals with disabilities from enjoying the same employment opportunities or DRS services that are available to others.

(b) The Department of Rehabilitation Services complies with the provisions of the ADA by prohibiting discrimination against individuals with disabilities. This prohibition applies to:

(1) **DRS employees and individuals seeking employment.** Qualified individuals with disabilities must receive equal consideration in job application procedures; hiring, advancement, or discharge proceedings; employee compensation; job training; and other terms, conditions, and privileges of employment;

(2) **DRS clients and individuals applying for services.** Qualified individuals with disabilities must have equal access to all services, programs, and activities offered or provided by DRS.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-98	PT Memo #98-14
	Permanent, Civil Rights Acts changed to Civil Rights Act
7-1-12	Permanent, amended paragraph a

PART 3. REASONABLE ACCOMMODATION

Section

612:1-11-14. DRS requirements for reasonable accommodation

612:1-11-15. Overview of reasonable accommodation

612:1-11-16. Providing reasonable accommodation

612:1-11-14. DRS requirements for reasonable accommodation

All divisions of the Department are required to make reasonable accommodation to the known physical and mental limitations of otherwise qualified employees, applicants and clients with disabilities unless it can be demonstrated that the accommodation requested would impose an undue hardship on the operations of the Department. Employment opportunities may not be denied to qualified employees or applicants with disabilities if the basis for the denial is the need to make reasonable accommodations to that person's physical or mental limitations.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

612:1-11-15. Overview of reasonable accommodation

(a) Reasonable accommodation is a modification or adjustment to a job, the work environment, or policies that enables a qualified individual with a disability to enjoy an equal employment opportunity. A reasonable accommodation must be effective.

(b) The ADA requires reasonable accommodation in three aspects of employment:

(1) to ensure equal opportunity in the application process;

(2) to enable a qualified individual with a disability to perform the essential functions of a job; and,

(3) to enable an employee with a disability to enjoy equal benefits and privileges of employment.

(c) Reasonable accommodation requirements do not include accommodations that are for personal use.

(d) Generally, it is the responsibility of the applicant or employee with a disability to inform the Department that an accommodation is needed to participate in the application process, to perform essential job functions, or to receive equal benefits and privileges of employment.

(e) If an employee with a known disability is not performing well, or is having difficulty performing a job, the Department may assess whether this is due to a disability and may inquire whether the employee needs a reasonable accommodation. It is not appropriate for the employee's supervisor to independently initiate a request if the employee does not wish one. An individual with a disability is not required to accept an accommodation if the individual has not requested an accommodation and does not believe one is needed. However, if the individual refuses an accommodation necessary to perform essential job functions, and as a result cannot perform those functions, the individual may not be considered qualified.

(f) When a qualified individual with a disability requests an accommodation, the Department must make a reasonable effort to provide an accommodation that is effective for the individual. The person with the disability must always be consulted as the first step in considering an accommodation. The Department and the individual shall work together to identify the appropriate accommodation. The Department may consult the Job Accommodation Network or other technical assistance entities as a resource in order to reasonably accommodate an employee or job applicant.

(g) An individual with a disability may choose to provide his or her own accommodation. The individual's willingness to do so does not relieve the Department of the duty to provide the accommodation should the individual for any reason be unable or unwilling to continue to provide the accommodation.

(h) The Department may request documentation from an appropriate licensed professional regarding an individual's functional limitations, when they are not apparent, to support a reasonable accommodation request.

Section History
9-1-93 No PT Memo

	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-98	PT Memo #98-14
	Permanent, clean-up editing
7-1-12	Permanent, updated language
8-27-15	Updated language

612:1-11-16. Providing reasonable accommodations

(a) **Requests for reasonable accommodation.** Any DRS employee who qualifies as an individual with a disability has a right to request reasonable accommodation. **1** No employee will be discriminated against with regard to employment for exercising his or her rights under the Americans with Disabilities Act. To be considered qualified an employee must be able to perform the essential functions of his/her position with or without a reasonable accommodation.

(b) **Accommodation request procedure.** Employee requests for reasonable accommodation shall be handled on an individual, case-by-case basis. The Department shall engage in an interactive process with the qualified employee in an effort to identify reasonable accommodations that will allow the qualified individual with a disability to perform the essential job functions. It is the responsibility of the employee requesting the reasonable accommodation to actively participate in the process. This may include but is not limited to providing requested documentation or information indicating the disability requiring a reasonable accommodation, reason the accommodation is needed and/or the nature of the accommodation sought. **2**

(c) **Approval of accommodation requests.** The employee's supervisor may approve or deny a reasonable accommodation request as submitted, request additional information if needed for reaching a decision or identifying an effective accommodation, or refer the request to the next supervisory level. Documentation of the request, decision and accommodation solution shall be maintained in the supervisor's file.

(d) **Appeal of accommodation solution.** Disputes concerning reasonable accommodation are subject to the final review and decision of the Director of the Department of Rehabilitation Services. The Director may intervene in requests at any time in order to bring about a prompt and impartial decision to the request. If dissatisfied with the decision of the Director, the employee may pursue a complaint with the appropriate state or federal agency responsible for enforcing laws affecting provision of reasonable accommodations for employees with disabilities.

INSTRUCTIONS TO STAFF

1. The DRS ADA Coordinator is:
   Charles Watt, ADA Coordinator
   Department of Rehabilitation Services
   OKC Career Planning Center
   5813 South Robinson
   Oklahoma City, OK 73109
   1-800-845-8476
   (405) 635-2774

2. Staff is encouraged to utilize the David K. Fram checklist on the Practical Steps In Determining"Reasonable Accommodation" Under The ADA. This serves as a guidance tool when engaging in the interactive process to identify reasonable employee accommodations.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1

	Permanent, first adoption under OAC Title 612
7-1-98	PT Memo #98-14 Permanent, corrected year for Family Medical Leave Act; clean-up editing
7-1-01	PT Memo #01-08 Permanent, Incorporates revoked sections
7-1-02	POL Memo #02-02 Permanent, text added ensuring materials and systems are accessible to all staff
7-1-03	PT Memo #03-07 Permanent, removed "State Office" as residence for Services to the Deaf and Hard of Hearing.
7-1-11	PT Memo #12-01 Permanent, updating language and reducing the size of policy
8-27-15	Removal of language regarding the Civil Rights Administrator. Updated Instructions to Staff to provide contact information for the DRS ADA Coordinator. Updated Instructions to Staff to include checklist in determining reasonable accommodations under the ADA.

PART 9. MEDICAL AND OTHER CONSIDERATIONS

Section

612:1-11-55. Medical documentation

612:1-11-56. Illegal use of drugs

612:1-11-58. Retaliation or coercion

612:1-11-55. Medical documentation

(a) Medical documentation may be necessary in order for the Department to:

(1) determine if the employee is disabled under the definitions of the ADA;

(2) determine whether an accommodation is needed; and if so,

(3) assess what kind of accommodation is necessary.

(b) Documentation may be unnecessary when both the disability and the accommodation are obvious.

(c) If, during any step in the procedure, the medical documentation presented in support of a request for reasonable accommodation is not adequate, the Department will advise the employee and request submission of additional documentation. When appropriate, a memorandum addressed to the physician or appropriate licensed professional explaining what information is needed and why it is needed can be provided to the employee.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-12	Permanent, added appropriate licensed professional

612:1-11-56. Illegal use of drugs

(a) The terms "disability" and "qualified individual with a disability" shall not include any employee, applicant, or client who is currently engaged in the illegal use of drugs. "Illegal use of drugs" does not include the use of a drug taken under the supervision of a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of federal law.

(b) The terms "disability" and "qualified individual with a disability" may not exclude an individual who:

(1) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of drugs; or

(2) is participating in a supervised rehabilitation program and is no longer engaging in such use; or

(3) is erroneously regarded as engaging in such use, but is not engaging in such use.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612

612:1-11-58. Retaliation or coercion

Individuals who exercise their rights under the ADA, or who assist others in exercising their rights, are protected from retaliation or coercion. Prohibited activities include harassment, threats, intimidation, or interference in the exercise of rights under the law.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

SUBCHAPTER 13. CIVIL RIGHTS AND NONDISCRIMINATION ON BASIS OF RACE, COLOR, NATIONAL ORIGIN, SEX, AGE OR DISABILITY

Section

612:1-13-1. Statement of Compliance

612:1-13-2. Practices prohibited "individuals with disabilities"

612:1-13-3. Administration of programs

612:1-13-4. Dissemination of rules

612:1-13-6. Maintenance of racial and ethnic data

612:1-13-7. Composition of planning and policymaking bodies

612:1-13-8. Arrangements for bilingual interpreters

612:1-13-9. Complaint rules and procedures

612:1-13-10. Determination of site or location of facilities

612:1-13-11. Department responsibility to vendor-recipients

612:1-13-12. Employment practices

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
8-27-15	Revoked tagline 612:1-13-5.

612:1-13-1. Statement of Compliance

The Department of Rehabilitation Services will administer its programs and will conduct its business, either directly, indirectly or through contractual or other arrangements, in accordance with Title VI of the Civil Rights Acts of 1964 and 1991 [42 U.S.C. 2000 et.seq., hereinafter referred to as Title VI]; Title 45, Code of Federal Regulations, Part 80; and Section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794, hereinafter referred to as Section 504]; Title 45, Code of Federal Regulations, Part 84; Age Discrimination Act of 1975, Part 90, Section 301; and the Department's Statement of Compliance thereto.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

612:1-13-2. Practices prohibited "individuals with disabilities"

(a) Administrative methods cannot include practices prohibited under the ADA. The Director shall not:

(1) discriminate nor allow any member of his or her staff, employees, Department subgrantees, or other interested persons to discriminate on the grounds of race, color, national origin, sex, age or disability;

(2) issue nor allow to be issued policies, regulations, directives or other public communication that will have the effect of subjecting individuals to discrimination because of their race, color, national origin, sex, age or disability.

(b) For the purpose of defining "individuals with disabilities", the Director uses the definition established by regulation 45 CFR 84.3 (j). An individual with a disability is any person who:

(1) has a physical or mental impairment which substantially limits one or more of such person's major life activities;

(2) has a record of such impairment; or,

(3) is regarded as having such impairment.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

612:1-13-3. Administration of programs

(a) The Department will take positive action, consistent with Title VI regulations, ADA, or Section 504 regulations, to overcome the effects of conditions which result or have resulted in limiting participation in any program by persons of a particular race, color, national origin, sex, age or disability.

(b) The Department will ensure that the services and activities of its programs will be accessible to clients who have disabilities.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-03	PT Memo #03-07 Permanent, updated language removing Affirmative Action Officer and replaced with Civil Rights Administrator.
8-27-15	Removal of language regarding the Civil Rights Administrator.

612:1-13-4. Dissemination of rules

The Department will inform all employees, clients, applicants and the general public that all services, any and all other benefits under its program are provided on a nondiscriminatory basis. The methods of disseminating policy include (1) - (7) of this Section.

(1) Written notice on all application and admission forms.

(2) A nondiscrimination statement on all invoices, financial transaction forms, contracts and agreements, business communications, and other related documentation.

(3) A statement in all brochures and pamphlets which are distributed to beneficiaries, applicants, and the public on the Department's policy of nondiscrimination.

(4) Official posters for distribution to vendors or recipients, to be placed in prominent public places.

(5) Information to the general public on its right to file complaints, and the addresses of the Department and the Office of Civil Rights Enforcement, to which complaints may be sent.

(6) In areas where there are significant numbers of non-English speaking minorities, the Department will communicate its policy, including complaint rights, in the appropriate languages.

(7) For persons with impaired sensory, manual, or speaking skills, the Department will provide appropriate auxiliary aids where necessary to afford such persons an equal opportunity to learn of its policies or to benefit from its programs or services.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
8-27-15	Updated language removing the Oklahoma Human Rights and replacing with the Office of Civil Rights Enforcement.

612:1-13-6. Maintenance of racial and ethnic data

The Department will collect and maintain racial and ethnic data showing the extent to which members of minority groups are beneficiaries of and participants in its programs. Considerations of privacy or confidentiality will not be used as a bar to providing access to the Office of Civil Rights Enforcement to records or data. The system outlined will alert the Department of suspect situations where there is a relatively low rate of minority participation, or where minorities do not appear to be deriving equal benefits and services.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-03	PT Memo #03-07 Permanent, updated language removing Affirmative Action Officer and replacing with Civil Rights Administrator
8-27-15	Removal of language regarding the Civil Rights Administrator. Updated language removing the Human Rights Commission and replacing with the Office of Civil Rights Enforcement.

612:1-13-7. Composition of planning and policymaking bodies

(a) The Department shall ensure that all its institutional vendors are aware and shall comply with the legal stipulations outlined in Federal regulations pertaining to minorities or individuals with disabilities in planning and advisory bodies.

(b) The Department will incorporate in its requirements for institutional vendors as a condition of their approval, an assurance from those institutional vendors that every reasonable effort is made to comply with provisions of the Civil Rights Act.

(c) The Department will further provide interested persons, including individuals with disabilities or organizations representing individuals with disabilities, the opportunity to assist in the self-evaluation of its current policies and practices and the effect thereof in regard to ADA and Section 504.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-12	Permanent, added affirmative action categories
8-27-15	Removal of language formerly section (a) providing individuals included in the affirmative action categories the opportunity for membership on planning and advisory bodies.

612:1-13-8. Arrangements for bilingual interpreters

If the client population served by a program is 5% or more non-English speaking, then a formalized procedure for bilingual services and literature in the respective language must be provided.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

612:1-13-9. Complaint rules and procedures

(a) Any person who believes that he/she or any specific class of persons has been subjected to discrimination in a Department program subject to Title VI, ADA, or Section 504 may, personally or by a representative, file a written complaint. Department personnel will assist the complainant in the writing of the complaint if such assistance is needed. Complaints may be filed with the Department or the Office of Civil Rights Enforcement. If filed with the Department, the complaint will be brought to the attention of the Director. A complaint must be filed no later than 180 days from the date of an alleged discriminatory act. The time for filing may, however, be extended by the responsible official.

(b) After determining that the complaint falls within the jurisdiction of Title VI, ADA, or Section 504, the Director must insure a prompt and thorough investigation of the complaint. Following investigation of the complaint, the responsible official of the Department as designated by the Director will determine whether or not discrimination did in fact occur, necessary action will be taken to correct the discriminatory practice, or require it to be corrected, and prevent any recurrence of such discrimination. The Department will take follow-up action to determine that the corrective measures have eliminated the conditions that contributed to the discriminatory act.

(c) The complainant will be advised in writing within 45 days from the receipt of the complaint as to the findings of the Department regarding the complaint. In the same written notice the complainant will be advised if he/she is not satisfied with the decision he/she may appeal to the U.S. Department of Education. The Department will maintain records to show the nature of the complaint, the details of the investigation, and the action taken by the Department. If the complaint has been found to be valid, the records will indicate the nature of the corrective action taken. All complaint records will be available for review by the Office of Civil Rights Enforcement.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
10-15-97	PT Memo #98-5 Emergency, change Affirmative Action Officer to Civil Rights Administrator
7-1-98	PT Memo #98-14 Permanent, makes emergency rules issued 10-15-97 permanent; clarified roles of administrators in ADA request management.
7-1-12	Permanent, changed from 30 to 45 days for answering complaint
8-27-15	Updated language removing the Human Rights Commission and replacing with the Office of Civil Rights Enforcement. Removal of language formerly section (d) regarding procedures when complaints are initially filed with the Human Rights Commission.

612:1-13-10. Determination of site or location of facilities

The site of the offices or facilities of the Department or of a vendor-recipient with whom the Department contracts for the delivery of services will be reasonably accessible to all minority groups. The access to services rendered by the Department or its contractual participants in a Federally assisted program shall not limit access to those services to those minority groups or jeopardize such access by an adverse change in the geographic location or relocation. Upon all applications for grants, reimbursements, or provision of services by institutional vendors, the Department shall withhold approval until compliance with the Civil Rights requirements is met, based on criteria in (1) - (4) of this Section:

(1) determine effect on the particular racial or ethnic groups served by the facility prior to the proposed relocation;

(2) where a particular group has no other alternative services available, the subject contractual participant assures services for minority persons;

(3) the relocating agency provides adequate assurances that it does provide services to persons residing in the community (i.e., specialty hospitals or other unique service facilities); and,

(4) the relocating agency provides adequate assurances that the facilities or agencies remaining in the area originally serviced will provide adequate services to the concerned racial or ethnic group.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

612:1-13-11. Department responsibility to vendor-recipients

(a) The Department will impose upon its vendor-recipients methods of compliance with Title VI, ADA, and Section 504 comparable to these methods of administration. Such persons will be informed that their compliance with Title VI, ADA, and Section 504 is a condition of their initial or continued participation in any part of the program in which they may be involved. In each written authorization of the Department for the purchase of services, a requirement will be included that the services must be rendered without regard to race, color, creed, religion, sex, disability, ancestry or national origin.

(b) The Department will obtain from each institutional vendor-recipient (i.e., hospital) a written assurance that it will comply with Title VI, ADA, and Section 504. Periodically the Department will review its vendor-recipient to determine the requirements of the Department are being fulfilled and that practices being utilized conform with Title VI, ADA, and Section 504. A complete report of the entire review will be prepared and made a part of the Department's files.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

612:1-13-12. Employment practices

The Department, in compliance with 45 CFR 84 Subpart B, affirms that no qualified person with a disability shall, on the basis of disability, be subjected to discrimination in employment under any program or activity of the Department.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612

SUBCHAPTER 15. DEPARTMENT MANUAL, RULES, AND DECLARATORY RULINGS

Section

612:1-15-1. Purpose and distribution of the manual

612:1-15-2. Availability of manual

612:1-15-3. Petitions for rule changes and declaratory rulings

612:1-15-5. Definitions

612:1-15-6. Revision of administrative rules and internal policy

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
9-11-20	Added 612:1-15-5 and 612:1-15-6

612:1-15-1. Purpose and distribution of the manual

The manual of the Department of Rehabilitation Services represents: the official statement regarding the function and organization of the Department; the policies established by the Oklahoma Commission for Rehabilitation Services to implement the Federal and State laws relating to the Department; and the procedures adopted by administrative action which are to be uniformly followed throughout the Department, both in relation to the Department's programs and in regard to the staff members' relationship with the Department as an employer. It serves as an authority and guide to staff members administering the various programs. The administrative rules in this Chapter are promulgated under the authority of the Commission for Rehabilitation Services as established in 74 O.S., Section 166.1 et seq and the Administrative Procedures Act, 75 O.S., Sections 250 et seq.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
9-11-20	Added citation

612:1-15-2. Availability of manual

The Department's manual and other policy issuances which affect the public are available in the State Office and in each local and district office for examination on regular workdays during regular office hours by individuals, upon request for review, study or reproduction by the individual. Upon request, the specific policy materials necessary for an applicant or recipient, or his representative, to determine whether a hearing should be requested or to prepare for a hearing, are available without charge.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-11	PT Memo #12-01
	Permanent, updating language
9-12-14	Updated language

612:1-15-3. Petitions for rule changes and declaratory rulings

(a) **Petition for rule changes.** An interested person may petition the Department requesting the promulgation, amendment, or repeal of a rule. Any such petition must be submitted to the Director in writing, clearly stating the requested action. If the petition is for an amendment or repeal of a rule, it must specify the rule by the OAC designation. The petition must also state the reasons for the requested change, including any adverse impact such change or lack of change would have on individuals or organizations the rule affects.

(b) **Response to petition for rule changes.** Upon receipt of a petition as described in Subsection (a) of this Section, the Director will initiate study of the requested change through whatever means he or she deems appropriate. If the Department formally acts upon the petition, the petitioner will be advised of the action in writing as specified by the Director. In accordance with 75 O.S. 305, if the Department does not initiate rulemaking proceedings within 30 calendar days of the petition's submission, the petition shall be deemed to have been denied.

(c) **Petition for declaratory ruling.** Any person, agency, or organization may ask for a declaratory ruling as to the applicability of a rule or group of rules, or of an order, made by the Department. Such a request is submitted to the Director of DRS in writing. The request will specify the rule(s) in question by OAC designation. A description of the circumstances, rule, policy, or procedure believed to be affected by the DRS rule(s) is given in enough detail to make a reasonable judgement as to the rule's effect and applicability. The request should also include a description of the effect or applicability of the DRS rule(s) as seen by the petitioner, if possible.

(d) **Response to a request for declaratory ruling.** Upon receipt of a petition as described in Subsection (c) of this Section, the Director will initiate study of the requested declaratory ruling through whatever means he or she deems appropriate. A response to the request, including a possible refusal to issue a declaratory ruling, will be prepared at the Director's order no later than 90 days after receipt of the request. The response will inform the petitioner of the right to a judicial review in the manner provided for in 75 O.S., Section 317 through 323.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612

612:1-15-5. Definitions

The following words or terms, when used in this Subchapter, shall have the following meaning unless the context clearly indicates otherwise:

"Amendment" means a revision to an existing Section of internal policy or administrative rules which adds, modifies, or deletes characters, words, phrases, sentences, or punctuation.

"APA" means the Administrative Procedures Act, 75 O.S., Sections 250 et seq.

"Code" means the Oklahoma Administrative Code, which is the official compilation of codified rules authorized by 75 O.S., Section 256.

"Codified" means accepted for inclusion in the Oklahoma Administrative Code.

"Emergency rule" means a temporary rule promulgated because the agency documents that the rule is needed to respond to an imminent peril to the preservation of the public health, safety, welfare, or other compelling extraordinary circumstances.

"Internal policy" means a Department statement that implements, interprets, or prescribes procedure or practice requirements for the internal operations of the Department that is approved by the Oklahoma Commission for Rehabilitation Services. Internal policy is included in the Internal Policy Manual and codified under the title "DRS:".

"OAC" means the Oklahoma Administrative Code authorized by 75 O.S., Section 256.

"OAR" means the Office of Administrative Rules within the Office of the Secretary of State. The OAR has primary responsibility for implementing the provisions of Article I of the Administrative Procedures Act.

"Proposed internal policy" means a provision of internal policy that is ready for submittal to the Oklahoma Commission for Rehabilitation Services.

"Permanent rule" means a rule which has been reviewed and approved by the Governor and the Legislature prior to promulgation and implementation of the rule.

"Proposed rule" means an emergency or permanent rule prior to final adoption in accordance with the APA.

"Register" means the publication maintained by the OAR which contains actions concerning and contents of rules and executive orders, and known as the Oklahoma Register.

"Rule" means an administrative rule governing the operation of DRS and codified under Title 612 of the Oklahoma Administrative Code. A rule is a statement of law of general applicability to the operation of DRS and to entities and individuals of the public with whom DRS interacts.

"Rulemaking action" means any procedure, except executive orders and local project funding contract announcements, which must be published in the Register or Code under the APA, including:

(A) Notice of rulemaking intent.

(B) Notice of canceled hearing or comment period.

(C) Notice of continued hearing or comment period.

(D) Final adoption of a new permanent rule or of a permanent amendment to or revocation of an existing rule.

(E) Promulgation of a new emergency rule or of an emergency amendment to or emergency revocation of an existing permanent rule.

(F) Submission of a permanent rule for gubernatorial and legislative review.

(G) Approval of a permanent rule by the Governor.

(H) Disapproval of a permanent rule by the Governor.

(I) Disapproval of a rule by the Legislature.

(J) Withdrawal of a rule from the rulemaking process.

(K) Notice of error in published document.

"Rulemaking entity" means the board or commission, in this case the Oklahoma Commission for Rehabilitation Services, authorized to adopt and promulgate rules as defined in 75 O.S., Section 250.3(2).

Section History

9-11-20 Permanent, new rule implemented. Replaces revoked rule 612:3-5-2 Definitions.

612:1-15-6. Revision of administrative rules and internal policy

(a) **Purpose of Administrative Rules and Internal Policy.** Agency rules and internal policy communicate the expected standards for staff conduct and provide the necessary direction for carrying out the agency's mission. The intent of rules and internal policy is to provide a common basis for decision making so that individuals can expect equitable treatment when dealing with the agency. DRS rules and internal policy are public documents, maintained as part of the DRS Internal Policy Manual by the DRS Policy Administration and Development Section the Oklahoma Administrative Code by the Office of Administrative Rules, in the Secretary of State's Office, so that the public will have the opportunity to know the mission of our program and how this agency intends to carry out that mission.

(b) **DRS Staff Responsibility.** DRS staff are expected to be thoroughly familiar with agency rules and internal policies pertaining to their conduct and program.

(1) Supervisors and managers are responsible for ensuring that staff under their supervision are familiar with all rules and internal policies and updates, and that their staff receive training on rules, internal policies and updates.

(2) Staff are expected to use professional judgment in conducting the agency's business. The rules and internal policies of this agency are to inform and guide the professional judgment and conduct of staff. When a staff person needs guidance in making a decision, the first step is to consult agency rules and internal policy.

(c) **Policy Administration and Development Section Responsibility.** The Policy Administration and Development Section is charged with assuring that the Department complies with the Administrative Procedures Act. This responsibility includes:

(1) Ensuring that all emergency and permanent rules are promulgated in accordance with the APA.

(2) That the public receives proper notice of the Department's intent to adopt, amend, or revoke rules so that opportunity is provided for public and consumer input during the rulemaking process.

(3) Management of the promulgation process for the Department in an efficient and effective manner that complies with the APA.

(4) The Project Coordinator of the Policy Administration and Development Section or designee, shall serve as the Department's liaison to the Office of Administrative Rules in the Office of the Secretary of State. The administrator will also designate a staff member to act in the capacity of back-up liaison.

(5) The Project Coordinator of the Policy Administration and Development Section or designee, shall also serve as the attestation officer, as delegated by the Oklahoma Commission for Rehabilitation Services, for purposes of 75 O.S., Section 254. The administrator will also designate a staff member to act in the capacity of back-up attestation officer.

(d) **Drafting of New or Revised Rules.** In compliance with the Administrative Procedures Act, new rules may be developed or an existing rule revised utilizing the following procedures:

(1) Each Division Administrator, Unit Administrator, and School Superintendent is responsible for ensuring that Departmental rules for his or her program conform to the requirements of applicable statutes and regulations, and are effective in achieving their program's mission.

(2) When a program administrator, or the Director, decides there is a need to draft a new rule, or to amend an existing rule,

(A) The program administrator will initiate drafting content through whatever method deemed most effective by the administrator. Policy Administration and Development staff are available to provide guidance if requested.

(B) The program administrator will provide to Policy Administration and Development staff the completed draft content, the reasons for changing the rule and any budgetary impact these changes may incur. **1**

(C) Policy Administration and Development staff will format the draft content in accordance with APA standards. Once drafted, Policy Section staff will consult with the program administrator concerning any needed revisions and produce a revised draft.

(D) Revised draft rules will be distributed to Executive Team members for further review and response. Comments and suggestions for revision will be provided to the program administrator. The program administrator shall consider the comments and suggestions for inclusion and may revise the content again if appropriate.

(E) The program administrator will provide the latest draft version to the Policy Administration and Development Section. Policy Administration and Development staff will provide this draft version to agency staff for comment.

(F) Agency staff shall be notified via e-mail that a draft rule is available for comment. The notification will include:

(i) Identification and summary of the draft rule;

(ii) General instructions on where the draft rule can be accessed;

(iii) How to submit comments, and the due date for submission of comments, and;

(iv) Where to direct questions about the draft rule.

(G) Policy Administration and Development staff will collect and collate agency staff comments and develop a summary. The collated comments and the summary will be provided to the originating program administrator for consideration.

(H) The program administrator will decide on what rule changes to make in response to the submitted comments, if any. The program administrator will also draft responses to the comments, which will at a minimum explain any instance in which staff recommendations were not adopted and will send the response to the Policy Administration and Development so it can be forwarded to the respective commentator.

(I) Policy Administration and Development staff will work with the program administrator to finalize draft rule. This step will include a final check by the program administrator for consistency with existing rules, regulations, and applicable statutes. The program administrator may consult with legal counsel. Policy Administration and Development staff will obtain authorization from the appropriate program administrator to proceed with promulgation of the draft rules.

(J) When the draft rule pages are submitted to the Policy Administration and Development section for promulgation, **2** the draft rule is then referred to as a proposed rule.

(e) **Adoption of New or Revised Rule.** Proposed rules must be approved by the DRS Commission prior to submission for promulgation. Proposed rules for the Business Enterprise Program must also be approved by the Rehabilitation Services Administration prior to submission for promulgation.

(1) Policy Administration and Development staff will submit the proposed rule and/or notice, including executive summary and resolution, to the Director for review and to the Commission support staff by the established deadline for inclusion in the Commission meeting packet.

(2) The originating administrator, with the assistance of the Policy Administration and Development Project Coordinator or designee, will be responsible for the presentation of proposed rules at the Commission meeting. Once proposed rules are presented to the Commission for approval their content will not be changed unless so ordered by the Commission.

(3) Upon adoption of the proposed rule by the Commission, Policy Administration and Development staff will manage the promulgation process.

(f) **New or Revised Internal Policy.** New internal policies may be developed or an existing internal policy revised utilizing the following procedures:

(1) Program administrators may submit proposed internal policy additions or revisions to the division administrator, superintendent or director. A draft of the proposed internal policy will be reviewed by legal counsel for consistency with existing law.

(2) Once approved by the director and legal counsel, the proposed internal policy with a proposed "DRS: " citation will be submitted to the Policy Administration and Development Project Coordinator or designee who will be responsible for the presentation to the Commission. Proposed internal policies may be submitted for review and discussion only or for immediate adoption at the director’s discretion.

(3) Once adopted by the Commission, the internal policy will be published in the Internal Policy Manual by the Policy Administration and Development Section.

(g) **Effective Dates of Internal Policy and Rule Revisions.** The effective dates of internal policy and rule revisions will be determined as follows:

(1) The effective date will be noted in the section history of the adopted internal policy or rule. Internal policies or rules can only be applied prospectively from their effective date.

(2) Internal policies become effective immediately upon adoption by the Commission.

(3) Permanent rules become effective ten days after they are published in the Oklahoma Register pursuant to the APA. DRS permanent rules will usually be published following the legislative session. If a later date is specified in statute, or in the rules, the later date will become the effective date.

(4) Emergency rules become effective immediately or at a stated date after certification by the Governor. The Governor has forty-five calendar days from the date rules are submitted to review them.

(5) Policy Section staff will notify the appropriate Division Administrator, Superintendent, and the Director of approvals.

(h) **Permanent Rules; Modification Limitations.** Once the Governor and Legislature have approved the rules, they may only be modified or revoked through the rulemaking process. The APA states that any agency shall not by internal policy, memorandum, or other action not otherwise authorized by the APA:

(1) amend, interpret, implement or repeal a statute or a rule;

(2) expand upon or limit a statute or rule; and;

(3) except as authorized by the Constitution of the United States, the Oklahoma Constitution or a statute, expand or limit a right guaranteed by the Constitution of the United States, the Oklahoma Constitution, a statute, or a rule.

(i) **Petition Requesting Promulgation.** Per the APA, any interested person or group may petition the Department requesting the promulgation, amendment, or repeal of a rule.

(1) The petition must be submitted in writing to the Director of the Department of Rehabilitation Services at the Department's state office. A request to amend or repeal a rule will include a copy of the rule in question. **3**

(2) The Department shall act upon such a request within a reasonable time period; however; if the Department does not initiate rulemaking proceedings within 30 calendar days of receiving the request, the petition will be considered to have been denied.

Instruction to Staff

1. A completed form DRS-A-601 must accompany the proposed administrative rules or internal policies submitted to the Policy Administration and Development Section.

2. Draft administrative rules or internal policies and all supporting documents are to be submitted in hard copy and by electronic means. Rules, policies and any Instructions to Staff revisions for the rules/policies are submitted by electronic means in Microsoft Word. All changes will be tracked with strikeouts for removal and underlines for additions.

3. The State office address is:
   Oklahoma Department of Rehabilitation Services
   3535 N.W. 58th Street, Suite 500
   Oklahoma City, Oklahoma 73112
   Also, see 612:1-15-3.

Section History
9-11-20 Permanent, new rule implemented. This replaces revoked rule 612:3-5-12 Policy.

SUBCHAPTER 17. AVAILABILITY OF INFORMATION, SCOPE AND DESCRIPTION OF OPEN MEETINGS

Section

612:1-17-1. Access to DRS records

612:1-17-2. Scope and description of the Open Meetings Act

612:1-17-3. News media contacts

Section History

9-1-93 No PT Memo
Emergency, first adoption under OAC Title 612

7-1-94 PT Memo #94-1
Permanent, first adoption under OAC Title 612

612:1-17-1. Access to DRS records

(a) **Rights.** The Oklahoma Open Records Act is codified in 51 O.S. 24A.1 through 24A.18. In general the purpose of this Act is to ensure and facilitate the public's right of access to, review and copying of governmental records. The scope of the records to be maintained is expanded under the Act to include completed records of all business and financial transactions. The description of records to be maintained specifically includes books, photographs, microfilm, computer tapes or disks, video records, or "other material regardless of physical form or characteristic".

(b) **Fee exclusions and fees.** Provisions for copying and search fees are contained in the statute, with these exceptions being noted: no copy fee is charged to other public entities, to applicants, recipients or their representatives, or employees or former employees seeking information from their case file or employment records; and no search fee is charged to news media, schools, authors, or "taxpayers seeking to determine whether those entrusted with the affairs of its government are honestly, faithfully, and competently performing their duties as public servants." The fees listed in (1) - (4) of this Subsection may stand alone or be charged in combination. For example, a person may be charged a search fee in addition to a fee for photocopying.

(1) **Fees for photocopying.** The Department has established a fee schedule for documents having the dimensions of 8 1/2 x 14 inches or smaller; if less than 10 pages, 25 cents per page, between 10 and 100 pages, 10 cents per page, and over 100 pages, 5 cents per page, or a maximum of one dollar ($1.00) per copied page for a certified copy.

(2) **Fees for search.** Requests that are for a commercial purpose or clearly would cause excessive disruption of office function will be charged a search fee of $25.00 per hour for staff time spent in the search.

(3) **Fees for other types of reproduction.** Requests for computer runs, microfilming or reproduction other than photocopying, will be charged at the cost to the Department of duplicating the information involved. Such requests are to be forwarded to the State Office where the fee will be developed with the appropriate division.

(4) **Payment of fees.** All fees are paid prior to delivering the copies, and if the request is for search only, the fee is paid before the person is allowed to review the material. All fees are paid by check or money order; cash is not accepted. The fee payment is transmitted to the State Office, Attention Financial Services Division. In addition, a receipt is to be given upon payment. A copy of the manual material is maintained to explain the fee schedules to interested persons.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
8-1-96	PT Memo #97-1
	Permanent, updated state office address
7-1-98	PT Memo #98-14
	Permanent, clean-up editing
7-1-10	PT Memo #10-02

Permanent, New Financial Services Division

8-11-19 Section (b) – (f) deleted, renumbered (b)

612:1-17-2. Scope and description of the Open Meetings Act

The Oklahoma Commission for Rehabilitation Services public meetings are conducted in compliance with the Oklahoma Open Meeting Act. [25 O.S. § 301 through 314] The Oklahoma Secretary of State website serves as the open meeting clearinghouse.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-96	PT Memo #96-5 Permanent, changed responsibility for notifying appropriate persons of the Commission schedule and changes from the Public Information Officer to the Administrative Assistant to the Commission for Rehab. Services.
8-25-16	Updated policy regarding compliance with the Oklahoma Open Meeting Act.

612:1-17-3. News media contacts

(a) **Philosophy.** The Department of Rehabilitation maintains an "open door" policy toward the news media. DRS and its staff are stewards of the public resources entrusted to them, and are accountable to the taxpayers of Oklahoma for the use of these resources. Access of the news media to information about DRS policies, programs and administrative activities is a key part of such accountability. When in contact with the media, staff must keep in mind the media will treat any information provided by staff as the official position of the Department. **1**

(b) **Limitations on access to client information.** DRS must protect the privacy of recipients of DRS services where that is appropriate. At no time shall information about a particular recipient be released, unless express, written permission is given by the client. The right to privacy of clients is a higher priority than the need for releasing information to the news media. Prior to the release of information to the news media, the Department secures the client's permission by the completion of Permission for Release of Information by the client.

(c) **Response to media inquiries.** Media requests for information generally fall into two categories.

(1) The first category includes those questions about Department programs and services staff routinely answer for consumers, referral sources, and the public. When the media ask such questions, refer them to the local staff person best qualified to answer.

(2) The second category includes those inquiries related to official agency positions on budget, legislative, legal, or other sensitive matters, including consumer or public complaints. These inquiries, when coming from the media, are to be immediately referred to the Communications Director. **2** Because many of the media inquiries received at the State Office fall into this category, all media inquiries received at the State Office will be referred to the Communications Director. This will allow time to prepare and/or coordinate an accurate and appropriate response.

INSTRUCTIONS TO STAFF

1. (a) When media representatives contact staff, staff are to be courteous and as helpful as possible. Be very clear on what is being asked and on deadlines for when the information is needed. If there will be an unavoidable delay in responding, notify the media representative of an estimated response time, and keep the media representative updated on progress. When speaking with the media representative, get the following information:

    (1) Representative's name and organization;

    (2) The specific information being requested;

    (3) How the media intends to use the information;

    (4) The urgency of the request (when the information is needed); and

    (5) Contact information (name, organization, address, phone #, fax #).

(b) When you refer a media call or visitor to the Communications Director, relax and tell the representative, "We'll be glad to help you." Write down the caller or visitor's complete name, the name of the publication, station, or wire service he or she represents, and say, "May I ask why you are calling please?" Next, say, "I will need to refer you to our Communications Director, Jody Harlan. She will make arrangements to get the information or interviews you need."

(c) When you transfer a call or announce a visitor, tell the Communications Director all the information you have. If the Communications Director is not available, please get the complete message to the Communications Office immediately. The receptionist will know how to contact the Communications Director.

2. The Communications Director is:
Jody Harlan
Department of Rehabilitation Services
3535 NW 58th, Suite 500
Oklahoma City, Oklahoma 73112
405-951-3473

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-99	POL Memo #00-1 Permanent, extensive updates to the process for handling news media contacts; added Instructions to Staff
7-1-13	Permanent, Changed Public Information to Communication

SUBCHAPTER 18. PROCESS IMPROVEMENT

PART 1. GENERAL PROVISIONS

Section

612:1-18-1. Purpose

PART 3. PROGRAM STANDARDS

Section

612:1-18-10. Program Standards

PART 5. CASE REVIEW

Section

612:1-18-20. Case Review

Section History

9-11-20 Permanent, Rule implemented. This section replaces revoked Subchapter 5, Process Improvement.

PART 1. GENERAL PROVISIONS

Section

612:1-18-1. Purpose

612:1-18-1. Purpose

The purpose of this Chapter is to set forth the policies and procedures governing the operations of the Process Improvement Unit and its subsections, Program Standards and Case Review of the Department of Rehabilitation Services.

Section History
9-11-20 Permanent, Rule implemented. This replaces revoked rule 612:3-5-1 Purpose.

PART 3. PROGRAM STANDARDS

Section

612:1-18-10. Program Standards

612:1-18-10. Program Standards

(a) **Purpose of Program Standards.** The purpose of the Program Standards Section is to inform agency strategic decision-making and support agency programs through the use of research, statistical analysis, program evaluation and process improvement methodologies aimed at improving programmatic outcomes.

(b) **Responsibilities of Program Standards.** Program Standards staff are charged with supporting agency programs by:

(1) Conducting studies and surveys of agency staff, clients and the public to determine opinions and needs regarding agency programs;

(2) Analyzing statistical data collected either by the agency or obtained from recognized external data sources regarding client demographics, behavior, participation, needs and outcomes to inform program administrators and agency leadership;

(3) Applying program evaluation methodologies to agency programs, either formative or summative, focused on process/implementation fidelity, outcomes/performance measures, or cost effectiveness/efficiency;

(4) Through the use of Lean and Six Sigma methodologies, facilitating work groups to analyze and streamline business processes, identify and correct areas of programmatic concern, and improve effectiveness and efficiency of programmatic flow;

(5) Verifying, cleaning and reporting data to the Rehabilitations Services Administration as required by federal regulation;

(6) Participating, as required, in external auditing procedures by state or federal entities;

(7) Monitoring programmatic outcomes for report to program and agency leadership.

(c) **Federal Data Reporting.** Federal regulation requires the reporting of data to RSA on a periodic basis.

(1) Data will be cleaned, verified, and if necessary, corrected prior to submission.

(2) Federal reports will be submitted prior to or on the deadline date specified by RSA.

(3) The Administrator of Process Improvement, or designee, shall serve as the data submission liaison with RSA. The administrator shall designate a backup staff member from Program Standards to fulfill federal reporting standards in the absence of the primary liaison.

(d) **Confidentiality.** All activities of the Program Standards Section will be conducted in a manner to ensure the confidentiality of participants. **1**

INSTRUCTIONS TO STAFF

1. 612:10-1-5

Section History

9-11-20 Permanent, Rule implemented. This replaces revoked rule 612:3-5-29 Program Standards.

PART 5. CASE REVIEW

Section

612:1-18-20. Case Review

612:1-18-20. Case Review

(a) **Purpose.** The purpose of the Case Review Section is to conduct evaluations on programmatic case documentation to ensure compliance with federal regulation and to enhance agency effectiveness.

(b) **Case Review Responsibilities.** Case Review staff are charged with the following responsibilities:

(1) Conducting reviews on a random sample of closed cases to determine if case documentation indicates consumers are being served according to standards established by the Rehabilitation Act and agency policy. Staff will use the instrument currently approved by the Director or designee and will report their findings to appropriate staff on a regular schedule.

(2) Upon request and as other duties allow, conducting reviews of active cases or other specialized reviews and will report their findings to appropriate staff within agreed-upon deadlines.

(3) Participating in compliance reviews conducted by RSA as assigned. RSA staff will be responsible for reporting the results of such reviews unless otherwise directed by the Administrator for Process Improvement.

(4) Acting as subject matter experts in the area of case review, compliance and best practices, including providing training as requested.

(c) **Confidentiality.** All activities of the Case Review Section will be conducted in a manner to ensure the confidentiality of clients and staff.

Section History
9-11-20 Permanent, Rule implemented. This replaces revoked rule 612:3-5-35 Case Review.

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES

CHAPTER 3. MANAGEMENT SERVICES DIVISION

Subchapter		Section
1.	General provisions	612:3-1-1
3.	Human Resources Unit	612:3-3-1

Section History

4-28-95	PT Memo #95-2 Emergency rules; first adoption of Chapter 3 table of contents
7-1-96	PT Memo #96-6 Permanent rules supersede emergency rules issued 4-28-95
7-1-97	PT Memo #97-8 Permanent rules changed Subchapter 5 tagline
9-11-20	Revoked Subchapter 5, Policy Development and Program Standards. Relocated and renamed to Chapter 1, Subchapter 18 Process Improvement

SUBCHAPTER 1. GENERAL PROVISIONS

Section

612:3-1-1. Purpose

612:3-1-2. Definitions

612:3-1-3. Functions of the division

Section History

4-28-95 PT Memo #95-2
Emergency, first adoption of table of contents for Subchapter 1

7-1-96 PT Memo #96-6
Permanent, supersede emergency rules issued 4-28-95

612:3-1-1. Purpose

The purpose of this Chapter is to set forth the policies and procedures governing the operation of the Management Services Division of the Department of Rehabilitation Services. The policies in this Chapter are promulgated under the authority of the Commission for Rehabilitation Services as established in 74 O.S., Section 166.1 et seq.

Section History

4-28-95	PT Memo #95-2 Emergency, new section
7-1-96	PT Memo #96-6 Permanent, supersedes emergency rule issued 4-28-95

612:3-1-2. Definitions

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

"Certification as a person with a severe disability under 74 O.S. 840-4.12" means certification of a person as having a severe physical or mental disability which seriously limits one or more functional capacities in terms of an employment outcome; and for whom State agencies have the option of waiving entrance examinations and modifying other hiring practices under the provisions of 74 O.S. 840-4.12.

"Classified" means state employees and positions under the jurisdiction of the Oklahoma Merit System of Personnel Administration.

"DHCGRP" means the Discrimination and Harassment Complaint and Grievance Resolution Procedure.

"DRS" means the State Department of Rehabilitation Services.

"FEPA" means the Oklahoma Fair Employment Practices Act, Section 840-4.12(I) of the Oklahoma Personnel Act.

"FLSA" means the Fair Labor Standards Act.

"FLSA Exempt" means employees performing work which is considered to be exempt from the overtime payment provisions of the FLSA.

"FLSA Non-exempt" means employees performing work which is considered to be under the overtime payment provisions of the FLSA.

"Hiring official" means the Director of the Department of Rehabilitation Services, or designee who is responsible for making the final decision to fill a vacant position.

"IAGRP" means the Internal Agency Grievance Resolution Procedures pursuant to Title 74, Subsection 840-6.2 (841.9) and Subchapter 19 of the Oklahoma Merit Protection Commission Merit Rules.

"Interagency transfer" means an action in which an employee leaves employment with one agency and enters employment with another agency while continuously employed with the state.

"Intra-agency transfer" means moving an employee from one position to another position with the same agency either with or without reclassification.

"Lateral transfer" means the reassignment of an employee to another state job with the same pay band assignment as the job family level in which the employee was classified prior to the lateral transfer.

"Merit Rules" means the Merit System of Personnel Administration Rules which includes rules adopted by the Administrator of Human Capital Management or the Oklahoma Merit Protection Commission pursuant to the Oklahoma Personnel Act.

"MPC" means the Merit Protection Commission.

"Noncompetitive" means an unskilled or semiskilled job designated by Human Capital Management as noncompetitive. Noncompetitive jobs do not require written examinations for placement on registers of eligibles.

"HCM" means the State Human Capital Management.

"HCM Certificate" means a list of eligible applicants for a particular position who have applied through Human Capital Management.

"Open Competitive" means an application process through the State Human Capital Management which permits the competition of all persons who meet the announced requirements for the class, and is not restricted to persons currently employed in the classified service.

"Permanent" means a classified employee who has acquired permanent status in conformity with the Merit Rules.

"Probationary" means a classified employee who has not acquired permanent status with the agency in accordance with the Merit Rules.

"Reinstatement" means the reappointment of a former permanent classified employee as provided in the Merit Rules.

"Selecting official" means the staff person directly responsible for the process of recommending a selection. Unless otherwise designated, this will usually be the immediate supervisor for the position being announced.

"Trial work period" means a working test period after promotion or intra-agency lateral transfer during which a classified employee is required to demonstrate satisfactory performance in the job family level to which promoted or laterally transferred before acquiring permanent status in that job family level.

"Unclassified" means employees and positions excluded from coverage of the Oklahoma Merit System of Personnel Administration. Such employees and positions are subject to specified provisions of the Oklahoma Personnel Act and the Merit Rules.

Section History

4-28-95	PT Memo #95-2 Emergency, new section
7-1-96	PT Memo #96-6 Permanent, supersedes emergency rules issued 4-28-95
7-1-97	PT Memo #97-8 Permanent, new definition for "Trial Work Period", updated statutory cites
7-1-03	PT Memo #03-07 Permanent, new definitions added.
9-12-14	Updated to reflect name change of Office of Personnel Management to Human Capital Management (HCM)

612:3-1-3. Functions of the division

The division of Management Services provides all components of the Department administrative and programmatic support including human resources, purchasing, contracts, property management, material management, information services, policy management, program standards and fund raising.

Section History

4-28-95	PT Memo #95-2 Emergency, new section
7-1-96	PT Memo #96-6 Permanent, supersedes emergency rules issued 4-28-95
7-1-02	POL Memo #02-02 Permanent, removed Travel Coordination from C/DS Unit
7-1-03	PT Memo #03-07 Permanent, removed reference to Administrator of MSD
7-1-04	PT Memo #05-01 Permanent, removed superfluous information
7-1-10	PT Memo #10-02 Permanent, Removed budget and finance from MSD

SUBCHAPTER 3. HUMAN RESOURCES UNIT

PART 1. OVERVIEW OF HUMAN RESOURCES UNIT

Section

612:3-3-1. Mission of the Human Resources Unit

PART 3. HUMAN RESOURCES MANAGEMENT SECTION – PERSONNEL PROGRAMS

Section

612:3-3-20. Department of Rehabilitation Services recruitment and selection plan

Section History

4-28-95 PT Memo #95-2
Emergency, new section

7-1-96 PT Memo #96-6
Permanent, supersedes emergency rules issued 4-28-95

7-1-97 PT Memo #97-8
Permanent, removed listings for revoked sections, changed tagline for 612:3-3-20

7-1-03 PT Memo #03-07
Permanent, revoked section Part 5.

PART 1. OVERVIEW OF HUMAN RESOURCES UNIT

Section

612:3-3-1. Mission of the Human Resources Unit

612:3-3-1. Mission of the Human Resources Unit

The mission of the Human Resources Unit is to provide comprehensive human resource management and development programs which support the achievement of the Agency's mission, values and goals. Human Resources Unit programs focus on recruiting, retaining and developing qualified Agency staff. An effective and efficient human resources system increases overall individual and organizational performance and the quality of services to persons with disabilities.

Section History

4-28-95	PT Memo #95-2
	Emergency, new section
7-1-96	PT Memo #96-6
	Permanent, supersedes emergency rules issued 4-28-95

PART 3. HUMAN RESOURCES MANAGEMENT SECTION – PERSONNEL PROGRAMS

Section

612:3-3-20. Department of Rehabilitation Services recruitment and selection plan

612:3-3-20. Department of Rehabilitation Services recruitment and selection plan

(a) **Method of application.** All applicants who are permanent classified employees, or former permanent classified state employees eligible for reinstatement to the classified service, shall submit a completed official State of Oklahoma employment application-1 online with OMES-HCM at jobs.ok.gov no later than the closing date and time stated in the posted notice. DRS does not carry over completed applications from one posting to the next unless specified on the posting. All other applicants for classified positions must apply by means of the method indicated on the vacancy notice. OMES-HCM notifies applicants who did not meet minimum education and experience requirements for the position. Applicants may submit additional information to OMES-Human Capital Management which reflects they meet the minimum qualifications for the position. If Human Capital Management determines that minimum qualifications for the position are met, the applicant log may be amended and the applicant given consideration for the position if a final selection has not been made by the selecting official. **1**

(b) **Optional Program for Hiring Applicants with Disabilities.** Applicants that have been certified as "a person with a severe disability" by Human Capital Management will be included on the Special Appointment/Free Names list through HCM and may be considered along with other qualified internal and external applicants. **2**

(c) **Eligibility for consideration.** The agency may consider external applicants concurrently with internal applicants following closing of the announcement. To be eligible for consideration, applicants must meet the requirements set forth in Paragraphs (1) or (2) of this Subsection.

(1) A permanent classified employee or a former state employee who is eligible for reinstatement must:

(A) submit a completed official State of Oklahoma employment application online with OMES-HCM at jobs.ok.gov no later than the closing date and time specified on the posting notice; and

(B) be certified by the HCM Applicant Services Division as meeting the minimum qualifications for the posted Level(s) of the Job Family. However, career progression promotions shall be exempt from this requirement provided that an employee has been in a lower level of the job family for an amount of time equal to the difference in the lengths of the experience requirements of the two levels.

(2) All other applicants for employment may be eligible for consideration through:

(A) an open competitive certificate from HCM;

(B) Certification as a person with a severe disability under 74 O.S. 840-4.12; and/or

(C) Special Disabled Veterans Certification.

(d) **Factors for consideration.** Paragraphs (1) through (5) establish factors for consideration.

(1) In filling vacancies, the agency will consider factors such as performance appraisals, education, experience, and other qualifications related to the expected ability of an individual to perform the work successfully.

(2) The agency may also post and consider special additional factors such as limiting consideration to permanent classified employees of the DRS, special working conditions that an applicant must be willing to accept and selective qualifications required for a position.

(3) A qualified permanent classified DRS employee will be given preference when the merit, ability, and capacity of that employee is relatively equal to that of applicants from outside DRS as determined by the selection process.

(4) A qualified permanent classified DRS employee with the greatest seniority based upon the last date of continuous DRS employment will be given preference when the merit, ability, and capacity of that employee is relatively equal to other applicants as determined by the selection process.

(5) Consideration may be given to redress underutilization of targeted minority groups. To meet affirmative action goals, all available applicants may be considered.

(e) **Methods for consideration.** Paragraphs (1) through (3) establish methods for consideration.

(1) The methods for consideration may include review of personnel records, applications, ratings, work histories, attendance records, test results, references, and other documents and information relating to a person's eligibility or qualifications.

(2) Applicants may be required to participate in interviews and in other selection procedures.

(3) A personal background investigation, including any civilian and military court records may be conducted.

(f) **Entrance salary.** The entrance salary for any position in the classified service shall be governed by the Merit Rules.

(g) **Probationary period (classified service).** Individuals newly hired into the classified service will serve a probationary period. The probationary period gives the new employee an opportunity to demonstrate the ability to perform the assigned duties of the position. The initial probationary period lasts for one year, except that the Director or Chief of Staff may waive the remainder of the probationary period at any time after a probationary employee has served six months by notifying the employee and Human Capital Management in writing as to the waiver and the reasons for it. The Appointing Authority may not extend the probationary period, but may adjust the probationary period due to an extended absence as provided in 260:25-11-36:

(1) Upon written request, a probationary employee may be granted leave of absence without pay from the agency in accordance with 260:25-15-47, Leave of absence without pay, or 260:25-15-49, Leave because of absence due to job related illness or injury.

(2) If a probationary employee is absent from work in excess of 30 continuous calendar days, the probationary period shall be adjusted by the number of calendar days the probationary employee was absent. The employee shall be notified at the earliest date that the probationary period is to be adjusted. Upon the employee's return to work, notification of such adjustment shall be provided to the employee and the Human Capital Management Division and shall include the adjusted date of the final working day of the probationary period.

The appointment of an employee on probationary status may be terminated whenever the performance is determined to be unsatisfactory. The probationary employee does not have the right of appeal to the Merit Protection Commission when terminated during the probationary period [260:25-11-32]. The employee's immediate supervisor is responsible for carefully observing and evaluation performance. The performance evaluation of a probationary employee must be completed no later than thirty days prior to the end of the probationary period. **3**

(h) **Related employees (classified/unclassified service).** The Department reserves the right to make placements and work assignments of personnel as necessary to eliminate and/or prevent situations in which a position is occupied by a relative of the senior administrator of the relevant division, facility, or office. The Director may waive the prohibitions in this Subsection. The Department prohibits the employment of any person in a position which would result in:

(1) immediate supervision by a relative. Relative is defined to include wife, husband, children, parents, stepparents, parents-in-law, grandchildren, grandparents, brothers, sisters, stepchildren, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, aunts, uncles, nieces, nephews, first cousins or any of the above with whom the employee shares a foster relationship; or

(2) two or more relatives reporting to the same immediate supervisor.

(i) **Other employment, prohibition against use of position for personal gain and avoidance of conflict of interest.** Oklahoma Ethics Commission rules [OAC Title 257] are applicable regarding prohibition against use of position for personal use.

(1) Each employee must, during office hours, devote full time, attention, and effort to the Department's business. The employee may not use office hours for private gain.

(2) An employee may accept other employment outside the employee's assigned hours of duty as long as such other employment does not interfere with the employee's work with the Department. If an employee engages in other employment while an employee of the Department, such employment or changes in the employment, as it occurs shall be reported by use of the Report of Other Employment form. Such notification shall be given to the employee's immediate supervisor. **4**

(j) **Final selection.** While others may recruit, screen, consider and make recommendations, the decision on all appointments and changes in classification is tentative until it has the approval of the Director or designee. No offer of employment may be made until notification of final approval is received from the Personnel Office of the DRS Human Resources Unit. **5**

Instructions to Staff

1. The DRS Human Resources Unit issues a DRS Applicant Log to the designated selecting official. The log contains a listing of applicants who meet the minimum education and experience requirements for the position. Amended applicant logs may be issued if a final selection has not been made. The designated selecting official determines which applicants on the applicant log will be interviewed.

2. Human Capital Management administers the Optional Program for Hiring Applicants with Disabilities through which persons with severe disabilities who are legal residents of Oklahoma may gain access to state employment. Tests for all state jobs may be waived for those qualified applicants certified as eligible for this program through the Oklahoma Department of Rehabilitation Services. In order to participate in the program, the applicant must obtain a certification letter from the Department of Rehabilitation Services stating that he is certified as having a severe disability as defined by state law then submit an on-line application for employment, along with the required disability certification letter, to Human Capital Management. HCM will review the applicant's qualifications and send the applicant a notice confirming that his name has been placed on the list titled Special Appointment/Free Names. As vacancies occur in the job family level, HCM will send the applicant's name to all State of Oklahoma agencies who request a Special Appointment/Free Names list for that job family level.

3. The supervisor submits a request with justification through the appropriate supervisory channels to the Division Administrator/Superintendent to waive the remainder of the probationary period of an employee. If the Division Administrator/Superintendent approves the request, it is submitted to the Chief of Staff and Director for review and final approval.

4. The supervisor completes Part II of the form and provides a copy to the employee and places a copy in the employee's unit file.

5. The selecting official completes and returns final selection recommendations in accordance with Instructions to Staff on the DRS Applicant Log form. The selecting official is also responsible for ensuring that the selected employee completes all necessary personnel enrollment forms, including payroll, insurance, retirement, longevity and the DRS Post-Employment Supplement form.

Section History

4-28-95	PT Memo #95-2 Emergency, new section
7-1-96	PT Memo #96-6 Permanent, supersedes emergency rules issued 4-28-95
7-1-97	PT Memo #97-8 Permanent, Section tagline changed. Promotional plan policy moved to DRS:3-3-27
3-1-98	PT Memo #98-11 ITS revised to formalize written designation of final hiring authority by the Director.
7-1-99	POL Memo #00-1 Permanent, updated legal reference for Oklahoma Ethics Commission
1-1-00	POL Memo #00-3 Emergency, Class/Comp changes, Probationary period extended
7-1-02	POL Memo #02-02 Permanent, changes required by the Classification and Compensation Reform Act of 1999
12-1-03	POL Memo #04-02

	Permanent, removed #8 ITS giving Deputy Director final hiring authority. (See DIR: 2004-0002)
1-5-08	POL Memo #09-08 Permanent, #4 ITS changed from 6 months to 12 months.
5-20-09	POL Memo #10-01 Permanent, #6 ITS deleted copy being sent to Human Resources.
7-1-10	PT Memo #10-02 Permanent, Deleted Fair Employment Practices Act reference.
9-12-14	Updated to reflect name change of Office of Personnel Management to Human Capital Management (HCM).
8-27-15	Updated to reflect name change of Office of Personnel Management to Human Capital Management (HCM).
9-14-18	Changes to clarify career progression to supervisory levels, employment application process and probationary period guidelines to meet current merit rules.

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES

CHAPTER 10. VOCATIONAL REHABILITATION AND SERVICES FOR THE BLIND AND VISUALLY IMPAIRED

Subchapter		Section
1.	General Provisions	612:10-1-1
3.	Client Participation in Cost of Services	612:10-3-1
5.	Guidelines for Evaluating the Limitations and Rehabilitation Needs of Certain Disability Groups	612:10-5-1
7.	Vocational Rehabilitation and Services for the Blind and Visually Impaired	612:10-7-1
9.	Rehabilitation Teaching Services	612:10-9-1
11.	Independent Living Services for Older Individuals who are Blind	612:10-11-1
13.	Special Services for the Deaf and Hard of Hearing	612:10-13-1
15.	Transitional Living Center for the Deaf (TLC)	612:10-15-1

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612, took out Appendices Q & R, added Appendix T
7-1-96	PT Memo #96-5 Permanent, removed entry for Appendix P
8-1-96	PT Memo #97-2 Permanent, removed entries for revoked appendices
7-1-97	PT Memo #97-9 Permanent, removed entries for all appendices
6-14-99	POL Memo #99-7 Emergency, changed taglines for chapter and subchapter 7
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-11-20	Division name change of Visual Services to Services for the Blind and Visually Impaired.

SUBCHAPTER 1. GENERAL PROVISIONS

Section

612:10-1-1. Purpose

612:10-1-1.1. Legal Authority

612:10-1-2. Definitions

612:10-1-3. Basic philosophy of rehabilitation programs

612:10-1-3.1. Procedural exceptions

612:10-1-3.2. Pilot projects

612:10-1-4. Consultants (medical, dental, and psychological)

612:10-1-5. Confidentiality

612:10-1-6. Due process

612:10-1-7. Purchase of services and goods for individuals with disabilities

612:10-1-8. Vendor contracts

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
3-1-97	PT Memo #97-5 Revised tagline for Section 612:10-1-7
7-1-97	PT Memo #97-9 Removed entry for revoked Section 10-1-9
7-1-11	PT Memo #12-01 Permanent, added 10-1-1.1, 3.1 and 3.2
9-12-14	Revoked 612:10-1-10, CAR – Vendor

612:10-1-1. Purpose

The purpose of this Chapter is to set forth rules for the provision of services provided by the Division of Vocational Rehabilitation and the Division of Services for the Blind and Visually Impaired.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-99	POL Memo #00-1 Permanent, updated DVR/DVS and Rehab. Act reference
7-1-11	PT Memo #12-01 Permanent, amended to state purpose only. Legal authority moved to 612:10-1-1.1
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-11-20	Division name change of Visual Services to Services for the Blind and Visually Impaired.

612:10-1-1.1. Legal Authority

The rules presented in this Chapter are based upon the Rehabilitation Act [29 USC 701 et seq.], and were promulgated by the Commission for Rehabilitation Services under the authority of 74 O.S., Section 166.1, et seq. To the extent that any of these rules are inconsistent with federal laws or accompanying regulations, the federal laws or regulations shall govern and supersede the applicable rule.

Section History
7-1-11 PT Memo #12-01
Permanent, Moved from 612:10-1-1

612:10-1-2. Definitions

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

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

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

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

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

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

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

"Authorized Representative" means a client's or applicant's parent, guardian, advocate (i.e. Client Assistance Program) or other person designated by the client or applicant as the individual authorized to deal with the Department on behalf of the client or applicant, consistent with provisions of the Act. Authorized representative does not include an employee of the Department of Rehabilitation Services, another state agency, or vendor of the Department unless the person is actually the parent, guardian, or is serving in the capacity of guardian (for example: court appointed).

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

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

"Client/Consumer" means an individual found eligible and receiving services under the Act.

"Clubhouse model" means a psychosocial and vocational approach to work adjustment for people with mental illness. The work-ordered day is a core element of the clubhouse, which focuses on strengths, talents and abilities. Work in the clubhouse helps members develop appropriate social skills and gain self-worth, purpose, and confidence. The clubhouse enables members to return to the workforce and achieve employment outcomes.

"Community rehabilitation program" (CRP) means a program that directly provides or facilitates the provision of vocational rehabilitation services to individuals with disabilities, and provides singly or in combination, services for an individual with a disability to enable the individual to maximize opportunities for employment, including career advancement.

"Comparable services and benefits" means services that are provided or paid for in whole or in part by other Federal, state or local public agencies, health insurance or employee benefits, and are available to the individual at the time needed to further the progress of the individual toward achieving his/her identified employment outcome.

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

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

"Consumer Independence Support Services" (CISS) are defined as providing independent living assessment, intensive counseling, community integration, and housing modifications to further assist consumers with severe disabilities in achieving independence.

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

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

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

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

"DRS" means the Department of Rehabilitation Services.

"DVR" means the Division of Vocational Rehabilitation.

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

"Eligibility" or **"Eligible"** means:

(A) when used in relation to an individual's qualification for Vocational Rehabilitation services, a determination that the individual has a physical or mental impairment which for such individual constitutes or results in a substantial impediment to employment; can benefit in terms of an employment outcome from rehabilitation services; and requires vocational rehabilitation services to prepare for, secure, retain, advance in or regain employment;

(B) when used in relation to an individual's qualification for Supported Employment services, a determination that the individual is eligible for Vocational Rehabilitation services; is an individual with the most significant disabilities (priority group one); and

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

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

(iii) who, because of the nature and severity of their disability, need intensive supported employment services, and extended services after the transition from intensive supported employment services, in order to perform such work;

(C) when used in relation to an individual's qualification for Rehabilitation Teaching services, a finding that an individual is legally and/or functionally blind, has a rapidly progressive eye condition; or has a visual impairment that with or without secondary disabilities results in functional visual limitations; the individual has identifiable deficiencies in independent living due to disabilities; and it is expected services will improve the individual's independence in the home and community.

"Employment and Retention" (E&R) means short-term job coach support for individuals with severe disabilities who require assistance preparing for, obtaining, and maintaining employment.

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

"Extended employment" means work in a non-integrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act and any needed support services to an

individual with a disability to enable the individual to continue to train or otherwise prepare for competitive integrated employment.

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

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

"Extreme medical risk" means a risk of substantially increasing functional impairment or risk of death if medical services are not provided expeditiously.

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

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

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

"Highly challenged" describes a client receiving supported employment services who, due to the nature of the disability, requires a greater level of support from the job coach to achieve and maintain employment.

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

"Independent Living (IL) Core Services" is defined as information and referral services; independent living skills training; peer counseling; individual and systems advocacy; and services that facilitate the transition of individuals with significant disabilities from institutions to community-based residences, assist individuals at risk of entering institutions to remain living in the community, and assist the transition to postsecondary life for youth with significant disabilities who were eligible for special education and are no longer in school.

"Independent Living Services" as defined in the Rehabilitation Act, 29 USC Section 705 (17) and (18), include IL core services and counseling, housing procurement and modifications, personal assistance, mobility training, rehabilitation technology, life skills training, interpreters, readers, transportation, community integration, supported living, physical rehabilitation, aids and devices, social and recreational opportunities, and other services that are necessary and not inconsistent with the Act's provisions related to independent living.

"Individual with a disability" means an individual having one or more physical or mental conditions which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual's employment activities or vocational functioning.

"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:

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

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

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

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

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

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

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

"Integrated setting" means:

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

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

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

"IPE" means the Individualized Plan for Employment.

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

"Job Coach/Employment Training Specialist" means a qualified individual providing support services to eligible individuals in supported employment and employment and retention programs. Services directly support the eligible individual's work activity including marketing and job development, applied behavioral analysis, job and work site assessment, training and worker assessment, job matching procedures, and teaching job skills.

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

"Maintenance" is a service provided to assist with the out-of-ordinary or extra expenses to the individual resulting from and needed to support the individual's participation in diagnostic, evaluative, or other substantial services in the IPE. Activities of Daily Living (ADL) expenses are not eligible for maintenance payments.

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

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

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

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

"Ongoing support services" means services specified in the IPE according to individual need, which support and maintain an individual with the most significant disabilities in supported employment. Sponsored ongoing support services are provided from the time of placement until the individual is stabilized on the job. Ongoing support services are provided by one or more extended services providers, or by natural supports, following transition throughout the individual's term of employment.

"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 provided by one or more persons designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability.

"Physical and mental restoration services" means services which are necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive, within a reasonable period of time.

"Physical or mental disability" means a physical or mental condition which, if not corrected, materially limits, contributes to limiting or will result in limiting an individual's activities or functioning.

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

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

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

"Related factors" means those factors which are not directly attributable to the impediment to employment, but which have impact on the potential for successful rehabilitation. They frequently become evident only from an assessment of the person's social, vocational, educational, and environmental circumstances.

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

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

"Small business enterprises" means a small business operated by blind or other individuals with severe disabilities under the management and supervision of the state DRS. Such businesses include only those selling, manufacturing, processing, servicing, agricultural, and other activities which are suitable and practical for the effective utilization of the skills and aptitudes of individuals who are blind or individuals who have severe disabilities. Small business enterprise provides substantial gainful employment or self-employment commensurate with the time devoted by the operators to the business, the cost of establishing the business and other factors of an economic nature.

"Stabilization" means the period of time when job coach support is reduced to the long-term maintenance level while the individual retains employment, and personal satisfaction with the job, as well as employer satisfaction with the person's job performance. Stabilization must include appropriate individualized supports, including a minimum of two employee contacts and one employer contact per month.

"Substantial impediment to employment" means that a physical or mental disability (in the light of related medical, psychological, vocational, educational, cultural, social or environmental factors) that impedes an individual's occupational performance, by preventing his/her obtaining, retaining, or preparing for a gainful occupation consistent with his/her capacities and abilities.

"Supported employment" (SE) means competitive integrated employment, including customized employment, or employment in integrated work settings in which individuals are working on a short-term basis toward competitive work, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individuals, for individuals with the most significant disabilities who meet the eligibility criteria for supported employment as defined in 34 CFR 361.5(c)(53). For purposes of this definition, "short-term basis" shall mean six months or up to 12 months in limited circumstances as described in 34 CFR 361.5(c)(53).

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

"Transportation" is a service provided to assist with the costs of travel, including instruction in the use of public transportation vehicles and systems, which result from and are needed to support the individual's participation in diagnostic, evaluative, or other substantial and necessary VR services.

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

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612, added definition for durable training supplies; changed definition of eligibility to include VR, SE, RT, and IL
4-3-96	PT Memo #96-2 Emergency, refined definitions for authorized representative, comparable benefits, competitive work, maintenance and transportation; added definitions for long-term treatment, package of services; deleted definition for unanticipated event
7-1-96	PT Memo #96-5 Permanent, defined competitive work for those individuals receiving supported employment services in a group setting
7-1-97	PT Memo #97-9 Permanent rules supersede emergency rules issued 4-3-96
10-1-97	PT Memo #98-4 Emergency, changed following definitions to match new RSA regulations: applicant, competitive work, employment outcome, integrated setting, maintenance, multiple services, ongoing support services, personal assistance services, referral, supported employment, transitional employment; deleted definition for major life activities
7-1-98	PT Memo #98-15 Permanent rules supersede emergency rules issued 10-1-97; especially note definitions for applicant, those related to employment and work, multiple services, and referral
6-14-99	POL Memo #99-7 Emergency, ADDED: DVR, DVS, IPE, VR Cslr.; DELETED: IRP, Public Safety Officer (& w/a disability), RS, RVS; AMENDED: Act. Competitive Employment, Eligibility/Eligible, Employment Outcome, Extended Period of Time, Extended Services, Individual with a severe disability, Individual with the most severe disability, Intercurrent (acute) Conditions, Ongoing Support Services, Rehab. Act., Supported Employment, Supportive Services, Transportation, VR
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-03	PT Memo #03-07 Permanent, definitions added to update language.
7-1-04	PT Memo #05-01 Permanent, definitions revised and updated.
7-1-05	PT Memo #06-01 Permanent, added Section 504 Plan to definitions.
7-1-06	PT Memo #07-01 Permanent, revised definitions
7-1-07	PT Memo #08-01 Permanent, Added Assistive Technology definitions
7-1-08	PT Memo #09-01 Permanent, Replaced "severe" with "significant"
7-1-09	PT Memo #10-01 Permanent, clarified definition of "Individual with a severe disability".
7-1-11	PT Memo #12-01

	Permanent, Updated language
7-1-12	Permanent, added Best Correction definition
7-1-13	Permanent, changed Mental Retardation to Intellectual Disability
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
8-25-16	Updated language replacing “severe” with “significant”. Added language under “Eligibility” (C) regarding secondary disabilities results in functional visual limitations. Added language under “Extended services” regarding youth with the most significant disabilities may receive extended services for a period not to exceed 4 years.
9-11-17	Removal of definitions: Homemaker, Transitional employment, Unpaid family worker. Addition of definitions: Customized employment, Pre-employment transition services, Transition services. Updated language in definitions: Competitive integrated employment, Employment outcome, Extended employment, Ongoing support services, Other Qualified Rehabilitation Personnel, Supported employment. Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-14-18	Updated definitions of significant and most significant disability to match federal definitions and related definitions are modified to ensure that severity of disability will be the deciding factor in determining who will receive services when funds are insufficient to serve all applicants.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI). Added definition: "Prior Approval" refers to the receipt of approval from the granting authority prior to issuing the authorization for the purchase of goods and services.

612:10-1-3. Basic philosophy of rehabilitation programs

(a) **Purpose.** The purpose of programs and services provided by the Division of Vocational Rehabilitation (DVR) and the Division of Services for the Blind and Visually Impaired (DSBVI) is to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society through comprehensive programs of vocational rehabilitation. Vocational rehabilitation programs are designed to assess, plan, develop and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice, so that they may prepare for and engage in gainful employment (34 CFR 361.1 (b)).

(b) **Basic philosophy.** DVR and DSBVI vocational rehabilitation programs are carried out in accordance with the principles stated in Section 100 (3) of the Rehabilitation Act including,

(1) Individuals with disabilities, including individuals with the most significant disabilities, are generally presumed to be capable of engaging in gainful employment and the provision of individualized vocational rehabilitation services can improve their ability to become gainfully employed.

(2) Individuals with disabilities must be provided the opportunities to obtain gainful employment in integrated settings.

(3) Individuals with disabilities must have the opportunity to be active and full partners in their vocational rehabilitation process.

(4) Qualified vocational rehabilitation counselors and other qualified and specialized rehabilitation personnel are necessary to facilitate the accomplishment of the employment outcomes and objectives of an individual.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
6-14-99	POL Memo #99-7 Emergency, Updated with DVR/DVS and Rehab. Act reference; Blueprint for the future (Subsection (d)) changed to Value based decision plan
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-01	PT Memo #01-08 Permanent, Incorporating Pilot Projects
7-1-03	PT Memo #03-07 Permanent, changed "supervisor" to "Program Manager."
7-1-11	PT Memo #12-01 Permanent, reducing duplication.
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.

9-11-20 Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-1-3.1. Procedural exceptions

Procedures set forth in this Chapter are not intended to reflect every situation that might confront DVR or DSBVI staff or to replace the staff's use of good judgment. In individual cases an exception from basic procedures may be requested. Authority to approve certain deviations from standard procedure rests with the division administrator. Authority to approve certain procedural exceptions has been delegated to program managers and field coordinators. Only those exceptions stated in rule may be applied to rules.

Instructions to Staff

1. Counselors should also seek supervisory guidance in situations not addressed in policy and procedures.

2. It will be the program manager's responsibility to respond in writing or submit the request to the next level of administration with recommendations. Written response will be given from the level where the decision is made. No action is to be taken until a response is received.

Section History

7-1-11	PT Memo #12-01 Permanent, New section added
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-1-3.2 Pilot projects

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

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

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

Section History

7-1-11	PT Memo #12-01 Permanent, Added new section
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-1-4. Consultants (medical, dental and psychological)

Medical, dental and psychological consultants are employed by the Department to provide review, evaluation, advice, guidance, and staff training regarding the medical and psychological aspects of the rehabilitation process. The major role of the consultant is to serve as a resource in providing and interpreting medical and psychological information which will assist staff in making sound decisions regarding eligibility and plans of service. The consultant will advise staff, as requested, regarding the functional limitations and prognosis of the medical, dental or psychological assessment. The consultant may be asked to review medical, dental or psychological reports to determine whether the reports are sufficiently clear and complete for use by staff in determining eligibility or planning services.

(1) **Consultant's responsibility.** The appropriate consultant can help interpret available data and recommends appropriate additional diagnosis. The consultant assists staff in defining the client's limitations, strengths and medical, dental and/or psychological potential for employment.

(2) **Nature and scope of services in Individualized Plan for Employment.** The consultant assists staff in determining specific services of physical and/or mental restoration appropriate to achieving the employment outcome planned in the IPE.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
6-14-99	POL Memo #99-7
	Emergency, Updated IRP to IPE and vocational objective to employment outcome
7-1-99	POL Memo #00-1
	Permanent, supersedes emergency rules issued 6-14-99
7-1-11	PT Memo #12-01
	Permanent, deleted obsolete provisions

612:10-1-5. Confidentiality

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

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

(1) the nature of the information to be released;

(2) designation of the parties to whom the information is to be released;

(3) the specific purpose for which the released information may be used;

(4) designation of the agency or person authorized to disclose the information; and

(5) dates of initiation and termination of consent.

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

(1) Psychological, psychiatric, mental health and substance abuse treatment records and information from psychological, psychiatric, mental health and substance abuse treatment practitioners may only be obtained provided the requirements of Section 1-109 of Title 43A of the Oklahoma Statues 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.

(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. **1**

(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

(3) if the organization, agency or individual assures:

(A) The information will be used only for the purpose it is being provided;

(B) The information will be released only to persons officially connected with the audit, evaluation or research;

(C) The information will not be released to the individual;

(D) The information will be managed in a manner to safeguard confidentiality; and

(E) The final product will not reveal any personal identifying information without the informed written consent of the involved individual or the individual's representative. [34CFR361.38]

INSTRUCTIONS TO STAFF

1. Includes cooperation with the Tribal Programs.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
3-1-97	PT Memo #97-5 Emergency, incorporate state statutory restriction on releasing psychological reports
7-1-97	PT Memo #97-9 Permanent rules supersede emergency rules issued 3-1-97
7-1-98	PT Memo #98-15 Permanent, reorganized to be more logical. Clearer restrictions on release to the consumer. Call our general counsel when receiving subpoena or other legal document demanding release of information
7-1-99	POL Memo #00-1 Permanent, Updated DVR/DVS; clarified that release of personal information and similar terms refer to providing access to the record, or providing copies, etc., not to the materials themselves
7-1-06	PT Memo #07-01 Permanent, reflects update to confidentiality.
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-1-6. Due process

(a) **Notification of rights to due process.** Any applicant or client of DVR or DSBVI dissatisfied with a determination that affects the provision of vocational rehabilitation services may request a timely review of the determination. Each applicant or client, or as appropriate, the individual's authorized representative will be informed of:

(1) the right to get decisions regarding the individual's case reviewed by an impartial hearing officer;

(2) the right to pursue mediation on decisions regarding the individual's case;

(3) the names and addresses of individuals with whom requests for mediation or due process hearings may be filed;

(4) the manner in which a mediator or impartial hearing officer may be selected; and

(5) the availability of assistance from the client assistance program.

(b) **When notification of rights to due process is required.** The notifications specified in (a) shall be provided in writing, and in appropriate accessible format:

(1) at the time an individual applies for VR services;

(2) at the time an individual is assigned to the State's order of selection;

(3) at the time the Individualized Plan for Employment is developed; and

(4) upon reduction, suspension, or cessation of VR services for the individual.

(c) **Client Assistance Program (CAP).** The purpose of the Client Assistance Program (CAP) as described in this Section is to provide assistance with informing and advising clients and applicants of all available benefits under the Rehabilitation Act. When requested by clients and applicants, CAP will assist them in their relationships with projects, programs, and Community Rehabilitation Programs providing services to them under the Act.

(1) The Oklahoma CAP has the authority to pursue legal, administrative and other appropriate remedies to ensure the protection of the rights of individuals with disabilities who are receiving treatment, services or rehabilitation under the Act within the State.

(2) Vocational Rehabilitation agencies are required by Federal statute to advise all clients and applicants of the existence of CAP, the services provided by the program, and how to contact the program. A brochure is provided to each individual at the time of application and development of the IPE.

(3) Counselors must assure clients and applicants have access to CAP without fear of reprisal and are not pressured against or otherwise discouraged from using CAP services.

(4) The CAP staff members will provide the following services:

(A) Helping clients or applicants to understand rehabilitation service programs under the Act;

(B) Advising clients or applicants of benefits available to them through rehabilitation programs authorized under the Act and their rights and responsibilities in connection with those benefits;

(C) Otherwise assisting clients and applicants in their relationships with projects, programs, and Community Rehabilitation Programs providing rehabilitation services under the Act;

(D) Helping clients or applicants by pursuing or assisting them in pursuing legal, administrative, and other available remedies when necessary to ensure the protection of their rights under the Act;

(E) Advising State and other agencies of identified problem areas in the delivery of rehabilitation services to individuals with disabilities and suggesting methods and means of improving agency performance; and

(F) Providing information to the public concerning the CAP and Title I of the ADA.

(5) Clients may be referred to CAP by any one of the following:

(A) The client's counselor;

(B) Other DRS representative;

(C) Office of Disability Concerns' Hotline;

(D) Self;

(E) Any other interested party.

(6) Every client or applicant has the right to protection of information provided by him/her from unauthorized or indiscriminate disclosure. DVR and DSBVI will provide CAP officials information regarding an individual's case in accordance with 612:10-1-5 and applicable Federal law and regulations.

(7) The CAP staff will make periodic field visits to facilitate CAP's availability to clients or applicants who cannot travel to Oklahoma City.

(d) **Supervisory review.** DVR and DSBVI use a supervisory review process to resolve disagreements as close to the field service delivery level as possible. The objective of the supervisory review process is a timely resolution of disagreements, and is not to be used to delay or deny a fair hearing before a hearing officer or the services of an impartial mediator. The supervisory review of a counselor determination starts the 60 day time period established under (f)(5) of this Section. The request for a fair hearing is submitted at this time in accordance with (f)(2) of this Section.

(1) The supervisory review is usually conducted by the program manager. If the program manager was involved in the disputed determination, the field coordinator conducts the administrative review. If the field coordinator was involved in the

disputed determination, the division administrator conducts the administrative review.

(2) The decision that results from the administrative review will be stated in a letter to the individual, or to the individual's representative, with copies to the case record, the program manager, and the hearings coordinator. **2** The letter will identify the individual, case number, caseload, and office location. The body of the letter will state the reason for the administrative review and the decision resulting from that review. If the administrative review resolves the disagreement, the Withdrawal of Request for Hearing form must be submitted with the copy of the letter that is sent to the hearings coordinator.

(e) **Mediation.** Whenever a fair hearing is requested under this Section, mediation shall be offered as an option to resolve a disputed decision. **3** DRS uses the voluntary mediation services of the Oklahoma Supreme Court. The supervisor will arrange for a mediator with the Early Settlement Center that is most convenient to the consumer upon receipt of a request for mediation. DRS will bear the cost of the mediation. The mediation session will be scheduled in a timely manner. An agreement reached by the parties to the dispute in the mediation will be set forth in writing. Discussions that occur during the mediation process will be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding. Should the dispute be resolved through mediation, a withdrawal of request for hearing must be submitted to the hearings coordinator. The parties to the mediation may be required to sign a confidentiality pledge prior to commencement of the process. Nothing in this Subsection shall be construed to preclude the parties from informally resolving the dispute. The Departmental representative attending the mediation must be the individual who has final decision making authority for the question in dispute. The mediation:

(1) must be entered into voluntarily by all parties;

(2) is not used to deny or delay the hearing or any other right; and

(3) Is conducted by a qualified and impartial mediator.

(f) **Fair hearing process.** The fair hearing process will be conducted in accordance with (1) through (10) of this Subsection.

(1) **Services under IPE to continue.** No services being provided under the IPE shall be stopped, delayed, or reduced by the Department pending a final resolution of a requested hearing unless so requested by the individual or individual's authorized representative; or the service was obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the individual with disabilities.

(2) **Request for a fair hearing.** The individual has 30 calendar days following the date on the notice of the adverse decision to request a fair hearing. **1**

(A) The individual requesting a fair hearing, may submit it to the local office, or may send it directly to the hearings coordinator in State Office. DVR and DSBVI staff will assist the individual in completing this form and with preparation of evidence from the case record in conformance with 612:10-1-5, if so requested.

(B) DVR and DSBVI staff will immediately notify their supervisor of the request for a fair hearing so that the administrative review can be started by the

appropriate staff person. The completed Hearing Summary form, a copy of the notice of the adverse decision, and all supporting materials to be used in the hearing must be sent to the hearings coordinator as soon as possible. If a request for a fair hearing is submitted to the local office, staff will immediately forward it with the other materials.

(C) Prior to the actual fair hearing, the hearings coordinator will provide copies of materials the agency will use in the fair hearing to the individual and/or the individual's representative in conformance with 612:10-1-5.

(3) **Withdrawal of request for a fair hearing.** The individual, or the individual's representative, may submit a withdrawal of request for hearing any time following the submission of a request for a fair hearing up to the time the hearing is actually held. If the issue is resolved prior to the fair hearing, the individual, or the individual's representative, must submit a Withdrawal of Request for Hearing to end the fair hearing process.

(4) **Selection of impartial hearing officer.** The hearings coordinator will select an impartial hearing officer from a list of qualified impartial hearing officers maintained and identified by the State unit. Once selected, the impartial hearing officer will assume responsibility for arranging and conducting the fair hearing with the assistance of agency staff as necessary. The hearings coordinator will be apprised of events in the hearing process, and will be provided copies of all correspondence.

(A) Selections will be made randomly; or by agreement between the director of the designated State unit and the applicant or eligible individual or, as appropriate, the individual's representative; from the list of available impartial hearing officers. The hearings coordinator will forward all relevant materials to the assigned impartial hearing officer.

(B) The impartial hearing officer will send written notice of the fair hearing to all parties involved. The written notice of the fair hearing will include the name, address, and a brief vita of the impartial hearing officer.

(C) The individual may request a different impartial hearing officer based upon presented evidence that a conflict of interest exists consistent with Section 7 (16) of the Rehabilitation Act and 34 CFR 361.5(b)(25). A request for a different impartial hearing officer must be made within five days of receiving the fair hearing notice.

(5) **Scheduling of the fair hearing.** The fair hearing must be held within 60 calendar days from the date the request for a fair hearing is received, unless the issue is resolved prior to the 60th day or the parties agree to a specific extension of time. The administrative review must be conducted and concluded within the same 60 days. Delays or continuances will not be given for the purpose of extending the provision of services. Any agreement to an extension of time must be formalized in writing.

(6) **Consumer's participation in hearing.** At a fair hearing, the individual, or the individual's representative, is afforded the opportunity to:

(A) present additional evidence, information, and witnesses to the impartial hearing officer;

(B) be represented by counsel or other advocate selected by the applicant or eligible individual; and

(C) examine all witnesses and other relevant sources of information and evidence.

(7) **Agency staff attendance.** Professional staff involved in the disputed determination will appear at the hearing to provide appropriate information and evidence and testimony. Other staff will appear as directed.

(8) **Order of proceedings in the fair hearing.** The Impartial Hearing Officer will conduct the fair hearing in accordance with State laws regarding conduct of individual proceedings before an agency, and applicable Federal laws and regulations. Although the order of proceedings is at the discretion of the Hearing Officer, generally, the fair hearing follows this order of proceedings:

(A) presentation, arguments, and disposition of all preliminary motions and matters;

(B) opening statements;

(C) information and evidence presented by the agency;

(D) evidence presented by the grievant;

(E) rebuttal by either or both sides;

(F) closing statements by the grievant;

(G) closing statements by the agency; and

(H) rebuttal by grievant.

(9) **Decision.** The hearing officer makes a decision based on the provisions of the approved State Plan, the Act, Federal vocational rehabilitation regulations, and State regulations and policies that are consistent with Federal requirements and on whether or not the counselor properly applied rules. The hearing officer does not have the authority to rule upon the legality of DRS rules that are consistent with Federal requirements. A decision made after a fair hearing shall be final, unless a party to the fair hearing requests a review under Paragraph (10) of this Subsection. The hearing officer provides the individual, or the individual's representative, and the hearings coordinator a full written report of the findings and grounds for the decision within 30 days of the completion of the hearing. The hearings coordinator will immediately forward the decision to the Director of DRS. The impartial hearing officer may make one of several decisions, which include, but are not limited to:

(A) finding in favor of the grievant;

(B) upholding the determination or action of the agency;

(C) accepting a withdrawal of the appeal confirmed in writing signed by the grievant, or the grievant's representative; or

(D) accepting a settlement of the issues agreed to by the grievant and the agency which must include a written withdrawal of request for a hearing.

(10) **Review of impartial hearing officer's decision.** Any party involved in a fair hearing may request an impartial review of the impartial hearing officer's decision within 20 calendar days of that decision. This review will be conducted by the Governor or the Governor's designee to whom DRS is assigned. The review will be conducted in accordance with the standards in (A) through (E) of this paragraph:

(A) The Governor or the Governor's designee will not delegate responsibility for this review to any officer or employee of DRS.

(B) The Governor or the Governor's designee will provide an opportunity for the submission of additional evidence and information relevant to a final decision concerning the matter under review.

(C) The Governor or the Governor's designee will make a final decision within 30 days of the request for administrative review. The decision will be provided to all parties, and/or to the parties' authorized representatives, in writing. The written decision will include a full report of the findings, and the grounds for the decision.

(D) The Governor or the Governor's designee cannot overturn or modify a decision, or part of a decision, made by an impartial hearing officer that supports the position of the individual unless the Governor or the Governor's designee concludes, based upon clear and convincing evidence, that the decision of the hearing officer is clearly erroneous on the basis of being contrary to the approved State plan, the Act, Federal vocational rehabilitation regulations, or State regulations and policies that are consistent with Federal requirements. The Governor or the Governor's designee will apply the standards presented in (i) through (iii) of this Subparagraph when conducting the review of the hearing officer's decision.

(i) The hearing officer's decision shall not be arbitrary, capricious, an abuse of discretion, or otherwise unreasonable.

(ii) The hearing officer's decision shall be supported by substantial findings of fact.

(iii) In reaching the initial decision, the impartial hearing officer shall correctly apply Federal and State law, regulation, agency policy, and the approved State Plan as they pertain to the specific issue in question.

(E) A decision made under this Paragraph shall be final unless a party involved in the hearing brings a civil action.

(g) **Civil proceedings.** Any party aggrieved by a final decision of an impartial hearing officer, or by the Governor or the Governor's designee, may bring a civil action for review of the decision. The action may be brought in any State court of competent jurisdiction or in a district court of the United States of competent jurisdiction without regard to the amount in controversy. If a party brings a civil action, the final decision of the impartial hearing officer, or of the Governor or the Governor's designee, shall be implemented pending review by the court. In any action brought under this Subsection, the court:

(1) shall receive the records relating to the hearing, and the records relating to any review conducted under (f)(10), if applicable;

(2) shall hear additional evidence at the request of a party to the action; and

(3) basing the decision of the court on the preponderance of the evidence, shall grant such relief as the court determines to be appropriate. [29 USC 722]

(h) **Standards for impartial hearing officers.** In addition to qualifications required in a contract with the Department, an impartial hearing officer must meet the standards set forth in (1) through (6) of this Subsection:

(1) cannot be an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher learning);

(2) cannot be a member of the Oklahoma Rehabilitation Council;

(3) has not been involved previously in the vocational rehabilitation of the applicant or eligible individual;

(4) must have knowledge of the delivery of vocational rehabilitation services, the State plan required under Section 101 of the Act, and the Federal and State rules governing the provision of such services and training with respect to the performance of official duties;

(5) must have no personal, professional or financial interest that would be in conflict with the objectivity of the impartial hearing officer; and

(6) must have successfully completed impartial hearing officer training presented by DRS.

(i) **Standards for impartial mediators.** In addition to qualifications required in a contract with the Department, an impartial mediator:

(1) will be trained and certified or licensed in effective mediation techniques;

(2) will not be an employee of a public agency (other than an Administrative Law Judge, hearing examiner, employee of a State Office of Mediators, or employee of an institution of higher education);

(3) will not be a member of the Oklahoma Rehabilitation Council;

(4) must be knowledgeable in laws and regulations relating to the provision of VR services;

(5) has not been involved previously in the vocational rehabilitation of the applicant or eligible individual; and

(6) must have no personal, professional or financial interest that would be in conflict with the impartiality of the mediator.

INSTRUCTIONS TO STAFF

1. 612:10-7-2(e)

2. The DVR/DVS hearings coordinator is:

   DVR/DVS Fair Hearing Coordinator

   Department of Rehabilitation Services

   3535 N.W. 58th, Suite 500

   Oklahoma City, Oklahoma 73112

   (405) 951-3552

   (405) 951-3529 (Fax)

3. The request for mediation is indicated on the Request for a Fair Hearing form.

   When a consumer asks for mediation, the VR Professional will discuss the request with the immediate supervisor immediately. If it is agreed to proceed with mediation, the VR Supervisor will arrange for the mediation by calling the nearest Early Settlement Center.

   Certified Oklahoma Alternative Dispute Resolution Programs offering mediation services regionally throughout the state:

Early Settlement: North	AREA SERVED, NORTH OK:
Payne County Courthouse	Kay, Lincoln, Logan, Noble,
Greg Holleyman, Director	Pawnee, and Payne Counties
606 S. Husband, Suite 201	
Stillwater, OK 74074	
405-533-6878 or Fax 405-372-3230	
Email: greg.holleyman@oscn.net	
Early Settlement: Northwest	AREA SERVED, NORTHWEST OK:
Gary Maxey, Director	Alfalfa, Beaver, Blaine, Cimarron,
Northwestern State University	Custer, Dewey, Ellis, Garfield, Grant,
2929 E. Randolph, Room 220A	Harper, Kingfisher, Major, Roger Mills,
Enid, OK 73701	Texas, Woods, and Woodward Counties
580-213-3123 or Fax 580-213-3124	
Email: nwmediator@yahoo.com	
Early Settlement: Northeast	AREA SERVED, NORTHEAST OK:

March Thomas, Director
Rogers State University

Bartlesville Campus

401 S. Dewey, Suite 217

Bartlesville, OK 74003

918-338-8027 or Fax 918-338-8028

Email: mthomas@rsu.edu

Craig, Nowata, Osage, Ottawa, Rogers, and Washington Counties

Early Settlement: Tulsa

LeiLani Armstrong, Director

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Email: larmstrong@tulsacounty.org

AREA SERVED, METRO TULSA:

Tulsa, Creek and parts of Osage, and Wagoner Counties

Early Settlement: Southwest

Randy Hoerschgen, Director

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North Shepler, Room 418

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AREA SERVED, SOUTHWEST OK:

Beckham, Caddo, Comanche, Cotton, Greer, Harmon, Jackson, Jefferson, Kiowa, Stephens, Tillman, and Washita Counties

Early Settlement: Southeast

Sara Walkup, Director

Pittsburg County Courthouse

115 East Carl Albert Pkwy

Room 300B

McAlester, OK 74501

AREA SERVED, SOUTHEAST OK:

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918-429-0386 or Fax 918-998-0596	
Email: sara.walkup@oscn.net	
Early Settlement: South Central OK:	AREA SERVED, SOUTH CENTRAL
Jaxie Johnston, Director	Atoka, Bryan, Carter, Coal, Jefferson
Carter County Courthouse	Johnston, Love, Marshall, Murray,
20 B Street SW, Suite 301	and Stephens Counties
Ardmore, OK 73401	
580-221-5524 or Fax 855-851-2656	
Email: mediationsc@ecok.edu	
Early Settlement: Central	AREA SERVED, CENTRAL OK:
Kathy King, Director	Cleveland and Oklahoma Counties
Cleveland County Courthouse	
201 South Jones Avenue	
2nd Floor West	
Norman, OK 73069	
405-366-0640 or Fax 405-556-9150	
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Early Settlement: East Central	AREA SERVED, EAST CENTRAL OK:
Jorjia Cash, Director East Central University Pottawatomie,	Garvin, Hughes, McClain, Okfuskee, Okmulgee, Pontotoc,
Continuing Education	and Seminole Counties
Fentem Hall, Room 304	
Ada, OK 74820-6899	
580-559-5674 or Fax 580-559-5816	
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Early Settlement: East	AREA SERVED, EASTERN OK:
Stacey Stephens, Director	Adair, Cherokee, Delaware, Mayes,

Northeastern State University

601 N Grand Ave

Tahlequah, OK 74464

918-444-3008 or Fax 918-458-2371

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Muskogee, Sequoyah, and Wagoner Counties

Early Settlement: West OK:

Brenda Detamore, Director

Canadian County Courthouse

301 North Choctaw, 2nd Floor

El Reno, OK 73036

405-295-6180 or Fax 405-556-9150

Email: eswest@oscn.net

AREA SERVED, WESTERN CENTRAL Grady and Canadian Counties

Early Settlement: Norman

Jessie Jackson, Director

City of Norman

201 West Gray, Building B

Norman, OK 73070

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AREA SERVED, CITY OF NORMAN:

Section History

9-1-93 No PT Memo
Emergency, first adoption under OAC Title 612

7-1-94 PT Memo #94-1
Permanent, first adoption under OAC Title 612, added in Subsection (a) "under the IRP" to no services shall be stopped; Department not obligated to continue or resume services stopped by the client. In Subsection (c) changed the Division Administrator reviews hearing to the Director does. In (c)(5)(M), added that copies from case record given to client for use in hearing is okay

7-1-95 PT Memo #95-2
Permanent, impartial hearing officer changes made to match 1992 amendments to the Act

8-1-96 PT Memo #97-2

Permanent, changed references for Appendix G to Request for a Fair Hearing form. Added that the request for a formal hearing should be in writing

7-1-98 PT Memo #98-15
Permanent, more logical organization to policy. Some steps now require written decision that didn't require it before. Adverse counselor decision must be given to consumer in writing

6-14-99 POL Memo #99-7
Emergency, Updated to add mediation and to change IHO decision review process. Director no longer can review IHO decisions, must be done by Governor's office

7-1-99 POL Memo #00-1
Permanent, supersedes emergency rules issued 6-14-99

7-1-01 PT Memo #01-08
Permanent, Amendment to Due Process procedures

7-1-02 POL Memo #02-02
Permanent, changes resulting from DRS Legal Counsel recommendations and resignation of Cabinet Secretary

7-1-03 PT Memo #03-07
Permanent, changes resulting from RSA audit.

7-1-07 PT Memo #08-01
Permanent, changed State Rehabilitation Council to Oklahoma Rehabilitation Council.

1-1-10 PT Memo #10-02
Permanent, updated the Early Settlement Mediation Centers in the ITS.

2-24-12 Permanent, updated the Early Settlement Mediation Centers in the ITS.

6-5-12 Permanent, updated the Early Settlement Mediation Centers in the ITS.

8-27-15 Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.

9-11-17 Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.

1-31-18 Update ITS #3 Early Settlement contact and location information.

9-11-20 Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-1-7. Purchase of services and goods for individuals with disabilities

(a) All Department authorizations are made in compliance with the state purchasing policy under legal authority of the Director or by an employee to whom the Director has delegated such authority. Services, other than diagnosis and pre-employment transition services for students with disabilities regardless of whether the student has applied or been determined eligible for vocational rehabilitation services, must be in an approved Individualized Plan for Employment prior to authorization. All authorizations are to be issued prior to or simultaneously with the provision of the services. Verbal authorizations may be made when needed to ensure effective delivery of services. Verbal authorization must be followed immediately by the actual authorization. Separate authorizations for each fiscal year are required when a planned service extends beyond a single fiscal year. Rehabilitation professionals may not authorize fees for services in excess of those established by the Department unless approved by the Division Administrator. A prior written purchasing agreement is required before authorization can be made to any medical vendor or post-secondary school. Other nonmedical vendors will not require a prior written purchasing agreement unless stated otherwise in the DRS policy manual section(s) for that service. When a vendor has a prior written purchasing agreement with the Department, and required approvals have been obtained, authorization may be issued for consumer services directly to that vendor. All other consumer services will be purchased pursuant to the rules in (g) and (h) of this Section. However, a requisition may be submitted to the DRS Purchasing Section if, in the judgment of the responsible rehabilitation professional, the best interests of the consumer and/or the agency would be served by having the Purchasing Section handle the procurement. In either case, once items have been received and checked against the authorization, the appropriate DVR or DSBVI staff, in accordance with (g) and (h) of this Section, approves the claim, then forwards it to the DRS Financial Services Division. When a vendor does not abide by the authorization or written purchasing agreement or bills and accepts fees from the client in addition to those agreed upon, the rehabilitation professional will bring this to the immediate attention of the supervisor for action by the administration. The vendor will not be used for further rehabilitation services until agreement to discontinue the objectionable practice is reached.

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

(c) All claims for medical and/or nonmedical client services must be filed on claim forms approved by the Department. When the provision of an authorization is fulfilled, payment for the authorized client services constitutes payment in full. The client will not have any financial liability other than the amount required of clients who must participate in the cost of the service provided. The individual is liable for services he/she arranged which were not planned and initiated under the auspices of DRS. When DVR and DSBVI funds are used to supplement third party medical resources, participation cannot exceed the difference between the third-party payment and the Department's established schedule.

(d) The client must transfer, assign, or authorize payments to the Department of any and all claims against Health Insurance or Liability Insurance companies or other third parties, to the full extent of all payments for medical services made by the Department.

(e) The Department retains right and title to any tools, equipment, durable medical equipment, or other goods costing $500 or more purchased with DVR and DSBVI funds, until and unless such goods are released to the client. Upon delivery of any such goods

to the client, a Receipt for Equipment and Title Agreement must be completed and approved.

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

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

(3) **Title Release:** Title on any tools, equipment or durable medical equipment purchased with DRS funds for training or occupational purposes will not be released to the client until the counselor has determined the client is using the items as planned. **1**

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

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

(1) identifying the requirement for the purchase;

(2) placing the order; and

(3) accepting the material or service.

(h) When a prior written purchasing agreement for consumer goods or services, other than direct client payments, is not required, and the service or package of services to be obtained will cost the amount of the DCAM authority order limit or less, the rehabilitation professional and client will jointly choose an appropriate vendor. The rehabilitation professional will then authorize for the planned services to the chosen vendor. When a prior written purchasing agreement for consumer services, other than direct client payments, is not required, and the service or package of services will cost more than the DCAM authority order limit, the rehabilitation professional will follow rules in (1) through (7) of this Subsection.

(1) The rehabilitation professional will obtain specialist recommendations for purchase requirements and approvals in accordance with agency policy. **2**

(2) The participation of the client, or the client's authorized representative, will be obtained in deciding upon at least three vendors to be contacted by the

rehabilitation professional to obtain bids for the goods or services. The rehabilitation professional will review available vendor information with the client, or client's authorized representative, to jointly determine which vendor(s) can best meet the needs of the client in terms of product and service function, quality, and vendor accessibility.

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

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

(5) In the case of a vehicle modification or housing modification, upon completion of the authorized services, the counselor will contact the AT Specialist to schedule inspection of the work in accordance with 612:10-7-220. The AT Specialist will complete the "Assistive Technology Inspection Report" verifying the modification conforms to acceptable standards and the work is satisfactory. **3**

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

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

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

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

(i) Program Managers will review case records when submitted for approvals to ensure that purchases are being awarded in a manner that ensures competition and client participation within the scope of DRS and applicable fiscal rules. At least once each fiscal year a random selection of case records will be reviewed by the DRS Central/Departmental Services Unit to monitor compliance with DRS and applicable fiscal rules. If a Program Manager has reason to believe that a rehabilitation professional is not making a good faith effort to award purchases in a competitive

manner and in accordance with agency policy, a fiscal audit of the entire caseload will be requested to determine the appropriate action to take.

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

Instructions to Staff

1. Counselors are advised to release software disks and any maintenance/service agreements to the client at the time computer title is released.

2. 612:1-3-10, 612:10-7-87

3. On vehicle or home modifications, the counselor will submit a copy of the "Assistive Technology Inspection Report" to the Field Coordinator with the invoice and claim for signature. The Field Coordinator will forward the package to Finance for payment.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612, Subsection (a) - claim handling for under $750, vendor signs claim. Change vendor contacts contracts unit for contract to the counselor does. (g)(1)(b) - added specify side door type for van lift.
7-1-95	PT Memo #95-2 Permanent, took out contradictory language on adaptive aids and devices in (g)(3)
4-3-96	PT Memo #96-2 Emergency, amended to state RVS funds cannot be used to supplement third-party medical resources
3-1-97	PT Memo #97-5 Emergency, new Section tagline, "Purchase of services and goods for individuals with disabilities"; all client services exempted from Central Purchasing competitive bids; allows for direct authorization by counselor on most services
7-1-97	PT Memo #97-9 Permanent, allows direct authorization for non-medical goods and services costing $2500 or less; establishes counselor/client driven phone bid process over $2500; rules supersede emergency rules issued 4-3-96; rules make emergency rules changes issued 3-1-97 permanent
6-14-99	POL Memo #99-7 Emergency, Updated with DVR/DVS; changed IRP to IPE; added that the rehab. professional will document bids received on the Vendor Bid Documentation form
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-15-00	POL #00-09 Permanent, procedure for repossession of goods, case recording requirements
7-1-01	PT Memo #01-08 Permanent, Amended ownership of equipment and Direct client payment
7-1-03	PT Memo #03-07 Permanent, updated language.
7-1-05	PT Memo #06-01

	Permanent, clean up of language (h)(4) non-collusion statement required in excess of $10,000.00.
7-1-10	PT Memo #10-02 Permanent, aligning policy with state law (2009 H.B. 1032)
7-1-12	Permanent, changed non-collusion statement requirement from 10,000 to 5,000.
7-1-13	Permanent, removed verbal and replaced with written faxed or email
9-12-14	Updated to reflect name change of Department of Central Services to Division of Capital Assets Management (DCAM).
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-1-8. Vendor contracts

(a) **Nonmedical vendor contracts.** A post-secondary school (private or public) must have a prior written purchasing agreement with DRS before services can be authorized to that vendor, unless the school is participating in a direct payment program. Other nonmedical services to be purchased from a vendor will not require a prior written purchasing agreement unless stated otherwise in the DRS manual section(s) for that service, or in accordance with 612:10-1-7. Services requiring a prior written agreement cannot be authorized until a prior written agreement has been completed. Prior to the initiation of the Individualized Plan for Employment (IPE), the counselor must determine if:

(1) a vendor agreement is needed;

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

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

(b) **Training facility agreements.** Training services are purchased from a specific vendor when an active agreement has been approved by the Department of Central Services and placed on file in the Office of Management and Enterprise Services.

(c) **Out-of-state vendor agreements.** By state law, an agreement cannot be issued for more than 12 months. If an agreement should lapse, vendor's claims for clients' training will be denied by the Department under state law. The client will be provided an opportunity to attend the training facility of choice provided the facility has an active agreement with the Department.

(d) **Medical vendor agreements.** Medical services or supplies may be purchased only from medical vendors having active purchasing agreements with the Department.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
3-1-97	PT Memo #97-5 Emergency, changes to conform with Section 612:10-1-7
7-1-97	PT Memo #97-9 Permanent rules supersede emergency rules issued 3-1-97
6-14-99	POL Memo #99-7 Emergency, Updated to reflect change from IRP to IPE
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-01	PT Memo #01-08 Permanent, includes direct client payment
7-1-13	Permanent, removed OSF and replaced with Contracts unit
9-12-14	Updated to reflect name change of State Finance to the Office of Management and Enterprise Services (OMES).

SUBCHAPTER 3. CLIENT PARTICIPATION IN COST OF SERVICES

Section

612:10-3-2. Consideration of comparable services and benefits

612:10-3-3. Client participation in service costs and financial status determination

612:10-3-4. Services exempt from client participation in service costs

612:10-3-5. Basic living requirements

612:10-3-6. Income and Liabilities

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
8-27-15	Deleted "Assets" from tag line in 612:10-3-6.

612:10-3-2. Consideration of comparable services and benefits

(a) Prior to providing any VR service to an eligible individual, except those services specified in Paragraph (1), the VR counselor will determine whether comparable services and benefits are available under any other program unless any of the conditions in Paragraph (2) apply to the individual. **1**

(1) The VR services listed in (A) through (F) are to be provided without first determining the availability of comparable services and benefits. However, comparable services and benefits may be used for these VR services if the comparable services and benefits are readily available at the time the VR services are needed. VR services exempt from a required search for comparable services and benefits are:

(A) information and referral services to eligible individuals not in an open priority group under the order of selection;

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

(C) counseling and guidance, including information and support services to assist an individual in exercising informed choice;

(D) referral and other services to secure needed services from other agencies through cooperative agreements;

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

(F) rehabilitation technology, including telecommunications, sensory, and other technological aids and devices.

(2) Determining whether comparable benefits and services are available will not be required prior to providing any VR services if that determination would interrupt or delay:

(A) the progress of the individual toward achieving the employment outcome identified in the IPE;

(B) an immediate job placement; or

(C) the provision of such services to any individual at extreme medical risk.

(b) Counselors will advise clients of available benefits, help in completing the application for such benefits when needed, and refer clients to the appropriate contact person. Each client is required to apply for such benefits. DVR and DSBVI will not participate in the cost of services for any client who fails to apply for and accept available comparable benefits. 2

(c) Whether or not the client must participate in the cost of VR services has absolutely no effect upon the required search for, or use of, available comparable benefits. Available comparable benefits cannot be used in place of client resources when the client is required to participate in the cost of VR services.

(d) Awards and scholarships based upon merit will not be counted as comparable benefits.

(e) A student loan is not a comparable benefit. Failure to apply for a student loan which must be repaid will not be cause to withhold participation by DVR or DSBVI. Clients who have defaulted on a student loan will not be assisted with post-secondary training until the client has cleared the default or has made arrangement with the lender on the terms of payment. **3** Documentation of the arrangement made must be in the case record before post-secondary training services are provided when it is known a client has defaulted on a loan. The counselor will inform such clients of organizations which can help resolve debt problems, such as credit counseling services and legal aid.

(f) Clients are expected to provide the counselor a copy of the award letter(s) or other written notice of comparable benefits received from other sources, and it is expected the comparable services and benefits available to the client will be used to defray all or part of the cost of the individual's IPE.

(g) The client's IPE will be reviewed and amended by the client and VR counselor whenever comparable services or benefits that were not accounted for in the original plan become available to the client.

(h) Cooperative agreements between DRS and other service providers may affect how comparable services and benefits available from such service providers will be applied in an IPE. Cooperative agreements entered into by DRS with other service providers will include:

(1) provisions for determining and stating the financial responsibility of each agency in providing services;

(2) conditions, terms, and procedures for DRS to be reimbursed by other agencies for providing covered services;

(3) procedures for resolving interagency disputes under the agreement; and

(4) coordination of agency procedures for timely VR services delivery.

Instructions to Staff

1. 34 CFR 361.5(c)(8) defines comparable services and benefits as services and benefits which are provided or paid for, in whole or in part, by other federal, state or local public agencies, by health insurance, or by employee benefits. See 612:10-1-2

2. See 612:10-7-98(a)&(d), and 612:10-7-142(d)&(e)

3. See 612:10-7-142 and 612:10-7-149(a)

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
4-3-96	PT Memo #96-2

	Emergency, clarify that all comparable benefits are to be used when available, not just those listed; also, counselor to help with application for other pay sources when needed; a loan is not a comparable benefit; in cases of default, tell about credit services
7-1-97	PT Memo #97-9 Permanent rules supersede emergency rules issued 4-3-96
10-1-97	PT Memo #98-4 Emergency, added requirements for search and use of comparable benefits are same under IRP and extended evaluation; clarified failure to repay a student loan only affects post-secondary training
7-1-98	PT Memo #98-15 Permanent rules supersede emergency rules issued 10-1-97; clarification on use of consumer resource during extended eval, and on defaulted student loans
6-14-99	POL Memo #99-7 Emergency, Updated to reflect changes to comparable benefits made in 1998 amendments to Rehabilitation Act
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
12-1-03	POL Memo 04-02 Permanent, added footnote 2 to ITS
7-1-11	PT Memo #12-01 Permanent, updated ITS only
7-1-12	Permanent, updated ITS only
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
11-30-17	Update ITS #1 replacing hyperlink 34. CFR 361.5(b)(10) becoming 34. CFR 361.5(c)(8).
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-3-3. Client participation in services cost and financial status determination

(a) DVR and DSBVI require the client to participate in the cost of some vocational rehabilitation services if the client and/or client's family income exceeds the established basic living requirement for the applicable family size. **1** Any client who has been determined eligible for Social Security benefits under Title II or XVI of the Social Security Act is exempt from client participation in service costs. **2**

(b) Before an individual can be provided services other than those listed in DRS policy, the **3** counselor must evaluate the client's financial situation to determine if the client must participate in the cost of services, and if so, the amount of such participation. **4** Any client whose available family income exceeds the applicable basic living requirements is required to apply the monthly surplus to the cost of services during each 30 day period services are provided. DVR and DSBVI funds will not be used to purchase services based on client's financial status when there is any refusal on client's behalf to participate in the cost of services. However, the client can be provided services not based on financial status. Any client who does not have a surplus is not required to participate in the cost of services. Financial status does not exempt the client from required use of comparable benefits. If a payment is required of the client, it will be made to the vendor. **5**

(c) The counselor will re-evaluate the client's financial situation at least annually and any time there is a change in the financial situation of the client or family. The amount of client participation in cost is based upon the most recent determination of client's financial status at the time the IPE or amendment is written, and is stated in the IPE or amendment. **6**

(d) The client's financial status must be verified when an IPE includes services which require client participation in cost of services. Information used to verify the client's financial status includes such documents as income tax returns, bank statements, pay stubs, canceled checks, payment receipts, and/or payroll documents. It is the client's responsibility to provide the documents needed for verification of financial status information for the family. If the client refuses to provide the requested verification, DVR and DSBVI resources will not be used to defray the cost of services which require client participation in cost of services.

Instructions to Staff

1. See 612:10-3-5 Basic living requirements

2. Link to 34 CFR 361.54(b)(3)(ii).

3. See 612:10-3-4.

4. A Financial Status Determination form must be completed on every client whose program includes services based on the financial status of the client. The financial information will be entered in the client information system and a determination made as to whether there is a surplus. Any unusual financial situations are to be discussed with the supervisor. If a decision cannot be made at the supervisory level, the case information will be submitted to the field coordinator for special consideration. The supervisor's written analysis and recommendations are to be submitted with the case information.

5. The counselor will ensure DVR and DSBVI does not duplicate this payment.

6. A statement regarding the re-evaluation of financial status must be included in the case record. The financial review may be included in the IPE review if they occur at the same time. A Financial Status Determination form must be completed on every client whose program includes services based on the financial status of the client.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612, use financial status at time of last IRP for amount of client participation in cost
4-3-96	PT Memo #96-2 Emergency, set up separate methods for applying client surplus to one-time expenditure and recurring services; verification of financial information required; if refuse to provide verification, won't get financial need services
7-1-97	PT Memo #97-9 Permanent, removes separate method for applying client surplus to one-time expenditure; verification of financial information required; if refuse to provide verification, won't get financial need services; rules supersede emergency rules issued 4-3-96
7-1-98	PT Memo #98-15 Permanent, updated name of the Financial Status Determination form
7-29-98	PT Memo #99-1 Emergency, the amendments to this Section return the wording to its intended content
6-14-99	POL Memo #99-7 Emergency, Returned to applying client surplus to each 30 day period services are provided
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-11	PT Memo #12-01 Permanent, combining 10-3-1 with 10-3-3 without duplication
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired. Update to language changing resources to income. Updated Instructions to Staff changing division name of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired. Changed language from do to does under ITS #2.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-3-4. Services exempt from client participation in service costs

(a) DVR and DSBVI clients who have income and assets above the basic living requirements will be required to apply surplus resources to the cost of rehabilitation services except for the following services which do not require a determination of financial status:

(1) services provided to assess eligibility and rehabilitation needs (services which would require the individual's participation in cost under an IPE will also require the individual's participation in cost during an evaluation of the individual's ability to benefit from VR services);

(2) counseling, guidance, referral, and other services provided directly by DVR and DSBVI staff;

(3) on-the-job training, work experiences, internships and apprenticeships;

(4) personal or work-adjustment training;

(5) reader services;

(6) interpreter services;

(7) personal assistance services;

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

(9) compensatory training;

(10) job coaching services (i.e., supported employment, employment and retention, transitional employment); or

(11) any auxiliary aid or service that an individual with a disability require under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act, or regulations implementing those laws, in order for the individual to participate in the VR program; and **1**

(12) library services.

(b) Recipients of Social Security benefits under Titles II (federal old age, survivors, and disability insurance benefits) or XVI (SSI) of the Social Security Act do not have to participate financially in the cost of their rehabilitation program.

Instructions to Staff

1. Under ADA title II, 35 CFR 104 Definitions, "auxiliary aids and services" includes –

Qualified interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text,

and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;

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

Acquisition or modification of equipment or devices; and

Other similar services and actions.

Reference link:

http://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm#a35130

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
11-17-94	PT Memo #94-5 Emergency, added tuition and enrollment fees to list of services exempt from client participation
7-1-95	PT Memo #95-2 Permanent rules supersede emergency rules issued 11-17-94
4-3-96	PT Memo #96-2 Emergency, removed tuition and enrollment fees from services exempt from client participation in service costs
7-1-97	PT Memo #97-9 Permanent rules supersede emergency rules issued 4-3-96
10-1-97	PT Memo #98-4 Emergency, added requirements for client participation in cost are same under IRP and extended evaluation
7-1-98	PT Memo #98-15 Permanent rules supersede emergency rules issued 10-1-97; clarification on use of consumer resources during extended eval
6-14-99	POL Memo #99-7 Emergency, Updated with DVR/DVS and IRP to IPE; extended evaluation changed to evaluation of individual's ability to benefit from VR services
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
4-2-01	POL Memo #01-05 Emergency, amended to include Ticket to Work
7-1-01	PT Memo #01-08 Permanent, supersedes emergency rules issued 4-2-01
7-1-03	PT Memo #03-07 Permanent, added examples to job coaching services.

7-1-06 PT Memo #07-01
Permanent, added Adult Dependent Child Survivor benefits

10-1-07 PT Memo #08-02
Permanent, eliminated duplicate references and status number

9-12-14 Deletion of Instructions to Staff

8-27-15 Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
Additional language added to (a) (8) regarding job-related, job retention, follow-up and follow-along services. Addition of (11) regarding auxiliary aid or service an individual requires under Section 504 of the Rehab Act or the ADA to participate in the VR program.
Deleted Instructions to Staff, #1 regarding individuals receiving survivor benefits based on his/her disability, but are drawing benefits based on either an elderly, disabled or deceased parent's earnings. Added new Instructions to Staff #1-#4 and the reference link.

9-11-17 Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
Added work experiences, internships and apprenticeships language to (3) on-the-job training.

9-11-20 Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-3-5. Basic living requirements

(a) A basic living requirement has been established for different size family groups. A family member is an individual who is a relative or guardian of an applicant or eligible individual. Basic living requirements are based on 200% of the Federal poverty level adjusted annually for family size. **1** The standard is intended to cover only the necessities of food, shelter, utilities, clothing, transportation, and incidentals to give the counselor some criteria by which to measure the financial status of a client. To qualify as independent from the family group, the client must meet one of the following criteria:

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

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

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

(4) Married and maintaining a separate household;

(5) Meets the criteria for temporary housing as described in 612:10-3-5(c) or;

(6) The counselor verifies the client has the financial resources to demonstrate self-sufficiency and the client declares no family contributions are available.

(b) Verification of family membership should be based upon whatever available information most accurately documents family membership according to the definition given in this rule. Examples of acceptable verification include the latest Federal income tax return, payroll information, insurance policies, client report, and/or counselor observation.

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

INSTRUCTIONS TO STAFF

1. Counselors' guide for determining 200% of the Federal poverty level income based on household size:

NUMBER IN FAMILY	BASIC LIVING REQUIREMENTS
1	2,127
2	2,873
3	3,620
4	4,366
5	5,113
6	5,860
7	6,607
8	7,353

Basic Living Requirements - Add $747 for each person in excess of 8.

Section History

9-1-63	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612, and updated basic living requirements table in ITS
7-1-95	RVS Memo #95-15 ITS, updated basic living requirements table
4-3-96	PT Memo #96-2 Emergency, took out family membership being based solely upon tax return; based upon actual living circumstances; verification of family status required; replace zero income with in-kind income based on basic living requirements for client's family size
7-1-97	PT Memo #97-9 Permanent rules supersede emergency rules issued 4-3-96; updated basic living requirements in ITS
7-1-98	PT Memo #98-15 Permanent, new "separate family" provision for individuals having to live with family due to disability; updated basic living requirements in ITS
6-14-99	POL Memo #99-7 Emergency, Basic living requirement rates raised from 125% of poverty level to 150% of poverty level
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-00	POL Memo #00-9 Permanent, Basic living requirement rates annual update
4-2-01	POL Memo #01-5 Permanent, Basic living requirement rates annual update
2-20-02	POL Memo #02-2 Permanent, Basic living requirement rates annual update
7-1-02	POL Memo #02-2 Permanent, clarification of independence from a family group
2-14-03	POL Memo #03-5 Permanent, Basic living requirement rates annual update
7-1-03	PT Memo #03-7 Permanent, clarified definition of family member
2-13-04	POL Memo #05-1 Permanent, Basic living requirement rates annual update
4-29-05	POL Memo #05-6 Permanent, Basic living requirement rates annual update
7-1-06	PT Memo #07-1 Permanent, added adult dependent child survivor benefits and Basic living requirement rates annual update
1-23-07	PT Memo #07-?? Permanent, Basic living requirement rates annual update.
7-1-07	PT Memo #08-01 Permanent, eliminated duplicate references
1-23-09	PT Memo #09-01 Permanent, Basic living requirement rates annual update.
7-1-10	PT Memo #10-02 Permanent, increased poverty level to 200%.
8-4-10	PT Memo #10-02

	Permanent, Basic living requirement rates annual update.
1-21-11	No PT Memo Permanent, Basic Living requirements rates annual update Email sent to all counselors, field service coordinators, and all VR and VS program managers
7-1-11	PT Memo #12-01 Permanent, added single to number 2
1-31-12	No PT Memo Permanent, Basic living requirement rates annual update.
2-1-13	Permanent, Basic living requirement rates annual update.
1-30-14	Permanent, Basic living requirement rates annual update.
2-9-15	Updated Basic living requirement rates annual update.
8-27-15	Updated Basic living requirements poverty guidelines from 200% to 400% and ITS. Deleted the cash resources column and instructions.
2-1-16	Updated Basic living requirement rates, annual update.
1-31-17	Updated Basic living requirement rates, annual update.
1-29-18	Updated Basic living requirement rates, annual update.
9-14-18	Updated Basic living requirement poverty guidelines from 400% to 300%.
1-30-19	Updated Basic living requirement rates, annual update.
8-11-19	Updated Basic living requirement poverty guidelines from 300% to 200% and ITS.
1-27-20	Updated Basic living requirement rates, annual update.

612:10-3-6. Income and Liabilities

Determination of income and liabilities will be verified and documented by the counselor in the case recording when services in the IPE and amendments require client participation in cost. **1** If the individual refuses to provide the requested information, DRS resources will not be used to purchase services which require client participation in cost of the services.

(1) **Income.**

(A) Income generated from salaried wages will be calculated by gross earnings minus federal taxes, state taxes and social security deductions.

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

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

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

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

(B) **Disability related expenses.** Disability related expenses beyond the basic living requirements may be considered, if not funded by DRS. **2**

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

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

INSTRUCTIONS TO STAFF

1. Verification for income and liabilities includes securing copies of the documentation which will be scanned along with the DRS-C-25. Legible photos taken from phone or other personal digital devices are permissible. The information sources must be sufficient to accurately document the family's financial status. Possible means of verification are income tax returns, canceled checks, payment receipts, bank statements and pay stubs.

2. The intent for allowing disability related expenses is to provide a deduction associated with costs above and beyond normal living expenses. Examples of

allowable disability related expenses are costs of personal assistance services, added transportation, special dietary needs, cost of adaptive devices, etc. Questions concerning this area should be directed to the immediate supervisor.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
4-3-96	PT Memo #96-2 Emergency, verification of assets required; DRS funds will not be used for services based upon financial status if client refuses to provide verification
7-1-97	PT Memo #97-9 Permanent rules supersede emergency rules issued 4-3-96
7-1-98	PT Memo #98-15 Permanent, took out absolute dollar amounts on cash or liquid assets. These will be updated in basic living requirements table from now on
6-14-99	POL Memo #99-7 Emergency, Changed IRP to IPE
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-02	POL Memo #02-02 Permanent, clarification of income, assets and liabilities
7-1-11	PT Memo #12-01 Permanent, combined like provisions to eliminate duplication.
8-27-15	Language removal of "Assets" in policy title. Language removal of section (A) (2) Assets.
11-30-17	Updated ITS #1 removing ‘assets’ language.
4-11-18	Updated ITS #1 adding language that legible photos taken from phone or other personal digital devices are permissible to verify income. Copies will be scanned along with the DRS-C-25.

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

Section

612:10-7-1. Overview of Vocational Rehabilitation and Services for the Blind and Visually Impaired

612:10-7-2. Field staff responsibilities

612:10-7-2.1. Applications for employees or family member(s) of employees

612:10-7-2.2. Applications for friends or family member(s) of friends

612:10-7-2.3 Services for Employers

612:10-7-2.4. Annual Outreach and Review Services

612:10-7-3. Client responsibilities

PART 3. CASE PROCESSING REQUIREMENTS

Section

612:10-7-20. Case recording

612:10-7-21.1. Processing incoming referrals

612:10-7-21.2. Information and referral system

612:10-7-22.1. Application

612:10-7-24.1. Basic eligibility requirements for vocational rehabilitation services

612:10-7-24.2. Assessment for determining eligibility

612:10-7-24.3. Trial Work Experience and Extended Evaluation

612:10-7-24.4. Ineligibility procedures

612:10-7-24.5. Closed – Not Accepted for Services

612:10-7-25.1. Order of Selection

612:10-7-31. Transfer of cases

PART 5. CASE STATUS AND CLASSIFICATION SYSTEM

Section

612:10-7-45. Case statuses and case flow

612:10-7-50. Eligibility status
612:10-7-50.1. Assessment for determining rehabilitation needs
612:10-7-51. Individualized Plan for Employment
612:10-7-52. Provision of Services
612:10-7-55. Job Ready
612:10-7-56. Employment
612:10-7-58. Closed Rehabilitated
612:10-7-59. Closed not rehabilitated, after IPE initiation
612:10-7-60. Closed not rehabilitated, before IPE initiation
612:10-7-62. Post-Employment services
612:10-7-63. Post-Employment services completed

PART 9. ACTIONS REQUIRING REVIEW AND APPROVAL

Section
612:10-7-87. Actions requiring supervisor's approval

PART 11. PHYSICAL AND MENTAL RESTORATION SERVICES

Section
612:10-7-98. General guidelines for physical and mental restoration services

PART 13. SUPPORTIVE SERVICES

Section
612:10-7-130. Maintenance
612:10-7-131. Transportation
612:10-7-132. Services to family members

PART 15. TRAINING

Section
612:10-7-142. General guidelines for training services
612:10-7-149. College and university training
612:10-7-150. Continued eligibility for college or university training

612:10-7-152. Payment of tuition and fees at colleges and universities
612:10-7-156. Advanced standing tests for college students
612:10-7-157. Out-of-state training
612:10-7-158. Training for individuals in custody of the Department of Corrections
612:10-7-161. Public and private vocational schools
612:10-7-162. Textbooks, supplies, training tools and equipment
612:10-7-163. On-the-job training
612:10-7-164. Personal and work adjustment training
612:10-7-165. Distance Education
612:10-7-166. Tutorial training
612:10-7-167. Compensatory training
612:10-7-170. Work experience, internship and apprenticeship

PART 17. SUPPORTED EMPLOYMENT SERVICES

Section

612:10-7-179. Overview of Supported Employment Services
612:10-7-180. Eligibility for the Supported Employment Program
612:10-7-181. Integrated settings
612:10-7-182. Competitive employment for supported employment clients
612:10-7-183. Ongoing support services
612:10-7-184. Extended services
612:10-7-185. Provision of supported employment services

PART 18. EMPLOYMENT AND RETENTION SERVICES

Section

612:10-7-186. Overview of Employment and Retention Services
612:10-7-187. Eligibility for Employment and Retention Services
612:10-7-188. Provision of Employment and Retention Services
612:10-7-189. Competitive employment for Employment and Retention

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

Section

612:10-7-195. Personal assistance services

612:10-7-196. Interpreter services

612:10-7-199. Reader/recording services

612:10-7-201. Rehabilitation teaching services

612:10-7-203. Orientation and Mobility (O&M)

612:10-7-205. Services to persons who are deaf-blind

612:10-7-206. Assistive technology services for individuals with visual impairments

PART 21. PURCHASE OF EQUIPMENT, OCCUPATIONAL LICENSES AND CERTIFICATES

Section

612:10-7-216. Tools, occupational equipment, initial stocks and supplies

612:10-7-218. Occupational licenses and certification

612:10-7-219. Purchase of motor vehicles

612:10-7-220. Vehicle modification services

612:10-7-221. Housing Modification

612:10-7-222. Rehabilitation technology, assistive technology devices and assistive technology services

PART 23. SELF-EMPLOYMENT PROGRAMS AND OTHER SERVICES

Section

612:10-7-230. Self-employment programs

612:10-7-230.2. Self-Employment Guidelines

612:10-7-230.3. Self-Employment/Business Plans

612:10-7-230.4. Agency financial contribution to self-employment/purchasing

612:10-7-230.5. DRS Monitoring

612:10-7-232. Placement

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

612:10-7-234. Computers and high tech electronic equipment

612:10-7-235. Support Services for Employment

PART 25. TRANSITION FROM SCHOOL TO WORK PROGRAM

Section

612:10-7-240. Overview of transition from school to work services

612:10-7-241. Subminimum Wage for Youth with Disabilities

612:10-7-242. Pre-Employment Transition Services

612:10-7-244. Overview of transition from school to work services

612:10-7-245. Definitions

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

612:10-7-247. Confidentiality of records

612:10-7-248. Coordination of Individualized Education Program and Individualized Plan for Employment

Section History

9-1-93 No PT Memo
Emergency, first adoption under OAC Title 612

7-1-94 PT Memo #94-1
Permanent, first adoption under OAC Title 612

7-1-95 PT Memo #95-2
Permanent, added new section numbers and taglines for 612:10-7-244 through 612:10-7-249

7-1-96 PT Memo #96-5
Permanent, changed tagline to section to 612:10-7-233

3-1-97 PT Memo #97-5
Emergency, changed tagline for 612:10-7-120 and corrected tagline for 612:10-7-234

7-1-97 PT Memo #97-9
Permanent, removed listing for revoked section 612:10-7-9, supersedes emergency rules effective 3-1-97

10-1-97 PT Memo #98-4
Emergency, removed listing for revoked section 612:10-7-46, updated tagline for section 612:10-7-195

7-1-98 PT Memo #98-15
Permanent, removed revoked Sections; amended tagline for Section 612:10-7-49 and 612:10-7-195

6-14-99 POL Memo #99-7
Emergency, removed listings for revoked Sections 612:10-7-10 and 612:10-7-21; amended several section taglines

7-1-99 POL Memo #00-1
Permanent, supersedes emergency rules issued 6-14-99
7-1-01 PT Memo #01-08
Corrected tagline to conform to APA
7-1-03 PT Memo #04-01
Added new sections 612:10-7-186, 187 & 188
7-1-04 PT Memo #05-01
Permanent, 7 sections revoked
7-1-05 PT Memo #06-01
Permanent, revoked section 155 blended in to section 165 Distance Education.
8-27-15 Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired in Subchapter 7, Part 1 and tagline 610:10-7-1.
9-11-17 Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services in Subchapter 7, Part 1 and tagline 610:10-7-1.
Addition of new policy 612:10-7-170, Work experience, internship and apprenticeship.
8-1-19 Updated to include new rules: 612:10-7-241 Subminimum Wage for Youth with Disabilities, 612:10-7-242 Pre-Employment Transition Services, 612:10-7-244Overview of transition from school to work services
9-11-20 Division name change of Visual Services to Services for the Blind and Visually Impaired.

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

Section

612:10-7-1. Overview of Vocational Rehabilitation and Services for the Blind and Visually Impaired

612:10-7-2. Field staff responsibilities

612:10-7-2.1. Applications for employees or family member(s) of employees

612:10-7-2.2. Applications for friends or family member(s) of friends

612:10-7-2.3 Services for Employers

612:10-7-2.4. Annual Outreach and Review Services

612:10-7-3. Client responsibilities

612:10-7-1. Overview of Vocational Rehabilitation and Services for the Blind and Visually Impaired

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

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

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

(2) counseling and guidance, including information and support services to assist an individual in exercising informed choice;

(3) referral and other services to secure needed services from other agencies through cooperative agreements if such services are not available from DVR or DSBVI;

(4) job-related services, including job search and placement assistance, customized employment services, services leading to self-employment, job retention services, ongoing services, and extended services;

(5) vocational and other training services, including the provision of personal and vocational adjustment services, books, tools, and other training materials;

(6) to the extent that financial support is not readily available from a source (such as health insurance or comparable services and benefits) other than DVR or DSBVI, diagnosis and treatment of physical and mental impairments;

(7) maintenance for additional costs incurred while participating in an assessment for determining eligibility and vocational rehabilitation needs or while receiving services under an Individualized Plan for Employment;

(8) transportation, including training in the use of public transportation vehicles and systems, that is provided in connection with the provision of any other service described in this section and needed by the individual to participate in rehabilitation services or to achieve an employment outcome;

(9) on-the-job or other related personal assistance services provided while an individual is receiving other services described in this section;

(10) interpreter services provided by qualified personnel for individuals who are deaf or 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; **1**

(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 361.48(a) and 29 USC 733;

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

(17) employment and retention services for individuals with significant disabilities who require short term job coach support 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, retain, regain, or advance in employment.

(c) Vocational rehabilitation services for groups of individuals with disabilities are described in 34 CFR 361.49 and include: **2**

(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.

(2) Equipment for clients who are going into self-employment requires prior approval from RSA.

(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.

(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.

(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;

(6) Special services to provide access to information for individuals who are blind, visually impaired, deaf, hard of hearing or deaf-blind including:

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

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

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

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

(7) Technical assistance to businesses that are seeking to employ individuals with disabilities.

(8) Consultative and technical assistance services to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including employment.

(9) The establishment, development or improvement of assistive technology demonstration, loan, reutilization or financing programs in coordination with activities authorized under the Assistive Technology Act of 1998.

(10) The establishment, development or improvement of a 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.

Instructions to Staff

1. See 34CFR361.5(c)(45),(44),&(6).
2. See 34CFR361.49.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-98	PT Memo #98-15 Permanent, reference to revoked Section removed
6-14-99	POL Memo #99-7 Emergency, updated to state services available in accordance with the 1998 amendments to the Rehabilitation Act
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-03	PT Memo #03-07 Permanent, added more descriptions re: supported employment.
7-1-06	PT Memo #07-01 Permanent, deleted references to priority group 1
7-1-08	PT Memo #09-01 Permanent, Replaced "severe" with "significant"
7-1-10	PT Memo #10-02 Permanent, clean-up language, more clear and concise.
7-1-11	PT Memo #12-01 Permanent, eliminated duplication, clarified purposed for which transportation may be provided as a service and clarified activities permissible under the act.
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
8-25-16	Added language for pre-employment transition services as described in 34 CFR 361/48(a) and USC 29 733. New section (7) regarding assistive technology under the Assistive Technology Act of 1998. New section (8) regarding a community rehabilitation program.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services. Added language to (4) job-related services to include customized, employment services, services leading to self-employment. Deletion of previous language to (19) and added work experiences, internships, and apprenticeships.
11-30-17	Update ITS #1 hyperlink 34CFR 361.5.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI). Update provides clarification when prior approval is required from RSA.

612:10-7-2. Field staff responsibilities [AMENDED]

(a) The counselor is responsible for contacting each referral within 30 days of receipt of the referral information. The counselor is responsible for completing a contact by telephone or in person. The counselor is responsible for providing interpreter services to applicants who are deaf or non-English speaking.

(b) The rehabilitation counselor is responsible for the determination of an individual's eligibility to receive services from DVR or DVS. **1** In cases where the counselor has difficulty in making an eligibility determination, the counselor will consult with the supervisor. For further clarification, the case will be reviewed by the field coordinator for a decision. Individuals who are legally blind are to be referred to the appropriate rehabilitation teacher for determination of eligibility for the rehabilitation teaching program.

(c) The counselor's primary vocational rehabilitation service is counseling and guidance with job placement. Additional services must be justified as necessary to compensate for, correct or circumvent an impediment to employment. Every IPE must include a plan of counseling and guidance services. Regular documentation of counseling sessions will be included in every DVR and DVS case. **2**

(d) The rehabilitation counselor is to ensure that the client is a full participant in the decisions that are made concerning his or her vocational rehabilitation. This responsibility is carried out by providing the individual with as much relevant information as is available so that the individual, and/or the individual's authorized representative, can exercise informed choice consistent with the Department's policies. The minimum information concerning service choice to be supplied includes:

(1) service cost;

(2) available service providers;

(3) service accessibility;

(4) expected duration of services;

(5) consumer satisfaction with the services in question, to the extent that such information is available;

(6) qualifications of potential service providers;

(7) the types of services offered by the potential service providers;

(8) the degree to which services are provided in integrated settings; and

(9) outcomes achieved by individuals working with the service provider, to the extent such information is available.

(e) The individual will be notified in writing of any adverse determination made by professional staff concerning that individual's case. This notification will be made in a timely manner, and in a manner that supports the individual's right to due process.

(f) The counselor will complete a financial status determination form prior to the provision of any service (other than exempt services listed in 612:10-3-4) to determine if the client will be required to participate in the cost of services.

(g) The counselor will inform each individual of his or her rights and responsibilities as an applicant or client of DVR and DVS. Cross reference 612:10-7-3

(h) The Department of Rehabilitation Services (DRS) has an obligation under state and federal law to provide services in a fair and impartial manner. State Ethics Commission Rules state that the proper operation of state government requires that the state employee be independent and impartial; that state employees not use state office to obtain private benefits; that a state employee must avoid action which creates the appearance of using state office to obtain a private or inappropriate benefit; and that state employees exercise their powers without prejudice or favoritism.

INSTRUCTIONS TO STAFF

1. See 612:10-7-6 (b)
2. See 612:10-7-50(c)(2)

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
3-1-97	PT Memo #97-5 Emergency, changes to conform with 612:10-1-7
7-1-97	PT Memo #97-9 Permanent, client choice language strengthened; supersedes emergency rules issued 3-1-97
10-1-97	PT Memo #98-4 Emergency, added minimum information necessary to provide client with informed choice
7-1-98	PT Memo #98-15 Permanent rules supersede emergency rules issued 10-1-97; minimum information must provide to count as providing consumer informed choice
6-14-99	POL Memo #99-7 Emergency, updated DVR/DVS and IRP to IPE
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
01-08-01	Pol Memo #01-03 Emergency, added conflict of interest policy
7-1-01	PT Memo #01-08 Permanent, supersedes emergency rule issued 1-8-01
7-1-02	POL Memo #02-02 Permanent, clarification of counselor's responsibilities
7-1-04	PT Memo #05-01 Permanent, removed "as soon as possible" from referral time frame
7-1-05	PT Memo #06-01 Permanent, clarifying counselor's responsibility regarding re-evaluation of client's IPE.

10-1-07 PT Memo #08-02
Permanent, AWARE change. Removed status number.
7-1-10 PT Memo #10-02
Permanent, clarifying language. IPE elements moved to IPE policy.
8-27-15 Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17 Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
8-11-19 Removed section (i). This section was created as new rules 612:10-7-2.1 Applications for employees or family member(s) of employees and 612:10-7-2.2 Applications for friends or family member(s) of friends.

612:10-7-2.1. Applications for employees or family member(s) of employees

In order to provide fair and equal access to vocational rehabilitation services, and to avoid the appearance of impropriety or conflict of interest, an applicant who is a DRS employee or an immediate family member of a DRS employee, shall adhere to the procedures below when such an individual wishes to apply for rehabilitation services. Immediate family members may include a spouse, children, or any other individual who might be considered immediate family.

The employee shall advise the Field Services Coordinator of the intent to apply for services. If the Field Services Coordinator, his/her immediate family member, his/her direct report, or an immediate family member of his/her direct report intends to apply for services, the employee shall advise the appropriate Division Administrator of the intent to apply for services.

The Field Services Coordinator or Division Administrator (when appropriate) will select a counselor to take the application. Whenever possible, the counselor will be located in an adjacent unit.

Section History
8-11-19 Rule implemented.

612:10-7-2.2. Applications for friends or family member(s) of friends

In order to provide fair and equal access to vocational rehabilitation services, and to avoid the appearance of impropriety or conflict of interest, the following procedure will be followed. If an applicant is familiar to the point of friendship or an immediate family member of an individual who is familiar to the point of friendship, an application/referral will not be processed by the impacted DRS staff member. The relationship will be disclosed to the Supervisor in writing for proper case assignment.

Section History
8-11-19 Rule implemented.

612:10-7-2.3. Services for Employers

DRS's focus is to inform businesses about the benefits and opportunities associated with a workforce that is diverse and inclusive, and support business to develop that workforce. DRS values employer input into the VR program. DRS and workforce partners engage in activities that include employer input on workforce topics. Within the core services to business, DRS contributes by:

(1) Informing businesses about the DRS talent pool and the full offerings of DRS programs, services, and incentives.

(2) Informing employers about opportunities to provide work-based learning and career exploration options to students and youth through internships, on the job work experiences, and pre-employment transition services.

(3) Enabling employers to recruit, job match, hire, train, and retain qualified talent from the DRS talent pool.

(4) Connecting employers to community resources that support individuals with disabilities.

(5) Providing consultation, technical assistance, and support to employers on workplace accommodations, assistive technology, and accessibility.

(6) Providing information and consultation regarding employment of people with disabilities, including the benefits/return on investment of enhancing diversity in the workplace, disability awareness, and the Americans with Disabilities Act.

(A) Assist employers in identifying and preparing individuals with disabilities to fill job vacancies through on the job training.

(B) Informing employers about available tax incentives for hiring qualified persons with disabilities.

(C) Assist employers with identifying and setting up Apprenticeship opportunities for persons with disabilities.

Section History
8-11-19 Permanent, new rule.

612:10-7-2.4. Annual Outreach and Review Services

DRS will provide this service by DRS qualified staff or under a contractual relationship. DRS is required to provide annual outreach and review services for individuals earning subminimum wages under a 14c certificate. DRS is responsible for providing the required services only when an individual becomes known to DRS. The individuals will receive information about career counseling, supported employment, customized employment, career advancement, benefits counseling, and referrals to DRS and other available job placement resources within their local communities.

For individuals hired at subminimum wage, these services must be carried out once every six months for the first year of the individual's subminimum wage employment, and annually thereafter for the duration of such employment. Intervals will be calculated based upon the date an individual becomes known to DRS. An individual may become known to DRS via self-identification by the person with a disability, via referral by a third party, through the individual's involvement with the vocational rehabilitation process, or any other method.

Individuals will receive documentation as soon as possible, but no later than 45 days after services are completed, or, 90 calendar days if additional time is necessary due to extenuating circumstances, which should be interpreted narrowly. At a minimum, documentation must include:

(1) Name of the individual with a disability;

(2) Description of service or activity completed;

(3) Name of the provider of the required service or activity;

(4) Date required service or activity completed;

(5) Signature of DRS personnel transmitting documentation to the individual with a disability; and

(6) Date and method by which document was transmitted to the individual.

Section History
8-11-19 Rule implemented.

612:10-7-2.5 Work Experience

(a) When Work Experience (WE) will best suit the client's needs, this type of training can be considered. In order for the client to gain work experience and obtain employment, WE can be provided in conjunction with any other DRS Service. The nature of the work training experience may (or may not) match the consumer's employment goal on the IPE. This service does not require client participation in cost of services.

(b) In selecting work training sites, the counselor must assure the items in (1) – (5) of this Subsection are met;

(1) The business or individual must be willing to train and provide experience to DRS clients for specific duties, skills and occupations.

(2) DRS will provide proper equipment and other accommodations as needed.

(3) The individual who actually does the training must be the employer or an employee of the business and have the knowledge, skill, and ability to train the client.

(4) Time must be devoted daily to the training of the client.

(5) It is expected the client will be employable after a reasonable period of training.

(c) The length of time for Work Experience needed for training will vary with the complexity of the job being learned. However, Work Experience cannot exceed six (6) months.

(d) Individuals and businesses which provide Work Experience are expected to compensate WE participants according to applicable minimum wage and hour regulations under the Fair Labor Standards Act. The employer must pay the client at least the applicable minimum wage.

(e) Work Experience payments are reimbursement for training by the employer. Reimbursement is paid to the employer who pays the client just like his or her own employees. It is not permissible for the employer to endorse the reimbursement check and give it to the client in lieu of wages.

(f) Reimbursement for Work Experience is paid on a monthly basis.

Section History
9-11-20 Permanent, new rule.

612:10-7-3. Client responsibilities

To make the rehabilitation effort a success, the individual and agency's staff must work together to reach chosen goals. This shared responsibility requires that the client or applicant for services accept the basic responsibilities in (1) through (12) of this Subsection. Other specific client responsibilities are stated in relevant manual sections. It is the counselor's responsibility to fully and appropriately inform the client of client responsibilities.

(1) Provide information and be available to complete the assessment process to find out if you are eligible for services.

(2) Be on time and keep appointments with DVR/DSBVI staff, doctors and others. Call in advance or as soon as possible, if you cannot come to an appointment.

(3) Follow the advice of doctors and other medical professionals to include compliance with all prescribed medications.

(4) Participate with your DVR/DSBVI counselor in developing the Individualized Plan for Employment, (IPE) including participating in assessments needed to determine your needs and strengths.

(5) Provide enrollment documents to home/supervisor counselor before the college or university's designated "Drop and Add" deadline so an authorization can be issued, if your IPE includes educational and training services.

(6) Attend education or training classes on a regular basis and make at least passing grades, if your IPE includes these services.

(7) Review your IPE with your counselor at least once a year and participate in making revisions to the plan when needed.

(8) Maintain satisfactory progress toward completing the IPE.

(9) Abstain from abuse of drugs and/or alcohol. Individuals who abuse drugs and/or alcohol while receiving services will be referred to the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) and/or other appropriate agencies for purposes of seeking treatment. All case services will be suspended. If the client refuses or fails to cooperate with seeking treatment, or is not available to pursue a DRS program, this will be considered as reasonable cause for case closure.

(10) Keep the appropriate professional informed of changes in the individual's address, financial status, or other program-related changes.

(11) Apply for and make appropriate use of any comparable benefits and services for which the client is eligible to defray in whole or in part the cost of services in the individual's IPE and provide verification of financial aid award status to counselor.

(12) Work with the counselor to obtain or keep suitable gainful employment or appropriate independent living outcomes as services are being completed.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
6-14-99	POL Memo #99-7 Emergency, changed IRP to IPE
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-02	POL Memo #02-02 Permanent, clarification of client's responsibilities
7-1-05	PT Memo #06-01 Permanent, clarifying client's responsibility concerning their willingness to abstain from abuse of drugs and/or alcohol.
7-1-10	PT Memo #10-02 Permanent, clarification and easier understanding for clients.
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
8-11-19	Updated section (3), include compliance with all prescribed medications.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

PART 3. CASE PROCESSING REQUIREMENTS

Section

612:10-7-20. Case recording

612:10-7-21.1. Processing incoming referrals

612:10-7-21.2. Information and referral system

612:10-7-22.1. Application

612:10-7-24.1. Basic eligibility requirements for vocational rehabilitation services

612:10-7-24.2. Assessment for determining eligibility

612:10-7-24.3. Trial Work Experience and Extended Evaluation

612:10-7-24.4. Ineligibility procedures

612:10-7-24.5. Closed – Not Accepted for Services

612:10-7-25.1. Order of Selection

612:10-7-31. Transfer of cases

612:10-7-20. Case recording

A case record will be established and maintained on each individual who applies for and/or receives vocational rehabilitation services. Narrative recordings of activities are mandatory at application, at eligibility, the development of the plan, program/financial reviews, and case closure. An action in any case is not considered effective until all required approvals have been obtained in accordance with Department policy. Documentation must be factual and conform to ethical and professional standards. **1,2**

INSTRUCTIONS TO STAFF

1. Case scanning/filing protocol:

   To facilitate audits, case reviews and case management, each case must stand alone with its own supporting documents. If documents are used from a previous case they are to be rescanned in to the new case.

   Each consumer is identified by a Participant Identification number (PID). Each individual case for that consumer is identified by a Case Identification number (CID). The consumer's PID number will never change; however, the consumer's CID number will be different and specific to each case opened with DRS.

   Each case record should contain all required information related to the case. All documents scanned into Knowledgelake are to be scanned using the CID number to assure correct documentation location.

   All documents scanned into Knowledgelake are to be scanned under the appropriate Document Category and/or Document Type to assure accurate location. If more than one item is scanned under a Document Category, please label each item so it can be easily identified (for example, Plan 2-13-13/C25).

   All documents scanned into Knowledgelake are to have the appropriate entry in the Case Comments area to assist with location and identification of the document (e.g., "signed & dated 9/24/2012"). Where applicable, additional information should be provided (e.g., plan number, authorization number). [If on Plan or Authorization page there's a field for the Plan or Authorization number. If scanning from Case Management there is a field for authorization number or plan number. The plan number or authorization number is located on the index page after client's name.]

   Any document that requires the consumer's signature must be scanned into Knowledgelake.

   All documents that require Counselor, Programs Manager, or Field Coordinator approval will be printed, signed, then scanned into Knowledgelake. This would include Eligibility, Plans, Closures, and other relevant documents.

   All letters should be generated in AWARE using the Letters menu and will not require scanning.

Documents that do not require scanning:

- Case notes.
- Initial interview.
- Letters generated in AWARE.
- Voter registration application.
- Library application (document in Case Note.).

KNOWLEDGELAKE KIOSK AND DESKTOP SCANNING PROTOCOL

- Application (C1, C1(a), C2) – scan the C1, C1(a), and C2 and put the application date in the case comment section. *Note the application date stamp must be on the front-bottom of the C-1. The application date is the date the application is received in the DVR/DVS office.
- Authorization – All authorizations (non-medical, direct, medical, pharmacy, direct tuition) along with supporting documentation must be scanned after a qualified Rehabilitation Counselor has signed them. After creating a non-medical authorization, the counselor signs it, and it is scanned into Knowledgelake with clear description in the case comment of what it is for.
    - Once documents come in to release payment, print the scanned authorization, have a second person sign the authorization for payment and scan into Knowledgelake. Each time a line is released for payment (i.e. Work Adjustment Training/WAT, School Work Study/SWS, milestones) the authorization must be printed from Knowledgelake, signed, and scanned again.
    - Scan documents relating to the authorization together under the particular authorization (i.e. milestone invoices, WAT or SWS time sheets, details for calculating transportation, invoices, medical record invoices, tuition/fees/books, faxes and fax confirmations pertaining to the particular authorization, etc.).
    - Under case comments clearly indicate what the particular authorization is for and completion date. For example, a Supported Employment (SE) assessment milestone - type in “SE-AS completed 4/2/12”, Supported Employment job placement milestone – type in “SE-PL completed 4/15/12, and so on. For Work Adjustment or School Work Study type in “WAT Nov 2011” or “SWS Jan 2012”. For college indicate term/year/number of hours, etc.
    - Keep in mind you must have the authorization open to scan so it will show up in search under the authorization number.
- Business Plan – self-employment business plan and all related documents.
- Client Employment Information (C-65).

- Correspondence – scan emails and written correspondence from client. Outlook emails can be uploaded into Knowledgelake.

- Eligibility Extension (C-13) – must be scanned with signature

- Exclusive Use Affidavit (C-28).

- Fax – fax confirmations should be scanned into the case. Fax confirmations relating to an authorization have to be scanned into that particular authorization – not under "Fax".

- When completing the bid process you must keep all fax confirmations with the bid documents, which will be attached to the final authorization.

- Financial Status Determination (C-25) – must be signed by the client and scanned into the case file with the original plan, plan amendments and annual reviews. In case comments section, note plan number and date. Scan supporting documentation or note how verification was made.

    - When a client is receiving SSI or SSDI, or all services are exempt from financial participation, a C-25 will be completed stating financial participation is not required at this time and the reason. If the client or services are exempt from financial participation, client signature on the C-25 is not required.
- IEP - for Transition students scan in the Psychological Educational Report with date of report. If the IEP is used as supporting documentation for eligibility, it should be scanned into the Eligibility section.

- Letters – Any letters generated in AWARE do not have to be scanned into Knowledgelake. Indicate in case comments briefly what the letter pertains to and the date (i.e. older letters on DRS letterhead, letter received from the client, etc.).

- L-1 OLBPH application.

- Medical Documentation - In case comment, clearly indicate the doctor/facility name, type of report and date of report.

- Medical reports used to determine eligibility need to be scanned under eligibility. Release to return to work must be scanned into medical reports with a clear return to work date.

- Miscellaneous – scan documentation from the Department of Corrections, Tech Instructions (if your office uses them), OKDRS Job Readiness Checklist, SDS results sheet, OWL and NHL screen shots, etc.

- Personal Documents – scan insurance cards, state driver's licenses or state ID's, Medicare/Medicaid cards, Tribal cards, etc.

- Plan (IPE C-29) – it is a requirement for the counselor and client to sign, scan and clearly indicate on the case comments line the plan number and sign date “original IPE 11/24/11”. If it is an amended plan indicate the amendment number and signature date, “Amendment #2 signed 3/14/12”. Any Plan or Plan Amendments that are completed in AWARE, after signature, should also be scanned into Knowledgelake for ease in auditing and case review. Tribal VR IPEs will be scanned in the Plan section and noted in case comments.

- Plan Extension (C-14) – must be scanned and clearly identified in case comments with dates.

- Professional Disclosure Form.

- Responsibilities for Clients Attending Higher Education (C-50).

- Receipt for Equipment Title Agreement (C-57).

- Release of Information (C-5). In case comments note signature date and name of individual/facility.

- Release or Receipt for Tools and/or Other Equipment (C-59).

- SSA-3288 Consent Release Information. In case comments note signature date.

- SSI/SSDI Documentation – includes SDX/BENDEX forms and Ticket To Work documents.

- Training – reports, grade reports, job training reports (SE, ER, JP), referrals, certificates, any training documentation. In case comments, note date of report and name of facility.

2. 612:10-1-5 Confidentiality policy

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-99	POL Memo #00-1 Permanent, added the word "vocational" before rehabilitation services
7-1-07	PT Memo #08-01 Permanent, changed list for narrative recordings
6-28-13	Permanent, replace hard copy instructions with scanning instructions
9-9-13	Modified to reflect record keeping of digital copies instead of hard copies.

612:10-7-21.1 Processing incoming referrals

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

(b) **Referrals to rehabilitation teachers.** All individuals who are legally blind, whether being served by a DVR counselor or a DSBVI counselor, will be referred to a rehabilitation teacher. Rehabilitation teachers may also receive counselor referrals and provide services for individuals who are not legally blind but have functional limitations due to vision loss and have potential to benefit from rehabilitation teaching services. **2, 3**

INSTRUCTIONS TO STAFF

1. Referrals to the Division of Services for the Blind and Visually Impaired: Unless other case assignment is determined preferable for a specific referral, individuals referred to DSBVI shall include:

(a) individuals whose visual loss meets the definition of blindness found in 612:10-1-2;

(b) any person having sight which is so ineffective as to seriously limit his or her ability to engage in the ordinary vocations and activities of life;

(c) any person who has a diagnosis of a progressive sight threatening disease;

(d) any person who has a significant functional limitation due to vision loss greater than 20/60; and/or

(e) any person who does not meet the criteria above but has a condition that impairs use of eyesight and results in functional limitations that can be appropriately addressed through DSBVI services.

Some factors to consider in deciding whether a person should be served by DSBVI:

An applicant may have vision better than 20/60 but have light sensitivity causing blurry vision which requires special lighting, low vision devices or assistive technology to permit use of standard print. Cataracts are an example of a condition that often produces blurred vision, glare sensitivity and discomfort in bright light. Referral to DSBVI is appropriate when an individual experiences these visual problems.

Glaucoma affects side vision. A person with glaucoma may find the field of vision starts to fade causing panoramic vision to narrow. Other effects of glaucoma may include blurred vision, seeing colored rings around lights, and pain and redness of the eye. Even though an individual is not legally blind, the effects of glaucoma may produce a need for mobility instruction, assistive technology and other specialized services provided by DSBVI.

Diabetes can cause blood vessels in the eye to break, reducing visual efficiency. Complete loss of vision can occur when scar tissue develops at the back of the eye. Not all diabetics will experience diabetic retinopathy, but if it is present in one eye, DSBVI should provide services.

2. Referral from a counselor to the rehabilitation teacher is made using the Special Services Referral form. The counselor will provide the teacher with access to the client's AWARE case information.

3. In the case of a referral from a rehabilitation teacher to a counselor, the counselor will contact the referral and make a determination of potential for counselor services. The teacher will be informed in writing of the counselor's findings.

Section History

7-1-11	PT Memo #12-01 Permanent, New, deleted from duplicative policies and placed under this section.
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired. Revised the Instructions to Staff.
11-3-15	Revised the Instructions to Staff.
8-25-16	Updated language to allow rehabilitation teachers to receive counselor referrals and provide services to individuals who are not legally blind but have functional limitations due to vision loss.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services. Revised Instructions to Staff to reflect the name change.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-7-21.2. Information and referral system

(a) DVR and DSBVI staff will ensure that individuals with disabilities, including eligible individuals who do not meet order of selection criteria when the agency is operating under an order of selection, are provided accurate vocational rehabilitation information and guidance, using appropriate modes of communication. This information and guidance will be used to assist the individual in preparing for, securing, retaining, or regaining employment. **1**

(b) Staff will ensure that individuals with disabilities are appropriately referred to Federal and State programs, including other components of the workforce investment system. An appropriate referral shall:

(1) be to the Federal or State program(s) best suited to address the specific employment needs of the individual; and

(2) include, for each involved program, provision to the individual of:

(A) a notice of the referral from DVR or DSBVI to the agency responsible for the program;

(B) information identifying a specific point of contact within the agency responsible for the program; and

(C) information and advice regarding the most suitable services to assist the individual.

Instructions to Staff

1. See 34CFR361.37 Information and referral system.

Section History

7-1-11	PT Memo #12-01 Permanent, moved to specifically address this subject.
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-7-22.1. Application

(a) **Application for services.** An individual is considered to have submitted an application when the individual, or the individual's authorized representative, as appropriate:

(1) has completed and signed an application form or has otherwise requested services (includes, but is not limited to requests made verbally, by telephone, in writing, by facsimile, etc.);

(2) has submitted the application form, or other documentation meeting the requirements of paragraphs (a) & (b), to the receiving office where it will be date-stamped;

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

(4) is available to complete the assessment process.

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

(1) individual's name;

(2) reported disability;

(3) individual's address, with finding directions when needed;

(4) individual's social security number, if available; and

(5) availability of documentation of the reported disability.

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

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

(e) **Case recording requirements - initial interview.** Pertinent information from the initial interview and applicant information forms is recorded in a narrative that is placed in the case file. **1 2**

(1) The record must document that the applicant or representative was provided an explanation of his/her rights and responsibilities and given a copy of the CAP handout and approved client handbook.

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

INSTRUCTIONS TO STAFF

1. The narrative will indicate the available background information such as social, vocational, psychological, medical and educational data; as well as the basis for application. The narrative recording includes factors affecting the individual's rehabilitation needs and goals, counselor's impressions, and counselor/teacher and client plans. The counselor will address such significant factors as client's appearance, social skills, attitudes, communication skills, etc. Counselor will also include any impressions concerning potential eligibility and other significant environmental factors that may have impact on the planning and provision of service and outline the next steps to be taken in the vocational rehabilitation process, including time frames and specific responsibilities.

2. The applicant/client health insurance information must be entered into the electronic case management system at the time of application. This may be accomplished by:

(a) Making a front and back copy of the applicant’s health insurance card and placing it in the case file at the time of application;

(b) Scanning the card for inclusion in the electronic case file as appropriate when an office has converted to paperless case files;

(c) Hand-copying insurance information to the application form, when an application is taken at the client’s home or other remote location and photocopy or scanning equipment is not available; or

(d) Using other alternate methods of recording insurance information so that it may be entered into the fields provided in the electronic case management system. If the client does not have a health insurance card, any available health coverage information should be obtained and entered in the system.

"Insurance card" means Medicare card, Medicaid card, Medicare supplemental health insurance card (Medigap), private health insurance card, card indicating dependent coverage under a family member’s health plan, VA medical card or other evidence of health insurance coverage.

Insurance card information need not accompany the application when no medical services or expenditures of any kind are anticipated for the case (for example, when the applicant is seeking only an item of non-medical assistive technology needed to retain employment, or only job placement assistance).

Insurance information should be updated in the electronic case management system whenever changes in coverage (including loss of coverage) occur.

3. Procedures for providing DRS applicants and clients with the opportunity to register to vote or change registration. Link to voter registration form and instructions.

Section History

7-1-11 PT Memo #12-01
Permanent, application is placed in sequential context to related policies.

612:10-7-24.1. Basic eligibility requirements for vocational rehabilitation services

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

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

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

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

(b) The agency presumes that an applicant with a physical or mental impairment that constitutes or results in a substantial impediment to employment can benefit from vocational rehabilitation services in terms of an employment outcome, unless the agency demonstrates, based on clear and convincing evidence, that the individual is incapable of benefiting from rehabilitation services due to the severity of the individual's disability. **3**

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

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

(2) presumed to be eligible for vocational rehabilitation services, **4** (provided that the individual intends to achieve an employment outcome consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual) unless clear and convincing evidence demonstrates that the individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the individual's disability.

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

(1) duration of residence in the state,

(2) type of disability,

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

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

(5) type of expected employment outcome,

(6) source of referral, or

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

(e) **Disabled veterans.** Disabled veterans are eligible for vocational rehabilitation services 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. **5** 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. **6**

(3) **Deafness and Hearing Loss.** The rehabilitation professional will base eligibility determination upon one of the measurement methods listed below, as performed by a qualified audiologist or other qualified professional as determined by the Department. The case record must document the method chosen provides the most accurate evaluation of functional hearing level for the individual.

(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; 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:

(I) the speech reception threshold in one ear is 91 dB or greater and is at least 15 dB in the better ear; or

(II) the speech reception threshold in the better ear is 30 dB or greater.

(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.

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

(B) **Severity of Hearing Loss.** All individuals who qualify as having a severe hearing loss will be referred to a Rehabilitation Counselor for the Deaf and Hard of Hearing (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. On receipt of a referral, the RCD will contact the client and make a determination of potential for Deaf and Hard of Hearing services. The referring counselor will be informed in writing of the RCD's findings.

(i) **Severe Hearing Loss.** Average hearing loss, as calculated above, is considered severe 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 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. **7,8**

(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. **9**

(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 **10** 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.

Instructions to Staff:

1. To qualify an individual for VR services, the physical or mental condition must be serious enough to result in a substantial impediment to employment. Physical or mental conditions which may meet this element of basic eligibility include:

(A) permanent, stable conditions, for which the resulting impediments to employment, and the individual's functional capacities can be determined;

(B) slowly progressive conditions, in which the individual's functional capacity is not expected to diminish so rapidly as to prevent completion of vocational rehabilitation services, and/or employment for a reasonable period of time;

(C) remediable conditions which are recurring or chronic, require restoration services, and result in no substantial impediment to employment after restoration services have been provided.

Physical or mental conditions which may not meet the first element of basic eligibility include:

(A) temporary conditions in which no functional limitations of an enduring nature are expected after treatment or recovery;

(B) unstable conditions which require emergency medical intervention and/or prolonged medical management, and for which functional capacities and limitations cannot be predicted because of the recency of onset and/or the recurring nature of the condition.

2. Factors the counselor should consider as possible indicators that VR services may not be required include:

(A) the applicant is already receiving all the services that may be needed to prepare for, enter, engage in or retain employment.

(B) the services requested will not contribute to an employment outcome.

(C) the needed services are mandated of another agency.

(D) the requested services are not VR services.

3. 34CFR361.42(a)

4. The presumption of eligibility occurs when the applicant has filled out the application and asserts that he/she receives SSI/SSDI, regardless of whether or not the applicant is able to provide evidence such as an award letter to support that assertion. When the applicant does not present evidence of receipt of SSI/SSDI, the counselor will verify the applicant's SSI/SSDI status through the IMS system. At least one person in each DRS office should be able to access this system. Verification of SSI/SSDI status should be obtained as quickly as possible and documented in the case record. Following presumption of an individual's eligibility for VR services, the VR specialist may provide assessments, vocational evaluation and any other assistance that is permissible prior to writing of the IPE upon formal determination of eligibility. Trial Work can be considered after the presumption of eligibility and prior to eligibility if there is reasonable doubt concerning an employment outcome.

5. Some possible characteristics for consideration in eligibility and service determinations which may be related to substance abuse and which may interfere with employment may fall under; Mobility (slowed reflexes, organic brain damage, gait problems); Interpersonal Skills (mood swings, attitude changes, continued association with active substance abuser, inability to sustain positive personal relationships, having stigma or being a substance abuser); Communication (withdrawal, short attention span, appearance or hygiene, insomnia, oversleeping, memory loss); Self-Direction (poor task completion, difficulty working independently). A review of the information on Substance Abuse in the current DSM (Diagnostic and Statistical Manual of Mental Disorders) may be helpful in making these determinations.

6. Examples of continuous or intermittent medical treatment for allergies or asthma include regularly prescribed medications, emergency medical treatments for allergic reactions, use of nebulizers, and other medical treatment that is necessary to prevent, control or reverse allergic symptoms. Allergies and asthma may constitute a substantial impediment to employment when they restrict the work environments and conditions an individual can consider, limit jobs that can be accepted within an occupational field for which the individual is qualified, or otherwise negatively impact a person's employment options.

7. Diabetic Education training is considered personal adjustment training and is not subject to financial status.

8. Individuals with diabetes will generally be served by DVR. However, individuals who have significant or progressive visual disabilities as a result of diabetes or other eye conditions should be referred to the Division of Services for the Blind and Visually Impaired. When there is a question as to which division can best serve the

individual, appropriate DVR and DSBVI staff will confer to reach a decision and document the decision in the case record.

9. Link to Learning Disabilities Guidance Document; link to RSA Technical Assistance Circular 05-01 Guidelines for Assessing the Functional Capacities of an Individual with Specific Learning Disabilities to Determine Significance of Disability for Order of Selection Purposes.

10. Link to Body Mass Index Table and Obesity-Identifying the Impairments of Obesity and Morbid Obesity.

Section History

7-1-11	PT Memo #12-01 Permanent, new, to place in sequential order within the case process
7-1-12	Permanent, added best correction definition
7-1-13	Permanent, changed mental retardation to intellectual disability
9-24-14	Updated Instructions to Staff
8-27-15	Updated language on diabetics to include a knowledge survey regarding best practices for the management of diabetes.
8-25-16	Added language under Deafness and Hearing Loss, the eligibility determination will be performed by a qualified audiologist or other qualified professional as determined by the Department. Under Diabetes, additional language added to incorporate Diabetes management training into the IPE unless the client has previously completed this training.
11-30-17	Updated ITS #2 removing hyperlink, #4 deleted 'Extended Evaluation' language, #5 deleted obsolete language regarding the DSM Manual, #8 division name change from DVRBVI to DVS.
8-11-19	Updated section (7), Mental Disorders, eligibility for VR services based on mental health diagnosis and documentation filed regarding compliance with all prescribed medications received by a qualified professional.
9-11-20	Revised language under section (h) (6) and removal of (A) (B) clarifying the general terminology for learning disabilities. Updated ITS for division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-7-24.2. Assessment for determining eligibility

(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; **1** 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. **2**

(b) The counselor 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 or an extended evaluation 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 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. **3**

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

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

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

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

Instructions to Staff

1. In reviewing existing information the counselor should consider if the information reflects or is pertinent to the applicant's current physical or mental impairments and the extent to which they pose a substantial impediment to employment.

2. Link to 34 CFR 361.42(d).

3. See 612:10-7-24.3.

Section History

7-1-11	PT Memo #12-01 Permanent, new, moved to locate it sequentially in the case process
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services. Updated language to (d) to expedite eligibility determination for applicants who have been determined eligible for vocation rehabilitation services by an American Indian Vocation Rehabilitation Services Program. The Counselor will work cooperatively with the applicable American Indian VR Program to obtain pertinent diagnostic and other documentation to make eligibility decisions that are prompt and immediate.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-7-24.3. Trial Work Experience

(a) **Use of trial work experience.** It shall be presumed that an individual can benefit in terms of an employment outcome from vocational rehabilitation services unless clear and convincing evidence demonstrates that the individual is incapable of benefiting in terms of an employment outcome due to the severity of the individual's disability. In making such demonstration, the VR Counselor will explore the individual's capabilities to perform in realistic work settings through the use of trial work experiences with appropriate supports including, but not limited to, assistive technology devices and services and personal assistance services, to accommodate the rehabilitation needs of the individual during the trial work experiences. **1**

(b) **Trial work.** The trial work experiences shall be provided in competitive integrated employment settings to the maximum extent possible, consistent with the individual's informed choice and rehabilitation needs, and shall be of sufficient variety and duration to determine the eligibility of the individual or to determine the existence of clear and convincing evidence that the individual is incapable of benefiting from VR services in terms of an employment outcome. **2** Cases may not remain in this status more than 18 months. An assessment of the individual's progress is required as frequently as necessary but at least once every 90 days. The assessment will include periodic reports from the institution, facility or person providing the services to determine the results of the provision of such services and to ascertain whether the individual may be determined to be eligible or ineligible. The assessment summary narrative will be recorded in the case file.

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

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

(2) **Written plan for trial work experiences.** Services related to the trial work experience will be planned by the counselor and individual, or the individual's authorized representative. The trial work experience plan will describe the services necessary to obtain clear and convincing evidence concerning the presumption of benefit. **3**

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

(4) **Termination of trial work experience - ineligible.** If the trial work experience provides clear and convincing evidence that the individual cannot benefit from vocational rehabilitation services in terms of an employment outcome due to the severity of the disability, the case may be closed as ineligible in accordance with DRS policy. **4** In addition to explaining the individual's right to a review of the

determination and the availability of the Client Assistance Program, the counselor will make referrals to other agencies, facilities, or programs as may be appropriate.

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

INSTRUCTIONS TO STAFF

1. Link: 34CFR361.42 (e) and (f).

2. Trial work experience may include supported employment, on-the-job training and other experiences using realistic work settings.

3. The document will include the purpose and rationale for the plan, the list of services to be provided, the chosen service providers, the payment sources for the services, and the criteria and schedule for evaluating progress. The plan will require the signature of the individual, or the individual's authorized representative, and the counselor. Other administrative approvals may also be necessary. The individual will be given a copy of the plan. The progress review conducted at least every 90 days is summarized on a case narrative form.

4. See 612:10-7-24.4 and 612:10-7-24.5.

Section History

7-1-11	PT Memo #12-01 Permanent, new, moved to reflect its place in the case process.
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-14-18	Updates reflect WIOA's elimination of "extended evaluation". Trial work experiences in competitive integrated employment situations will be used to make this type of determination.

612:10-7-24.4 Ineligibility procedures

(a) If the VR Counselor determines that an applicant is not eligible for VR services, or that an eligible individual receiving services under an IPE is no longer eligible for VR services:

(1) the individual, or individual's authorized representative, will be given an opportunity for full consultation before the ineligibility determination is made; and

(2) the individual, or individual's authorized representative, will be informed in writing, and in appropriate accessible format if needed, of the ineligibility determination, including:

(A) the reasons for the determination;

(B) a description of how to ask for mediation, or an impartial review of the determination; and

(C) a description of the services available from the Client Assistance Program and information on how to contact that program.

(b) Any ineligibility determination that is based upon a finding that the individual is incapable of benefiting in terms of an employment outcome will be reviewed within 12 months of the determination and annually thereafter if requested by the individual or the individual’s authorized representative.

Section History
7-1-11 PT Memo #12-01
Permanent, new, placed appropriately in the sequence of case flow.

612:10-7-24.5. Closed — Not Accepted for Services

(a) **Not accepted for services.** This status is used for closing cases in which the individual is not accepted for vocational rehabilitation services, whether closed from applicant status or from trial work status. There are two major categories of closure: **1**

(1) **Closure due to ineligibility.**

(A) Disability too severe (from Trial Work Experience only) or unfavorable medical prognosis.

(B) No disabling condition.

(C) No impediment to employment.

(D) Rehabilitation services are not required for an employment outcome.

(2) **Closure due to other reasons.**

(A) Unable to locate.

(B) Moved out of state.

(C) Refused services or further services.

(D) Death.

(E) Client institutionalized.

(F) Transfer to another agency.

(G) Failure to cooperate.

(H) Other reasons.

(b) **Personal contacts.** Personal contacts are made with all persons closed in this status, if possible, and the results of those contacts are recorded in a case narrative. If the applicant cannot be contacted, all attempts to contact are recorded. Contacts are not required if the individual has refused to participate, is no longer a resident of Oklahoma, whereabouts are unknown, or the condition is rapidly progressive or terminal.

(c) **Case recording requirements.** All applicants whose cases are closed in this status should be notified in writing, with the exceptions noted in sub-paragraph (b). A case is closed due to ineligibility only with full participation of the applicant, the applicant's parent, guardian, or other representative unless the individual has refused to participate, is no longer a resident of Oklahoma, whereabouts are unknown, or the condition is rapidly progressive or terminal. The rationale for the ineligibility decision is recorded on the closure letter including the views of the applicant or appropriate representative. A copy of the letter is given to the applicant or appropriate representative with a detailed explanation of the services available from the Client Assistance Program no matter the reason for closure. **2**

INSTRUCTIONS TO STAFF

1. Before the case is closed, all unliquidated authorizations must be canceled or accounted for to determine if a claim will be made against any outstanding authorization.

2. The counselor will discuss with the applicant or his/her representative the need for referral to other agencies, facilities, and the need for independent living services as appropriate.

Section History

7-1-11 PT Memo #12-01
Permanent, new, placed into sequence.

9-14-18 Language removed regarding lack of transportation (transportation not feasible or available) as a reason to close a case or not accept an applicant for services. Removal of “extended evaluation” to conform to federal law (Trial work experiences are now used for this purpose).

612:10-7-25.1. Order of selection

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

(1) need to establish an order of selection, including any re-evaluation of the need;

(2) priority categories of the particular order of selection;

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

(4) administration of the order of selection.

(b) **Priority groups.** It is the policy of DRS to provide vocational rehabilitation services to eligible individuals under an order of selection. Under the order of 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:

(1) **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. **1**

(2) **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.

(3) **Priority Group 3.** Eligible individuals with disabilities not meeting the definition of individual with a significant or most significant barrier to employment. **2**

(c) **Implementation.** Prior to the start of each fiscal quarter, or when circumstances require, the DRS Director will determine in which priority groups new Individualized Plans for Employment will be written and initiated. The Director may restrict the writing and initiation of new Individualized Plans for Employment within a priority group to cases having eligibility dates falling on or before a specified date providing that all consumers in higher priority groups are being served. Considerations in making this determination will include, but not be limited to, the projected outcomes, service goals, expenditures, and resources available for each priority group. Projected costs and resources for each priority group will be based upon costs of current Individualized Plans for Employment, anticipated referrals, availability of financial resources, and adequacy of staffing levels. The Director will implement actions under the order of

selection through written notice to DVR and DSBVI staff. The written notice will specify the implementation date of the action and direct DVR and DSBVI staff on how to handle cases by priority group and application date. DVR and DSBVI staff will inform each eligible individual on their caseloads:

(1) of the priority groups in the order of selection;

(2) of the individual's assignment to a priority group; and

(3) of the individual's right to appeal that assignment.

(d) **Closing and opening priority groups.** When all or part of a priority group is closed, designated cases within that priority group without a written IPE will be placed on a waiting list after the individual has been determined to be eligible. No IPE will be written for cases on the waiting list. Staff will continue to take applications, diagnose and evaluate all applicants to determine eligibility and vocational rehabilitation needs, find the individual eligible when documentation supports such a decision, then place each eligible individual's case in the appropriate priority group. If an eligible individual is placed in a closed priority group, his or her case will go on the waiting list and no IPE will be written or initiated. The DRS Director will notify DVR and DSBVI staff in writing when all or part of a closed priority group is opened. When this directive includes new applicants who are found eligible, individuals already on the waiting list within that same priority group will be given priority over new applicants. When all or part of closed priority groups are opened, staff will contact individuals on the waiting list to develop and implement their Individualized Plans for Employment using the priorities in Paragraphs (1) - (3) of this Subsection:

(1) contact individuals within the highest open priority group first, Most Significant being the highest of all priority groups;

(2) within each opened priority group, staff will contact individuals on the waiting list in order of application date, earliest application date first; then

(3) staff will contact individuals whose cases will remain on the waiting list to explain how their cases will be handled.

(e) **Continuity of services.** Any individual with an IPE that existed prior to the date all or part of that individual's priority group was closed will continue to receive services as planned. Such an IPE may be amended if the changes are necessary for the individual to continue progress toward achieving an appropriate employment outcome, or are otherwise necessary within policy. Persons requiring post employment services will also be provided the necessary services regardless of priority group assignment.

(f) **Information and referral services.** Information and referral services will remain available to eligible individuals who are not in an open priority group. These individuals will be given information and guidance, using appropriate modes of communication, to assist such individuals in preparing for, securing, retaining or regaining employment, and will be appropriately referred to Federal and State programs (other than the vocational rehabilitation program) including other components of the statewide workforce investment system in the state. No IPE will be written to provide such services to these individuals. **3**

Instructions to Staff

1. See definition of Individual with the most significant disability in 612:10-1-2.

2. See definition of Individual with significant disability in 612:10-1-2.

3. See 612:10-7-21.1 for details on information and referral requirements. Individuals at risk of losing their jobs while under an Order of Selection due to the need for job and/or worksite accommodations can be referred for an Assistive Technology assessment; referral to the Business Services Unit for employer consultation or direct Counselor consultation with the employer and/or client. This can include the identification of comparable benefits and other programs that may be able to assist in the cost of any accommodations needed by the client.

Section History

7-1-11	PT Memo #12-01 Permanent, new, placed in sequence
7-1-12	Permanent, replaced "required" with "can be expected to require"
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
11-30-17	Updated ITS #1 and #2 removing ‘severe’ and replacing with ‘significant’.
9-14-18	Updated definitions for Priority Groups 1 and 2 for clarity and incorporated current federal regulation terms.
9-30-19	Updated ITS #3, added language regarding individuals at risk of losing their job while under an Order of Selection needing accommodations can be referred for an Assistive Technology assessment.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-7-31. Transfer of cases

(a) **Transfer of cases between caseloads.** When it has been determined an individual has moved from one counselor's area to another, the individual could be served more appropriately under another DVR or DVS program, or in the supervisor's opinion, transfer is in the best interest of the individual, the case will be transferred. **1**

(b) **Transfer of cases between programs.** Prior to transferring a case between DVR and DVS, the transferring counselor must obtain the required specialist information to support the change of primary disability.

INSTRUCTIONS TO STAFF

1. Transfer of Cases: Prior to a transfer, the transferring counselor will contact the receiving counselor to discuss the case transfer and inform the receiving counselor of the current status of the individual's case. The transferring counselor will review the case record to ensure it is complete, accurate and contains the information necessary for the receiving counselor to find the individual and continue the services without interruption. Upon receipt of the case, the receiving counselor will review the record for accuracy and completeness. If the receiving counselor determines there is a problem within the case, he/she will discuss the case with his or her supervisor. The counselor must keep in mind that returning a transferred case to the sending unit constitutes a case transfer and requires supervisory approval. The supervisors of the units involved will discuss the appropriate action to take based upon the best interest of the individual and the Department. See 612:10-7-87.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
1-1-95	PT Memo #95-1 ITS, added cross reference to Section on applications - Status 02
7-1-98	PT Memo #98-15 Permanent, reference to "client" changed to "individual"; ITS updated to conform with ORMIS System
6-14-99	POL Memo #99-7 Emergency, updated DVR/DVS and IRP to IPE; when in the best interest of the individual, the case no longer "may" be transferred, but "will" be transferred
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
10-1-07	PT Memo #08-02 Permanent, Removed ORMIS reference. ITS Only
7-1-11	PT Memo #12-01 Permanent, removed procedures from policy
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.

PART 5. CASE STATUS AND CLASSIFICATION SYSTEM

Section

612:10-7-45. Case statuses and case flow

612:10-7-50. Eligibility status

612:10-7-50.1. Assessment for determining rehabilitation needs

612:10-7-51. Individualized Plan for Employment

612:10-7-52. Provision of Services

612:10-7-55. Job Ready

612:10-7-56. Employment

612:10-7-58. Closed Rehabilitated

612:10-7-59. Closed not rehabilitated, after IPE initiation

612:10-7-60. Closed not rehabilitated, before IPE initiation

612:10-7-62. Post-Employment services

612:10-7-63. Post-Employment services completed

612:10-7-45. Case statuses and case flow

(a) The case management system is comprised of a logical flow from one status to another as a customer progresses through the rehabilitation process. This system covers the life cycle of a case from referral and application through eligibility, plan, employment, closure, and post employment services. **1** Statuses are:

(1) Application

(2) Trial Work Experience

(3) Closed ineligible from application status

(4) Eligibility: accepted for services; plan development phase

(5) IPE developed

(6) Services completed and ready for employment

(7) Employed

(8) Closed, rehabilitated, Successful employment for at least 90 consecutive days

(9) Closed, not rehabilitated after IPE initiation

(10) Closed, not rehabilitated before IPE initiation

(11) Post employment services

(12) Post employment services completed

(b) No case action is effective until all required approvals have been obtained in accordance with policy. The effective date of any case action, including closures, is the date the last required approval is obtained in accordance with policy.

INSTRUCTIONS TO STAFF

1. Links to policies on each case status:

   Application: 612:10-7-22.1

   Trial Work Experience and Extended Evaluation: 612:10-7-24.3

   Closed ineligible from application status: 612:10-7-24.4, 612:10-7-24.5

   Eligibility: accepted for services; plan development phase: 612:10-7-50, 612:10-7-50.1, 612:10-7-51

   IPE developed: 612:10-7-52

   Services completed and ready for employment: 612:10-7-55

   Employed: 612:10-7-56

Closed rehabilitated, successful employment for at least 90 consecutive days: 612:10-7-58

Closed, not rehabilitated after IPE initiation: 612:10-7-59

Closed, not rehabilitated before IPE initiation: 612:10-7-60

Post employment services: 612:10-7-62

Post employment services completed: 612:10-7-63

Section History

7-1-11	PT Memo #12-01 Permanent, Links provided in ITS
9-14-18	Removal of term “extended evaluation” to be consistent with this elimination in the Rehabilitation Act.

612:10-7-50. Eligibility Status

(a) **Use of Eligibility Status.** An active case is defined as one which has been accepted as meeting the basic eligibility requirements. 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 of selection priority group that is not currently being served will be placed on a waiting list and held there pending further directives from the Director concerning opening or closing of priority groups.

(b) **Case recording requirements.** The counselor records activities during this period by individual entry or by summary recording at regular intervals in case narratives. Copies of pertinent case information will be shared with all DVR or DSBVI professionals involved in the case. During eligibility status and throughout the life of the case, DSBVI counselors and rehabilitation teachers will share pertinent information related to a case they jointly serve. Pertinent case information will also be shared with contracted vendors, when appropriate, with a release signed by the client. If an IPE cannot be developed during this period, the client's case is closed with a full explanation to the client and documentation as to the reason for closing the case. This documentation will be completed on a closure letter and a copy given to the client.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
4-3-96	PT Memo #96-2 Emergency, added stricter guidelines for noncompetitive vocational objectives
8-1-96	PT Memo #97-2 Permanent, changed name of closure form, added case recording requirements for DRS-C-21, moved documentation of priority group placement to DRS-C-23
7-1-97	PT Memo #97-9 Permanent, stricter guidelines for noncompetitive vocational objectives, also supersedes emergency rules issued 4-3-96
10-1-97	PT Memo #98-4 Emergency, comprehensive assessment made optional, except in Supported Employment cases, removed DRS-C-23
7-1-98	PT Memo #98-15 Permanent rules supersede emergency rules issued 10-1-97; comprehensive assessment optional, except for Supported Employment; no form for VR case, do in C-11; counselor analysis of diagnostic documentation required in all cases; new wording on vocational objective
6-14-99	POL Memo #99-7 Emergency, added clarifying language; eligibility no longer "certified"; comprehensive assessment required in every case, but not using a form; individual now has options on how to develop the IPE, including doing it themselves
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-01	PT Memo #01-08 Permanent, amended case recording requirements
7-1-03	PT Memo #03-07

Permanent, updating language.

7-1-04 PT Memo #05-01
Permanent, added 90 day time frame to IPE

7-1-05 PT Memo #06-01
Permanent, general cleanup of language.

10-1-07 PT Memo #08-02
Permanent, AWARE change. Removed Status numbers.

7-1-09 PT Memo #10-01
Permanent, removed "Alcoholism/Drug" treatment as part of the IPE.

7-1-11 PT Memo #12-01
Permanent, Comprehensive Assessment moved to 612:10-7-50.1.

8-27-15 Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.

9-11-17 Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.

9-11-20 Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-7-50.1 Assessment for determining rehabilitation needs

(a) DRS will conduct an assessment for determining rehabilitation needs, if appropriate, for each eligible individual or, if the agency is operating under an order of selection, for each eligible individual to whom the agency is able to provide vocational rehabilitation services. The purpose of this comprehensive assessment is to assist the client in selecting an employment goal and to determine the nature and scope of vocational rehabilitation services to be included in the Individualized Plan for Employment (IPE). **1**

(b) **Comprehensive assessment.** Existing information obtained from the assessment to determine eligibility and priority group assignment, including information supplied by the individual or the individual's authorized representative, is to be used for the comprehensive assessment to the maximum extent possible. Additional assessments may be obtained to the extent additional information is necessary to determine the vocational rehabilitation needs of the individual and to develop the IPE. Rehabilitation technology will be used in the comprehensive assessment when necessary to assess and/or develop the capacities of the individual to perform in a work environment. **2**

(c) **Case recording requirements.** The results of the comprehensive assessment and the counselor's analysis of them will be recorded in a case narrative. The narrative will contain reasonable justification of the employment goal and services that will be provided in the IPE, considering the unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice of the individual. **3**

(d) **Comprehensive assessment for supported employment. 4**

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

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

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

(C) who, because of the nature and severity of the disability, needs intensive supported employment services, and extended services after the transition from intensive supported employment services, in order to perform such work. **5**

(2) The counselor refers the client to a supported employment provider to gather the information necessary to complete the comprehensive assessment, and authorizes the "Assessment and Career Planning" milestone. The provider will conduct situational assessments in community settings based on client choice and negotiations with the counselor, and in accordance with their contract requirements. Results of the assessments will assist the client and counselor in establishing a vocational goal. **6**

INSTRUCTONS TO STAFF

1. See 34 CFR 361.45(b) and (f).

2. Link to Career Planning Center Services

3. For individuals who find selection of a vocational objective difficult because of unsuccessful or limited exposure to work, the counselor may refer the client to a

Community Rehabilitation Program (CRP), an Independent Living (IL) provider or other appropriate resource for additional assessments to establish a vocational goal. Employment and Retention contracts offer standardized, commercial assessments, work skills assessments, and short-term situational assessments in community settings. Clients may also be referred to DRS benefits planners for analysis of how work may affect public benefits.

4. The counselor refers the client to a supported employment provider to gather the information necessary to complete the comprehensive assessment, and authorizes the "Assessment and Career Planning" milestone. The provider will conduct situational assessments in community settings based on client choice and negotiations with the counselor, and in accordance with their contract requirements. Results of the assessments will assist the client and counselor in establishing a vocational goal.

5. The counselor may not find an individual ineligible for supported employment services because a resource for providing extended services cannot be identified. See 612:10-7-24.1.

6. The counselor should always consult the provider's contract to determine the specific requirements.

Section History

7-1-11 PT Memo #12-01
Permanent, new, Comprehensive Assessment moved here.

612:10-7-51. Individualized Plan for Employment

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

(1) The required information will include the following:

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

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

(C) as appropriate:

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

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

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

(iv) For cases involving Mental Disorders and Obesity, treatment must be incorporated as a service in the IPE, in accordance with DRS policy. **1**

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

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

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

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

(2) **External conditions.** Factors such as the local labor market or local economy must also be taken into consideration. However, in most cases these factors cannot

be used as the only basis upon which to determine whether a vocational objective is appropriate.

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

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

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

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

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

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

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

(1) a description of the specific employment outcome that is chosen by the client consistent with the individual’s unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice consistent with the general goal

of competitive integrated employment (except that in the case of a student or a youth with a disability, the description may be a description of the individual's projected post-school employment outcome), and the estimated timeframe for the achievement of the employment outcome;

(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. **3**

(7) if it appears they will be necessary, a statement of needed post-employment services.

Instructions to Staff

1. See 612:10-7-24.1 Basic eligibility requirements.

2. Counselor and client, or authorized representative, should complete the Extension of Time to Complete IPE form.

3. The IPE should be given to the Supported Employment vendor with signed release by client, guardian or authorized representative.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
8-1-96	PT Memo #97-2 Permanent, changed Section tagline, updated form names
7-1-97	PT Memo #97-9 Permanent, Supported Employment milestone system added
10-1-97	PT Memo #98-4 Emergency, informed choice language added, form name changes, updated requirements for IRP having Supported Employment services
7-1-98	PT Memo #98-15 Permanent rules supersede emergency rules issued 10-1-97; informed choice; program review done on C-11, form is gone; Support Employment go ahead and initiate IRP when no extended service provider, but state why expect to have one
6-14-99	POL Memo #99-7 Emergency, new content requirements for the IPE in accordance with the 1998 amendments to the Rehabilitation Act
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-03	PT Memo #03-07 Permanent, update language.
7-1-04	PT Memo #05-01 Permanent, 90 day IPE time frame
10-1-07	PT Memo #08-02 Permanent, AWARE change. Removed Status numbers.
7-1-11	PT Memo #12-01 Permanent, merged all IPE provisions
9-24-14	Updated Instructions to Staff
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services. Updated policy to conform with provisions of the WIOA by deleting uncompensated work from the purposes for which vocational rehabilitation services may be provided. Specifically, the option to have a vocational goal of unpaid work is deleted and a statement is added that the vocational goal chosen must be in competitive integrated employment. Updated Instructions to Staff.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-7-52. Provision of Services

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

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-98	PT Memo #98-15 Permanent; clean-up editing
6-14-99	POL Memo #99-7 Emergency, changed IRP to IPE
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
10-1-07	PT Memo #08-02 Permanent, AWARE change. Removed Status numbers.
7-1-08	PT Memo #09-01 Permanent, Changed one month to three.
7-1-11	PT Memo #12-01 Permanent, Areas removed due to being practice of DRS or routine procedures.

612:10-7-55. Job Ready

(a) **The Use of Job Ready Status:** Job Ready Status is used to identify individuals who are qualified, willing and able to begin an active job search. Job Ready Status can also be used for individuals pursing a variety of work experiences, including internships, apprenticeships, or temporary jobs to supplement income while attending school or receiving other vocational rehabilitation services. Job Ready status can be used at any time during the life of the case, once an Individual Plan for Employment (IPE) is in place. **1**

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

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

(b) **Case Recording Requirements:** The information on the Job Ready page in AWARE case management system should be completed in conjunction with the Participant to insure it is accurate and timely. The information should be reviewed periodically to make sure it is up-to-date. **4**

Instructions to Staff

1. Placement is a joint responsibility of the client and counselor. The client has the responsibility for seeking employment through all available channels. The counselor has the responsibility to maintain a familiarity with all of the placement resources in the area and utilize those resources to the maximum extent for the benefit of the client.

2. The purpose of the stabilization period is to assure the employer is satisfied with the client as an employee and the client has learned the job, is satisfied with the job, and will be able to retain it once supports are reduced to a maintenance level.

3. The counselor should always consult the provider's contract to determine the specific requirements.

4. Link to 612:10-7-232

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-97	PT Memo #97-9 Permanent, added Supported Employment milestones
7-1-03	PT Memo #03-07 Permanent, added section b.

10-1-07 PT Memo #08-02
Permanent, AWARE change. Removed Status numbers.
7-1-11 PT Memo #12-01
Permanent, procedures placed in ITS
9-11-20 Revisions clarifies what is required to move a case into Job Ready status.

612:10-7-56. Employment

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

(b) **Supported employment.** Cases are placed into employment status after the requirements have been met for completion of the "Stabilization" Milestone, and the client is ready to begin the final milestone, "Successful Rehabilitation". During this milestone, the provider must continue ongoing supports for a minimum of 90 days before the case can be closed. **1**

(c) **Employment and Retention.** Cases are placed into employment status when the individual has completed the fifth day of work ("Job Placement" Milestone), or after completion of "Four Weeks Job Support" Milestone if short term job coach training or support is needed. The client must be followed in employment for a minimum of 90 days prior to being closed.

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

(1) Beginning date of employment;

(2) Name and address of the employer;

(3) Client's wages or salary;

(4) Suitability of the employment; **2** and

(5) How the job was obtained. If the information is obtained from a source other than the client, the source of the information will be identified.

(e) **Documentation at Placement.** A copy of the pay stub identifying the individual's start date, hours worked per week, and competitive hourly wage. If the pay stub is not available, then the following is acceptable:

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

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

(3) If verification as stated above is not forthcoming and all efforts to obtain acceptable verification are documented, then the following is acceptable: a detailed case note identifying the individual's employment information including the start date, hours per week, and competitive hourly wage that include the date

employment verification was received with justification for the individual not providing formal documentation.

(f) **Contact.** When a client is placed in employed status, contact is maintained and documented until it is determined the employment is satisfactory and the case can be closed. This determination that the employment outcome is satisfactory will be made with the full participation of the client.

INSTRUCTIONS TO STAFF

1. Ongoing supports include a minimum of 2 individual contacts and 1 employer contact per month, unless a Natural Supports Plan has been signed by the employer.

2. Link to 612:10-7-58.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-97	PT Memo #97-9 Permanent, added Supported Employment milestones
10-1-97	PT Memo #98-4 Emergency, added cross reference to ITS, added "full participation" language
7-1-98	PT Memo #98-15 Permanent rules supersede emergency rules issued 10-1-97; suitability of employment decision is made with full participation of consumer and/or representative
7-1-03	PT Memo #03-07 Permanent, added sections b and c.
7-1-05	PT Memo #06-01 Permanent, general cleanup of language.
10-1-07	PT Memo #08-02 Permanent, AWARE change. Removed Status numbers.
7-1-11	PT Memo #12-01 Permanent, change in (c) from third to fifth day of work.
9-11-17	Updated language to clarify that an employment outcome for a client is considered to have occurred after the client has maintained the job for 90 days.
8-11-19	Renumbered section (e) to (f). New section (e), Documentation at placement.

612:10-7-58. Closed Rehabilitated

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

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

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

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

(4) the individual has maintained the employment outcome for a period of at least 90 days; and

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

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

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

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

(e) **Cases closed from employment and retention.** An individual with severe disabilities who is receiving employment and retention services is considered to be successfully rehabilitated when the client maintains employment for a minimum of 90 days after placement, or for a minimum of 4 weeks plus 90 days if the individual required the "4 Weeks Job Support" Milestone.

(f) **Case recording requirements**. The client, or the client's authorized representative as appropriate, will be a full participant in the decision to close the case. The last discussion of the closure decision with the client, or the client's authorized representative, will be held within 30 days of the closure, and will be documented in a case narrative. The client will be notified in writing of the closure and advised of the availability of Post-Employment Services. **3**

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

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

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

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

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

INSTRUCTIONS TO STAFF

1. Link to 34CFR361.56.

2. Before the case is closed, all unliquidated authorizations must be canceled or accounted for to determine if a claim will be made against any outstanding authorization.

3. The documentation in the case record will specifically address the substantiality of the services provided, how they contributed to the client's suitable employment and type of employment, the name and address of the employer, and the client's wages. The need for post-employment services will be reassessed prior to closure.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
4-3-96	PT Memo #96-2

	Emergency, stricter guidelines for homemaker closure
7-1-97	PT Memo #97-9 Permanent, supersedes emergency rules issued 4-3-96, added Supported Employment milestones, ITS changed to allow closure with outstanding authorizations
10-1-97	PT Memo #98-4 Emergency, general criteria for successful closure changed to match RSA regulations
7-1-98	PT Memo #98-15 Permanent rules supersede emergency rules issued 10-1-97; new criteria for successful rehabilitation; client, or representative, must be full participant in closure decision; review of extended employment closures requires maximum effort at competitive employment
6-14-99	POL Memo #99-7 Emergency, updated DVR/DVS and IRP to IPE; a plan amendment is required when there is a substantial deviation from the original employment goal; ineligibility reviews must be done for at least two years
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-03	PT Memo #03-07 Permanent, updated language, amended section e.
7-1-05	PT Memo #06-01 Permanent, general cleanup of language.
10-1-07	PT Memo #08-02 Permanent, AWARE change. Removed Status numbers.
7-1-08	PT Memo #09-01 Permanent, Replaced "severe" with "significant"
7-1-11	PT Memo #12-01 Permanent, updated language, removed procedures
9-14-18	Removal of references to VR cases closed as “Homemakers” or “Unpaid Family Workers” to conform to the Rehabilitation Act.
8-11-19	Added section (g)(1-4), Documentation at Successful Closure

612:10-7-59. Closed not rehabilitated, after IPE initiation

(a) **Use of Closed not rehabilitated status.** Cases closed in this status have progressed to service status and for some reason the IPE could not be completed. The decision to close the case in this status is made only after the client is given the opportunity to fully participate in the decision and after all factors have been considered. Clients who choose to remain in extended employment as a goal, without pursuing competitive employment in an integrated setting through supported employment or other programs, will not be considered as having achieved an employment outcome. A case is closed in this status due to ineligibility only with full participation of the client, client's parent, guardian, or other representative unless the individual has refused to participate, the individual is no longer a resident of Oklahoma, the individual's whereabouts are unknown, or the individual's condition is rapidly progressive or terminal. **1** The rationale for the ineligibility decision is documented in the case record, and in a letter written to the client, including the views of the client or appropriate representative. A copy of the letter is given to the client or appropriate representative with a detailed explanation of the services available from CAP. Procedures for annual review of ineligibility are to be explained to the client or appropriate representative in an understandable form. When appropriate, a referral is made to other agencies.

(b) **Case recording requirements.** The client, or authorized representative, must be given an opportunity to participate fully in the closure decision. A copy of the closure notification letter will be given to the client. The recording on the case will summarize the services provided, explain why the IPE could not be completed, referral to any other appropriate programs, and contain the client's views of the closure decision, when appropriate.

INSTRUCTIONS TO STAFF

1. Before the case is closed, all unliquidated authorizations must be cancelled or accounted for to determine if a claim will be made against any outstanding authorization.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
8-1-96	PT Memo #97-2 Permanent, updated documentation required on closure form, changed form name
7-1-97	PT Memo #97-9 Permanent, allowed for closure with outstanding authorizations in ITS
7-1-98	PT Memo #98-15 Permanent, a copy of the Notification of Case Closure form will be given the client in all instances
6-14-99	POL Memo #99-7 Emergency, changed IRP to IPE
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-03	PT Memo #03-07 Permanent, amended section a.
10-1-07	PT Memo #08-02

Permanent, AWARE change. Removed Status numbers.

612:10-7-60. Closed not rehabilitated, before IPE initiation

(a) **Use of Closed not rehabilitated, before IPE initiation status.** Cases closed in this status are those which, although accepted for vocational rehabilitation services, did not progress to the point where services were actually initiated. **1**

(b) **Case recording requirements.** When a case is closed under these circumstances, the closure is documented in the case record and on a closure notification letter to the client and the client will be given the opportunity to fully participate, and to express his/her views of the decision. A copy of the closure letter will be given to the client, or as appropriate, the client's representative.

INSTRUCTIONS TO STAFF

1. Before the case is closed, all unliquidated authorizations must be canceled or accounted for to determine if a claim will be made against any outstanding authorization.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
8-1-96	PT Memo #97-2 Permanent, updated form name
7-1-97	PT Memo #97-9 ITS, allow case closure with outstanding authorizations
7-1-98	PT Memo #98-15 Permanent, a copy of the closure form will be given to the client or client's representative in all instances
6-14-99	POL Memo #99-7 Emergency, changed IRP to IPE
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
10-1-07	PT Memo #08-02 Permanent, AWARE change. Removed Status numbers.

612:10-7-62. Post-Employment services

(a) **Use of Post-Employment services.** Post-employment services may be provided to assist rehabilitated clients to retain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice. The need for post-employment services will be assessed at initiation of the IPE. Ongoing assessment continues during case services, is documented as needed, and is reassessed just prior to case closure. Post-employment services may also be provided for needs that were not anticipated in the original IPE or prior to case closure. Post employment services can be provided to individuals who receive Supported Employment Services if such services are needed to maintain the supported employment placement and those services are not available from an extended services provider. Post employment services are not to be used in instances of underemployment when extensive retraining is needed. Cases reopened on a post-employment basis do not require re-establishment of eligibility. New diagnosis is needed only if there has been a change in the client's physical or mental condition. Any vocational rehabilitation service or combination of services necessary to assist the individual retain, regain, or advance in employment may be provided if the service(s) does not involve a complex or comprehensive effort. If comprehensive services are indicated, a new application is taken. Federal regulations forbid the setting of arbitrary time limits on the provision of post-employment services. If the client has been employed for a long period of time, the counselor must carefully review the client's situation before making the decision to provide post-employment services as opposed to opening a new case.

(b) **Other considerations.** Other considerations in determining a client's eligibility for post-employment services are:

(1) **Financial Status.** A new financial status determination must be made if services requiring consideration of client participation in the cost of services are to be provided.

(2) **Emergency conditions.** Treatment of an emergency condition will not be considered as a post-employment service.

(3) **Upgrading.** Post-employment services are provided to help the individual advance in employment only when the nature of the individual's impediment to employment makes advancement the most appropriate post-employment outcome consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(c) **Transfer of cases.** Clients needing post-employment services who have moved to another area of the state will have their cases transferred. When a rehabilitant who has moved out of state requests post-employment services, the counselor will refer the individual to the rehabilitation program in the state where the individual resides. Upon receipt of a release signed by the client, copies of the requested information from the closed case record will be forwarded to the receiving state agency. If an individual who was a rehabilitant in another state requests post-employment services from our state, information must be requested from the state where services were previously provided. All requests must include a specific release of confidential information signed by the applicant. The case will be processed as a new referral, but will be served and documented as a post-employment case.

(d) **Criteria for terminating post-employment services.** Decisions to terminate post-employment services must be made on an individual basis in consultation with the client.

(e) **Case recording requirements.** The same principles of client involvement are required in the IPE for Post-Employment Services as are required under any other IPE. Case recording will be made at significant times during the process, including assessment of progress, the decision to conclude services and the results achieved at the completion or termination of services.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-98	PT Memo #98-15 Permanent, clean-up editing
6-14-99	POL Memo #99-7 Emergency, changed IRP to IPE; clarified post-employment services; "maintaining employment" changed to "retain, regain or advance"
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-05	PT Memo #06-01 Permanent, general cleanup of language.
10-1-07	PT Memo #08-02 Permanent, AWARE change. Removed Status numbers.
7-1-08	PT Memo #09-01 Permanent, Removed "core" inserted "primary"
7-1-09	PT Memo #10-01 Permanent, allowing post-employment services for needs that were not anticipated in the original IPE
7-1-10	PT Memo #10-02 Permanent, clarifying language.
7-1-11	PT Memo #12-01 Permanent, clarifying language

612:10-7-63. Post-Employment services completed

(a) **Use of Post-Employment services completed.** The case can be closed as soon as the services in the Post-Employment Services amendment have been completed insofar as possible and the client has been consulted regarding the closure decision. **1**

(b) **Case recording requirements.** Closure from post-employment status is documented in the case record and in a closure letter given to the client. **2**

INSTRUCTIONS TO STAFF

1. Before the case is closed, all unliquidated authorizations must be cancelled or accounted for to determine if a claim will be made against any outstanding authorization.

2. For post-employment services closure the case record should document:

(A) The problem which required post-employment services is remedied.

(B) The client has attained sufficient independence to function without continuing services, or in the counselor's professional judgment, services should be discontinued.

(C) Employment appears secure and is at a suitable level in relation to the particular locality and labor market.

(D) The circumstances become such that further services of a post-employment nature cannot help the client maintain employment.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
8-1-96	PT Memo #97-2 Permanent, corrected typographical errors
7-1-97	PT Memo #97-9 ITS, allow case closure with outstanding authorizations
6-14-99	POL Memo #99-7 Emergency, changed IRP to IPE
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
10-1-07	PT Memo #08-02 Permanent, AWARE change. Removed Status numbers.
7-1-11	PT Memo #12-01 Permanent, procedures placed in ITS

PART 9. ACTIONS REQUIRING REVIEW AND APPROVAL

Section

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

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

Actions requiring supervisory approval include: **1**

(1) All actions of a newly employed counselor/teacher. **2**

(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 $10,000.00.

(7) Vehicle or home modifications over the DCAM 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

INSTRUCTIONS TO STAFF

1. The supervisor indicates approval by signing the appropriate documentation or form in the case, or by memorandum when necessary. Verbal approval may be given when circumstances warrant, but must be followed immediately by written approval.

2. The newly employed counselor/teacher will remain under intensive supervision until the counselor/teacher has reached a sufficient level of competence to work under general supervision as documented by the program manager. The release from intensive supervision will be given to the counselor/teacher in writing with a copy to the field coordinator. A counselor or teacher can be returned to intensive supervision when documentation or observation indicates he or she is no longer at a level of competence to work under general supervision. This decision will be given to the counselor/teacher in writing with a copy to the field coordinator.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612, added delegation of supervisory authority, verbal approval must be followed by written, made $10,000 limit apply to life of case, added approval of medication over $3000, added purchase requisition approvals to this list to reflect actual practice

4-3-96	PT Memo #96-2 Emergency, clarified probationary period and intensive supervision for counselors, added approval of plans with physical restoration services lasting over 3 months
3-1-97	PT Memo #97-5 Emergency, changed approvals so that most apply to IRP rather than to action
7-1-97	PT Memo #97-9 Permanent, supersedes emergency rules issued 4-3-96 and 3-1-97
7-1-98	PT Memo #98-15 Permanent, OJT no longer requires supervisory approval; 08 closures no longer require supervisory approval; dental as primary disability does require supervisory approval
6-14-99	POL Memo #99-7 Emergency, updated DVR/DVS and IRP to IPE; changed extended evaluation to trial work experience; removed reference to Certification of Eligibility/Extended Evaluation form
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-01	PT Memo #01-08 Permanent, change in supervisor's approval
7-1-03	PT Memo #03-07 Permanent, update language, removed old #6.
7-1-04	PT Memo #05-01 Permanent, addition to #s 10, 11 & 12
7-1-06	PT Memo #07-01 Permanent, added reference to Specialist IV and deleted reference to subordinate professional with two years experience.
10-1-07	PT Memo #08-02 Permanent, AWARE change. Removed Status numbers.
7-1-10	PT Memo #10-02 Permanent, expediting services delivery
7-1-11	PT Memo #12-01 Permanent, non-policy material moved to ITS
7-1-12	Permanent, added vehicle repairs and dental services
9-12-14	Updated to reflect name change of Department of Central Services to Division of Capital Assets Management (DCAM)
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
8-11-19	Updated section (3), service status language.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

PART 11. PHYSICAL AND MENTAL RESTORATION SERVICES

Section

612:10-7-98. General guidelines for physical and mental restoration services

612:10-7-98. General guidelines for physical and mental restoration services

(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. **1** 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. **2** 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. **3**

(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. **4**

(5) Prescription drugs and prescribed medical supplies. **5** 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. **6**

(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. **7**

(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. **8**

(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 therapists, 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. **9**

(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. **10**

(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.

Instructions to Staff

1. 612:10-1-8 Vendor contracts policy
2. 612:10-7-98(f)(8) Intercurrent illness policy

3. 612:10-3-2 financial status determination policy

4. Medicare benefits are available for those clients in need of kidney transplants or dialysis if the individual, spouse or parent has worked and paid FICA taxes for an average of one calendar quarter per year since age 21, regardless of SSDI beneficiary status, income or work activity.

5. Resources for comparable benefits:

Advantage Program

Prescription drug websites (drug manufacturer programs)

Tribal medical facilities

Medicare and Medicaid

6. Normal post-operative care for cataract removal is included in the surgical fee. However, when an ophthalmologist wishes to assign post-operative care of a cataract patient to an optometrist and is willing to accept the reduced payment for his surgical services, the counselor will apply these guidelines:

(A) The client is in agreement with the arrangements.

(B) Authorizations to the ophthalmologist will be at 85% of the approved fee and will identify the optometrist providing the post-operative care.

(C) Authorizations to the optometrist will be limited to no more than four post-operative visits within a 90-day period and will identify the ophthalmologist providing surgery.

(D) If severe complications arise requiring additional surgery or extensive treatment, the client will be referred to the ophthalmologist.

(E) Unanticipated severe complications requiring additional surgery or extensive treatment will be considered separate from normal follow-up care and will follow the established procedure for surgery or complex medical care.

7. Vision services (glasses and frames)

If a recommended item falls into the category of "REQUIRING Justification" on the Vision Guidelines Form, the counselor should obtain written justification from the provider as to why the item is medically or vocationally necessary. "Prescribing" an item does not suffice as written justification.

The Vision Guidelines Form must be faxed along with the medical authorization for the vision exam prior to the client's appointment.

8 When the client is paying for glasses frames because his/her choice exceeds the DRS allowable cost, the authorization will contain a statement the client will be responsible for the full cost of the frames.

9. Links to Obesity-Identifying the Impairments of Obesity and Morbid Obesity & Body Mass Index Table

10. Authorization is made on a computerized medical services authorization using the appropriate fee code. When the item(s) is delivered to the client, counselor will obtain a completed and signed Receipt of Equipment and Title Agreement. Counselor judgment must be used to determine when it is appropriate to release title to durable medical equipment. Also, see 612:10-7-217.

11. Durable Medical Equipment and Assistive Aids purchased on behalf of the client is subject to prior approval from RSA. Prior approval for this section is received as part of the aggregated approval process as defined in RSA-TAC-18-02.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612, total revision of section, incorporated other sections which were revoked
4-3-96	PT Memo #96-2 Emergency, RVS won't pay for long term or ongoing treatment, treatment over 3 months requires supervisory approval, will not supplement third party payments for physical restoration, do not authorize if client is eligible for third party pay
7-1-96	PT Memo #96-5 Permanent, supersedes emergency rules issued 4-3-96, also made medical consultant review optional, except for diagnostic procedures which could lead directly to surgery
7-1-97	PT Memo #97-9 Permanent, replaced provision allowing supplement of third party pay sources, added that verification of eligibility for third party pay be obtained prior to planning physical restoration services
6-14-99	POL Memo #99-7 Emergency, added language from 1998 amendments to Rehabilitation Act stating we can pay for qualifying physical restoration services when other sources of payment are not available
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-02	POL Memo #02-02 Permanent, no restoration services prior to IPE
7-1-04	PT Memo #05-01 Permanent, narrowing restorative services to 3 months
7-1-10	PT Memo #10-02 Permanent, updating policy for accuracy.
7-1-11	PT Memo #12-01 Permanent, removed duplicative language and added surgery for weight loss when medically necessary.
7-1-12	Permanent, added definition to dental services
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired. Added language on lenses and frames to include written medical/vocational justification on eye examinations. Added language on weight loss treatment to include receiving a second confirming medical opinion when treated for morbid obesity. When considering treatment the

supervisor shall consider the individual's past experience with standard weight loss and the individual's ability to obtain long-term benefit from surgery.

9-11-17 Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.

9-30-19 Added ITS #11 and hyperlink.

9-11-20 Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

PART 13. SUPPORTIVE SERVICES

Section

612:10-7-130. Maintenance

612:10-7-131. Transportation

612:10-7-132. Services to family members

612:10-7-130. Maintenance

(a) **General guidelines.** Maintenance is a supportive service provided to assist with the out-of-ordinary or extra expenses to the individual resulting from and needed to support the individual's participation in diagnostic, evaluative, or other substantial services in the IPE. Maintenance, including payments, may not exceed the cost of documented expenses to the individual resulting from service provision. Authorizations for maintenance will not be issued to pay the cost, or part of the cost, for any other service or expense. **1**

(b) **Provision of maintenance.** To receive maintenance, an individual must be either an eligible DVR or DSBVI client or an applicant for vocational rehabilitation services undergoing diagnostic evaluation and testing. For an accepted client, maintenance must be a supportive service related to outcomes listed in the Individualized Plan for Employment. The costs of the maintenance may not exceed the amount of increased expenses that the IPE causes for the individual or his/her family. The provision of maintenance as a supportive service is not synonymous with general assistance payments. It is not intended to pay for those living costs that exist irrespective of the individual's status as a DVR and DSBVI client. Maintenance payments must be 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. Maintenance cannot substitute for or supplement income assistance payments.

(1) **Maintenance for diagnostic and evaluation services.** Maintenance payments for individuals receiving diagnostic or evaluation services may be authorized for overnight care, short-term lodging and/or meals. **2**

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

(3) **Maintenance for training.** Maintenance can be authorized for full time vocational school students or college students. Maintenance can be authorized for a client granted an exception to the full-time attendance requirement under 612:10-7-150(a). **3** DRS will not pay for assistance with room and board expenses if there is a state funded vocational school, college or university within 40 miles of the client’s official residence. In addition, DRS will only sponsor room and board expenses related to on-campus housing options with the lowest cost. Exceptions to this policy 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.

(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. **4**

(c) **Clothing expenses.** Clothing and/or uniforms can be purchased when needed to begin training or enter employment. **5** 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. **6**

Instructions to Staff

1. Each authorization for maintenance must indicate the payment beginning dates, intervals and amounts and the total amount to be paid. The justification for providing maintenance, the amount of maintenance provided and time span will be documented in the case record. Maintenance and transportation may be authorized on the same authorization when regular monthly payments are to be made, but each must be shown as a separate item on the authorization. The authorization is made to the client so that warrants are mailed directly to the client's current address.

2. The authorization is made to the vendor providing maintenance services or directly to the client.

3. The counselor must investigate the effect maintenance payment will have on any other payments or grants the client receives from SSI, SSDI or other government programs.

4. Due to wide variances in client needs for this service, no specific guidelines are in place. If a client needs this service for successful employment, the counselor will write a memo to the supervisor giving a brief summary of the situation with an itemized list of the client's needs, such as: transportation, rent, utility deposits, etc. If a moving company is to be used, the job will be let for competitive bidding as required by state law.

5. Receipts for clothing and/or uniforms must be documented in the case file.

6. The client and counselor can obtain reasonable payment rates in the client's community by contacting the Department of Human Services and other community resources. This information can be used in deciding upon a monthly payment for this service.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612, added that cannot use maintenance to pay for other services, removed wording that allowed sending warrants in care of supervising counselor, added ITS that warrants are to go directly to client

7-1-95 PT Memo #95-2
ITS, added cross reference to 612:10-7-150 to relate provision of maintenance to exception for full-time enrollment requirement

4-3-96 PT Memo #96-2
Emergency, emphasis on concept that maintenance is to be used only to pay for the out of ordinary increased expenses resulting from service provision

7-1-96 PT Memo #96-5
Permanent, clarify that maintenance can be paid to individual granted an exception to full-time attendance requirement for post-secondary training

7-1-97 PT Memo #97-9
Permanent, consolidated changes made 7-1-95, 4-3-96, and 7-1-96

10-1-97 PT Memo #98-4
Emergency, allows payment of daycare expenses when no other resource for this is available

7-1-98 PT Memo #98-15
Makes Emergency rules issued 10-1-97 permanent. Day care expenses allowed under specified conditions

6-14-99 POL Memo #99-7
Emergency, updated DVR/DVS and IRP to IPE

7-1-99 POL Memo #00-1
Permanent, supersedes emergency rules issued 6-14-99

10-1-00 POL Memo #00-11
Remove Inst. to Staff # 6 which required authorization for clothing to be made to vendor.

12-1-03 POL Memo #04-02
Permanent, removed redundant footnote

7-1-10 PT Memo #10-02
Permanent, updated language and removed supervisory approvals.

8-27-15 Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.

9-11-17 Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.

8-11-19 Updated section (3), Maintenance for training, room and board expenses will not be paid by DRS if a vocational school, college or university is within 40 miles of client's residence.

9-11-20 Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-7-131. Transportation

Transportation, including adequate training in the use of public transportation vehicles and systems, may be provided for a client as a service to enable the client to receive diagnosis, evaluation or other rehabilitation services. Authorizations for transportation will not be issued to pay the cost, or part of the cost, for any other service. **1**

(1) **Public transportation.** The authorization is made directly to the vendor or client for actual cost. **2**

(2) **Private transportation.** Mileage for use of a private vehicle is paid at 50% of the rate allowed by the State Travel Reimbursement Act and is authorized directly to the client. In these instances, mileage will be restricted to the most direct route and to the least possible number of trips. Case narrative documentation is required explaining how the amount was determined.

(3) **Vehicle Repairs.** Vehicle repairs will only be provided if there is a clearly defined need to enable the client to participate in vocational rehabilitation. Maintaining and repairing a private vehicle is primarily the responsibility of the owner. Assistance with vehicle repair is intended for emergency situations where services have been initiated under the IPE and participation in the IPE cannot continue without the repair. The cost of vehicle repairs will not exceed $1,000.00 for the life of the case unless approved by the appropriate program manager. **3, 4**

(4) **Out-of-state/air transportation.** Transportation by airplane or out of state travel may be provided to allow a client to receive services not available in the state. Transportation may also be provided for a client to seek employment out of state provided the counselor has written documentation that the significance of the disability, or the nature of the vocational objective, makes in-state placement unusually difficult. **5**

(5) **Transportation for an attendant.** Transportation may also include the cost of travel for an attendant of an individual with a significant disability. Subsistence will be paid at the rates established by the State and described in OAC 340:2-1. The counselor will have an agreement with the client regarding allowable expenses before the trip is made.

(6) **Training for use of public transportation.** When expertise is not available within the agency or community to provide effective training in use of public transit, the service may be purchased, with authorization made directly to the vendor or client for actual cost.

INSTRUCTIONS TO STAFF

1. The justification for providing transportation, the amount of transportation to be provided and time span will be documented in the case record. The non-medical authorization is used to authorize payment for transportation. When the authorization is to a vendor, the vendor's invoice must be filed with the claim for payment. Authorizations are to be addressed directly to the client at the client's mailing address. Transportation and maintenance may be authorized on the same authorization when regular monthly payments are to be made, but each must be shown as a separate item on the authorization. Clients need to be reminded that it

is their responsibility to keep their address current. Warrants not deliverable will not be forwarded.

2. The Department also has contracts with some private vendors in the major metropolitan areas which may be used to provide transportation, e.g., taxi and bus services.

3. 612:10-7-87.

4. All vehicle repairs will be directly authorized to the client including situations where the ownership of the vehicle is other than the client's. Clients requesting assistance with vehicle repairs must provide counselors with the driver's valid driver's license and current vehicle registration for the vehicle considered for repair. If the client is not a driver, he/she must provide a plan to the counselor that describes how he/she will utilize family members or others as drivers for transportation to participate in vocational rehabilitation services. Copies of these documents will be maintained in the case file. Prior to vehicle repair, clients will provide counselors with an estimate outlining the repairs and cost for counselor's approval. Upon completion of repairs, clients will provide counselors with a receipt verifying the completion of the repairs. Counselors will secure copies of the estimate and receipts for any repairs and these documents will be maintained in the case file.

5. If air fare is to be provided, arrangements for such fares will be made through the State Travel Coordinator, Department of Rehabilitation Services State Office. A request for Out-of-State Travel form is required to document out-of-state travel. The authorization and claim must show the date(s) of the trip(s), rate of payment and points of departure and arrival.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612, added that cannot use transportation to pay for other services
7-1-97	PT Memo #97-9 Permanent, added criteria for paying out-of-state transportation to seek employment
7-1-98	PT Memo #98-15 Permanent, consumer transportation in private vehicle always authorized to consumer. Rate is negotiated up to State reimbursement rate.
6-14-99	POL Memo #99-7 Emergency, Section amended to include instruction in the use of public transit and vehicles
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-06	PT Memo #07-01 Permanent, transportation is paid at the rate of 100% of the state rate and clarified mileage reimbursement is to pay for all costs associated with driving a vehicle.
7-1-08	PT Memo #09-01 Permanent, Travel reimbursement 75%
7-1-09	PT Memo #10-01 Permanent, added vehicle repairs and formula for private transportation.

7-1-10 PT Memo #10-02
Permanent, expediting calculation of transportation assistance.
7-1-11 PT Memo #12-01
Permanent, removed duplicative language and clarified intent

612:10-7-132. Services to family members

(a) Services to family members of an individual with a disability may be provided when such services are necessary to enable the applicant or client to achieve an employment outcome.

(b) Services provided family members will consist of counseling, guidance, training on how to help the individual with adjustment to limitations, and referral to sources where needed services may be obtained.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
10-1-97	PT Memo #98-4 Emergency, removed prohibition against paying for services to family members, added description of services to family members which may be purchased
7-1-98	PT Memo #98-15 Makes emergency issued 10-1-97 permanent. RVS funds can be used to purchase services to family members under specified conditions.

PART 15. TRAINING

Section

612:10-7-142. General guidelines for training services

612:10-7-149. College and university training

612:10-7-150. Continued eligibility for college or university training

612:10-7-152. Payment of tuition and fees at colleges and universities

612:10-7-156. Advanced standing tests for college students

612:10-7-157. Out-of-state training

612:10-7-158. Training for individuals in custody of the Department of Corrections

612:10-7-161. Public and private vocational schools

612:10-7-162. Textbooks, supplies, training tools and equipment

612:10-7-163. On-the-job training

612:10-7-164. Personal and work adjustment training

612:10-7-165. Distance Education

612:10-7-166. Tutorial training

612:10-7-167. Compensatory training

612:10-7-170. Work experience, internship and apprenticeship

612:10-7-142. General guidelines for training services

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

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

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

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

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

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

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

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

(b) Training may be provided for clients who:

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

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

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

(c) Decisions related to training are based on the individual needs and informed choices of the client as identified in the IPE. **1**

(d) DVR and DSBVI will only pay tuition and fees for courses which count toward requirements consistent with the vocational goal of the IPE. Training of DVR and DSBVI clients is provided by colleges, universities, private business and trade schools, state supported vocational schools, employers in the form of on-the-job training, sheltered workshops, and other approved training facilities with valid contracts. **2**

(e) Federal regulations require a search for comparable services and benefits with the results documented before payment can be made for training in the following institutions: colleges, universities, community/junior colleges, public or private

vocational/technical schools, or hospital schools of nursing. PELL grants and other available Federal/State student aid (excluding merit awards) must be applied to tuition, fees and all other educational expenses as a first dollar source prior to consideration of the expenditure of DRS funds.

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

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

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

Instructions to Staff

1. Training provided any eligible client must be adequate to meet individual needs, not only to acquire suitable employment, but for job retention. In developing a training program, the counselor and the client must give consideration to such items as:

   (A) limitations imposed by the client's disability;

   (B) past work record;

   (C) academic achievement;

   (D) ambitions and expectations of the client and the family;

   (E) aptitude tests given by the counselor or from other sources, and

   (F) availability of employment in a selected training field.

A training program should be broad enough to provide the client with a choice of jobs if the specific objective cannot be reached and a base for advancement to greater responsibility if the training is completed.

The case record must contain testing and/or supportive data to substantiate the reasonable expectation for successful completion of a training program.

2. 612:10-1-8 Vendor contracts policy

Section History

9-1-93 No PT Memo
Emergency, first adoption under OAC Title 612

7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
11-17-94	PT Memo #94-5 Emergency, removed word "basic" from description of training to meet the requirements of a particular vocational objective
7-1-95	PT Memo #95-2 Permanent, supersedes emergency rules issued 11-17-94
4-3-96	PT Memo #96-2 Emergency, clarify that RVS will not pay beyond first RVS sponsored enrollment until client provides proof of eligibility/ineligibility for comparable benefits
7-1-97	PT Memo #97-9 Permanent, supersedes emergency rules issued 4-3-96
7-1-99	POL Memo #00-1 Permanent, updated DVR/DVS
12-1-03	POL Memo #04-02 Permanent, added footnote 2 to Instructions to Staff
7-1-04	PT Memo #05-01 Permanent, limiting payment for courses toward requirements and IPE
7-1-10	PT Memo #10-02 Permanent, clarifying language regarding PELL and other student aid programs.
7-1-11	PT Memo #12-01 Permanent, consolidating training provisions
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-7-149. College and university training

(a) Training for rehabilitation clients is provided in those colleges and universities which are accredited by the appropriate accrediting agency, whose credits will be given full recognition by other accredited colleges and universities, and which are under contract. Private and denominational colleges and universities may be used for the training of DRS clients, provided they are accredited and under contract.

(b) Clients approved for college or university training must exhibit the ability to do college work. The counselor will have evidence in the case file indicating the client's ability to do college work before a program is developed calling for training at the college or university level.

(c) For DVR and DSBVI clients pursuing a college or university degree, the Department will sponsor only the number of semester hours or remaining hours required for a specific degree. Exceptions may be approved by the counselor.

(d) Previously completed credit hours which are applicable to the degree requirements will be incorporated in the development of the IPE. When a client changes majors, DVR and DSBVI funding will be limited to the number of credit hours needed for the new major minus the number of DVR and DSBVI funded credit hours lost due to the change in majors, unless the change in majors results from circumstances beyond the client's control.

Instructions to Staff

See 612:10-3-3 Financial status determination

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
12-01-03	POL Memo #04-02 Permanent, added footnote 1
7-1-11	PT Memo #12-01 Permanent, updating language
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired. Updated language.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-7-150. Continued eligibility for college or university training

(a) **Requirements for continued eligibility.** DVR or DSBVI clients in college or university training will be expected to attend classes regularly and make continuous progress toward graduation.

(b) **To continue assistance with college or university training**, the client must maintain a cumulative 2.0 grade-point average (GPA), based on a four point (4.0) scale.

(c) **The client must maintain at a minimum the cumulative GPA required by the Institution for the client's major field of study.** If the client is unable to consistently maintain the minimum cumulative GPA for their chosen field of study, the Counselor will reassess the justification for continued training and whether a change in vocational goal is necessary.

(d) **The client must carry the minimum number of semester hours determined to be full time at the school attended.** Exceptions may be granted by the counselor, based on severity of disability, scheduling problems, or other valid reasons.

(e) **(When a client fails to meet the requirements for continued sponsorship the guidelines in (1) – (5) of this Subsection are to be followed:**

(1) Payment of training services based on client's financial status will not be provided if the client's grades fall below 1.5 cumulative GPA.

(2) Training services may be paid for a client having a cumulative GPA between 1.5 and 1.9 for the first semester that grades fall below 2.0 cumulative GPA. Subsequent enrollments can only be paid if the student's cumulative GPA shows progress.

(3) A client failing to meet the grade point requirement may continue to receive services not based on financial status.

(4) A client failing to meet grade point requirements may be approved by the counselor if there are extenuating circumstances beyond the client's control.

(5) A client failing to meet grade point requirements will be contacted as soon as appropriate to complete a program review to determine if a change in services, vocational goal, or objectives is needed. A client failing to meet chosen goals will not have his/her case closed until the counselor has provided counseling and guidance and determined that a change in the IPE is inappropriate. The counselor should investigate the need for further vocational and/or educational evaluation to explore alternative employment goals.

(f) **Withdrawals and failures.** Clients who withdraw or fail courses paid by DVR and DSBVI will be required to pay for a like number of hours during the following enrollment period subject to the guidelines in (a) of this Section.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

11-17-94	PT Memo #94-5 Emergency, clarify that tuition and fees will be withheld if client doesn't make satisfactory progress.
7-1-95	PT Memo #95-2 Permanent, supersedes emergency rules issued 11-17-94
4-3-96	PT Memo #96-2 Emergency, removed wording that indicated tuition and fees were exempt from client participation in cost.
7-1-97	PT Memo #97-9 Permanent, supersedes emergency rules issued 4-3-96
7-1-98	PT Memo #98-15 Permanent, Clean-up editing; added ITS 2
6-14-99	POL Memo #99-7 Emergency, updated DVR/DVS; changed Department sponsorship guidelines to grade point requirements.
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-02	POL Memo #02-02 Permanent, cutoff for payment of semester's costs
10-1-07	PT Memo #08-02 Permanent, AWARE change. Removed Case Narrative form reference.
7-1-10	PT Memo #10-02 Permanent, removal of obsolete terms and grammatical corrections.
7-1-11	PT Memo #12-01 Permanent, updating language
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI). Revised language for clarification on maintaining the minimum GPA in client’s major field of study.

612:10-7-152. Payment of tuition and fees at colleges and universities

(a) **Public institutions of higher learning.** Tuition and fees for DVR and DSBVI clients attending public colleges and universities will be paid at the rate set for resident students by the Oklahoma Regents for Higher Education and within limits prescribed by the Legislature. DVR and DSBVI will pay those fees charged to all students and special fees associated with required courses in the student's major field of study. **1**

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

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

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

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

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

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

(f) **Private institutions of higher learning.** Tuition and fees for students in attendance at accredited private or denominational schools will be paid at the same rate as that paid at state-supported colleges or universities of equal rank. **2** After the completion of the first semester, a grade report, proof of enrollment, and an itemized invoice are required documentation to support the authorization for tuition and fees. It is the responsibility of the client to provide this support documentation. The client may provide this documentation electronically or as a printed document in the standard format used by the school.

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

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

Instructions to Staff

1. Authorization and payment of tuition and fees at public colleges and universities:

Direct client payments for tuition and fees at a public college or university should be authorized and paid to the client prior to the school-imposed deadline for payment of tuition and fees. The amount of a direct client payment authorization for tuition and fees shall be based on the number of hours to be taken, the Oklahoma resident student rate established for tuition, mandatory fees and additional fees associated with the student's course of study. The counselor will review the itemized invoice to ensure that all charges are related to the vocational goal. The counselor shall inform the client of his/her responsibility to supply the current semester class schedule, academic calendar, itemized invoice and student aid award letter prior to the school "Drop and Add Date" so that authorization and payment amounts may be calculated. In the absence of an itemized invoice, an online resident student rate schedule may be used. For continuing students, the counselor shall inform the client of his/her responsibility to provide the previous semester's grade report to confirm continued eligibility for DRS tuition assistance.

2. Authorization and payment of tuition and fees at private institutions of higher learning:

Tuition and fees for students attending private or denominational colleges or universities are authorized and paid directly to the institutions in accordance with applicable DRS contracts. The authorization and payment amount is calculated based on the number of course hours in which the student is enrolled, the applicable tuition rate per hour, mandatory student fees and any additional fees associated with the student's course of study. The counselor will review the itemized invoice to ensure that all charges are related to the vocational goal. For continuing students, the counselor shall inform the client of his/her responsibility to provide the previous semester's grade report to confirm continued eligibility for DRS tuition assistance. The counselor shall also inform the client of his/her responsibility to supply the current semester class schedule, academic calendar, itemized invoice and student aid award letter prior to the school "Drop and Add Date" so that authorization and payment amounts may be calculated. Authorization shall be issued at the beginning of each semester and no later than the "Drop and Add Date." Payment shall be released by the "Drop and Add Date."

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
11-17-94	PT Memo #94-5 Emergency, exempted payment of tuition and fees from client participation in service costs.
7-1-95	PT Memo #95-2 Permanent, supersedes emergency rules issued 11-17-94
4-3-96	PT Memo #96-2

	Emergency, removed language exempting tuition and fees from client participation in service costs, limited service beyond bachelor's degree to disability related services, returned field coordinator approval of training beyond bachelor's degree.
7-1-97	PT Memo #97-9 Permanent, supersedes emergency rules issued 4-3-96
6-14-99	POL Memo #99-7 Emergency, removed restriction on services that can be provided during training beyond bachelor's degree.
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-01	PT Memo #01-08 Permanent, amended direct client payment and Instructions to Staff
7-1-02	POL Memo #02-02 Permanent, cutoff for payment of semester's costs
7-1-02	POL Memo (future memo) ITS, additional training institutions under direct client payment
7-1-03	PT Memo #03-07 Permanent, adapted to conform with statute.
10-1-07	PT Memo #08-02 Permanent, AWARE change. Removed ORMIS reference
7-1-09	PT Memo #10-01 Permanent, Pell grants, Fed and State aids must be applied to tuition and fees before DRS funds
7-1-10	PT Memo #10-02 Permanent, clarifying language and removal of supervisory approval.
7-1-11	PT Memo #12-01 Permanent, clarifying language.
9-12-14	Permanent, Deletion of language on authorization issued for tuition and fees.
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired. Added language requiring the client to provide a grade report, proof of enrollment and an itemized invoice after the completion of the first semester to support the authorization for tuition and fees.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
4-11-18	Updated ITS #1 and #2 to include academic calendar language.
8-11-19	Removal of antiquated language in section a, added sections (b) – (e), renumbered (f) – (h).
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-7-156. Advanced standing test for college students

DRS can pay the fee for advanced standing tests. Proof of a passing grade is required prior to payment.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-01	PT Memo #01-08
	Permanent, amended instructions to staff
7-1-02	POL Memo 02-02
	ITS, additional training institutions under direct client payment
2-14-03	POL Memo #03-05
	Permanent, ITS changed list of colleges to table 71 in ORMIS
10-1-07	PT Memo #08-02
	Permanent, AWARE change.
7-1-10	PT Memo #10-02
	Permanent, removed ITS

612:10-7-157. Out-of-state training

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

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

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

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

(b) The case record is to document the basis for this determination. **1**

(c) Individual counselors will be responsible for authorizing payment to out-of-state training facilities, unless a specific counselor has been assigned for the training facility. Tuition for a student who attends an out-of-state college or university will be paid at the same rate paid at Oklahoma colleges or universities of equal rank. Payment for textbooks and training tools and supplies can be provided for clients in out-of-state training, in accordance with DRS policy. **2**

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

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

INSTRUCTIONS TO STAFF

1. Documentation must state why the particular vendor is being used in terms of specific clients, and address the issues of:

(1) selection of vocational objective;

(2) projected starting and completion dates;

(3) breakdown of costs; and

(4) extent of comparable services and benefits.

2. See 612:10-7-162

3. Out-of-state training for clients that include equipment, tools, or travel require prior approval from RSA.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-95	PT Memo #95-2

	Permanent, liberalized payment of out-of-state tuition
6-14-99	POL Memo #99-7
	Emergency, changed IRP to IPE
7-1-99	POL Memo #00-1
	Permanent, supersedes emergency rules issued 6-14-99
7-1-03	PT Memo #03-07
	Permanent, deleted ambiguous language.
7-1-06	PT Memo #07-01
	Permanent, deleted IPE's for out of state training must have supervisory approval
7-1-10	PT Memo #10-02
	Permanent, removed inaccurate reference.
7-1-11	PT Memo #12-01
9-30-19	Added ITS #3.

612:10-7-158. Training for individuals in custody of the Department of Corrections

DVR and DSBVI funds are not used to defray the cost of training for individuals in the custody of the Department of Corrections. **1, 2** This does not apply to individuals who meet the criteria set forth within a joint memorandum of understanding between DRS and the Department of Corrections.

Instructions to Staff

1. The Department of Corrections has cooperative agreements with local vocational technical schools specifically for training purposes.

2. An individual is in the custody of the Department of Corrections when in one of its facilities, or under house arrest. Individuals who are on pardon or parole are not considered to be in the custody of the Department of Corrections for the purposes of this Section.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-99	POL Memo #00-1 Permanent, updated DVR/DVS; cooperative agreement language moved to Instructions to Staff.
7-1-11	PT Memo #12-01 Permanent, removed blanket prohibitions of services for individuals with disabilities in DOC custody.
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-7-161. Public and private vocational schools

(a) Client training may be purchased from public or private vocational schools that have a valid purchasing agreement with DRS, after use of available comparable benefits such as PELL grants and other federal/state student aid (excluding merit awards). **1**

(b) Privately-owned vocational schools must be accredited or licensed through the appropriate state board, if applicable, before a purchasing agreement with DRS can be finalized. Tuition at privately owned vocational schools will be paid at rates approved by the Oklahoma Commission for Rehabilitation Services sitting as the Rates and Standards Committee. The authorized rate will remain constant during the contract period.

(c) Continued eligibility of a client in training at a vocational school will be based on the client's performance in respect to grades, progress and attendance. The minimum standards used by the training facility for satisfactory progress in respect to grades and attendance will be utilized by DVR and DSBVI staff in determining the progress of the client.

(1) DVR and DSBVI sponsored clients attending vocational technical schools who withdraw or fail course work will be required to pay for like credit or clock hours during the following enrollment period.

(2) A client who fails to meet agency sponsorship guidelines for training at vocational technical schools may continue to receive services not requiring client participation in cost of services.

(3) A client failing to meet agency sponsorship guidelines may be approved by the counselor if there are extenuating circumstances.

(4) A client failing to meet agency sponsorship guidelines will be contacted as soon as appropriate to complete a program review to determine if a change in services, vocational goal or objective is needed. A client failing to meet chosen goals will not have her/his case closed until the counselor has provided counseling and guidance and has determined that a change in the IPE is inappropriate. The counselor should investigate the need for further vocational and/or educational evaluation to explore alternative employment goals.

Instructions to Staff

1. Every vocational school that has a valid purchasing agreement with DRS is listed in the contract log.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
11-17-94	PT Memo #94-5 Emergency, exempted payment of tuition and fees from client participation in service costs.
7-1-95	PT Memo #95-2 Permanent, supersedes emergency rules issued 11-17-94

4-3-96	PT Memo #96-2 Emergency, removed language exempting tuition and fees from client participation in service costs.
7-1-97	PT Memo #97-9 Permanent, supersedes emergency rules issued 4-3-96
7-1-98	PT Memo #98-15 Permanent, clean-up editing, added ITS #2
6-14-99	POL Memo #99-7 Emergency, updated DVR/DVS and IRP to IPE
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-01	PT Memo #01-08 Permanent, changes to direct client payments
7-1-07	PT Memo #08-01 Permanent, removed direct client payment.
7-1-10	PT Memo #10-02 Permanent, removed outdated information.
7-1-11	PT Memo #12-01 Permanent, consolidating policy
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-7-162. Textbooks, supplies, training tools and equipment

(a) For clients attending training, an allowance may be provided to cover the actual cost of required books, supplies, training tools and equipment, after available comparable benefits have been applied. When an allowance is provided, the client will be required to furnish documentation of the costs of required books, supplies, tools or equipment. The counselor will work with the client in obtaining and utilizing comparable benefits including the PELL grant and planning for the use of other resources to help meet this expense. The textbook allowance will be adjusted the following semester for clients who fail or withdraw from courses paid by DVR or DSBVI. Only textbooks for the current semester's enrollment will be provided.

(b) Training tools and equipment costing more than $500 will be purchased directly from the vendor in accordance with DRS policy.

(c) The client, or client's family or authorized representative as appropriate, is responsible for maintaining supplies and training tools in good working order. DVR and DSBVI will pay for repairs to supplies and training tools purchased with DVR and DSBVI funds during the life of the case unless there is clear evidence the supplies or training tools have been damaged due to client abuse or neglect.

(d) Gun "kits", but not operable firearms, used as training tools may be purchased for students in gun-smithing school only.

(e) The Department retains title to any tools costing $500 or more purchased for training purposes until title is released by an authorized agent of the Department. The counselor will complete the Receipt for Equipment and Title Agreement, and obtain necessary signatures, before releasing such tools to the client. Any tools purchased for training purposes remain with the client while he/she is in training and after the completion of the training if they can be used in the client's chosen vocation. If the client drops out of training, DRS at its discretion may take steps to repossess the tools to transfer to another client.

(f) Case recording must reflect the disposition of tools and materials provided the client before the case is closed.

(g) Computers and related high tech equipment necessary for the client to participate in a training program or required by the training entity may be purchased as a client service in accordance with agency policy. The cost of computers and related equipment will not be included in an allowance for textbooks and supplies.

Instructions to Staff

1. See 612:10-3-2.

2. See 612:10-1-7.

3. Equipment purchased on behalf of the client is subject to prior approval from RSA. Prior approval for this section is received as part of the aggregated approval process as defined in RSA-TAC-18-02.

Section History
9-1-93 No PT Memo

Emergency, first adoption under OAC Title 612

7-1-94 PT Memo #94-1
Permanent, first adoption under OAC Title 612, added requirement for title agreement

4-3-96 PT Memo #96-2
Emergency, client responsible for upkeep of training supplies, tools, etc., RVS will pay for repairs only when no evidence of neglect or abuse

3-1-97 PT Memo #97-5
Emergency, strengthened changes made 4-3-96

7-1-97 PT Memo #97-9
Permanent, supersedes emergency rules issued 4-3-96

7-1-99 POL Memo #00-1
Permanent, updated DVR/DVS

7-1-03 PT Memo #03-07
Permanent, updated language.

7-1-06 PT Memo #07-01
Permanent, adds language stating we will not buy operable firearms.

7-1-10 PT Memo #10-02
Permanent, clarified using comparable funds before VR funds.

7-1-11 PT Memo #12-01
Permanent, consolidating policy

8-27-15 Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.

9-11-17 Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.

9-30-19 Added ITS #3 and hyperlink.

9-11-20 Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-7-163. On-the-job training

(a) When on-the-job training will best suit the client's needs, this type of training can be considered. **1** In order for the client to gain work experience and obtain employment, OJT can be provided in conjunction with any other DRS service. This service does not require client participation in cost of services. **2**

(b) In selecting on-the-job training sites, the counselor must assure the items in (1) - (6) of this Subsection are met:

(1) The business or individual must have enough work to provide the client sufficient training.

(2) The business or individual must be able to provide proper equipment.

(3) The individual who actually does the training must be the employer or an employee of the business and have the knowledge, skill, and ability to train the client.

(4) Time must be devoted daily to the training of the client.

(5) It is expected the client will be employable after a reasonable period of training.

(6) The employer must be willing to consider the client for any open position, full or part time, after the initial training period.

(c) There is no specific length of time for on-the-job training, as the length of time needed for training will vary with the complexity of the job being learned. **3**

(d) Individuals and businesses which provide on-the-job training are expected to compensate OJT participants according to applicable minimum wage and hour regulations under the Fair Labor Standards Act. The employer must pay the client at least the applicable minimum wage unless the counselor issues a sub-minimum wage certificate. This permits the employer to pay less than the minimum wage for a specified period of time if the client has a severe disability. **4,5**

(e) On-the-job training payments are reimbursement for wages and benefits paid by the employer. Reimbursement is paid to the employer who pays the client just like his or her own employees. It is not permissible for the employer to endorse the reimbursement check and give it to the client in lieu of wages. **6**

(f) Reimbursement for on-the-job training is paid on a monthly basis.

INSTRUCTIONS TO STAFF

1. 612:10-1-8

2. 612:10-3-4

3. The counselor will review the progress of the client on a monthly basis to keep the training period to a minimum.

4. Counselors may assist employers in acquiring copies of minimum wage regulations and forms from the local office of the Department of Labor, Wage and Hour Division.

5. Subminimum certificates can be obtained from the U. S. Department of Labor, Certification Department, 525 S. Griffin Street, Suite 800, Dallas, Texas 75202; telephone: 214 767-6895.

6. Link to OJT contract documents: Click Here

7. Equipment for working conditions that are provided to the client are subject to prior approval from the RSA. Equipment provided by the employer would not be subject to the prior approval requirements.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612, added requirement for title agreement
7-1-97	PT Memo #97-9 ITS, address to obtain sub-minimum wage certificate added
7-1-98	PT Memo #98-15 Permanent, trainer must be employer or employee of business. OJT funds are not to be used to reimburse wages. Removed cross reference to supervisory approval section. OJT no longer requires supervisory approval.
7-1-10	PT Memo 10-02 Emergency rule/Permanent, OJT funds are to be used to reimburse wages.
9-30-19	Added ITS #7.

612:10-7-164. Personal and work adjustment training

(a) Personal and/or work adjustment training is provided by facilities and schools having valid contracts with the Department. **1**

(b) Personal or work adjustment training is the provision of skills or techniques for the purpose of enabling the individual to compensate for a disability such as the loss of a member of the body or the loss of sensory function. Personal or work adjustment training includes but is not limited to conditioning activities for developing work tolerance, work therapy, occupational therapy, lip reading, speech training and speech correction, auditory training, gait training, diabetes management courses, driver's training, and mobility training. It may also include development of personal habits, attitudes, and work habits necessary to orient the individual to the world of work. This service does not require client participation in cost of services. **2** High school students eligible for this service must be at least 16 years of age and may not participate for more than 18 months unless client and counselor determine additional time is needed. **3**

INSTRUCTIONS TO STAFF

1. 612:10-1-8 Vendor contracts
2. 612:10-3-4 Services exempt from client participation in service cost
3. Link to Work Adjustment Training-Transition Guidance Document.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612, added requirement for title agreement
10-1-97	PT Memo #98-4 Emergency, changed 'Sheltered Workshops' to 'Community Rehabilitation Programs'
7-1-98	PT Memo #98-15 Makes emergency rules issued 10-1-97 permanent, took out 'sheltered workshop' which is now an obsolete term
7-1-10	PT Memo #10-02 Permanent, updating language.
7-1-11	PT Memo #12-01 Permanent, clarifying language
7-1-12	Permanent, added link to Work Adjustment Training-Transition Guidance document.

612:10-7-165. Distance Education

Distance Education includes but is not limited to internet training, correspondence training and talkback TV.

(1) Distance education may be provided if the client needs training which may be obtained most practically by distance education.

(2) Tuition for college and/or vocational distance education cannot exceed the State rate for comparable training.

(3) Distance educational programs will only be approved if institution has recognized accreditation.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-98	PT Memo #98-15
	ITS, changed to conform with ORMIS
6-14-99	POL Memo #99-7
	Emergency, changed IRP to IPE
7-1-99	POL Memo #00-1
	Permanent, supersedes emergency rules issued 6-14-99
7-1-01	PT Memo #01-08
	Permanent, amended Instructions to Staff
7-1-02	POL Memo 02-02
	ITS, additional training institutions under direct client payment
2-14-03	POL Memo #03-05
	Permanent, ITS changed list of colleges to table 71 in ORMIS
7-1-05	PT Memo #06-01
	Permanent, general cleanup of language
7-1-10	PT Memo #10-02
	Permanent, removed ITS

612:10-7-166. Tutorial training

(a) Counselors may provide tutorial training for clients with significant disabilities who cannot receive training by another method or who may need assistance to complete a formal training course satisfactorily. **1**

(b) Persons chosen to provide tutorial training for clients must have the necessary skills to provide assistance to the client and be willing to provide the training at a time and place suitable to the client. Examples of proof of necessary skills are the following:

(1) Letter of recommendation from college or university

(2) Teaching certificate

(3) Transcripts.

(4) Other documentation of knowledge, skills or ability to instruct in the designated subject.

INSTRUCTIONS TO STAFF

1. Payment for tutorial training is negotiated between the client, vendor and counselor with a direct payment made to the client. However, when services are provided by a training facility or learning center a contract is required. See 612:10-1-8. Counselors must assure themselves of the credentials of the tutor. A copy of the tutor's transcript and/or other credentials should be placed in the client's record. Once the tutor's credentials are established, the client will arrange for and pay the tutor of their choice. The counselor will list the tutor services as a separate service on the IPE.

Section History
9-1-93 No PT Memo
Emergency, first adoption under OAC Title 612
7-1-94 PT Memo #94-1
Permanent, first adoption under OAC Title 612
12-01-03 PT Memo #04-02
Permanent, clarified footnote in ITS
7-1-07 PT Memo #08-01
Permanent, added examples of necessary skills
7-1-08 PT Memo #09-01
Permanent, Replaced "severe" with "significant"
7-1-10 PT Memo #10-02
Permanent, removed upper limit for per hour basis
7-1-11 PT Memo #12-01
Permanent, added (b)(4)

612:10-7-167. Compensatory training

Compensatory training is defined as training required so that the client can benefit from a formal training program or enter or retain employment. 1 Compensatory training is important to individuals who have cognitive problems due to traumatic brain injury, specific learning disabilities or sensory deficits.

INSTRUCTIONS TO STAFF

1. 612:10-1-8 and 612:10-3-4

Section History
9-1-93 No PT Memo
Emergency, first adoption under OAC Title 612
7-1-94 PT Memo #94-1
Permanent, first adoption under OAC Title 612
4-3-96 PT Memo #96-2
Emergency, clarified that compensatory training is to be directly related to employment
7-1-97 PT Memo #97-9
Permanent, supersedes emergency rules issued 4-3-96

612:10-7-167. Compensatory training

Compensatory training is defined as training required so that the client can benefit from a formal training program or enter or retain employment. **1** Compensatory training is important to individuals who have cognitive problems due to traumatic brain injury, specific learning disabilities or sensory deficits.

INSTRUCTIONS TO STAFF

1. 612:10-1-8 and 612:10-3-4

2. If a student is still in high school, but is not a client with a DRS IPE and taking the pre-employment camp-training program then it will require prior approval from RSA.

Section History

9-1-93 No PT Memo
Emergency, first adoption under OAC Title 612
7-1-94 PT Memo #94-1
Permanent, first adoption under OAC Title 612
4-3-96 PT Memo #96-2
Emergency, clarified that compensatory training is to be directly related to employment
7-1-97 PT Memo #97-9
Permanent, supersedes emergency rules issued 4-3-96
9-30-19 Added ITS #2.

612:10-7-170. Work experience, internship and apprenticeship

(a) Work experience, internship and apprenticeship opportunities are types of training that may be provided or arranged to help clients gain experience in the world of work, improve job readiness, develop a work record to advance future employment, make or refine vocational goal decisions, develop career/discipline familiarity, obtain specific skills related to a career choice, or prepare for a specific occupation.

(b) Work experiences, internships and apprenticeships may be arranged with public or private organizations or employers.

(c) To the extent that costs of providing work experiences, internships or apprenticeships are not met by employers or through comparable benefits, DRS may provide these types of training through agreement or contracted with the employer or organization, in accordance with agency procedures for purchase of services. Work experiences, internships and apprenticeships do not require client participation in cost of services.

(d) Work experiences and internships or any combination of such experiences provided for a client by DRS may be of any duration not to exceed six months except with supervisory approval.

Section History
9-11-17 New policy

PART 17. SUPPORTED EMPLOYMENT SERVICES

Section

612:10-7-179. Overview of Supported Employment Services

612:10-7-180. Eligibility for the Supported Employment Program

612:10-7-181. Integrated settings

612:10-7-182. Competitive employment for supported employment clients

612:10-7-183. Ongoing support services

612:10-7-184. Extended services

612:10-7-185. Provision of supported employment services

612:10-7-179. Overview of Supported Employment Services

Supported employment services are provided to individuals with the most severe disabilities who need supports on and off the job to obtain and maintain employment. **1**

INSTRUCTIONS TO STAFF

1. Supported employment is for individuals who need substantial assistance in making a job choice; finding a job matching that choice; learning job tasks, gaining work adjustment skills, and stabilizing in employment; as well as long term support to retain employment.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
10-1-97	PT Memo #98-4 Emergency, complete rewrite to conform to new RSA regulations
7-1-98	PT Memo #98-15 Makes emergency rules issued 10-1-97 permanent, reworded to conform with RSA regulations
6-14-99	POL Memo #99-7 Emergency, changed IRP to IPE
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-03	PT Memo #03-07 Permanent, added sections b and c.
7-1-05	PT Memo #06-01 Permanent, general cleanup of language
7-1-06	PT Memo #07-01 Permanent, deleted reference to Priority Group 1.
7-1-11	PT Memo #12-01 Permanent, deleted duplications and clarified language

612:10-7-180. Eligibility for the Supported Employment Program

An individual shall be eligible for supported employment services if:

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

(2) The individual is determined to be an individual with the most severe disabilities; and

(3) A comprehensive assessment of rehabilitation needs of the individual, including an evaluation of rehabilitation, career, and job needs, identifies supported employment as the appropriate rehabilitation objective for the individual. **1**

INSTRUCTION TO STAFF

1. The counselor will document in the case record results of the assessment which identify supported employment as the appropriate rehabilitation objective for the individual. 612:10-7-51(c)(1).

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-03	PT Memo #03-07 Permanent, added priority group 1.
7-1-06	PT Memo #07-01 Permanent, deleted reference to Priority Group 1
7-1-11	PT Memo #12-01 Permanent, added ITS

612:10-7-181. Integrated settings

Jobs will be viewed on a case by case basis if there is question of integration. **1, 2** A determination of whether an individual's employment within a Community Rehabilitation Program meets the "integrated setting" requirement for an "employment outcome" shall be based on an individual determination that:

(1) The individual is employed in a type of job available and open to the general public.

(2) The individual is employed under the same working conditions as others without a disability in similar positions.

(3) The individual has ongoing interaction with other workers, supervisors and the general public to the same degree as workers without disabilities in the same or comparable occupations.

(4) The general working conditions reflect integration with other workers rather than separation/segregation.

INSTRUCTIONS TO STAFF

1. 34 CFR 361.5(c)(15) Employment Outcome, (9) Competitive Integrated Employment and (32) Integrated Setting.

2. Link to RSA Technical Assistance Circular 06-01 on Integrated Setting. TAC 06-01

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
10-1-97	PT Memo #98-4 Emergency, removed 'enclave' wording from description of integrated settings to conform with new RSA regulations
7-1-98	PT Memo #98-15 Makes emergency rules issued 10-1-97 permanent, Enclave no longer counts as integrated setting
7-1-08	PT Memo #09-01 Permanent, clarifying integrated setting
7-1-11	PT Memo #12-01 Permanent, removed extraneous language
11-30-17	Updated ITS #1 hyperlink, added language “(9) Competitive Integrated Employment and (32)”.

612:10-7-182. Competitive employment for supported employment clients

Competitive employment for supported employment clients is performed on a full-time or part-time basis in an integrated setting, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual. The individual is compensated at or above minimum wage, but not less than the customary or usual wage paid by the employer for the same or similar work performed by individuals who are not disabled. Wages must be paid by the employer, not the vendor. **1**

INSTRUCTIONS TO STAFF

1. Counselors will review the cases of individuals working less than 20 hours per week no less than every 90 days and document the appropriateness of the existing work week goal until transition to extended services. The counselor will document any significant differences in the ultimate work week goal achieved as compared with the predicted goal.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
10-1-97	PT Memo #98-4 Emergency, changed definition of competitive work to conform to new RSA regulations
7-1-98	PT Memo #98-15 Makes emergency rules issued 10-1-97 permanent, placement for supported employment must meet minimum wage requirement
6-14-99	POL Memo #99-7 Emergency, redefined acceptable supported employment outcomes in compliance with 1998 amendments to the Rehabilitation Act
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-03	PT Memo #03-07 Permanent, updated language.
7-1-07	PT Memo #08-01 Permanent, eliminated closure amendment.
7-1-11	PT Memo #12-01 Permanent, clarifying language

612:10-7-183. Ongoing support services

The individual will be provided needed and appropriate ongoing support services such as job site training, transportation, service to family members, or any service necessary to achieve and maintain the supported employment placement throughout the term of employment. **1** DVR and DSBVI sponsored support services are provided from the time of placement until the individual is stabilized on the job (completion of "Stabilization Milestone") by the service provider.

Instructions to Staff

1. Ongoing support services may include:

   (A) Any assessment needed to supplement the comprehensive assessment of rehabilitation needs;

   (B) Provision of skilled job trainers who accompany the individual for intensive job skill training at the work site;

   (C) Job development and placement;

   (D) Job re-placement if a job has been lost, or additional job placement if more hours are needed;

   (E) Social skills training;

   (F) Regular observation or supervision of the individual;

   (G) Additional skill training, if needed for promotion opportunities;

   (H) Support when client is working for a new supervisor;

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

   (J) Facilitation of natural supports at the worksite.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
6-14-99	POL Memo #99-7 Emergency, updated DVR/DVS and IRP to IPE
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-7-184. Extended services

Extended services are a continuation of ongoing support services provided to individuals in Supported Employment at completion of stabilization, during the "Successful Rehabilitation" Milestone and beyond case closure. Such services consist of the provision of specific services, including natural supports, needed to maintain the supported employment placement. Extended services are specifically identified in the IPE. Except as provided by federal law with regard to youth with the most significant disabilities, extended services are paid from funding sources other than DVR and DSBVI. An individual may not be found ineligible for supported employment services because the resource for providing extended services cannot be identified. **1**

Instructions to Staff

1. If resources for providing extended services cannot be identified at the time the IPE is written, the counselor would:

(A) certify the individual eligible for the DVR and DSBVI program;

(B) write and initiate the IPE with a statement explaining the basis for concluding that there is a reasonable expectation that extended services will become available; and

(C) seek out and/or help in developing the needed extended services resource, including natural supports, then amend the IPE when the resource is identified and in place.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
10-1-97	PT Memo #98-4 Emergency, changed so that IRP can be written when extended services provider has not yet been found.
7-1-98	PT Memo #98-15 Makes emergency rules issued 10-1-97 permanent, initiate IRP even if don't have commitment for extended services provider, state why expect to get one, amend plan when do.
6-14-99	POL Memo #99-7 Emergency, updated DVR/DVS and IRP to IPE
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-03	PT Memo #03-07 Permanent, added supported employment language.
7-1-08	PT Memo #09-01 Permanent, Replaced "severe" with "significant"
7-1-11	PT Memo #12-01 Permanent, removed procedures to ITS
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.

9-11-17 Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
Updated language to permit DRS to provide extended services up to 4 years for youth with the most significant disabilities who are working in supported employment, to allow them to maintain such employment.

9-11-20 Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-7-185. Provision of supported employment services

(a) Supported employment (SE) services are provided by DRS for a period of time not to exceed the period specified in federal law, unless under special circumstances the eligible individual and the rehabilitation counselor jointly agree to extend the time in order to achieve the rehabilitation objective identified in the IPE. **1**

(b) Supported employment services are not subject to financial status determination. Services are purchased from a qualified vendor under contract with the Department. Payment rates are established by the Commission for Rehabilitation Services and are based on a system of service milestones. **2**

(c) Supported employment services may include: **3**

(1) Situational assessments to help develop, finalize or reassess a supported employment plan of services;

(2) Job development and job placement;

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

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

(d) DRS must utilize re-placement services for individuals who lose a job within two years of achieving a successful rehabilitation outcome if the counselor determines extended services are not adequate to cover re-placement and DRS assistance is necessary. **4** Re-placement services include Vocational Preparation/Job Club, Four (4) Weeks Job Support, Job Stabilization and Successful Rehabilitation. **5**

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

INSTRUCTIONS TO STAFF

1. 34 CFR 361.5(c), 29 USC Section 705(39) and 29 USC Section 723(a). Federal law currently specifies 24 months as the period for which supported employment services can be provided by a VR agency, with exceptions. The 24 months of time-limited services are based on the time actually spent by the client in employment, and do not include time during breaks in employment, the period between transition to extended services and closure of the DVR or DVS case, or time in post-employment services. When a new case is opened for a former client, a new 18-month period of time-limited service may begin.

2. All supported employment services must be pre-authorized. Milestones for supported employment services are:

(A) Assessment and Career Placement Milestone (AS) – Begins when a referral is made to the vendor and they accept the consumer into the program. Services are provided to determine the individual's informed job choice and needed supports as defined in the contract. All assessments must be approved in advance by the DRS counselor and client.

(B) Vocational Preparation Milestone (VP) – A group vocational exploration process or Job Club. This is a diagnostic milestone that is optional.

(C) Job Placement Milestone (JP) – Job development specific to the chosen career goal. It begins on the first day of placement and is completed on the 5th day on the job. Individual's Work Week begins the first day of employment and includes the next six (6) days. This sequence remains constant throughout employment.

(D) our Week Job Support (R4) – The individual has worked successfully for 4 weeks and has received intensive on and off site supports. This milestone begins the first day of job placement and includes weeks in which hours worked exceed 40% of the weekly work goal.

(E) Eight Week Job Support (R8) – The individual has worked a total of 8 weeks and has received on and off site supports. This milestone begins the first day of job placement and includes weeks in which hours worked exceed 40% of the weekly work goal.

(F) Job Stabilization Milestone (ST) – Stabilization means the supports to keep the individual stabilized in employment on a long term basis have been put in place and result in the person working successfully a minimum of 12 weeks or 17 weeks as per the contract. The individual must work two entire shifts without job coach support in a week. At the end of this milestone, the case is moved to employed status and the counselor begins counting the 90 days of employment.

(G) Successful Employment Milestone (EM) – The individual has been employed 90 days beyond stabilization and both the individual and employer are satisfied with the job performance.

Also refer to the Supported Employment Contract for Milestone categories, rates and information (on Compass, under Employment Support Services): Supported Employment Contract.

3. There are two levels of service: regular and highly challenged. The DRS counselor, working with the client and the provider, will designate the service model to be used and whether the individual meets the regular or highly challenged criteria. The highly challenged criterion is defined in the provider contract (see Instruction #2.)

Supported employment services can be initiated during the final graduating semester of high school.

4. This applies to individuals who have completed the Successful Employment milestone. The counselor reviews documentation from the provider regarding the

job loss and determines if extended services are not sufficient to meet the individual’s needs for services to achieve re-placement.

5. Refer to contract for specific rates for "recently rehabilitated placement services". The Highly Challenged rate can only be authorized if the previous case was designated as Highly Challenged.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
6-14-99	POL Memo #99-7 Emergency, updated DVR/DVS and IRP to IPE
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-03	PT Memo #03-07 Permanent, updated language.
7-1-05	PT Memo #06-01 Permanent, general cleanup of language
7-1-06	PT Memo #07-01 Permanent, deleted reference to Priority Group 1.
7-1-08	PT Memo #09-01 Permanent, Replaced "severe" with "significant"
7-1-11	PT Memo #12-01 Permanent, consolidating rules
11-30-17	Updated ITS #1 from ‘18’ to ‘24’ months regarding supported employment services.

PART 18. EMPLOYMENT AND RETENTION SERVICES

Section

612:10-7-186. Overview of Employment and Retention Services

612:10-7-187. Eligibility for Employment and Retention Services

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

612:10-7-189. Competitive employment for Employment and Retention

612:10-7-186. Overview of Employment and Retention Services

Employment and Retention (E&R) Services are short-term job coach supports for individuals with significant disabilities, requiring assistance preparing for, obtaining, and maintaining employment. This service model consists of 5 Milestones. **1**

INSTRUCTIONS TO STAFF

1. This service model consists of 5 Milestones: "Assessment", "Vocational Preparation/Job Club", "Job Placement", "Four Weeks Job Support" and "Successful Rehabilitation". In consultation with the client and the provider chosen by the client, the counselor will determine the milestones that will be required by the client to achieve a competitive employment outcome. Each milestone will be pre-authorized by the counselor and will be paid only once per case. LINK to Employment and Retention Milestones.

Section History

7-1-03	PT Memo #03-07 Permanent, new section
7-1-05	PT Memo #06-01 Permanent, general cleanup of language
7-1-08	PT Memo #09-01 Permanent, Replaced "severe" with "significant"
7-1-11	PT Memo #12-01 Permanent, milestone information placed in ITS

612:10-7-187. Eligibility for Employment and Retention Services

An individual shall be eligible for employment and retention services if:

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

(2) The client is determined to be an individual with significant disabilities, **1** and

(3) The client needs short term job coach support in preparing for, obtaining, and/or maintaining employment.

INSTRUCTIONS TO STAFF

1. If employment and retention services are used with a client prioritized as most significant, the counselor must justify in a case narrative why employment and retention is a more appropriate service than supported employment.

Section History

7-1-03	PT Memo #03-07 Permanent, new section
7-1-08	PT Memo #09-01 Permanent, Replaced "severe" with "significant"

612:10-7-188. Provision of employment and retention services

(a) Employment and retention (E&R) services are not subject to financial status determination. E&R services are purchased from a qualified vendor under contract with DRS, and are provided by certified job coaches or employment training specialists. **1, 2** Employment and retention services can be initiated during the final graduating semester of high school.

INSTRUCTIONS TO STAFF

1. Employment and Retention services include:

   (A) Situational assessments or Community Rehabilitation Program (CRP) based assessments to help develop a vocational goal;

   (B) Vocational preparation or Job Club, if job preparation is needed;

   (C) Job development and job placement;

   (D) Short-term job coach training including on and off site support, if needed, to maintain employment; and

   (E) Job coach support services to ensure employer and client satisfaction to prepare for case closure.

2. All employment and retention services must be pre-authorized. All assessments must be approved in advance by the client and DRS counselor. Counselor must send copy of the IPE and medical information, with a signed release from the client, to the vendor with the authorization. Counselor cannot send the psychological or psychological evaluation. The vendor must get that directly from the psychologist.

Section History

7-1-03	PT Memo #03-07 Permanent, new section
7-1-05	PT Memo #06-01 Permanent, general cleanup of language
7-1-11	PT Memo #12-01 Permanent, moved procedures to ITS

612:10-7-189. Competitive employment for Employment and Retention

Competitive employment for persons receiving Employment and Retention services is defined in DRS policy. **1** Wages must be paid by the employer instead of the vendor.

INSTRUCTIONS TO STAFF

1. See 612:10-1-2

Section History
7-1-11 PT Memo #12-01
Permanent, new, defining competitive employment

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

Section

612:10-7-195. Personal assistance services

612:10-7-196. Interpreter services

612:10-7-199. Reader/recording services

612:10-7-201. Rehabilitation teaching services

612:10-7-203. Orientation and Mobility (O&M)

612:10-7-205. Services to persons who are deaf-blind

612:10-7-206. Assistive technology services for individuals with visual impairments

612:10-7-195. Personal assistance services

(a) Personal assistance services is a range of services provided by one or more persons designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability. The services must be designed to increase the individual's control in life and ability to perform everyday activities on or off the job. Services may include training in managing, supervising, and directing personal assistance services. The services must be necessary to the achievement of an employment outcome and may be provided only while the individual is receiving other vocational rehabilitation services. **1**

(b) Fees for these services are negotiable at or above minimum wage by the counselor. **2** This service does not require consideration of client participation in cost.

INSTRUCTIONS TO STAFF

1. The justification for providing the services must be documented in the case record.

2. It is recommended counselors negotiate a monthly payment which will be authorized to the client to pay the attendant of his or her choice. These services will be authorized to the client by the home counselor if the client is in an approved training program.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
10-1-97	PT Memo #98-4 Emergency, 'attendant services' changed to 'personal assistance services' to conform with new RSA regulations
7-1-98	PT Memo #98-15 Makes emergency rules issued 10-1-97 permanent, changes 'personal attendant services' to 'personal assistance services'
7-1-11	PT Memo #12-01 Permanent, revised for clarity

612:10-7-196. Interpreter services

An individual who is deaf or has a hearing impairment may require interpreter services to communicate effectively. This service is especially important when information concerning the individual's rights and access to services is being presented. Interpreter services do not require client participation in cost of services. In training situations, the counselor must document that interpreter services are not available through the training facility or other sources before interpreter services are provided. Interpreter services are authorized directly to the individual who will provide the service. The authorization will include the number of hours to be provided and the period of time over which the service is to be provided in addition to the per hour fee. The interpreter will submit a claim at the end of each specified time period. **1, 2**

INSTRUCTIONS TO STAFF

1. Guide for determining rates for interpreter services:

	DAYTIME HOURS (7 AM TO 5 PM M-F)	AFTER HOURS (5 PM TO 7 AM M-F, WEEKENDS AND HOLIDAYS)
Uncertified	$7.50/hr	$11.25/hr
QAST Level 1	$16.00/hr	$24.00/hr
QAST Level 2	$18.00/hr	$27.00/hr
QAST Level 3	$22.00/hr	$33.00/hr
QAST Level 4 and NAD Level 3	$25.00/hr	$37.50/hr
QAST Level 5 and NAD Level 4	$29.00/hr	$43.50/hr
RIDCI or RIDCT	$32.00/hr	$48.00/hr
RIDCSC or RIDCI/CT	$35.00/hr	$52.50/hr

Deaf/Blind Differential: For tactile (hand over hand) interpreting a $5.00 per hour differential is to be added to the rate. Training in Deaf/Blind interpreting, available at no cost from DRS, must be completed in advance.

2. An interpreter will be paid for a minimum of 2 hours per each assignment. If the assignment is cancelled less than 24 hours from the start of the assignment, the interpreter will be compensated for the full scheduled length of the assignment with no travel expenses paid.

If the assignment is cancelled upon interpreter arrival to the scheduled assignment, the interpreter will be compensated for the full scheduled length of the assignment with travel expenses paid.

If the interpreter arrives to the assignment and the consumer is a no show for the assignment, the interpreter will be compensated for the full scheduled length of the assignment with travel expenses paid.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-05	PT Memo #06-05 Permanent, deleted reference to revoked section
7-1-07	PT Memo #08-01 Permanent, ITS Only
7-14-08	PT Memo #09-08 Permanent, ITS Only. Added after hour rates

612:10-7-199. Reader/recording services

(a) Reader services may be purchased for individuals who are blind, visually impaired or have difficulty reading standard print books/materials due to any other disability. Reader services may be provided for those consumers who are involved in educational or vocational training, employment search or entry into employment. Clients will be expected to utilize any comparable services, including available assistive technology devices and services prior to authorization of reader services.

(b) Reader services are exempt from client participation in cost of service. DRS will pay up to five (5) hours of reader service per month. Additional hours of reader service may be approved by the Programs Manager with justification.

(c) Payment for reader services will be based on the Federal Minimum Wage. However, the counselor may authorize up to $2.00/hour above minimum wage with consideration being given to factors such as the significance of the event and the likelihood of technical/foreign language being used. Reader services may not be paid in advance. Payment is authorized directly to the client in the same manner as maintenance or transportation and may be included on the same authorization with either or both of these other services.

(d) The individual receiving the service shall maintain a record of the reading time he/she has been provided. The record must be signed and dated by the reader and the individual, and returned to the counselor at the end of each month. The record shall include:

(1) Individual's name;

(2) Reader's name and address;

(3) Date service started and ended

(4) Subjects read and time devoted to each

(e) Individuals who have difficulty reading or using standard print materials will be referred to existing resources for recorded, large print, Braille and digital books and materials. **1** Any required fee or materials cost for a recorded/digital textbook service, reading or scanner app may be paid through DVR and DSBVI funds and is not based on financial status determination.

INSTRUCTIONS TO STAFF

1. Sources for recorded, electronic/digital, Braille and large print books and materials include:

Oklahoma Library for the Blind and Physically Handicapped

www.olbph.org

When the Library is being asked to record a textbook, the book should be sent to the Library as far in advance as possible, preferably three months.

Recordings for the Blind and Dyslexic

www.rfbd.org

Bookshare

www.bookshare.org

National Library Service for the Blind and Physically Handicapped, http://www.loc.gov/nls/

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-98	PT Memo #98-15 Permanent, clean-up editing, fees moved to ITS
7-1-99	POL Memo #00-1 Permanent, updated DVR/DVS; addressed for Educational Tape Recording for the Blind and Recordings for the Blind moved to Instructions to Staff
7-1-06	PT Memo #07-01 Permanent, deleted supervisory approval for payment of reader services for disabilities other than blind.
7-1-11	PT Memo #12-01 Permanent, updating language
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI). Revisions provide further clarification on when and how to provide Reader Services.

612:10-7-201. Rehabilitation teaching services

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. **1** 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 ~~Visual~~ Services for the Blind and Visually Impaired may serve clients who are legally blind jointly with the DRS counselor. **2**

Instructions to Staff

1. Referrals are made directly to the rehabilitation teacher using form Special Services Referral, accompanied by pertinent information.

2. See 612:10-9-19

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
8-1-96	PT Memo #97-2 Permanent, changed 'Visual Services Unit' to 'Visual Services Division'
7-1-99	POL Memo #00-1 Permanent, updated DVS
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-14-18	Updated language to clarify teachers may serve individuals with severe visual impairments in addition to individuals who are legally blind.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-7-203. Orientation and Mobility (O & M)

DVR and DVS clients who are legally blind can receive direct instruction from O & M specialists employed by the Department. O & M specialists assist these clients to adjust to their surroundings. **1**

INSTRUCTIONS TO STAFF

1. Referrals are made directly to O & M specialist using form Special Services Referral, accompanied by pertinent information.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
8-1-96	PT Memo #97-2 Permanent, amended to reflect that O&M specialists are employed by DRS, not RVS
7-1-99	POL Memo #00-1 Permanent, updated DVR/DVS
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.

612:10-7-205. Services to persons who are deaf-blind

(a) **Overview of services.** Because of the overwhelming impact upon the individual with a combination disability of deafness and blindness, a multiple disciplinary approach is needed to adequately serve these individuals. Unique problems in mobility and communication can cause severe social, recreational, academic deprivation and long term prevocational training may be necessary. Persons who are deaf-blind are capable of competitive employment and the counselor will carefully evaluate expected employment outcomes.

(b) **Deaf-Blindness Specialist.** To promote and coordinate appropriate services for persons with dual losses of vision and hearing, the Division of Services for the Blind and Visually Impaired employs a Deaf-Blindness Specialist. This specialist works with counselors, rehabilitation teachers and others who provide services directly to clients who are deaf-blind. A major role served by this specialist is coordinating services and ensuring dialogue among schools, programs, agencies and organizations serving the deaf and blind.

Instructions to Staff

1. Listed below are some services beneficial to the individual who is deaf-blind in developing an IPE:

Communicating with the individuals who are deaf-blind may be the biggest obstacle in developing a working relationship. Most counselors are not proficient at sign language, and therefore, may wish to utilize interpreters for the deaf, braille, or teletouch. Some individuals who are deaf-blind read braille or large print. Braille transcribing volunteers of the Oklahoma Library for the Blind and Physically Handicapped may also be a resource.

Rehabilitation teachers are a resource in working with persons who are deaf-blind in developing a program for more independent living.

The Helen Keller National Center for Deaf-Blind Youth and Adults is a national organization in Sands Point, New York, that has regional offices with an office in Dallas to serve this region. The National Center provides prevocational and vocational training. Field representatives provide on site visitations to help the counselor in working with the individuals who are deaf-blind.

Lion's World Services for the Blind is a center in Little Rock, Arkansas, which is designed to assist individuals who are blind or deaf-blind in overcoming some of the limitations imposed by multiple disabilities.

The mission of the E. H. Gentry Technical Facility of the Alabama Institute of the Deaf and Blind is to provide vocational evaluation, rehabilitation and adjustment services and vocational training to persons with deaf/blindness. The goal of these comprehensive rehabilitation services is to maximize the individual's potential in reaching his/her highest possible level of independence in living, work, and leisure pursuits.

The Gallaudet University is an institution in Washington, D.C. primarily for students who are deaf, but may accept college level deaf-blind.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
10-1-97	PT Memo #98-4 Emergency, 'competitive or sheltered workshop employment' changed to 'competitive or extended employment' to conform with new RSA regulations
7-1-98	PT Memo #98-15 Permanent, clean-up editing
6-14-99	POL Memo #99-7 Emergency, VSD changed to Division of Visual Services
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-03	PT Memo #03-07 Permanent, updated language.
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-7-206. Assistive technology services for individuals with visual impairments

The need for assistive technology devices and services is to be addressed in the client's Individualized Plan for Employment. **1** Counselors and rehabilitation teachers may refer clients with visual disabilities to the Division of Services for the Blind and Visually Impaired assistive technology laboratory for blindness and low vision which may provide or procure:

(1) assistive technology evaluations;

(2) recommendation of assistive technology devices and services to meet individual needs;

(3) training in use of technology and devices, referral to training sources and information on training options;

(4) information on technologies and devices to meet specific individual needs;

(5) technical assistance for installation and operation of select applications and devices; and

(6) demonstration and loan of adaptive aids, devices, electronic and computer technologies and other assistive technology products.

Instructions to Staff

1. Link to 34 CFR 361.46(a)(2)(i)

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612, agency specialist will contact referral within 30 days, added phone bidding procedures, ITS, who can prescribe these services
7-1-95	PT Memo #95-2 Permanent, rewrite to make use of terminology consistent
3-1-97	PT Memo #97-5 Emergency, define who can prescribe and to make conform to 612:10-1-7
7-1-97	PT Memo #97-9 Permanent, supersedes emergency rules issued 3-1-97
6-14-99	POL Memo #99-7 Emergency, changed IRP to IPE; added that the term rehabilitation technology includes rehabilitation engineering, assistive technology devices and assistive technology services
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-03	PT Memo #03-07 Permanent, updated language
7-1-11	PT Memo #12-01 Permanent, updated language

8-27-15 Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.

9-11-17 Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.

9-11-20 Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

PART 21. PURCHASE OF EQUIPMENT, OCCUPATIONAL LICENSES AND CERTIFICATES

Section

612:10-7-216. Tools, occupational equipment, initial stocks and supplies

612:10-7-218. Occupational licenses and certification

612:10-7-219. Purchase of motor vehicles

612:10-7-220. Vehicle modification services

612:10-7-221. Housing Modification

612:10-7-222. Rehabilitation technology, assistive technology devices and assistive technology services

612:10-7-216. Tools, occupational equipment, initial stocks and supplies

(a) Tools, occupational equipment and supplies will be provided to eligible clients to the extent necessary to achieve their vocational goal providing the client has adequate resources available for the proper maintenance and upkeep of such tools and equipment. The client, or client's family or authorized representative as appropriate, is responsible for maintaining tools, occupational equipment, initial stocks, and supplies in good working order. DVR and DSBVI will not pay for repairs to tools, occupational equipment, initial stocks and supplies purchased with DVR and DSBVI funds once title has been released to the client. DVR and DSBVI will not pay for repairs before title is released when there is clear evidence that the damage resulted from abuse or neglect.

(b) The client will retain possession and control of articles while engaging in the job or occupation for which articles were provided, or when title is released to client. Occupational tools, occupational equipment, and initial stocks and supplies are defined as follows:

(1) Occupational tools are considered to be those minimum tools required for a designated trade, necessary to the employment of the individual, and not furnished by the employer. DRS will NOT purchase operable firearms even if required for employment. Counselor will assist consumer in finding resources to help in this purchase if necessary.

(2) Occupational equipment is equipment required to meet the minimum needs of an individual in starting and conducting a business of his or her own.

(3) Initial stocks and supplies are those materials and merchandise necessary for the client to become operational in a business. **1**

(c) Purchase of occupational tools, equipment and initial stocks and supplies will be made in accordance with 612:10-1-7. If the client is required to participate in cost of services, the payment will be made to the nonmedical vendor. When the equipment is received and/or installed, the appropriate rehabilitation professional completes the Receipt for Equipment and Title Agreement. If the purchase total is $5,000 or more, the rehabilitation professional then signs the vendor's invoice and routes it to DRS state office. **2**

(d) Used tools or equipment may be purchased when it is evident considerable savings may be affected. Used equipment or tools are to be appraised piece-by-piece by at least three shop owners or managers in the same type of work, and who are not acquainted with the vendor. **3**

(e) If the counselor, after a thorough check of the tools or equipment, finds they are not being used for the purpose for which they were purchased, the counselor is to repossess the tools or equipment by executing the Release or Receipt of Equipment form. **4**

INSTRUCTIONS TO STAFF

1. 612:10-7-230

2. 612:10-1-7 and 612:10-7-87 and 612:10-7-162

3. The appraisals and program are submitted to the unit supervisor for consideration and prior approval.

4. When the receipt for repossession is executed, DRS State Office is notified by memo the repossessed tools or equipment are available for transfer to another client.

5. Occupational Equipment purchase on behalf of the client is subject to prior approval from RSA. Prior approval for this section is received as part of the aggregated approval process as defined in RSA-TAC-18-02.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
4-3-96	PT Memo #96-2 Emergency, client responsible for upkeep of tools, etc, RVS will pay for repair only when no evidence of neglect or abuse
3-1-97	PT Memo #97-5 Emergency, strengthened changes made 4-3-96
7-1-97	PT Memo #97-9 Permanent, supersedes emergency rules issued 4-3-96 and 3-1-97
6-14-99	POL Memo #99-7 Emergency, updated DVR/DVS and IRP to IPE
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-06	PT Memo #07-01 Permanent, added language that we will not pay for operable firearms
9-12-14	Updated language
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-30-19	Added ITS #5 and hyperlink.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:10-7-218. Occupational licenses and certification

(a) Occupational licenses are those licenses required by law to obtain and practice a particular profession or trade. Fees for such licenses and teacher certification tests may be provided for DRS clients. The training facility may arrange for necessary certification and it may be included as a separate item on the training authorization. If training is not involved, the license fee is authorized upon evidence of a skill.

(b) Clients will be responsible for renewal of licenses purchased by DRS.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

612:10-7-219. Purchase of motor vehicles

It is DRS policy not to purchase motor vehicles either for an individual or group of individuals. DRS may assist with the cost attributable to the existing accessibility modifications on a new or used vehicle.

Section History

9-1-93 No PT Memo
Emergency, first adoption under OAC Title 612

7-1-94 PT Memo #94-1
Permanent, first adoption under OAC Title 612

7-1-98 PT Memo #98-15
Permanent, Social Security regulations no longer allow use of PASS for vehicle purchase

7-1-09 PT Memo #10-01
Permanent, allowing assistance with accessible modifications on new or used vehicles.

612:10-7-220. Vehicle modification services

(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 CFR 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) prescription of required devices specific to both the individual's needs and the vehicle; and

(5) training in the operation of the vehicle. **1**

(c) Vehicle modifications which are projected to cost the amount of the DCAM authority order limit or less will be made in accordance with 612:10-1-7. Vehicle modifications projected to cost more than the DCAM 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. **2** 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. **3** 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 DCAM authority order limit will require additional processing by C/DS after the bid process is completed by the counselor in accordance with 612:10-1-7.

(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. **4**

(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 both collision and comprehensive insurance on the vehicle, including the equipment.

(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 consumer'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) 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. **5** These modifications are categorized as non-structural modifications.

(10) 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. **6** The counselor must obtain a statement of satisfaction from the client.

Instructions to Staff

1. Driver training including training in use of specialized equipment is considered to be Personal or Work Adjustment Training.

With regard to high school students who are Transition clients, counselors may authorize payment for driver's education after use of all comparable benefits and services and under the following conditions:

(1) when specialized driver training is required to enable the individual to effectively use vehicle modifications and assistive devices needed for driving, or to otherwise accommodate a disability that results in a barrier to driving, and

(2) when specialized driver training is necessary to achieve employment or participate in vocational rehabilitation services.

2. The counselor is required to submit the requisition, the authorization, the bid documents if applicable and all supporting bid documentation if applicable for Purchasing to award the Purchase Order. Once the Purchase Order is received by the counselor, the vendor can be notified of the award.

3. "Accessibility Modification Additions" as that term is used in Category B under 612:10-7-220(c) means additions identified at the time of vehicle selection which are needed to customize the vehicle for the individual's use and that are installed by the dealer prior to final delivery of vehicle to consumer. Examples could include, but are not limited to, hand controls, power tie-downs or other wheelchair securing systems, and high-end driving controls with electronic secondary controls providing access to such vehicle systems as lights, heat and AC and the horn. (Since new and used vehicles with existing structural modifications are not typically equipped with accessibility modification additions due to their individualized nature, it is anticipated that these modifications will not be existing on the vehicle at the time of selection). Accessibility modification additions under Category B are considered part of a modified vehicle package and are not subject to bid.

4. Some clients with significant disabilities will not have a valid driver's license. These clients are to be referred to the Department of Public Safety for determination of whether the client is able to obtain a license. Arrangements will be made by the counselor for the individual to take special driver's training following acquisition of the appropriate learner's permit. If the client has a current driver's license obtained before the onset of a significant disability, has not previously driven with vehicle modifications, and DRS funding is requested for vehicle modifications, the counselor may refer the client to the Oklahoma Department of Public Safety for review of the individual's driver license status. DPS may require the individual participate in its medical review process before a current license or learner's permit can be issued. DPS rules related to driver licensing and medical aspects are found at http://www.dps.state.ok.us/rules/ and in Title 595, Chapter 10, Subchapter 5 of administrative rules found at www.sos.ok.gov/oar.

5. The counselor should contact the Assistive Technology Specialist for assistance in determining if the equipment to be transferred is considered a "transferrable" item.

6. The A.T. Specialist will inform the counselor if the installation is satisfactory and ready for delivery to the client. The A.T. Specialist reports inspection results on the Assistive Technology Inspection Report (DRS-C-72).

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612, revised money limits, added that will not use RVS funds to pay for replacement or transfer of equipment for 5 years after initial purchase, raised mileage limit from 85,000 to 100,000
4-3-96	PT Memo #96-2 Emergency, client responsible for upkeep of equipment, RVS will pay for repair only when no evidence of neglect or abuse
3-1-97	PT Memo #97-5 Emergency, change to money limits to conform with 612:10-1-7
7-1-97	PT Memo #97-9 Permanent, supersedes emergency rules issued 4-3-96 and 3-1-97
7-1-98	PT Memo #98-15 Permanent, removed absolute mileage limit of 100,000 miles
7-1-99	POL Memo #00-1 Permanent, updated DVR/DVS; Subsection (e) moved to Instructions to Staff
7-1-01	PT Memo #01-08 Permanent, removed evaluation by Rehab. Techs.
7-1-02	POL Memo #02-02 Permanent, removes current safety inspection sticker from requirements
7-1-03	PT Memo #03-07 Permanent, removed ambiguous language.
7-1-08	PT Memo #09-01 Permanent, Replaced "severe" with "significant"
7-1-09	PT Memo #10-01 Permanent, clarification of vehicle modification services.
7-1-10	PT Memo #10-02 Permanent, to reflect change in state purchasing law 2009 (HB 1032).
7-1-11	PT Memo #12-01 Permanent, combined vehicle modifications and some accessibility modifications.
2-1-12	Permanent, added driver’s ed for transition clients in ITS #1
9-12-14	Updated to reflect name change of Department of Central Services to Division of Capital Assets Management (DCAM).
9-11-20	Update provides clarification when prior approval is required from RSA.

612:10-7-221. Housing Modification

(a) Modification of a residence may include installation of ramps, widening of doors, installation of grab bars and other accessibility modifications when such modifications are necessary to support the consumer in achievement of an employment outcome. Major structural modifications such as room additions or major wall removal will not be provided by DRS without supervisor approval. Housing modifications that will cost more than the DCAM authority order limit require supervisor approval. **1, 2** All housing modifications are subject to the Prior Approval from RSA in accordance with 2 CFR 200.439.

(b) In all situations where housing modification is to be done, the owner of the house must sign a written release form. In those situations where the consumer is a renter, the renter/consumer is responsible for obtaining the written release from the owner. The counselor must make a referral to the Assistive Technology (AT) Specialist who will make the evaluation of the residence and recommend the modifications needed to make the residence accessible and usable for the consumer. After modifications have been completed the counselor will contact the AT Specialist for inspection of the home, to ensure the modifications conform to prescribed standards and meet the consumers accessibility needs. The AT Specialist will provide a report to the counselor and the counselor must get a statement of satisfaction from the consumer.

Instructions to Staff

1. As determined appropriate by the AT specialist, a structural engineer or qualified home inspector evaluation and recommendations may be required before a home modification plan is approved.

2. Bid information for the proposed home modification is obtained by field staff and provided to DRS Central/Departmental Services for review of the bid process and acquisition of the purchase order. The requisition submitted to C/DS must include the total cost of both labor and materials for the entire home modification. If the consumer is required to participate in the cost of the modifications, the payment by the consumer will be made to the vendor.

Section History

7-1-06	PT Memo #07-01 Permanent, Since IL policy was revoked, inserted a section dealing with housing modifications and procedures.
7-1-11	PT Memo #12-01 Permanent, removed outdated provisions and clarified intent
9-12-14	Updated to reflect name change of Department of Central Services to Division of Capital Assets Management (DCAM)
8-27-15	Updated Instructions to Staff.
9-11-20	Update provides clarification when prior approval is required from RSA.

612:10-7-222. Rehabilitation technology, assistive technology devices and assistive technology services

(a) Rehabilitation technology is the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by individuals with disabilities in areas which include education, rehabilitation, employment, transportation, independent living and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services. **1**

(b) Rehabilitation technology services may be provided to any individual under the provisions of an Individualized Plan for Employment (IPE). **2, 3** Rehabilitation technology services such as assessment or consultation are not based on financial status; however equipment, appliances, and aids will be based on available financial resources of the client.

(c) Rehabilitation technology services, including prescribed adaptive aids and devices, must be provided by qualified persons. **4** Prescriptions/recommendations for nonmedical adaptive technology may be accepted from individuals listed in 74 O.S. 85.7(12) including physicians, rehabilitation engineers, qualified rehabilitation technicians or sensory aids specialists **5** and from qualified assistive technology specialists and assistive technology professionals.

(d) Assistive technology devices, including prescribed adaptive aids and devices, may be purchased commercially or designed and manufactured by a rehabilitation engineer, assistive technology or sensory aids specialist depending on individual need.

INSTRUCTIONS TO STAFF

1. 34 CFR 361.5(45),(44)&(6)

2. When selecting and procuring rehabilitation technology services the counselor and client should consider:

   (a) whether the equipment and/or services can assist the client to participate in the rehabilitation program, achieve an employment outcome or maximize independent living as documented through a job analysis survey, specialist's recommendation, home analysis or other assessment;

   (b) whether the client has, as evidenced by an appropriate evaluation, the necessary capabilities, abilities, and interest to operate the devices and perform the job tasks;

   (c) the client is able and willing to undertake a training program as may be required to adequately master the equipment; and

   (d) whether the client agrees to maintain the equipment and return it to the agency if not used in accordance with the provisions of the IPE.

3. Procedures to follow in securing prescribed adaptive aids and devices are:

   (a) The counselor will use the Special Services Referral form when making a referral to an agency specialist. The counselor will include sufficient detail so that the specialist can plan for an appropriate evaluation.

(b) The agency specialist will contact the referral and take appropriate action within 30 days of receipt of referral information. The specialist's evaluation report will include an evaluation of the client's limitations and abilities, and an evaluation of any equipment and adaptations already available to the client.

(c) The specialist's recommendations will specify any needed equipment, including any special features or modifications, and recommendations for training the client in the use of each device.

(d) When the prescribed adaptive technology is meant for an individual having a visual disability, the need for a low vision evaluation must be carefully evaluated. An existing evaluation will be used if, in the counselor's judgment, it is adequate and complete, considering the nature and stability of the disability.

(e) The counselor will follow purchasing instructions given in 612:10-1-7.

(f) Upon receipt of the equipment, the counselor contacts the appropriate agency specialist to consult about delivery and installation. The appropriate agency specialist will determine if the devices purchased conform to prescribed standards, are properly installed, and are useful to the client in accordance with IPE objectives. The Assistive Technology Specialist will provide an "Assistive Technology Inspection Report" to help the counselor determine when the invoice and claim are ready for processing. Upon proper delivery and installation, including any needed instruction, of any equipment costing $500 or more the counselor obtains a signed Receipt for Equipment and Title Agreement form.

4. Qualified persons may include licensed engineers, assistive technology specialists employed by DRS, and other trained and/or credentialed experts in specialized assistive technology fields.

5. 74 O.S. 85.7 (12) provides an exemption from certain Office of Management and Enterprise Services Division of Capital Assets Management (DCAM) state purchasing provisions for individually prescribed nonmedical adaptive equipment for clients of DRS, when the equipment is prescribed by a physician, rehabilitation engineer, qualified rehabilitation technician, speech therapist, speech pathologist, occupational therapist, physical therapist, or qualified sensory aids specialist. DRS purchasing procedures continue to apply for purchase of these items.

Section History

7-1-11	PT Memo #12-01 Permanent, new, put in proper sequence
11-30-17	Updated ITS #1 hyperlink and #5 replacing ‘Department of Central Services’ to ‘Office of Management and Enterprise Services Division of Capital Assets Management (DCAM).

PART 23. SELF-EMPLOYMENT PROGRAMS AND OTHER SERVICES

Section

612:10-7-230. Self-employment programs

612:10-7-230.2. Self-Employment Guidelines

612:10-7-230.3. Self-Employment/Business Plans

612:10-7-230.4. Agency financial contribution to self-employment/purchasing

612:10-7-230.5. DRS Monitoring

612:10-7-232. Placement

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

612:10-7-234. Computers and high tech electronic equipment

612:10-7-235. Support Services for Employment

612:10-7-230. Self-employment programs

Self-employment programs may be divided into Contract Labor and Self-Employment.

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

(2) **Self-Employment.** In Self-Employment, the consumer owns, manages and operates a business selling goods or services for the purpose of making a profit, ex: (Business Enterprise Program). Self-Employment ranges from sole proprietorships and independent contractors to multi-employee companies and independent franchise operations.

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

(B) The client must have adequate resources available for the proper maintenance and upkeep of the required tools, equipment, and stocks. The client is responsible for the maintenance and repair of any tools, equipment, and stocks. **1**

INSTRUCTIONS TO STAFF

1. When tools and/or equipment are purchased as part of a self-employment program, counselor will follow policy and procedures set forth in 612:10-7-216.

2. Self-employment plan that requires equipment or housing modifications will require RSA approval.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
4-3-96	PT Memo #96-2 Emergency, client responsible for upkeep of equipment
7-1-97	PT Memo #97-9 Permanent, supersedes emergency rules issued 4-3-96
7-1-07	PT Memo #08-01 Permanent, eliminated client’s family as responsible party.
7-1-10	PT Memo #10-02 Permanent, clarifying language.
9-30-19	Added ITS #2.

612:10-7-230.2. Self-Employment Guidelines

(a) **Agency Role.** The role of the VR Agency is not to become the funding source for self-employment endeavors. DRS may participate in partially funding small business start-up or the retention of an existing consumer owned and operated business, but does not have a capital or loan program for the establishment or retention of businesses. These investment resources must come from other sources. DRS will assist the consumer in making informed decisions, reduce or eliminate the barriers created by the disability(ies), training regarding small business development/self-employment, and assisting the individual in identifying possible funding resources.

(b) **When to Consider Self-employment.** The counselor may consider self-employment as an employment goal when all of the following guidelines have been met.

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

(2) It is the consumer's informed choice consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities and interests.

(3) When a consumer expresses interest in self-employment, the individual will be required to participate in a vocational assessment with focus on self-employment potential. The assessment will include a self-evaluation completed by the client. **1**

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

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

INSTRUCTIONS TO STAFF

1. The counselor will specify on the Career Center referral form that a self-employment evaluation is needed. Evaluation centers will develop a self-employment assessment to ensure consistent and objective evaluations. A self-evaluation workbook will be given to the client and must be completed before the client can be considered a likely candidate for self-employment. Counselors may use other business assessments provided by the department or by recommended small business development agencies.

Section History

7-1-02	POL Memo #02-02 Permanent, new self-employment guidelines
7-1-07	PT Memo #08-01 Permanent, added retention to DRS participation
7-1-10	PT Memo #10-02 Permanent, added self evaluation and training for developing business plans.

612:10-7-230.3. Self-Employment/Business Plans

(a) Each individual, requesting Agency assistance with self-employment, is required to complete and submit a business plan that details at a minimum the following:

(1) Complete description of the proposed business.

(2) Business objectives.

(3) Ownership.

(4) Market Analysis.

(5) Marketing Plan.

(6) Financial Management Plan including personal finance sheets, projected expenses and income for at least 2 years.

(7) Specific listing of needed start-up costs and equipment, not including assistive technology devices.

(8) Specific listing of the type and amount of assistance the consumer is requesting from the State VR Program.

(9) Information regarding cost and coverage of insurance policies to cover liability, inventory, and equipment.

(b) Counselors will refer individuals to the local Small Business Development Center for assistance in developing a business plan. As appropriate the counselor may utilize other technical assistance services to aid the consumer in developing the business plan. After the plan is completed, the business plan will be reviewed by the appropriate DRS personnel. **1**

(c) If the individual has submitted a viable business plan and the cost of the business plan to the agency, is $10,000.00 or less the counselor may approve the request. If the agency's cost will exceed $10,000 the counselor will refer the request to their immediate supervisor for approval.

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

INSTRUCTIONS TO STAFF

All business plans are to be reviewed by the Program Manager, who may consult with other entities (e.g. small business development centers) in review of the business plan.

Section History

7-1-02	POL Memo #02-02 Permanent, new self-employment guidelines
7-1-07	PT Memo #08-01

Permanent, added cost and coverage of insurance.

7-1-08 PT Memo #09-01
Permanent, Excluded Assistive Technology

7-1-10 PT Memo #10-02
Permanent, added review by appropriate DRS personnel.

2-29-12 Permanent, removed ITS 1 naming particular individuals as plan reviewers

7-1-12 Permanent, added ITS 1 naming Program Managers as reviewers for business plans.

612:10-7-230.4. Agency financial contribution to self-employment/ purchasing

(a) The agency may provide some financial assistance toward self-employment plans that have met the requirements as specified in policy. The counselor will determine the client's financial status and any required financial participation by the client. **1** The client's contribution may come from personal resources, property, loans, PASS plan funds or small business start-up grants from other assistance programs.

(b) Any required client financial participation is applied to the cost of planned services

(c) The agency's contribution to a self-employment plan will not exceed $10,000.00 without supervisory approval. **2**

(d) 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

(6) Refinancing of existing debt.

(7) Business plans that are not developed as the primary source of support.

(8) A business endeavor that does not have an agency approved business plan.

(e) **Purchases and support services.** All Agency purchases for a plan with a goal of self-employment will be in accordance with established purchasing policy regarding the competitive bid process and referrals to the State Office Purchasing Unit. **3** Any requests for assistance with maintenance or transportation will be required to meet established policy guidelines for these support services. **4**

INSTRUCTIONS TO STAFF

1. Financial Participation 612:10-3-3

2. Program Managers should consult with their field coordinators before approving a substantial DRS contribution to a self-employment plan beyond the contribution level that can be approved by a counselor. Consultation with the field coordinator is advised when the DRS cost for a self-employment plan exceeds 50% of the total plan cost above $10,000.

3. Purchase of services and goods for individuals with disabilities 612:10-1-7

Tools, occupational equipment, initial stocks and supplies 612:10-7-216

4. Maintenance 612:10-7-130 and Transportation Policy 612:10-7-131

Section History

7-1-02	POL Memo #02-02 Permanent, new self-employment guidelines
2-14-03	POL Memo #03-05 Permanent, example added to ITS
7-1-10	PT Memo #10-02 Permanent, clarifying language.
7-1-12	Permanent, removed Field Coordinator's review/approval

612:10-7-230.5. DRS Monitoring

(a) The counselor will continue to be available for technical assistance upon completion of approved purchases. Counselor will review with consumer every 3 months the progress of the business. This will include copies of the businesses profit and loss statements and record of business performed. The purpose of these reviews is to determine if the involvement in self-employment is allowing the consumer to substantially increase his/her earnings to achieve self-employment success and be able to meet on-going financial obligations of the business. **1** Should the business not be showing an increase in the income of the consumer, the counselor will review, with the consumer, the consumer's business plans to try to increase the business income. If necessary, the consumer may be referred to the small business development center or similar program for technical assistance in making changes in business operation to achieve a business profit.

(b) Stated in the IPE, this case would be agreed upon as a successful closure if the business is stable after 90 days and has met the specified level of performance. **2** At the time of case closure, title for all goods purchased by the agency will be released to the consumer. **3**

INSTRUCTIONS TO STAFF

1. For the purpose of establishing business income, the counselor will follow this guideline:

   When using monthly totals

   Gross income – business cost =net income. Divide net income by the number of weeks and then divide by the number of hours worked weekly.

   When using weekly totals

   Gross income – business cost= net income divided by the number of hours worked each week. This hourly wage needs to be at least minimum wage to be considered a successful competitive closure of the case.

2. Ex: Net profit of $700.00 per month for 3 months.

3. Title agreement/repossession of Dept. purchased goods 612:10-1-7

Section History

7-1-02	POL Memo #02-02 Permanent, new self-employment guidelines
7-1-08	PT Memo #09-01 Permanent, Adjusted closure requirements
7-1-10	PT Memo #10-02 Permanent, clarifying successful closure.

612:10-7-232. Placement

(a) Placement is the joint responsibility of the counselor and client. The counselor must start preparing the client for placement prior to completion of training or other employment related services. **1**

(b) Job placement services may be provided by DRS counselors, job placement specialists employed by the agency, or through procurement of services from other entities that offer job placement assistance. In addition, the agency's Supported Employment (SE) and Employment and Retention (E&R) programs make job placement services available through contracts with certified vendors. **2**

INSTRUCTIONS TO STAFF

1. Placement activities the counselor is responsible for include: informing the client of specific job openings; contacting prospective employers; assisting the client in registering with Workforce Oklahoma; assisting the client in development of a resume; arranging for job modifications, if necessary; assisting the client in obtaining job interviews; counseling toward job readiness, including referrals to appropriate resources; and/or utilization of Work Opportunity Tax Credits (WOTC).

2. See 612:10-7-56(c), 612:10-7-185 including ITS, 612:10-7-186, 612:10-7-187 and 612:10-7-188, LINK to Employment and retention milestones.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
6-14-99	POL Memo #99-7 Emergency, client's rehabilitation program changed to client's vocational rehabilitation
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-03	PT Memo #03-07 Permanent, added sections b and c.
7-1-05	PT Memo #06-01 Permanent, general cleanup of language
7-1-11	PT Memo #12-01 Permanent, updating language

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

(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. **5**

(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. **2,3,4**

(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. **1** Medical examinations may not be purchased solely to certify eligibility under 74 O.S. 840-4.12.

Instructions to Staff

1. Documentation provided to the counselor by the applicant must be sufficient to permit the counselor to determine that the applicant has a severe physical or mental impairment that seriously limits one or more functional capacities. Information supplied by the applicant should disclose the nature of the impairment(s) and resulting functional limitations. Information provided by the applicant for this purpose may include, but shall not be limited to, medical records, physician statements, educational records, Social Security Administration records, Veterans Administration records, and determinations made by officials of other agencies.

2. When certifying severe disability for purposed of the Optional Program for Hiring Applicants with Disabilities (HB-1340), DRS counselor and supervisors will complete the DRS-C-63 form (Certification as a Person with a Severe Disability) and email it directly to the following Human Capital Management (HCM) Applicant Services Division Personnel:

HCM Applicant Services Division

Administrative Assistant

Rebecca Coyote, rebecca.coyote@omes.ok.gov

CC to Human Resources Management Specialist

Melissa Jolly, melissa.jolly@omes.ok.gov

Additional information on the Optional Program for Hiring Applicants with Disabilities may be found on the HCM website at:

http://www.ok.gov/opm/State_Jobs/Optional_Program_for_Hiring_Applicants_with_Disabilities.html

3. The individual will be provided the original and a copy of the completed DRS Form DRS-C-063 (Certification as a Person with a Severe Disability). One copy will be retained in the DRS local office with the verifying information either in the individual's case file or in a central file for this purpose.

4. The applicant should be advised to complete an online application for the position(s) desired by using HCM's web-based application system at http://ok.gov/opm/State_Jobs/How_to_Apply/index.html. When HCM has both the DRS letter certifying severe disability and the applicant's completed job application(s), it will review the applicant's qualifications. If the applicant meets the minimum qualifications for the job(s) desired, HCM will send the person a notice confirming that his/her name has been placed on the eligible list for that job class or classes. The HCM application and DRS certification of severe disability are valid for one year. To remain eligible for a position as an "Optional Program" applicant after one year has elapsed, a new HCM application and certification of severe disability must be submitted to HCM.

5. The Optional Program for Hiring Applicants with Disabilities is an additional way individuals with severe disabilities may apply for state jobs. Such individuals may also utilize the standard Merit System application process, or use both application protocols concurrently.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-96	PT Memo #96-5 Permanent, changed wording to conform to amended Oklahoma statute 74 OS 840.19
3-1-97	PT Memo #97-5 ITS, legislative updates
7-1-97	PT Memo #97-9 ITS, revised procedures for OPM approval letter
7-1-98	PT Memo #98-15 Permanent, updated statutory citation
7-1-09	PT Memo #10-01 Permanent, clarification of policy
9-12-14	Updated to reflect name change of Office of Personnel Management to Office of Human Capital Management (HCM).
9-11-20	Updates the citation of OAC 530:10-9-100 to OAC 260:25-9-100.

612:10-7-234. Computers and high tech electronic equipment

Computers and other high tech electronic equipment may be purchased if the equipment is needed for training or participation in the rehabilitation process, or is essential to the client's achievement of his or her employment outcome.

Instructions to Staff

Electronic equipment purchased on behalf of the client is subject to prior approval from RSA. Prior approval for this section is received as part of the aggregated approval process as defined in RSA-TAC-18-02.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-95	PT Memo #95-2
	Permanent, edited to distinguish these services from adaptive aids and devices
3-1-97	PT Memo #97-5
	Emergency, changes to conform with 612:10-1-7
7-1-97	PT Memo #97-9
	Permanent, supersedes emergency rules issued 3-1-97
6-14-99	POL Memo #99-7
	Emergency, removed reference to extended evaluation
7-1-99	POL Memo #00-1
	Permanent, supersedes emergency rules issued 6-14-99
7-1-03	PT Memo #03-07
	Permanent, updated language
7-1-11	PT Memo #12-01
	Permanent, inappropriate portions of the policy were deleted.
9-30-19	Added ITS and hyperlink.

612:10-7-235 Support Services for Employment

(a) Support Services for Employment (SSE) are provided to any eligible DRS client. The service model consists of four independent stand-alone services that can be used to assist the client in reaching a competitive employment outcome. **1** SSE services can be used simultaneously with any other DRS service. SSE services include:

(1) Employment Support Assessment;

(2) Life Skills Management;

(3) Community Integration; and

(4) Housing Modification.

(b) Housing Modification is the only service that requires financial status determination. Services are purchased from a qualified vendor under contract with DRS in accordance with DRS policy on housing modifications.

(c) All SSE services must be pre-authorized.

INSTRUCTIONS TO STAFF

1. Support Services for Employment:

(A) Employment Support Assessment helps the counselor identify the client's level of independence and support needs in order to plan appropriate supports and services.

(B) Life Skills Management is a self management program that teaches an individual "behavior modification techniques" to improve his/her ability to effectively handle problems that could hinder achievement of the vocational goal and maintaining successful employment. The program facilitates stabilization of a disabling condition by equipping the individual with the tools necessary to understand and utilize the key concepts of the Wellness Recovery Action Plan (WRAP). It is a comprehensive program composed of three distinct service components which build on each other. All three services are required to ensure the individual learns the concepts of WRAP and successfully integrates them into their daily living situations.

(C) Community Integration services may include employment-related activities of daily living skills, transportation, navigation in new environments, teaching advocacy skills or any other skills to reduce barriers to integration. It may also include training in the use of assistive technology and negotiating worksite and/or training facility modifications or accommodations. This service can also be authorized for job retention when needed to retain employment.

(D) Housing Modification is completed by the vendor as specified by the assistive technology specialist or person with equivalent qualifications and in accordance with DRS policy on housing modifications.

Section History
7-1-11 PT Memo #12-01

Permanent, new, indicating availability of services

PART 25. TRANSITION FROM SCHOOL TO WORK PROGRAM

Section

612:10-7-240. Overview of transition from school to work services

612:10-7-241. Subminimum Wage for Youth with Disabilities

612:10-7-242. Pre-Employment Transition Services

612:10-7-244. Overview of transition from school to work services

612:10-7-245. Definitions

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

612:10-7-247. Confidentiality of records

612:10-7-248. Coordination of Individualized Education Program and Individualized Plan for Employment

612:10-7-240. Overview of transition from school to work services

(a) Transition services is a coordinated set of activities for a student that promotes movement from the public schools to post-school activities. The Individuals with Disabilities Education Act (IDEA) and the Rehabilitation Act use the same language to describe transition services and their purpose. No break in required rehabilitation services will occur for eligible students exiting the secondary school when a case has been opened while in high school. The transition process is outcome based, leading to post-secondary education, vocational training, 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. The goal of the Transition from School to Work Program is to help eligible individuals with disabilities make the transition from school to work in order to function as a productive member of society.

(b) The Transition from School to Work Program is implemented through a cooperative agreement between DRS and each participating local secondary school district, private school, charter school, home school organization and Career and Technology Education Center, through an MOU with the State Department of Education. 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 Program. **1**

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

(1) instruction;

(2) community services;

(3) employment and other post-school adult living objectives, including job skill training available through vocational-technical schools;

(4) acquisition of daily living skills and a functional vocational evaluation;

(5) supported employment services can be initiated during the final graduating semester of high school; and

(6) other needs specific to the individual.

(d) The Transition from School to Work 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. Each agency retains responsibility for providing or purchasing any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency [34 CFR 300.520]. **2**

Instructions to Staff

1. Link to Transition Guidance Document
2. Link to guidance document: Counselor responsibilities in Transition Program

3. 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 the RSA.

Section History

8-11-19 New rule implemented. Rule was previously located under 612:10-7-244, now revoked.

9-30-19 Added ITS #3.

612:10-7-241. Subminimum Wage for Youth with Disabilities

DRS must provide documentation in collaboration with the local school district of specific services to youth ages 14-24 if those individuals are known by DRS to be seeking subminimum wage work. This documentation must be provided as soon as possible but no later than 45 days after services are completed, or 90 calendar days, if additional time is necessary due to extenuating circumstances which should be interpreted narrowly.

The documentation must include the following:

(1) Pre-Employment Transition Services provided by the school and/or DRS as applicable;

(2) Application for DRS where they are found eligible or ineligible;

(3) Youth had an approved IPE with a competitive integrated employment goal;

(4) Youth with a disability was unable to achieve the employment outcome specified in their IPE and has a closed case with DRS;

(5) Youth received career counseling, and information and referrals from DRS to other Federal and State programs and other resources in the individual's geographic area that offer employment-related services and supports to enable the individual to explore, discover, experience, and attain competitive integrated employment.

Section History
8-11-19 Rule implemented.

612:10-7-242. Pre-Employment Transition Services

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

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

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

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

(4) A student with a disability receiving pre-employment transition services is a client for whom goods and services may be procured in the same manner as for clients with an approved Individualized Plan for Employment pursuant to OAC 612:10-1-7.

(b) **Required Activities.** 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:

(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 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.

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

(1) Vocational rehabilitation counselors

(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

(B) Independent Living Centers

(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.

(e) **Pre-Employment Transition Coordination.**

(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;

(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;

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

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

Section History
8-11-19 Permanent, new rule implemented.
9-11-20 Revisions provides clarification as to who is a student with a disability under WIOA.

612:10-7-245. Definitions

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

"FLSA" means the Fair Labor Standards Act which sets forth labor standards and protections as enforced by the U.S. Department of Labor. **1**

"IDEA" means the Individuals with Disabilities Education Act, P.L. 101-476 which ensures the rights and protections of children with disabilities and their parents being served by public education agencies through special education services and on an individualized education program (IEP). **2**

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

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

"SDE" means State Department of Education.

"SECTION 504 Plan" is a plan designed as a protection for students with disabilities who may not be considered eligible for special education under the IDEA in compliance with Section 504 of the Rehabilitation Act of 1973 as amended. **3**

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

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

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

"Trial Work/Extended Evaluation" has the meaning given these terms in DRS policy and federal law/rules. **4**

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

"Employer Work Study (EWS)" allows students with disabilities employment experience in part-time jobs in the community with the employers paying the

wages/salary(ies). In this instance, the students are employees of the community employers, and DRS does not reimburse the employers for the wages/salary(ies).

Instructions to Staff

1. Information may be found at http://www.dol.gov/whd/flsa/index.htm
2. http://idea.ed.gov
3. http://ed.gov/about/offices/list/ocr/504faq.html
4. Link to 612:10-7-24.2; 34 CFR 361.42(e)&(f).

Section History

7-1-95	PT Memo #95-2 Permanent, new section
7-1-05	PT Memo #06-01 Permanent, Section 504 plan is being defined
7-1-11	PT Memo #12-01 Permanent, updated language
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

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

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 contained in this Part. **1**

INSTRUCTIONS TO STAFF

1. Link to Transition Cooperative Agreements

Section History

7-1-95	PT Memo #95-2 Permanent, new section
7-1-11	PT Memo #12-01 Permanent, updating and correcting terminology

612:10-7-247. Confidentiality of records

Only the information directly related to the administration of the individual's transition program are to be released to the LEA in accordance with 612:10-1-5. The cooperating agencies will allow each other to copy information under guidelines established for participating and/or cooperating agencies under SDE and DRS regulations.

Section History
7-1-95 PT Memo #95-2
Permanent, new section

612:10-7-248. Coordination of Individualized Education Program and Individualized Plan for Employment

The Local Educational Agency and DRS must document coordination of objectives and services planned in an individual's IEP/Section 504 Plan and IPE. **1** Both documents, as well as other case documentation, must reflect the effective interaction of the two agencies in providing the services necessary for a smooth transition from school to work. While it is understood that it is not possible for a VR counselor to attend all formal IEP/Section 504 Plan meetings in assigned schools, the counselor will collaborate in transitional planning in the most effective manner possible.

INSTRUCTIONS TO STAFF

Link to Training and Practice Document on Coordination of the IEP and IPE

Section History

7-1-95	PT Memo #95-2 Permanent, new section
6-14-99	POL Memo #99-7 Emergency, changed IRP to IPE
7-1-99	POL Memo #00-1 Permanent, supersedes emergency rules issued 6-14-99
7-1-05	PT Memo #06-01 Permanent, added Section 504 plan
7-1-11	PT Memo #12-01 Permanent, updating terms.

SUBCHAPTER 9. REHABILITATION TEACHING SERVICES

PART 1. GENERAL PROVISIONS

Section

612:10-9-1. Philosophy and scope of program

612:10-9-2. Consumer rights

612:10-9-3. Rehabilitation teacher's role

PART 3. CASE PROCESSING AND RECORDING

Section

612:10-9-13. Case recording

PART 5. SERVICES

Section

612:10-9-33. Communication

612:10-9-34. Personal management

612:10-9-34.1. Visual efficiency

612:10-9-34.2. Indoor mobility

612:10-9-34.3. Other adaptive skills

612:10-9-35. Home management

612:10-9-36. Counseling and guidance

612:10-9-37. Referral for Support Services

Section History

9-1-93 No PT Memo
Emergency, first adoption under OAC Title 612

7-1-94 PT Memo #94-1
Permanent, first adoption under OAC Title 612

7-1-98 PT Memo #98-15
Permanent, removed revoked section 612:10-9-16, added new section 612:10-9-23, amended several section taglines.

7-1-04 PT Memo #05-01
Permanent, section 14 revoked

9-14-18 Revoked 612:10-9-15 Case status, 612:10-9-17 Application Status, 612:10-9-18 Closure from Application, 612:10-9-19 Eligibility Status, 612:10-9-20 Service Status, 612:10-9-21 Successful Closure, 612:10-9-22 Unsuccessful Closure after IPE

Initiation, 612:10-9-24 Closed from Eligibility Status, 612:10-9-25, Post-Employment Service Status, 612:10-9-26 Post-Employment Closure Status.

9-11-20 Revoked 612:10-9-32 Diagnosis and evaluation and 612:10-9-38 Vocational rehabilitation.

PART 1. GENERAL PROVISIONS

Section

612:10-9-1. Philosophy and scope of program

612:10-9-2. Consumer rights

612:10-9-3. Rehabilitation teacher's role

612:10-9-5. Vocational rehabilitation

Section History
9-11-20 Permanent, new rule implemented, 612:10-9-5.

612:10-9-1. Philosophy and scope of program

(a) Blindness is a serious, disabling condition requiring adjustments in an individual's lifestyle to be a fully functional member of society. The primary task of the rehabilitation teacher is to provide services that enable a legally blind or severely visually impaired individual to make these necessary adjustments to cope with the demands of living with a severe visual impairment.

(b) The services available through the rehabilitation teaching program directed toward assisting people with severe visual impairment or who are blind to live more independently are:

(1) Counseling and guidance directed toward helping the consumer and/or the consumer's family adjust to blindness, to understand the limitations it imposes, and to make a realistic assessment of his/her capabilities.

(2) Provide evaluation and instruction in the techniques and procedures for performing those tasks and activities necessary to daily living.

(3) Provide resource information and make referrals as needed for additional services.

(4) Assist the consumer in becoming oriented to his/her residence and develop a basic level of safety and independence in indoor mobility.

(5) Provide instruction in the various communication media designed to enhance the individual's ability to communicate with others and maintain personal and other records.

(6) Assist the individual in over-coming mannerisms and behavior patterns associated with low vision or blindness that are deterrents to social adjustment.

(7) Provide and/or arrange specialized instructional services in the areas of home and personal management.

(8) Rehabilitation teaching staff must participate in the evaluation, assessment and adjustment processes in the vocational rehabilitation process.

(c) Rehabilitation teaching independent living services is a formalized program of services with the purpose of enhancing the ability of an individual with a severe visual disability to live independently and function within his/her family and community and, if appropriate, secure and maintain employment.

(d) Independent living is defined as control of one's life based on the choice of acceptable options which minimize reliance on others in decision making and in performing every day activities.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-04	PT Memo #05-01

Permanent, removed procedures from policy

9-14-18 Updated language to clarify Rehabilitation Teaching services may serve individuals with severe visual impairments in addition to individuals who are legally blind.

612:10-9-2. Consumer rights

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

(b) **Right of appeal.** The consumer has the right to appeal the decision of the rehabilitation teacher, in accordance with DRS policy on due process. **1** The teacher is required to advise the consumer of the Client Assistance Program (CAP) and will provide copies of such brochures in consumer's chosen format.

INSTRUCTIONS TO STAFF

1. Link to 612:10-1-6 Due process.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-04	PT Memo #05-01 Permanent, updated language
7-1-07	PT Memo #08-01 Permanent, changing teacher to specialist.
7-1-11	PT Memo #12-01 Permanent, updating language
9-14-18	Updated language to indicate Rehabilitation Teachers no longer manage Homemaker employment cases, but clients retain the right to participate in the development of their plans of services provided through the Rehabilitation Teaching Program.

612:10-9-3. Rehabilitation teacher's role

(a) The primary goal of the rehabilitation teacher is to provide evaluation, instruction, and guidance to assist individuals who are legally blind or severely visually impaired to live more independently with their loss of vision. **1** Services through the Rehabilitation Teaching Program can be provided through Title I as a joint case with the Rehabilitation Counselor, or through the Older Blind Program outlined in Subchapter 11.

(b) **Confidentiality**. All consumer information is confidential and will be treated according to DRS policy. **2**

INSTRUCTIONS TO STAFF

1. The rehabilitation teacher is directly responsible to his/her Programs Manager on all casework and office procedures. The Programs Manager will consult with the Field Coordinator on the teacher's progress or needs. When a problem or situation arises needing attention, but is not within the scope of the teacher's area of responsibility, the teacher must bring it to the attention of the Programs Manager.

The teacher may need to consult with the Program Manager for advice and/or assistance in providing services to clients. Special areas of consultation will include:

Services to the deaf-blind.

Services to Older Blind.

Teacher supplies.

Braille, recorded or digital material.

Program evaluation.

In-service training.

Orientation and mobility.

Reviews.

2. Link to 612:10-1-5.

3. Information technology equipment has a State Capitalization rate of $500 and is subject to prior approval from RSA. Much of the equipment for client services is counted under the aggregate approval that DRS has been granted by RSA in accordance with RSA-TAC-18-02. When authorizing the purchase of equipment in AWARE, please use service category(s) Assistive Technology Devices. FSD staff will be able to capture these costs and count them against the aggregate approved amount. Individual approvals for these categories will not be required.

4. Braille reading and writing equipment without a motherboard has a State Capitalization rate of $2,500 and purchases at or above the capitalization rate requires prior approval from RSA. Much of the equipment for client services is counted under the aggregate approval that DRS has been granted by RSA in accordance with RSA-TAC-18-02. When authorizing the purchase of equipment in

AWARE, please use service category(s) Assistive Technology Devices, or Other Goods and Services-Direct Authorization, or Other Goods and Services (Non-Medical). FSD staff will be able to capture theses costs and count them against the aggregate approved amount. Individual approvals for these categories will not be required.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
1-1-95	PT Memo #95-1 ITS, added Voter Registration Act requirements
7-1-98	PT Memo #98-15 Permanent, clean-up editing
7-1-04	PT Memo #05-01 Permanent, updated language
7-1-07	PT Memo #08-01 Permanent, changed teacher to specialist
7-1-11	PT Memo #12-01 Permanent, rehabilitation specialist changed to rehabilitation teacher.
11-30-17	Updated ITS #1 removing 'Coordinator of Instructional Services' replacing with 'Field Coordinator' and 'Program Manager', (B) removing 'the aging blind' replacing with 'Older Blind', (D) adding 'recorded' and removing 'tape' replacing with 'digital'.
9-14-18	Updated language eliminating Homemaker cases as an employment outcome to conform to the Rehab Act. Updated language to clarify Rehabilitation Teaching services may serve individuals with severe visual impairments in addition to individuals who are legally blind.
9-30-19	Added ITS #3 and #4.

612:10-9-5. Vocational rehabilitation

The consumer can receive the services of the Instructional Services program while being served through the Vocational Rehabilitation counseling program. The staff member will provide comprehensive instructional services necessary for the consumer to meet the employment goal.

(1) **Referral from rehabilitation counselor**. Consumers who are legally blind or severely visually impaired receiving services through a rehabilitation counselor will be referred for Rehabilitation Teaching and Orientation & Mobility (O & M) services. Through the diagnosis and evaluation process the staff member gathers information to aid in determining needs for instructional services.

(2) **Rehabilitation teaching services in joint cases**. Important services provided by the teacher include evaluation and training in areas related to employment which include but are not limited to consumer and family adjustment to blindness, competence in communication, job readiness skills, personal management, home management, and basic orientation to immediate surroundings to facilitate safe mobility at home and work.

(3) **Orientation and Mobility referral for joint cases.** Important services provided by the O & M Specialist include, but are not limited to, evaluation and training for safe travel in the workplace, cane travel, preparation for dog guide, and local transportation usage.

(4) **Joint service status**. When it is determined a consumer can benefit from both instructional and counseling services the instructional staff and counselor, through consultation with each other and the consumer, will each develop a program of services. During the provision of services, the counselor and instructional staff will share pertinent information including narrative recording, through regular contact and case staffing. The formation of the instructional service plan should include objectives and services to be provided.

(5) **Closing joint cases**. When preparing a joint case for closure, the instructional staff and counselor will consult one another to determine readiness for closure.**1**

INSTRUCTIONS TO STAFF

1. 612:10-7-87

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-98	PT Memo #98-15 Permanent, sharing of information between VS Counselor and Rehabilitation Teacher
7-1-99	POL Memo #00-1 Permanent, updated DVR/DVS
7-1-04	PT Memo #05-01 Permanent, updated language
7-1-11	PT Memo #12-01

Permanent, improving clarity and making more precise.

9-14-18 Updated terminology, clarified current practice, and clarified instructional services are available not only to blind client but also clients with significant visual impairments. Clarification that Rehabilitation Teaches, Orientation & Mobility Specialists and other specialists may be involved in providing instructional services.

8-11-19 Updated language in section (5), closing joint cases.

9-11-20 New rule implemented. Moved rule, language and section history from 10-9-38 Vocational rehabilitation.

PART 3. CASE PROCESSING AND RECORDING

Section

612:10-9-13. Case recording

Section History

9-14-18 Revoked 612:10-9-15 Case status, 612:10-9-17 Application Status, 612:10-9-18 Closure from Application, 612:10-9-19 Eligibility Status, 612:10-9-20 Service Status, 612:10-9-21 Successful Closure, 612:10-9-22 Unsuccessful Closure after IPE Initiation, 612:10-9-24 Closed from Eligibility Status, 612:10-9-25, Post-Employment Service Status, 612:10-9-26 Post-Employment Closure Status.

612:10-9-13. Case recording

A case record accurately and completely maintained can assist the rehabilitation teacher in the development of an effective teaching program, provide continuity in the provision of services and enable the teacher to evaluate the consumer's progress. It also serves as a legal basis for the expenditure of funds and documents actions, activities and decisions of the teacher. Standard types of case recording include narratives, forms, correspondence and use of the DRS electronic case management system.

INSTRUCTIONS TO STAFF

1. Case recording is the documentation of significant information and activities during the case process. A case recording entry may include information on a single event or a summary of several events.

Narrative recording in case note format is used for initial interviews, comprehensive assessments, plan objectives, case activities, and closing summaries.

All case recordings are to be written in logical, coherent terms with no derogatory statements, unexplained abbreviations, or acronyms. Regular, concise recording of events as they occur in the case process will provide reference points for teachers and other authorized persons when there is a case transfer, case audit, or the case is used for a fair hearing or litigation.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-04	PT Memo #05-01
	Permanent, updated language
7-1-11	PT Memo #12-01
	Permanent, clarifying language
9-14-18	Removal of duplicate wording.
	Updated language on narrative recording in Instructions to Staff.

PART 5. SERVICES

Section

612:10-9-33. Communication

612:10-9-34. Personal management

612:10-9-34.1. Visual efficiency

612:10-9-34.2. Indoor mobility

612:10-9-35. Home management

612:10-9-36. Counseling and guidance

612:10-9-37. Referral for Support Services

Section History

9-11-20 Revoked 612:10-9-32 Diagnosis and evaluation and 612:10-9-38 Vocational rehabilitation.

612:10-9-33. Communication skills

In order for the consumer to gain contact with their environment and use the tools available for communication the following skills can be assessed and instruction for using alternate techniques provided:

(1) Telephone usage.

(2) Handwriting.

(3) Labeling.

(4) Braille reading and writing.

(5) Time telling.

(6) Recording devices.

(7) Receptive/expressive communication.

(8) Keyboarding.

(9) Assistive technology.

Instructions to Staff

1. Information technology equipment has a State Capitalization rate of $500 and purchases at or above the capitalization rate require prior approval from RSA. Much of the equipment for client services is counted under the aggregate approval that DRS has been granted by RSA in accordance with RSA-TAC-18-02. When authorizing the purchase of equipment in AWARE, please use service category(s) Assistive Technology Devices. FSD staff will be able to capture these costs and count them against the aggregate approved amount. Individual approvals for these categories will not be required.

2. Braille reading and writing equipment without a motherboard has a State Capitalization rate of $2,500 and purchases at or above the capitalization rate requires prior approval from RSA. Much of the equipment for client services is counted under the aggregate approval that DRS has been granted by RSA in accordance with RSA-TAC-18-02. When authorizing the purchase of equipment in AWARE, please use service category(s) Assistive Technology Devices, or Other Goods and Services-Direct Authorization, or Other Goods and Services (Non-Medical). FSD staff will be able to capture theses costs and count them against the aggregate approved amount. Individual approvals for these categories will not be required.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-04	PT Memo #05-01 Permanent, updated language, streamlining

7-1-11 PT Memo #12-01
Permanent, updated language
9-14-18 Added “skills” to policy title.
9-30-19 Added ITS.

612:10-9-34. Personal management skills

The area of personal management encompasses all areas of self-care. The consumer can obtain the ability to meet personal needs that will promote increased confidence and independence. Evaluation and training can be accomplished in the following areas:

(1) Clothing care.

(2) Personal hygiene.

(3) Clothing identification.

(4) Health management.

(5) Money management.

(6) Eating skills.

(7) Sewing skills.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-04	PT Memo #05-01 Permanent, updated language, streamlining
7-1-11	PT Memo #12-01 Permanent, updating language
9-14-18	Added “skills” to policy title.

612:10-9-34.1 Visual efficiency

It is essential for consumers who have residual vision to develop skills and techniques to utilize remaining vision in an efficient manner. Services to assist the consumer in learning to use residual vision include:

(1) Low vision evaluation

(2) Use of appropriate lighting

(3) Techniques to reduce glare

(4) Techniques for using color contrast

(5) Techniques for using low vision aids

(6) Environmental analysis

(7) Modifications to environment

Section History
7-1-11 PT Memo #12-01
Permanent, new, added areas of skill instruction

612:10-9-34.2 Mobility within home environment

Mobility is essential for a consumer losing vision to insure safe travel within his/her home environment as well as outside the home. The rehabilitation teacher can provide instructions in basic skills and make referrals to the Orientation and Mobility Specialist for specific instructions in cane skills. Pre-cane skills taught by the teacher may include:

(1) Protective techniques

(2) Trailing techniques

(3) Sighted guide skills

(4) Location of dropped objects

Section History
7-1-11 PT Memo #12-01
Permanent, new, adding indoor mobility skills
9-14-18 Changed policy title from “Indoor mobility” to “Mobility within home environment”.

612:10-9-35. Home management

Training in home management will enable the consumer to gain or retain skills in managing his/her household and family. This training may require the application of adaptive techniques and devices in the following skills areas:

(1) Meal Preparation

(2) Kitchen skills

(A) Use of kitchen appliances

(B) Kitchen organization

(C) Kitchen safety

(3) Housekeeping Techniques

(4) Minor Home Maintenance

(5) Use of Household Appliances

(6) Home Safety Techniques

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-04	PT Memo #05-01 Permanent, updated language
7-1-11	PT Memo #12-01 Permanent, updating skill components
914-18	Updated (2) kitchen skills adding general types of adaptive skills.

612:10-9-36. Counseling and guidance

Counseling and guidance services enable the consumer and family members to make satisfactory adjustment to the existing problems of blindness that remain unresolved. The teacher will assist the consumer in determining strengths while minimizing limitations. The following areas may be addressed:

(1) Personal adjustment to blindness

(2) Family adjustment to blindness

(3) Peer support education

(4) Advocacy training

(5) Information and referral services to other resources.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-04	PT Memo #05-01
	Permanent, removed procedures, updated language
7-1-11	PT Memo #12-01
	Permanent, deleted unnecessary verbiage

612:10-9-37. Referral for Support Services

The consumer can take advantage of additional services provided through the agency and referred to by the rehabilitation teacher, including:

(1) Low Vision Services

(2) Support Groups

(3) Assistive Technology

(4) Deaf-Blind Consultant Services

(5) Orientation & Mobility Services

(6) Older Blind Services

(7) Vocational Rehabilitation Services

(8) Personal Adjustment Training ~~Centers~~

(9) Management of Secondary Disabilities

(10) Adult Blind Living Evaluation / Training Adult Program

(11) Library for the Blind and Physically Handicapped

(12) Other resources as identified

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-04	PT Memo #05-01 Permanent, updated language, streamlining
7-1-11	PT Memo #12-01 Permanent, updating terminology

SUBCHAPTER 11. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

PART 1. SCOPE OF SERVICES

Section

612:10-11-1. Purpose

612:10-11-2. Basic eligibility requirements

612:10-11-4. Residency

612:10-11-6. Client participation in cost of OB Services

612:10-11-7. Administrative review

PART 3. CASE PROCESSING

Section

612:10-11-17. Case processing

612:10-11-22. Service Status

612:10-11-24. Successful Closure Status

PART 5. PROVISION OF SERVICES

Section

612:10-11-37. Counseling services

612:10-11-37.1. Assessment

612:10-11-39. Physical restoration services

612:10-11-41. Transportation

612:10-11-42. Interpreter services

612:10-11-43. Reader/Guide services

612:10-11-46. Community integration

612:10-11-47. Low vision training

612:10-11-49. Referral services

612:10-11-53. Daily living skills

612:10-11-54. Management of secondary Disabilities

612:10-11-55. Referral for VR services

612:10-11-56. Low vision Evaluation Services

612:10-11-57. Purchase of Adapted Devices

612:10-11-58. Adapted Communication Skills Training

612:10-11-59. Advocacy

612:10-11-60. Peer or Facilitated Support Groups

Section History

9-1-93 No PT Memo
Emergency, first adoption under OAC Title 612

7-1-94 PT Memo #94-1
Permanent, first adoption under OAC Title 612

7-1-98 PT Memo #98-15
Permanent, removed revoked Section 612:10-11-18, amended several Section taglines

7-1-04 PT Memo #05-01
Permanent, added section 9

7-1-05 PT Memo #06-01
Permanent, Independent Living policy replaced with Older Blind.

7-1-07 PT Memo #08-01
Permanent, Changed OL to OB

PART 1. SCOPE OF SERVICES

Section

612:10-11-1. Purpose

612:10-11-2. Basic eligibility requirements

612:10-11-4. Residency

612:10-11-6. Client participation in cost of OB Services

612:10-11-7. Administrative review

612:10-11-1. Purpose

(a) Older Blind Independent Living Services (OB) is a formalized program of services with the purpose of enhancing the ability of an individual with severe vision loss to live independently and function within his/her family and community Older persons who have vision loss remain more independent when they learn new skills to help them adjust to blindness and make the most of their remaining vision. Through one-on-one instruction, they remain independent or reach this goal which increases confidence, self-esteem and quality of life.

(b) Personal adjustment services through OB are defined as services that allow control of one's life based on the choice of acceptable options which minimize reliance on others in decision making and in performing every day activities. **1**

Instructions to Staff

1. This includes management of one's affairs; participation in day to day life in the community; fulfilling a range of social roles; and making decisions leading to self determination and the minimizing of psychological or physical dependence on others.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-05	PT Memo 06-01
	Permanent, Independent Living policy replaced with Older Blind
7-1-07	PT Memo #08-01
	Permanent, changed OL to OB
7-1-11	PT Memo #12-01
	Permanent, updating language
9-11-20	Removed homemaker language.

612:10-11-2. Basic eligibility requirements

(a) The basic criteria for eligibility for OB services are:

(1) the consumer's primary disability is defined as legal blindness;

(A) Legal blindness is defined as a Visual Acuity of 20/200 or less in the better eye with best correction, or a visual field of 20 degrees or less. Best correction means the best visual acuity that can be obtained with normal prescription lenses. If there is a difference in near and distance acuity, the worse acuity is used for determination of eligibility.

(B) Documentation of legal blindness should be obtained from an eye care physician. If only a general medical report is available stating legal blindness or if documentation is unobtainable, a functional assessment consisting of a detailed explanation of how the consumer functions with distance and near acuity will be provided.

(2) the age of the individual is 55 years or older;

(3) there is a reasonable expectation that OB services will significantly assist the individual to improve his/her ability to function independently or improve his/her quality of life; and

(4) the individual does not meet the eligibility criteria to participate in the vocational rehabilitation program.

(b) The guidelines for application for OB services are the same as guidelines for the application for vocational rehabilitation services, with the addition of information to be supplied indicating the age of the applicant.

(c) Eligibility must be determined within 60 days of the date the application for services is submitted.

INSTRUCTIONS TO STAFF

1. Link to 612:10-7-22.1 (a) and (b) Application.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612, deleted 30 day wait, added 60 day deadline for determining eligibility
10-1-97	PT Memo #98-4 Emergency, changed criteria for application, individual no longer needs to submit in writing before counted as an applicant
7-1-98	PT Memo #98-15 Makes emergency rules issued 10-1-97 permanent, Written application not required before enter into Status 02
7-1-05	PT Memo #06-01 Permanent, Independent Living policy replaced with Older Blind
7-1-07	PT Memo #08-01

	Permanent, changed OL to OB
7-1-11	PT Memo #12-01
	Permanent, eliminated duplicative provisions
8-25-16	Removal of language regarding homemaker.

612:10-11-4. Residency

There are no residency requirements that would exclude any individual who is present in the state from receiving services for which they are otherwise eligible.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-05	PT Memo #06-01 Permanent, Independent Living policy replaced with Older Blind
7-1-06	PT Memo #07-01 Permanent, changed language to make clear that there are no residency requirements.

612:10-11-6. Client participation in cost of OB services

OB services are available to individuals who are determined eligible for services and who have shown need for multiple rehabilitation teaching services. Eligible individuals are not required to participate in service cost. If the consumer wishes to participate in the cost of case service, such expenditures can be negotiated.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-05	PT Memo #06-01
	Permanent, Independent Living policy replaced with Older Blind
7-1-07	PT Memo #08-01
	Permanent, changed OL to OB
7-1-11	PT Memo #12-01
	Permanent, updated language

612:10-11-7. Administrative review

Any individual who is an applicant or client of OB services must be advised of his/her right to request a timely review or a re-determination of any action taken by DRS staff. The review will be conducted by the Administrator for Services for the Blind and Visually Impaired or his/her designee, who shall respond to the applicant or client in writing with the findings and conclusions of the review.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-05	PT Memo #06-01 Permanent, Independent Living policy replaced with Older Blind
7-1-07	PT Memo #08-01 Permanent, changed OL to OB
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

PART 3. CASE PROCESSING

Section

612:10-11-17. Case processing

612:10-11-22. Service Status

612:10-11-24. Successful Closure Status

612:10-11-17. Case processing

To provide an orderly manner for progression of an OB services case through the process from referral to closure, a status classification system has been developed. This system has been developed so the status will tell at what stage in the process a case is at a given time. The criteria for each status are the same as for other rehabilitation cases. **1** The statuses are:

(1) Application Status

(2) Closure From Application Status

(3) Eligibility Status

(4) Service Status

(5) Successful Closure

(6) Unsuccessful Closure

INSTRUCTIONS TO STAFF

1. See Subchapter 9 and specific case status policies in Subchapter 7 for criteria and use of case statuses.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-98	PT Memo #98-15 Permanent, changed statuses to conform with ORMIS
7-1-05	PT Memo #06-01 Permanent, Independent Living policy replaced with Older Blind
10-1-07	PT Memo #08-02 Permanent, AWARE change. Removed Status numbers.
7-1-11	PT Memo #12-01 Permanent, deleted two status not in use

612:10-11-22. Service Status

An individual's case is placed in Service status when the client's Individualized Rehabilitation Program (IRP) for Older Blind is completed and services are initiated. The IRP is designed to formalize case planning and management. The client and the Specialist establish both a long term goal and objectives with time frames. The long-term goal of personal adjustment will include intermediate objectives which include, but are not limited to:

(1) improvement in ability to perform activities of daily living;

(2) living independently in the client's own home;

(3) decreased dependence on family members; and/or

(4) decreased need for supervision of activities of daily living; and/or

(5) improve quality of life.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-98	PT Memo #98-15 Permanent, changes to conform with ORMIS
7-1-05	PT Memo #06-01 Permanent, Independent Living policy replaced with Older Blind
10-1-07	PT Memo #08-02 Permanent, AWARE change. Removed Status numbers.
7-1-11	PT Memo #12-01 Permanent, deleted portions that appear elsewhere in policy

612:10-11-24. Successful Closure Status

A successful closure is when the planned program of services has been completed and/or the consumer has achieved his/her goal for independence. The client, or the client's authorized representative as appropriate, will be a full participant in the decision to close the case. The last discussion of the closure decision with the client, or the client's authorized representative, will be held within 30 days of the closure **1**, and will be documented in a case narrative. The client will also be given a copy of the closure letter in their preferred format.

INSTRUCTIONS TO STAFF

1. Before the case is closed, all un-liquidated authorizations must be cancelled or accounted for to determine if a claim will be made against any outstanding authorization.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-97	PT Memo #97-9
	ITS, changed to allow case closure with outstanding authorizations
7-1-98	PT Memo #98-15
	Permanent, changes to conform with ORMIS
7-1/05	PT Memo #06-01
	Permanent, Independent Living policy replaced with Older Blind
10-1-07	PT Memo #08-02
	Permanent, AWARE change. Removed Status numbers.
7-1-11	PT Memo #12-01
	Permanent, deleted provision for post closure activity

PART 5. PROVISION OF SERVICES

Section

612:10-11-37. Counseling services

612:10-11-37.1. Assessment

612:10-11-39. Physical restoration services

612:10-11-41. Transportation

612:10-11-42. Interpreter services

612:10-11-43. Reader/Guide services

612:10-11-46. Community integration

612:10-11-47. Low vision training

612:10-11-49. Referral services

612:10-11-53. Daily living skills

612:10-11-54. Management of secondary Disabilities

612:10-11-55. Referral for VR services

612:10-11-56. Low vision Evaluation Services

612:10-11-57. Purchase of Adapted Devices

612:10-11-58. Adapted Communication Skills Training

612:10-11-59. Advocacy

612:10-11-60. Peer or Facilitated Support Groups

612:10-11-37. Counseling services

Counseling to the consumer and/or family members may be provided by DRS staff, but also may include peer counseling, advocacy services and related services for the purpose of personal adjustment.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-05	PT Memo #06-01 Permanent, Independent Living policy replaced with Older Blind

612:10-11-37.1 Assessment

Prior to the development and implementation of the Individualized Rehabilitation Plan (IRP), the rehabilitation teacher will thoroughly evaluate the consumer's independent functioning. By assessing the consumer's skills in basic areas such as communication, personal management, health management, home management and adjustment to disabilities, appropriate teaching services can be better identified to assist the consumer in improving his/her quality of life.

Section History
7-1-11 PT Memo #12-01
Permanent, new, to identify service needs of older blind

612:10-11-39. Physical restoration service

Physical restoration service available to individuals eligible for OB service is provision of prescriptive eye glasses where correction does not improve above the legal blindness level.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
4-3-96	PT Memo #96-2
	Emergency, removed dental services from list of available IL services
7-1-97	PT Memo #97-9
	Permanent, supersedes emergency rules issued 4-3-96
7-1-05	PT Memo #06-01
	Permanent, Independent Living policy replaced with Older Blind
7-1-07	PT Memo #08-01
	Permanent, changed OL to OB

612:10-11-41. Transportation

(a) Transportation is considered to be incidental to the provision of other OB services. Transportation is a supportive service provided in conjunction with one or more other OB services necessary to achieve the goals established in the IPE. It is never provided as the sole service.

(b) When transportation is required, it will be provided by the most economical source available after all other resources have been exhausted. Authorization may be made directly to the client or to the individual who provides the transportation. **1**

INSTRUCTIONS TO STAFF

1. 612:10-7-131

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-05	PT Memo #06-01 Permanent, Independent Living policy replaced with Older Blind
7-1-07	PT Memo #08-01 Permanent, changed OL to OB

612:10-11-42. Interpreter services

(a) Interpreter services including tactile interpretation for individuals who are deaf-blind may be purchased for clients who are deaf and hearing impaired when necessary to enable them to benefit from OB services. Rate of pay will be determined by rates adopted by the commission for Rehabilitation Services. **1**

(b) Special telecommunications services and devices for the hearing impaired are also available. **2**

(c) Interpreter services may also be provided to individuals who do not speak English and/or who have a speaking impairment. **3** The rate of pay for interpreter services of this type will be determined by the DRS commission. **4**

INSTRUCTIONS TO STAFF

1. See Instructions to Staff 612:10-7-196

2. See 612:10-13-4

3. The Rehabilitation Teacher will utilize staff members who have been trained in interpreting or who speak the appropriate language whenever possible.

4. The authorization will include the number of hours to be provided and the period of time over which the service is to be provided in addition to the per hour fee. The interpreter will submit a claim at the end of each specified time period. Rates to be paid for interpreter services are found in 612:10-7-196.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-05	PT Memo #06-01 Permanent, Independent Living policy replaced with Older Blind
7-1-07	PT Memo #08-01 Permanent, changed OL to OB
7-1-11	PT Memo #12-01 Permanent, deleted duplicated paragraph

612:10-11-43. Reader/Guide services

Reader/Guide services includes the provision of volunteers to read mail, etc. and use of guides to get to medical, recreational activities, etc. In planning the provision of reader services, the Department may also make use of available volunteer reading from family members, community groups and others.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-98	PT Memo #98-15 Permanent, clean-up editing, changes to conform with ORMIS
7-1-99	POL Memo #00-1 Permanent, updated DVR/DVS
7-1-05	PT Memo #06-01 Permanent, Independent Living policy replaced with Older Blind
8-25-16	Updated language to remove "sighted" when referring to guide services.

612:10-11-46. Community Integration

The Department, when appropriate, will assist consumers with activities to get re-involved in the life of the community again for social interaction, educational, or recreational purposes. **1**

INSTRUCTIONS TO STAFF

1. This can include attending a senior center or other senior citizens group, attending consumer organization meetings, going back to church and may include setting up transportation.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612, changed 'funds aren't available' to 'funds aren't used to pay for'
7-1-05	PT Memo #06-01 Permanent, Independent Living policy replaced with Older Blind
11-3-15	Revised the Instructions to Staff

612:10-11-47. Low Vision Training

Low vision training includes training in how to use remaining vision effectively, such as the use of optical and non-optical devices, use of lighting, color contrast, reducing glare, learning eccentric viewing (learning how to use residual peripheral vision to read and perform tasks typically done with central vision) and learning scanning techniques to compensate for loss of peripheral vision.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
11-17-94	PT Memo #94-5 Emergency, deleted that client participation in service costs was required for training services
7-1-95	PT Memo #95-2 Permanent, supersedes emergency rules issued 11-17-94
7-1-99	POL Memo #00-1 Permanent, changed IRP to IPE
7-1-05	PT Memo #06-01 Permanent, Independent Living policy replaced with Older Blind

612:10-11-49. Referral services

The Department will refer individuals as appropriate to other sources for assistance when the required service is beyond the scope of the OB services or the service can best be provided by another agency. Referrals will be made in a timely manner and followed to determine the results of the referral. Such referrals can assist in connecting the consumer with other agencies/organizations within the vision field and outside the field such as agencies serving the elderly, the health system, and home health care.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-05	PT Memo #06-01
	Permanent, Independent Living policy replaced with Older Blind
7-1-07	PT Memo #08-01
	Permanent, changed OL to OB

612:10-11-53. Daily Living Skills

Daily living skills may include but are not limited to: meal and/or food preparation, personal management (such as personal grooming), money management skills, identifying and matching clothing, clothing care and home management (such as cleaning and keeping the home in order, basic safety in the kitchen and basic home maintenance).

Section History
7-1-05 PT Memo #06-01
Permanent, New section for Older blind

612:10-11-54. Management of Secondary Disabilities

Staff will provide instructions, when appropriate, to assist consumer's in the management of secondary disabilities. Such services can include but are not limited to:

(1) instruction on management of diabetes including coping with dietary restrictions and methods for gauging insulin;

(2) basic home modifications to insure safety;

(3) alternative techniques for identification of medications; and

(4) locating appropriate resources to assist consumer in managing secondary disabilities.

Section History
7-1-05 PT Memo #06-01
Permanent, New Section for Older blind

612:10-11-55. Referral for VR Services

Staff will refer consumers, when appropriate, to the Rehabilitation Counselor, one-stop center or Title V (of the Older Americans Act program) to assist with job training and placement. **1**

INSTRUCTIONS TO STAFF

1. When referring consumers for VR Services, referral form DRS-C-17 should be completed with appropriate documentation attached.

Section History
7-1-05 PT Memo #06-01

Permanent, New section for Older Blind

612:10-11-56. Low Vision Evaluation Services

When appropriate, a low vision evaluation to ascertain consumer's need for low vision optical devices which will maximize consumer's residual vision, may be obtained. **1**

INSTRUCTIONS TO STAFF

1. Staff are encouraged to locate the most economical source for purchasing low vision devices.

Section History
7-1-05 PT Memo #06-01
Permanent, New section for Older Blind

612:10-11-57. Purchase of Adapted Devices

Staff will evaluate the consumer's need for adapted devices which can maximize the consumer's independence. Instructions in the utilization of each device will be provided to insure safe and efficient use of each device. **1**

INSTRUCTIONS TO STAFF

1. Reading systems which can include CCTV and/or scanning software that converts text to speech in conjunction with portable computer dependent scanners may be purchased for consumers following proper evaluation.

It is not in the scope of the OB Program to purchase or upgrade computer equipment including CPU, monitors, printers or scanners, however, adapted access technology can be purchased, when appropriate, to provide a consumer access through screen reading software, screen enlargement software, and Braille translation software. Adapted hardware including note taking devices, refreshable Braille displays and Braille embossers can be considered to provide access. Evaluation of need is required and instructions in the use of such technology will be provided to insure the consumer's success in using the access technology.

The Rehabilitation Teacher can assess the consumer's need for a CCTV. A referral will be made to the Assistive Technology Specialist on the DRS-C-17 form for all other access technology needs.

Section History

7-1-05	PT Memo #06-01 Permanent, New section for Older Blind
7-1-07	PT Memo #08-01 Permanent, ITS ONLY
11-3-15	Revised the Instructions to Staff
8-8-16	Revised the Instructions to Staff by removing the language "Programs manager approval is required for technology purchases in excess of $600.00 per consumer."

612:10-11-58. Adapted Communication Skills Training

Staff will evaluate the consumer's need for instruction in communication skills **1** which includes but is not limited to:

(1) use of full page, signature, check book, envelope or other hand writing guides;

(2) reading and writing Braille;

(3) keyboarding;

(4) using the telephone;

(5) taking messages;

(6) telling time – watch and clock;

(7) evaluating the need for assistive listening devices for hearing impaired consumers;

(8) developing skills in expressive and receptive communications;

(9) utilizing access technology when appropriate; and

(10) use of communication technology devices (e.g. iPads).

INSTRUCTIONS TO STAFF

1. The Rehabilitation Teacher will assist hearing impaired consumers in locating resources for the purchase of prescribed hearing aids including the Senior Hearing Aid Program. Hearing aids will not be purchased through OB funds.

Referral will be made on the DRS-C-17 to the Division's Deaf-Blind Specialist when appropriate for specific services required for those consumers who are deaf-blind.

Refer to 612:10-7-222 regarding the purchase of assistive technology devices.

Section History

7-1-05	PT Memo #06-01 Permanent, New section for Older Blind
7-1-11	PT Memo #12-01 Permanent, revised referenced policy from 206 to 222
8-25-16	Added section (10) use of communication technology devices.

612:10-11-59. Advocacy

Staff will instruct consumers how to advocate for one's self, making one's needs known in an assertive and positive manner; speaking up for one's self; and getting one's needs met in an appropriate way.

Section History
7-1-05 PT Memo #06-01
Permanent, New section for Older Blind

612:10-11-60. Peer or Facilitated Support Groups

Staff will provide consumers with resource information regarding peer support groups within communities to assist individuals with vision loss.

Section History
7-1-05 PT Memo #06-01
Permanent, New section for Older Blind

SUBCHAPTER 13. SPECIAL SERVICES FOR THE DEAF AND HARD OF HEARING

PART 1. SERVICE PROGRAMS

Section

612:10-13-1. Mission of the program

PART 3. CERTIFICATION OF INTERPRETERS

Section

612:10-13-14. Legal basis

612:10-13-15. Certification levels

612:10-13-16. Evaluation

612:10-13-17. Evaluation team

612:10-13-18. Fees

612:10-13-19. Refunds

612:10-13-20. Certification maintenance

612:10-13-21. Ethical standards

612:10-13-22. Grievance procedures

612:10-13-23. Formal hearing

612:10-13-24. QAST Advisory Committee

Section History

9-1-93 No PT Memo
Emergency, first adoption under OAC Title 612

7-1-94 PT Memo #94-1
Permanent, first adoption under OAC Title 612, divided into Parts and added new sections

7-1-95 PT Memo #95-2
Permanent, added new section 612:10-13-24

7-1-96 PT Memo #97-5
Permanent, changed tagline for 612:10-13-4

7-1-05 PT Memo #06-01
Permanent, sections 2 & 3 revoked

7-1-12 Permanent, section 4 moved to Chapter 20

PART 1. SERVICE PROGRAMS

Section

612:10-13-1. Mission of the program

612:10-13-1. Mission of the program

(a) **Purpose.** This Subchapter describes the special services available from the Department of Rehabilitation Services specifically targeted to the needs of individuals who are Deaf, hard of hearing and/or have other communicative disorders. These services are provided to meet the unique needs of this population and include but are not limited to:

(1) vocational rehabilitation counseling and services provided by specialists with knowledge of the medical, functional, communicative, cultural and employment issues experienced by individuals who are Deaf, hard of hearing, late deafened and deaf-blind;

(2) specialized client services including cultural mediation, information and referral for services related to hearing loss, client self-advocacy training, assistive technology devices and services for communication access, and instruction in specialized skills for independence, socialization and work adjustment;

(3) facilitation of effective communication between persons with hearing loss and providers of planned VR services;

(4) community outreach to educate consumers and the hearing population regarding hearing loss, communications accessibility, and rehabilitation and employment opportunities for persons with hearing loss;

(5) sign language interpreter certification for the State of Oklahoma;

(6) provision and coordination of interpreter services for DRS purposes including client communications; and

(7) providing a conduit for communication between Oklahomans with hearing loss and the Department, advising the agency on current issues, needs and concerns of Oklahomans with hearing loss.

(b) **Acronyms.** The following acronyms, when used in this subchapter, stand for the following:

(1) **"CDI"** Certified Deaf Interpreter

(2) **"CI"** Certificate of Interpretation

(3) **"CSC"** Comprehensive Skills Certification

(4) **"CT"** Certificate of Transliteration

(5) **"NAD"** National Association of the Deaf

(6) **"RCD"** Rehabilitation Counselors for the Deaf and Hard of Hearing

(7) **"RID"** Registry of Interpreters

(8) **"SDHH"** Services to the Deaf and Hard of Hearing

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-04	PT Memo #05-01 Permanent, added acronyms.
7-1-11	PT Memo #12-01 Permanent, added types of services
9-12-14	Updated language

PART 3. CERTIFICATION OF INTERPRETERS

Section

612:10-13-14. Legal basis

612:10-13-15. Certification levels

612:10-13-16. Evaluation

612:10-13-17. Evaluation team

612:10-13-18. Fees

612:10-13-19. Refunds

612:10-13-20. Certification maintenance

612:10-13-21. Ethical standards

612:10-13-22. Grievance procedures

612:10-13-23. Formal hearing

612:10-13-24. QAST Advisory Committee

612:10-13-14. Legal basis

Title 56, Section 199.2 of Oklahoma statute directs the Department of Rehabilitation Services to establish policy and procedures for the evaluation and certification of interpreters for the deaf in Oklahoma, and authorizes the Department to charge a fee to recoup costs incurred in testing and certifying interpreters.

Section History

7-1-94	PT Memo #94-1 Permanent, new section
7-1-05	PT Memo #06-01 Permanent, corrected the section number in OK statute
9-12-14	Updated language

612:10-13-15. Certification levels

Interpreter certification levels are set by the Department. **1** Each certification level should adhere to established guidelines or laws that instruct, restrict or prohibit interpreting in specified settings/environments.

INSTRUCTIONS TO STAFF

1. Interpreter certification levels:

(a) Level I. Level I is the entry level beginner who is able to expressively and receptively interpret or transliterate a minimum of fifty percent (50%) of the beginner's performance evaluation.

Level I should be capable of interpreting in one-to-one situations on a nontechnical basis in which the interpreter has an opportunity to stop for clarification and feedback from the deaf consumer.

Level I should not be used for any legal settings, any mental health settings, any medical settings, any life threatening situations/settings, K-12 educational, intensive platform- live emergency broadcasting, employment interviews, or critical situations of any kind – where impact on consumer is moderate to high.

(b) Level II. Level II is an intermediate level beginner who is able to interpret or transliterate seventy percent (70%) of the beginner's performance evaluation.

Level II should be capable of interpreting for deaf individuals in some one-to-one situations, orientation sessions, and basic tutoring sessions, and nontechnical settings. These situations may or may not permit the interpreter to stop the consumer(s) for clarification.

Level II should not be used for any legal settings, any mental health settings, any medical settings, any life threatening situations/settings, K-12 educational, intensive platform- live emergency broadcasting, employment interviews, or critical situations of any kind – where impact on consumer is moderate to high.

(c) Level III. Level III is an advanced level beginner who is able to interpret or transliterate a minimum of eighty-five percent (85%) of the beginner's performance evaluation.

Level III should be capable of interpreting in most one-to-one situations, group sessions, and most workshops that are easily handled if there is a minimum of voicing required. Can be used in the public school settings. Can be used in non-threatening routine medical settings and most technical meetings, where the interpreter has an opportunity to stop for clarification and feedback from the deaf consumer.

Level III should not be used in any legal settings, any mental health settings, any specialized medical and/or emergency life threatening settings, or critical situations of any kind – where impact on consumer is moderate to high.

(d) Level IV. Level IV is an accomplished level interpreter who is able to interpret or transliterate a minimum of eighty percent (80%) of the advanced performance evaluation.

Level IV should be capable of interpreting well expressively and receptively, using discretion based upon situational factors and language level of the consumer. Level IV can be used in most technical situations, routine/clinical mental health settings, routine/clinic medical settings, non-threating broadcasting. The interpreter should abide by the specific law(s) that governs the stipulations of providing interpreting services in any legal settings.

Level IV should not be used in extensive mental health therapy or extensive medical settings that are considered emergency or crisis in nature or any legal settings that require parties to be sworn to oath.

(e) Level V. Level V is a master level interpreter who is able to interpret or transliterate a minimum of ninety percent (90%) of the advanced performance evaluation.

Level V should be capable of interpreting expressively and receptively in a majority of situations and use professional judgment when accepting assignments.

Level V should not be used in any courtroom action or legal settings that require parties to be sworn to oath. The interpreter should abide by the specific law(s) that governs the stipulations of providing interpreting services in any legal settings.

Section History

7-1-94	PT Memo #94-1 Permanent, new section
7-1-11	PT Memo #12-01 Permanent, removed descriptive material out of permanent rules.
11-30-17	Updated ITS #1 (a)-(e) replaced all language regarding interpreter certification levels and limitations.

612:10-13-16. Evaluation

(a) **Evaluation components and conditions.** To be certified as an interpreter, an individual must pass a skill based performance evaluation. The process for certification consists of a written examination and a performance evaluation. The written examination and performance interview may include items from the Oklahoma QAST Ethical Standards and the Limitations of Levels. Interpreters who hold Level III certification in either Interpreting or Transliterating are required to take the IV/V performance evaluation, which is in compliance with the Ethical Standards. **1**

(b) **Written examination.** The written examination consists of questions designed to measure knowledge of interpreting and situational ethics. Applicants must make a passing score, as established by the program, before being allowed to take the performance evaluation. If the written test is failed, retesting may be taken again in 30 calendar days.

(c) **Performance Evaluation.** The Interpreter Certification and Resource Center (ICRC) administers two performance evaluations, certification levels for category I-III and certification levels for category IV/V. The performance evaluation consists of ethical situational questions, which is called an interview, and a skill based proficiency test, which will test the candidate's ability to interpret and transliterate interactive settings. Individuals may request testing for category levels I-III or category levels IV/V. A candidate is eligible to apply in the same performance category, I-III or IV-V, in four months from prior testing date. A performance application can be submitted before four months and will be placed on the next available evaluation date after the four months waiting period. If an interpreter obtains a level III in either transliterating or interpreting, he/she is immediately eligible to apply for the IV/V performance. Certification will be granted to an individual whose total score falls within the acceptable range for that level.

(d) **Conflict of interest.** Interpreter certification program staff who select, manage or coordinate the certification process or select evaluators are not eligible to test for Oklahoma interpreter certification through this process.

INSTRUCTIONS TO STAFF

1. Evaluations Components and conditions:

   The written test will be valid for three (3) years from the passing date provided an individual takes the performance portion and receives and maintains certification. If the performance portion is not taken or certification level is not achieved in the 3 years from the written passing date, an individual must re-take and pass the written test before eligible to take the performance evaluation. If certification becomes invalid for non-compliance with CEUs or maintenance fees, or failure to submit performance application 90 days prior to level expiring, then an individual must re-take and pass the written portion before being eligible for the performance portion.

   If an interpreter's certification becomes invalid twice in a four (4) year period due to non-compliance with either of the requirements (satisfying 1 CEU or maintenance fee), the interpreter will not be allowed to take the written portion or performance portion until one (1) year from the date of second documented non-compliance.

Section History

7-1-94	PT Memo #94-1 Permanent, new section
7-1-96	PT Memo #96-5 Permanent, conditions under which interpreter candidates may retest were liberalized
7-1-04	PT Memo #05-01 Permanent, updated language
7-1-11	PT Memo #12-01 Permanent, updated language
9-12-14	Updated language
9-14-18	Updated language to clarify elements in the interpreter evaluation process. Updated ITS to reflect new application submission timeframe of 90 days prior to level expiring.

612:10-13-17. Evaluation team

The evaluation team will consist of three trained evaluators, with effort given to one deaf or hard of hearing evaluator on the panel. Hearing evaluators of the evaluation team must hold a recognized national certification or an ICRC level V/V. **1** Either certification must be in good standing with the certifying body for a minimum of one year. The evaluators must attend the ICRC evaluation trainings, participate in interpreter evaluations annually, and have a current contract on file with the State Department of Rehabilitation Services. Evaluation team members will be selected from a list of qualified individuals prepared by the Department.

INSTRUCTIONS TO STAFF

1. Deaf or hard of hearing evaluators of the evaluation team should hold a nationally recognized certification and must be bilingual in ASL and English.

2. If not active, must reapply to be considered for evaluation training.

Section History

7-1-94	PT Memo #94-1 Permanent, new section
7-1-04	PT Memo #05-01 Permanent, updated language
7-1-11	PT Memo #12-01 Permanent, updated language
9-14-18	Updated the interpreter evaluation team and qualifications for team members. Updated ITS removing hearing evaluator's certifications language. Added "hard of hearing" language.

612:10-13-18. Fees

A fee will be charged to each applicant who applies for the ~~l~~written test and performance evaluation for state certification of an interpreter for the deaf. A yearly certification maintenance fee will also be charged. Individuals failing to timely pay the maintenance fee must submit a reinstatement fee and the annual certification maintenance fee along with the application for reinstatement. The fee structure will be based on the cost of the evaluations, materials and certificate maintenance program.

The fee for the written test is $50.00. The fee for performance evaluation is $125.00. The yearly certification maintenance fee is $50.00. The certification reinstatement fee is $100. Out of state residents may take the written/performance test for double the fee.

Section History

7-1-94	PT Memo #94-1 Permanent, new section
8-1-96	PT Memo #97-2 Permanent, State Office address revised
11/1/02	POL Memo #03-02 Permanent, ITS fee change
7-1-04	PT Memo #05-01 Permanent, fees changed and put in policy as required by Legislature.
9-14-18	Updated written test fee. Fee for performance evaluation changed from $100 to $125, yearly certification maintenance fee change from $40 to $50. Added language regarding the $100 certification reinstatement fee.

612:10-13-19. Refunds

Fees paid for performance evaluations may be refunded, provided, the request to cancel is submitted in writing at least two weeks prior to the scheduled date of the performance evaluation. An applicant may request to reschedule the date of the performance evaluation two weeks prior. The new date must be within one year of the originally scheduled performance evaluation or the fee is forfeited.

Section History

7-1-94	PT Memo #94-1 Permanent, new section
7-1-04	PT Memo #05-01 Permanent, updated language

612:10-13-20. Certification maintenance

(a) **General provisions for certification maintenance**. Certification for levels I, II, and III are good for a period of two years at which time the certification will expire or the interpreter may re-test. Certification for Level IV is good for a three year period at which time the certification will expire or the interpreter may re-test. Certification for Level V is considered to be permanent. Interpreters are permitted to re-test before their certification has expired. Certification will remain valid for an interpreter who has applied for re-evaluation and cannot be scheduled for testing prior to his/her certificate's expiration date, provided the application is received no later than 90 calendar days before the expiration date. However, any certification will lapse if the maintenance fee is not paid and/or continuing education requirements are not met by stipulated due dates, and/or if the performance application is not submitted 90 days before levels expire. Individuals who have allowed certification to lapse must take and pass the ICRC/QAST written portion before becoming eligible for the performance evaluation.

(b) **Continuing education requirements.** QAST certified interpreters are required to satisfy one (10 hours) Continuing Education Unit (CEU) annually, with .1 (1 hour) of this in the category of Ethics. It is the interpreter's responsibility to ensure all supportive CEU documentation is submitted to the Interpreter Certification Resource Center (ICRC) staff before or on December 31st, to avoid certification becoming invalid. If certification becomes invalid, the individual must re-test, and will be required to take and pass the written ICRC/QAST test before becoming eligible for the performance portion. **1**

(c) **Certification maintenance fee.** A certification maintenance fee and maintenance fee renewal form is due by January 31st each year. The renewal form must be postmarked on or before January 31st to avoid certification becoming suspended.

(d) **Certification suspension and reinstatement**. If the certification maintenance fee and renewal form are submitted after January 31st, the interpreter will become suspended, but has an option to make application for reinstatement. The reinstatement application, a $100 reinstatement fee and payment of the annual certification maintenance fee will be required for reinstatement. The reinstatement fee and certification maintenance fee are due before or on February 28th to avoid certification becoming invalid. If certification becomes invalid, the individual must re-test, and will be required to take and pass the written ICRC/QAST test before becoming eligible for the performance portion.

(e) **Expiration of certification.** If an interpreter does not submit an application for re-testing 90 days prior to the level(s) expiration date, the interpreter's level(s) will be considered invalid on the expiration date. If level(s) become invalid, the individual must re-test, and will be required to take and pass the ICRC/QAST written test before becoming eligible for the performance portion. If an interpreter's certification becomes invalid twice in a four (4) year period due to non-compliance with either the CEU or maintenance fee requirements, the interpreter will not be allowed to take the written portion or the performance portion of the ICRC/QAST test until one (1) year from the date of the second documented non-compliance.

INSTRUCTIONS TO STAFF

1. QAST certified interpreters are required to satisfy 1 CEU and a maintenance fee annually. Failure to satisfy one or either of the requirements will result in certification becoming invalid.

The 1 (10 hrs) CEU, with .1 (1 hr) of this in the category of Ethics, is due by December 31st. It is the interpreter's responsibility to ensure all supportive CEU documentation is submitted to the QAST Administrator before or on December 31st to avoid certification becoming invalid. If certification becomes invalid, the individual will be required to take the written portion before eligible for the performance portion.

The maintenance fee and maintenance fee renewal form is due by January 31st. The renewal form or postage must have the postmark of January 31st to avoid certification becoming suspended. If maintenance fee and renewal form is past January 31st, the interpreter will become suspended and has an option to make application for reinstatement and pay the maintenance fee and a $100.00 reinstatement fee. The reinstatement fee and maintenance fee is due before or on February 28th to avoid certification becoming invalid. If certification becomes invalid, the individual will be required to take the written portion before eligible for the performance portion.

If an interpreter's certification becomes invalid twice in a four (4) year period due to non-compliance with either of the requirements; satisfying 1 CEU or maintenance fee, the interpreter will not be allowed to take the written portion or performance portion one (1) year from the date of second documented non-compliance.

Section History

7-1-94	PT Memo #94-1 Permanent, new section
3-1-97	PT Memo #97-5 Emergency, liberalized certification testing policy
7-1-97	PT Memo #97-9 Permanent, supersedes emergency rules issued 3-1-97
7-1-04	PT Memo #05-01 Permanent, updated language
7-1-11	PT Memo #12-01 Permanent, adjustments to certification rules
9-14-18	Updated language modifying certain interpreter certification maintenance provisions and clarified the process for maintaining and renewing certification.

612:10-13-21. Code of ethics

The interpreter/transliterator shall agree to abide by the National Association of the Deaf (NAD) and the Registry of Interpreters for the Deaf, Inc. (RID) Code of Professional Conduct. Federal, state, or other laws or regulations may supersede the NAD-RID Code of Professional Conduct if a conflict is present between existing law or regulations and the Code of Professional Conduct. The interpreter/transliterator will abide the rule of the law.

Section History

7-1-94	PT Memo #94-1 Permanent, new section
7-1-04	PT Memo #05-01 Permanent, updated language
7-1-11	PT Memo #12-01 Permanent, code of ethic changes
9-12-14	Updated language
9-11-20	Revisions removed of antiquated language.

612:10-13-22. Grievance procedures

(a) Individuals who are dissatisfied with certification testing procedures or performance of a certified interpreter may file a written complaint with the designated Oklahoma interpreter certification program official, Department of Rehabilitation Services, within thirty (30) days of the grieved incident.

(b) The Department will accept jurisdiction only for those incidents directly related to the evaluation and certification of interpreters for the deaf in Oklahoma and those incidents involving the performance of State Certified Interpreters that allege a specific violation of interpreting standards or ethical behavior.

(c) Each complaint must be in writing and must set forth:

(1) The date of the incident;

(2) The names of the person(s) involved;

(3) The location of the incident;

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

(5) The specific policy or procedure in question.

(d) Upon receipt of a properly executed complaint, the Department will review the complaint and within thirty (30) days notify the respondent that a complaint has been filed. The respondent will have thirty (30) days from the date he or she receives the notification to respond.

(e) Upon the receipt of a written response, the designated Oklahoma interpreter certification program official will review the information presented and make an initial decision regarding the merit of the complaint. The designated Oklahoma interpreter certification program official has thirty (30) days from the submittal of the grievance to make the decision. All parties concerned will be notified of the decision in writing.

(f) If it is determined that a violation of either rules governing interpreter evaluations or standards and ethical behavior for interpreters may have occurred, the complaint will be referred to the grievance board.

(g) If it is determined that no violation of rules related to evaluation and certification of Interpreters for the deaf or violation of interpreting standards and ethical behavior has occurred, the involved parties will be notified and the complaint will be dismissed. If the complaint is dismissed the complainant may request a formal hearing within thirty (30) days of receiving the notification. The request for formal hearing must be in writing and addressed to the designated Oklahoma interpreter certification program official at the Department of Rehabilitation Services. **1**

INSTRUCTIONS TO STAFF

Designated Oklahoma Interpreter Certification Program Official:

Interpreter Certification Program Specialist

Services to the Deaf and Hard of Hearing

2301 NW 23rd Street, Suite 51

Oklahoma City, Oklahoma 73107

Section History

7-1-94	PT Memo #94-1 Permanent, new section
7-1-95	PT Memo #95-2 Permanent, deleted word 'formal'
8-1-96	PT Memo #97-2 Permanent, State Office address updated
9-12-14	Updated to reflect name change of QAST Administrators to Designated Oklahoma Interpreter Certification Program Official

612:10-13-23. Formal hearing

(a) A formal hearing may be requested by the complainant by contacting the designated Oklahoma interpreter certification program official. **1** The hearing will be scheduled at a time and place convenient to all parties concerned. All parties will receive two weeks notice of the hearing date.

(b) The complainant and/or respondent may invite a representative (including legal) to assist during the proceedings. Either party may present witnesses, affidavits or other written documentation related to any relevant aspect of the charge or defense.

(c) The hearing will be conducted by a grievance board selected by the Oklahoma interpreter certification program Advisory Committee and the Department. At least one member must be deaf or hard of hearing and must be either a former or current Oklahoma interpreter certification test evaluator; one member must be an interpreter holding national or Oklahoma State Level V certification; one member will be selected at the discretion of DRS and may be from a profession other than interpreting for the deaf, but must be knowledgeable of interpreter skills. The grievance board will review information presented and make a determination of the facts. Based upon this determination, the grievance board will recommend the appropriate action the Oklahoma interpreter certification program should take. Possible actions are set forth in (1) through (8) of this Subsection.

(1) The complaint be dismissed;

(2) A written warning be issued;

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

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

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

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

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

(8) A change in policy or procedures in the interpreter evaluation process.

(d) The decision of the Oklahoma interpreter certification program grievance board will be reviewed by the designated interpreter certification program official who will notify all parties involved in writing of the decision within thirty (30) days. If a party is dissatisfied with the outcome of a formal hearing, an appeal may be made to the Director of the Department of Rehabilitation Services. The Director shall have forty-five (45) days to render a decision. The Director's decision shall be final.

INSTRUCTIONS TO STAFF

Designated Oklahoma interpreter Certification Program Official:

Oklahoma Interpreter Certification Program Specialist

c/o Oklahoma Department of Rehabilitation Services

3535 NW 58th Street, Suite 500

Oklahoma City, Oklahoma 73112

Section History

7-1-94	PT Memo #94-1 Permanent, new section
8-1-96	PT Memo #97-2 Permanent, State Office address updated
9-12-14	Updated to reflect name change of QAST Administrators to Designated Oklahoma Interpreter Certification Program Official. Updated to reflect name change of Assurance Test Evaluator to Interpreter Certification Test Evaluator.

612:10-13-24. Interpreter certification program advisory committee

(a) An Oklahoma interpreter certification program advisory committee shall serve in an advisory capacity to provide expert assistance in maintaining the integrity of the Oklahoma interpreter certification system. The committee will communicate the needs and concerns of the interpreting community in regard to interpreter certification as well as convey current industry standards. The Oklahoma interpreter certification program advisory committee shall also participate in selecting grievance board members.

(b) The Oklahoma interpreter certification program advisory committee shall consist of those individuals as defined by 612:10-13-17.

(c) Oklahoma interpreter certification program advisory committee members will be chosen from a pool of qualified applicants by the Department of Rehabilitation Services. Members serve terms of two years, and may serve consecutive terms. Meetings will be held at least once annually, or as needed.

Section History

7-1-95	PT Memo #95-2 Permanent, new section
7-1-04	PT Memo #05-01 Permanent, updated language
9-12-14	Updated to reflect name change of QAST Advisory Committee to Oklahoma Interpreter Certification Program Advisory Committee.

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES

CHAPTER 15. OKLAHOMA LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED

Subchapter		Section
1.	General Provisions	612:15-1-1
3.	OLBPH Services	612:15-3-1
5.	Library Loan Policy	612:15-5-1

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
8-1-96	PT Memo #97-2 Permanent, changed names of appendices

SUBCHAPTER 1. GENERAL PROVISIONS

Section

612:15-1-1. Purpose

612:15-1-2. Definitions

612:15-1-3. Library functions and legal basis

Section History

9-1-93 No PT Memo
Emergency, first adoption under OAC Title 612

7-1-94 PT Memo #94-1
Permanent, first adoption under OAC Title 612

7-1-02 POL Memo #02-02
Permanent, section 4 revoked

7-1-03 PT Memo #03-07
Permanent, revoked section, forms removed from APA process

612:15-1-1. Purpose

The purpose of this Chapter is to set forth the rules governing the operation of the Oklahoma Library for the Blind and Physically Handicapped. The legal base for these rules is the Pratt-Smoot Act, P.L. 89-522, 74 O.S., 166.1 et seq.

Section History

9-1-93	No PT Memo
	Emergency, first adoption in OAC Title 612
7-1-94	PT Memo #94-1
	Permanent , first adoption in OAC Title 612

612:15-1-2. Definitions

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

"Competent Authority" means a certifying authority who, in cases of blindness, visual impairment, or physical limitations, is a doctor of medicine, doctor of osteopathy, ophthalmologist, optometrist, registered nurse, therapist, professional librarian, professional staff of a hospital, institution or public or private welfare agency, and Department of Rehabilitation staff (VR Counselors, Rehabilitation Teachers, and Superintendents); in the case of reading disability from organic dysfunction, competent authority is defined as a doctor of medicine or doctor of osteopathy who may consult with colleagues in associated disciplines. **1**

"NLS" means the National Library Service of the Library of Congress.

"OLBPH" means the Oklahoma Library for the Blind and Physically Handicapped.

INSTRUCTIONS TO STAFF

1. Link to 36 CFR 701.6 See 701.6(b)(2)(i) and (ii).

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
8-1-96	PT Memo #97-2 Permanent, added Doctor of Osteopathy as authority to certify reading disability.
7-1-11	PT Memo #12-01 Permanent, revised definition of competent authority. Updated cite reference to July 2010 in ITS

612:15-1-3. Library functions and legal basis

(a) The Oklahoma Library for the Blind and Physically Handicapped (OLBPH), operated by the Division of Visual Services within the Department of Rehabilitation Services, **1** is the regional library for Oklahoma as part of the national network of libraries of the Library of Congress National Library Service (NLS) for the Blind and Physically Handicapped.

(b) On March 3, 1931, the Pratt-Smoot bill authorized the Library of Congress to arrange with other libraries to serve as local or regional centers to circulate books to blind or visually-impaired users. By the end of fiscal 1966, Congress passed Public Law 89-522 extending the service to library users who could not read standard print because of physical disability, which can include certain reading disabilities. State law (7 O.S. Section 8 and 74 O.S. 166.4(B)(3)(b) and 166.5) establish that the Section of Services to the Blind (Visual Services) of the Commission for Rehabilitation Services has the authority and duty to provide special library services to blind and visually impaired citizens.

(c) Functions of the Library include but are not limited to:

(1) Loan of books and periodicals in accessible formats for eligible adults and children with visual, physical or learning disabilities that prevent effective use of standard print materials;

(2) Production of recorded and Braille materials on request and on a limited basis, subject to availability of resources. Fees may be established to cover the cost of production. Services provided by OLBPH as part of the National Library Service will be given priority over requests for production of reading materials in alternate formats; **2**

(3) Acquisition, housing and circulation of Braille textbooks and other accessible instructional materials for students with print disabilities in grades pre-K through 12;

(4) Improving access to print information for Oklahomans with print disabilities by providing, through contract or directly, services that supply audio or electronic access to newspapers, books, works by Oklahoma authors, educational programming, local and state activities, and information on resources.

(5) Recruitment and training of volunteers to support library functions.

INSTRUCTIONS TO STAFF

1. See 7 O.S. Section 8 and 74 O.S. Section 166.4 and 166.5.

2. Individuals should contact OLBPH at 405-521-3514 or 800-523-0288 to determine the alternative formats available from the library, and the fees for this service.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612

8-1-96 PT Memo #97-2
Permanent, added how OLBPH will produce reading materials in alternate formats. Added ITS.

7-1-11 PT Memo #12-01
Permanent, updated language

8-27-15 Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.

9-11-17 Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.

SUBCHAPTER 3. OLBPH SERVICES

Section

612:15-3-1. Eligibility

612:15-3-2. Application and certification

612:15-3-3. Reading materials

612:15-3-4. Volunteer services

Section History

9-1-93 No PT Memo
Emergency, first adoption under OAC Title 612

7-1-94 PT Memo #94-1
Permanent, first adoption under OAC Title 612, added new Section listing for Descriptive Video Services

612:15-3-1. Eligibility

A person eligible for Library of Congress services must be a resident of the United States, including the several states, territories, insular possessions, and the District of Columbia, or American citizen domiciled abroad. A person eligible for OLBPH services must be an Oklahoma resident and meet one or more of the criteria in paragraphs (1) through (4) of this Subsection:

(1) persons who are blind whose visual acuity, as determined by competent authority, is 20/200 or less in the better eye with correcting lenses, or whose widest diameter of visual field subtends an angular distance no greater than 20 degrees;

(2) persons whose visual disability with correction and regardless of optical measurement is certified by a competent authority as preventing the reading of standard printed material;

(3) persons certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations, such as being unable to hold a book or turn the pages;

(4) persons certified by competent authority as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

612:15-3-2. Application and certification

(a) An individual applying for library services completes an Individual Application for Library Service. **1** The "certifying authority" **2** who signs the certification part of this form may be any DRS professional or other competent authority as specified in DRS policy, except in the case of a reading disability from organic dysfunction, when only a medical doctor or doctor of osteopathy may sign the application to verify the reading disability. **3**

(b) An Institutional Application for Library Service is available for hospitals, libraries, nursing homes, etc.

INSTRUCTIONS TO STAFF

1. Link to OLBPH Voter Registration Information document.

2. See 612:15-1-2 for definition of "competent authority."

3. The completed form should be forwarded to the Oklahoma Library for the Blind and Physically Handicapped, 300 NE 18th Street, Oklahoma City, Oklahoma 73105. Applications submitted by fax machine cannot be accepted.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
1-1-95	PT Memo #95-1 ITS: Voter registration Act
8-1-96	PT Memo #97-2 Permanent, changed names of appendices (forms)
7-1-99	POL Memo #00-1 ITS: updated DVR/DVS
7-1-11	PT Memo #12-01 Permanent, updated language

612:15-3-3. Reading materials

(a) General guidelines. Reading materials loaned through the National Library Service and the equipment needed to read these materials are provided and maintained at no cost to the patron. Patrons may borrow playback equipment for an indefinite period of time. Patrons must check out at least one NLS book per year to maintain eligibility and be allowed to retain use of the machines.

(b) Postage. All materials, including machines, are mailed postage-free to and from patrons, using the Free Matter for the Blind and Handicapped mailing privilege. **1**

(c) Types of reading material. Materials available from the Library include books and magazines for adults, young adults, and children, and educational materials for students.

(d) Reading material formats. As part of the National Library Service, OLBPH provides audio and Braille reading materials to eligible individuals.

INSTRUCTIONS TO STAFF

1. Link to Free Matter Rules

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
8-1-96	PT Memo #97-2 Permanent, clarified services provided are part of National Library System
3-31-98	PT Memo #98-13 Emergency, Braille reading materials are no longer available locally. Patrons now use the services of the National Library Services' Multi-state Center in Utah
7-1-99	POL Memo #00-1 Permanent rules supersede emergency rules issued 3-31-98
7-1-11	PT Memo #12-01 Permanent, updated language

612:15-3-4. Volunteer services

(a) Volunteers perform varied Library functions including but not limited to preparation of reading materials in alternate formats such as audio recordings and Braille.

(b) Volunteers who perform Braille transcription must be nationally certified. **1**

(c) To assure quality of voice recordings, volunteer readers are asked to audition. **2**

INSTRUCTIONS TO STAFF

1. Certification in Braille transcription is provided by the National Library Service (NLS) through contract with the National Federation of the Blind.

2. Audition: Part of this test is a trial recording which is monitored by a studio technician. The test recording will be judged on clarity of diction, flow of speech, and overall quality of recording. The goal of the recording volunteer is to produce a recording that is perfect with respect to accurate reproduction of the text and transmission of the author's message. The volunteer prepares by previewing the book to become familiar with its subject. Word pronunciation is checked through use of a quality dictionary or other source. Illustrations, diagrams, etc. must be explained and interpreted so the listener will understand the reason for their inclusion in the text. The pace of reading must be geared to the listener's ability to comprehend, the purpose for which the material is intended, and the difficulty of the material. The book is to be read as written.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612. Added standards for Volunteers
7-1-11	PT Memo #12-01 Permanent, updated language

SUBCHAPTER 5. LIBRARY LOAN POLICY

Section

612:15-5-1. Loan policies and procedures; responsibilities of borrower

612:15-5-2. Suspension procedures

Section History

9-1-93 No PT Memo
Emergency, first adoption under OAC Title 612

7-1-94 PT Memo #94-1
Permanent, first adoption under OAC Title 612

612:15-5-1. Loan policies and procedures; responsibilities of borrower

(a) The Oklahoma Library for the Blind and Physically Handicapped (OLBPH) loans braille books, recorded books, magazines and specialized playback equipment to eligible registered readers without charge. OLBPH keeps records of all loans. Records relating to recipients of Library of Congress reading materials are confidential and will not be released to any individual or group except to those persons acting within the scope of their duties in the administration of the library; persons authorized in writing by the individual or group to inspect such records; or by order of a court of law. In the lending of books, recordings, playback equipment, musical scores, instructional texts, and other specialized materials, preference shall be given at all times to the needs of the blind and others with physical disabilities who have been honorably discharged from the armed forces of the United States. The borrower will notify the library of changes of address, a desire to cancel the service and temporary or permanent transfer of service to another geographic area.

(1) Equipment necessary to read the recorded materials may be borrowed on extended loan for as long as the borrower is using it to read materials provided through the library. In the event a machine ceases to function properly or needs repair, it will be returned to the library and a replacement provided. Under no circumstances should a borrower attempt to repair the playback equipment or accessories.

(2) For the convenience of other patrons, the number of books borrowed should be limited to the number which can be read in the established time frame. For each book returned in each format, a replacement book will be sent to the borrower. To decrease the number of books being received, a "W" for withhold should be placed anywhere on the mailing label and that book will not be replaced. The loan period for books is 60 days. Fines for overdue books will not be levied. However, borrowers are urged to observe the loan period so books can be available for other readers.

(3) The borrower will ensure books, magazines, and equipment being returned to the library by free matter are delivered into the hands of the United States Postal Services by being placed in a mailbox or delivered to the post office. The borrower is responsible for the loss or damage of a book due to improper placement for mail pick-up.

(4) Borrowers may not lend library books, magazines or equipment to other persons.

(5) I n case of repeated verbal abuse of library staff by the borrower, in person or by telephone, service to that borrower may be suspended by the library.

(b) The reading materials and playback equipment for the use of persons who are blind or physically disabled may be loaned to individuals who qualify, to institutions such as nursing homes and hospitals, and to schools for students who are blind or physically disabled for the use of such persons only. Nursing homes, hospitals and schools for students who are blind or disabled need not submit names of individual applicants. The reading materials and playback equipment may also be used in public or private schools where students with disabilities are enrolled; however, the students must be certified as eligible on an individual basis and must be the direct and only recipients of the materials and equipment.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-11	PT Memo #12-01
	Permanent, updated terminology and removed an example

612:15-5-2. Suspension procedures

In the event any of the rules in this Chapter are violated repeatedly, the borrower's service may be suspended for a period of time after being given a written warning and an opportunity to reply. If after reinstatement of services, abuse continues, service may be suspended again. In the event of suspension, these steps will be taken:

(1) The library will first discuss the problem noted with the patron by telephone or in person, then will send a warning letter summarizing the discussion, the problem and, provide an opportunity for the patron to reply.

(2) If service abuse reoccurs, a second written communication is sent to the patron citing the earlier warning letter, listing incidents of abuse, giving the patron an opportunity to reply by a certain date, and suspending the service for a stated period up to six months. A specific date for resumption of service is included. Service will be suspended only after a review by and upon the concurrence of both the administrative librarian and the Administrator of Services for the Blind and Visually Impaired.

(3) When the service is resumed, a letter will be sent to the borrower notifying him/her of the resumption of the service and reminding the patron that further reoccurrences will result in another suspension of service as it relates to the documented abuse.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.

CHAPTER 20. SPECIAL SCHOOLS

Subchapter		Section
1.	General provisions	612:20-1-1
2.	Contracted instructional personnel	612:20-2-1
3.	General operating procedures for the schools	612:20-3-1
5.	Oklahoma School for the Blind (OSB/Parkview School) admission rules	612:20-5-1
7.	Oklahoma School for the Deaf (OSD) admission rules	612:20-7-1
9.	Special Services	612:20-9-1

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
10-12-95	PT Memo #95-3 Emergency, added listing for Sections in new Subchapter 2
8-1-96	PT Memo #97-2 Permanent rules supersede Emergency rules issued 10-12-95

SUBCHAPTER 1. GENERAL PROVISIONS

Section

612:20-1-1. Purpose

612:20-1-2. Definitions

612:20-1-4. Information for school districts

Section History

9-1-93 No PT Memo
Emergency, first adoption under OAC Title 612

7-1-94 PT Memo #94-1
Permanent, first adoption under OAC Title 612

612:20-1-1. Purpose

This Chapter describes the rules and procedures governing the administration and operation of the Oklahoma School for the Blind and the Oklahoma School for the Deaf. The powers and duties of the Commission for Rehabilitation Services in relation to the special schools are set forth in Title 10, O.S., Sections 1418, 1419, and 1420; and in 74 O.S., Section 166.1 et seq.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

612:20-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:

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

"LEA" means a Local Education Agency.

"OSB" means the Oklahoma School for the Blind (Parkview School) located in Muskogee, Oklahoma.

"OSD" means the Oklahoma School for the Deaf located in Sulphur, Oklahoma.

"RESC" means a Regional Education Service Center.

"RPSP" means the Regional Preschool Satellite Program.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

612:20-1-4. Information for school districts

(a) The Oklahoma School for the Blind (OSB) and Oklahoma School for the Deaf (OSD) shall annually provide Oklahoma school districts with current information on the availability of OSB and OSD programs for which students may be eligible. Such information shall be made available to school districts in advance of the start of each school year for use in the individualized education program process for students with visual and/or hearing impairments, in accordance with state law. **1**

(b) OSB and OSD program information for school districts shall be in a print format and, as appropriate, in other accessible formats. **2** The information shall include but not be limited to information on

(1) academic programs available at the schools for residential and day students;

(2) specialized instruction and activities that support adjustment to visual or hearing impairments, the development of compensatory skills, the acquisition of independent living skills and the practice of learning and work skills needed for post-secondary life;

(3) opportunities for participation in extracurricular activities and the range of sports, recreation, academic, cultural and social activities available for OSB and OSD students;

(4) outreach services for public school students;

(5) assistive technology instruction, devices and services available for students;

(6) school facilities, schedules, staffing, student services, student transportation, and campus safety;

(7) eligibility requirements and school admission conditions for attendance at OSB and OSD;

(8) school policies and procedures of interest to students, parents and educators; and

(9) the array of information and technical assistance available from OSB and OSD as statewide resources through residential and outreach services for the education of students with visual or hearing impairments. **3**

INSTRUCTIONS TO STAFF

1. Link to 70-13-112.1 (SB-1119, enacted in 2012.)

2. In addition to printed OSB and OSD program information, content may be posted to the school websites and presented in Braille, large print, electronic file, audio, signed video or other formats.

3. 70 O.S. 1722(2) and 70 O.S. 1734(2)

Section History
7-1-13 Permanent, new section

SUBCHAPTER 2. CONTRACTED INSTRUCTIONAL PERSONNEL

Section

612:20-2-1. Purpose

612:20-2-2. Definitions

612:20-2-3. Support employees

612:20-2-4. Recruitment and selection

612:20-2-5. Contracted instructional personnel

612:20-2-6. Duties of contracted instructional personnel

612:20-2-7. Employee benefits

612:20-2-8. Standards of conduct and performance for teachers

612:20-2-9. Staff development [RESERVED]

612:20-2-10. Performance evaluation [RESERVED]

612:20-2-11. Admonishment

612:20-2-12. Dismissal or non-renewal of contract

612:20-2-13. Dismissal/Nonreemployment Hearing

612:20-2-14. Immediate suspension of a teacher

612:20-2-15. Full-time administrators; conviction of felony; criminal sexual activity or sexual misconduct

612:20-2-16. Administrators; suspension

612:20-2-17. Full-time administrators; Appeal of dismissal or non-reemployment

612:20-2-31. Reduction in Force for Contracted Instructional Personnel

Section History

10-12-95 PT Memo #95-3
Emergency, new Subchapter

8-1-96 PT Memo #97-2
Permanent rules supersede Emergency rules issued 10-12-95

7-1-98 PT Memo #98-15
Permanent, added new Section 612:20-2-8

7-1-04 PT Memo #05-01
Permanent, added new section 31

612:20-2-1. Purpose

The Department of Rehabilitation Services contracts for the employment of teachers and other instructional personnel at the Oklahoma School for the Blind and the Oklahoma School for the Deaf. Contracted instructional personnel are considered to be employees of the Department but are not subject to the Oklahoma Personnel Act. The purpose of this Subchapter is to establish personnel policies for contracted instructional personnel similar to those applicable to public school districts in accordance with 10 O.S. 1419 (e). The policies in this Subchapter pertain exclusively to employees as listed at 10 O.S. 1419 (B). These employees are not subject to the Department's personnel policies in Chapter 3 of this Title unless the context clearly indicates otherwise.

Section History

10-12-95	PT Memo #95-3
	Emergency, new Section
8-1-96	PT Memo #97-2
	Permanent rules supersede Emergency rules issued 10-12-95
7-1-04	PT Memo #05-01
	Permanent, corrected wrong statute site

612:20-2-2. Definitions

The following words and terms, when used in this Subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Administrator" means a member of the contracted administrative staff who devotes a majority of his/her time to service in an administrative or supervisory position.

"Career Teacher" means a teacher who has completed three (3) or more consecutive complete school years at OSB or OSD or who otherwise meets the definition of a career teacher as provided for in the Oklahoma School Code.

"Contracted administrative personnel or staff" means those employees hired under contract and qualified according to the requirements of the State Department of Education (where applicable) to serve primarily in an administrative or supervisory capacity pursuant to 10 O.S. § 1419(B).

"Contracted instructional personnel or staff" means Department employees hired under contract and qualified according to the requirements of the State Department of Education to serve in an instructional capacity pursuant to 10 O.S. 1419(B).

"Dismissal" means the discontinuance of the service of an administrator or teacher during the term of a written contract.

"Entry-year teacher" means any certified or licensed teacher who is employed by a special school to serve as a classroom teacher under the guidance and assistance of a teacher consultant and an entry-year assistance committee.

"Nonreemployment" means the nonrenewal of an administrator's or teacher's contract upon expiration of the contract.

"Principal" means any person other than a superintendent of schools having an administrative certificate, and supervisory or administrative authority over any school or school building having two or more teachers. A teaching principal is a principal who devotes at least one-half the time school is in session to classroom teaching.

"Probationary Teacher" means a teacher who has completed fewer than three (3) or more consecutive complete school years at OSB or OSD or who otherwise meets the definition of a probationary teacher as provided for in the Oklahoma School Code.

"Special school(s)" means the Oklahoma School for the Blind and/or the Oklahoma School for the Deaf.

"Student teacher" means any student who is enrolled in an institution of higher learning approved by the State Board of Education for teacher training, and who is jointly assigned by such institution and the superintendent of the special school to perform practice teaching under the direction of a regularly employed and certified teacher.

"Teacher" means a duly certified or licensed person who is employed as a member of the contracted instructional staff. Teachers include classroom instructors, counselors, librarians or any other persons serving in any instructional capacity. For purposes of complying with state and federal laws which apportion money on the basis

of teaching units or the number of teachers employed or qualified, all persons holding proper certificates or licenses and connected in any capacity with the instruction of students shall be designated as "teachers."

Section History

10-12-95	PT Memo #95-3
	Emergency, new Section
8-1-96	PT Memo #97-2
	Permanent rules supersede Emergency rules issued 10-12-95
7-1-02	PT Memo #02-02
	Permanent rules: Updated definitions

612:20-2-3. Support employees

A support employee is an employee who is not on contract, and who provides those services which are not performed by contracted instructional personnel, and which are necessary for the efficient and satisfactory functioning of a special school. Support employees are subject to the Department's personnel policies in Chapter 3 of this Title and are not subject to, nor may avail themselves of, the provisions of this Subchapter.

Section History

10-12-95	PT Memo #95-3
	Emergency, new Section
8-1-96	PT Memo #97-2
	Permanent rules supersede Emergency rules issued 10-12-95

612:20-2-4. Recruitment and selection

(a) **Recruitment.** Job announcements approved by DRS for vacant contracted instructional personnel positions may be circulated in-state and nationally to obtain qualified applicants.

(b) **Selection.** Qualified applicants will be interviewed by the Superintendent and/or a designated committee. Final selection will be made by the DRS Director upon the recommendation of the Superintendent.

(c) **EEO/AA compliance.** The special schools will operate in compliance with equal employment opportunity and affirmative action requirements of DRS, State and Federal law.

(d) **Felony conviction search request.** A felony conviction search request shall be made on every applicant accepting an offer of employment with the Department as contracted instructional personnel. The selected applicant may be employed pending the results of a felony conviction search request, but employment under such conditions shall not exceed 60 calendar days. The superintendent or designee will terminate the employment as required by law, and take other authorized action, if the search shows a felony conviction or any other basis for termination.

Section History

10-12-95	PT Memo #95-3
	Emergency, new Section
8-1-96	PT Memo #97-2
	Permanent rules supersede Emergency rules issued 10-12-95

612:20-2-5. Contracted instructional personnel

(a) No person will be permitted to teach at either of the special schools without a written contract, except as provided for substitute teachers and teachers of classes in adult education. Each entry-year teacher must have completed the requirements of the State Department of Education for that position. The Superintendent and Director of DRS will employ under contract qualified instructional personnel for and in the name of the Department. The original of the contract will be maintained by the school. Two copies of the contract will be sent to the Human Resources Unit; one to be maintained in the individual's personnel file and the other to be maintained by Payroll. A copy will be retained by the employee.

(b) No instructional personnel employed by the Department may contract with any school district during the same time and period covered by the contract with the special school without express approval from the Superintendent of that special school. Section 105D of the Oklahoma School Law shall be followed.

(c) Each contracted instructional staff person will be considered as employed on a continuing contract basis unless notified in writing by registered or certified mail that re-employment for the next school year has not been recommended. Unless such notice is issued before June 1st, a contracted instructional staff person's contract will be automatically renewed for the next academic year.

(d) Each contracted instructional staff person will serve a probationary period of three successive years and, unless already completed, participate in the Entry-year Teacher Program. Upon successful completion of the probationary period, the individual becomes career contracted instructional personnel. Career contracted instructional personnel have a right to continued employment, not to any particular position. Career contracted instructional personnel have priority for contract renewal over non-career contracted instructional personnel in cases of reductions-in-force when both individuals are certified in the same service area.

(e) Contracted instructional personnel who are employed in positions funded by state or federal grants are employed only for the duration of the grant on a yearly basis. A temporary contract is for a stated period of time as distinguished from a continuing contract. A temporary contract may be terminated without cause with a two week notice by the employer or the employee.

(f) Assignment of contracted instructional staff will be made by the Superintendent based upon staff certification and school programming needs.

Section History

10-12-95	PT Memo #95-3
	Emergency, new Section
8-1-96	PT Memo #97-2
	Permanent rules supersede Emergency rules issued 10-12-95
7-1-12	Permanent, changed notice date from April 10th to June 1st.

612:20-2-6. Duties of contracted instructional personnel

(a) Each contracted instructional staff person employed by the Department will:

(1) perform such services as specified by the contract and as assigned by the supervisor or principal;

(2) perform extra curricular activities as assigned;

(3) meet Minimum Criteria Standards as set by the State Department of Education; and

(4) comply with:

(A) all applicable laws and regulations pertaining to or promulgated by the Department of Rehabilitation Services, State Department of Education, the State of Oklahoma, and the United States of America;

(B) the rules and regulations of DRS specifically applicable to contracted instructional personnel, including all rules and regulations in this Subchapter; and

(C) rules and regulations of DRS unless specifically exempted from these rules.

(b) Questions regarding applicability of any rule or regulation will be determined by the Director.

Section History

10-12-95	PT Memo #95-3
	Emergency, new Section
8-1-96	PT Memo #97-2
	Permanent rules supersede Emergency rules issued 10-12-95

612:20-2-7. Employee benefits

(a) Personal leave. Contracted instructional staff will receive five days each academic year. Such leave shall vest at the beginning of each academic year and may be taken with the approval of the school superintendent. Personal leave may not be charged to sick leave and will not be cumulative. Unused personal leave will be paid to the employee at the rate of $75 for each full day of unused leave after the end of each academic year.

(b) Sick leave. Contracted instructional staff will receive ten days sick leave per academic year. Such leave shall vest at the beginning of each academic year and unused sick leave shall be cumulative up to a total of sixty working days. Such leave is to be used when the employee is required to be absent from duty due to personal injury, illness or pregnancy, or injury or illness of an immediate family member requiring the employee's care. In instances where a contracted instructional staff person has exhausted all accrued sick leave and continues to be absent due to personal injury, illness, or pregnancy, that employee is entitled to an additional twenty days at full salary less the amount actually paid to employ a substitute to temporarily assume the absent employee's position; as long as the total leave does not exceed the total number of days in the contract period. Sick days may be accrued as credit toward retirement. Otherwise, all accumulated sick leave will be canceled upon separation from the Department.

(c) Family and medical leave. Family and medical leave will be granted in accordance with the Family Medical Leave Act. **1**

(d) Educational leave. A teacher may apply for up to 80 hours per academic year for educational leave. Such leave must be pre-approved by the immediate supervisor and Superintendent.

(e) Jury duty. Contracted instructional personnel will be granted leave for jury service in a criminal, civil, or juvenile proceeding and will receive the full, current contract salary during such service; provided that the Department may deduct any compensation received for serving as a juror from the employee's salary during such service.

(f) Armed forces leave. Contracted instructional personnel who are members of the Reserve Forces of the Army, the Navy, the Marine Corps, the Coast Guard, the Air Force, or any other component of the Armed Forces of the United States, including members of the Air or Army National Guard, shall, when ordered by the proper authority to active duty or service, be entitled to a leave of absence from employment with the Department for the period of such service without loss of status or efficiency rating.

(g) Shared leave. The state leave sharing program permits state employees to donate leave to a fellow state employee who is suffering or has a relative who is suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused, or is likely to cause, the employee to take leave without pay or terminate employment. Contracted instructional personnel may contribute sick leave under this program. The shared leave will be credited on a dollar for dollar basis.

(h) Other leave. Any leave not defined in this Section shall be treated as personal leave.

(i) Health and life insurance. Each Department employee receives health and life benefits coverage as prescribed by the agency at no cost. The employee may elect to purchase additional individual or family benefit options.

(j) Retirement. Contracted instructional personnel employed before July 1, 1995 may continue participation in either the State Teachers Retirement System or the Oklahoma Public Employees Retirement System. Contracted instructional personnel employed on or after July 1, 1995 will be enrolled in the State Teachers Retirement System. The employee and employer will contribute the amount prescribed by statute.

(k) Longevity. Contracted instructional personnel hired prior to July 1, 1995 will retain longevity as long as they remain in continuous service. Any break in service will result in the loss of longevity. New hires after July 1, 1995 will not be entitled to longevity unless provided by law.

INSTRUCTIONS TO STAFF

1. DRS:3-3-11

Section History

10-12-95	PT Memo #95-3 Emergency, new Section
8-1-96	PT Memo #97-2 Permanent rules supersede Emergency rules issued 10-12-95
12-1-20	Emergency, revision allows instructional staff to receive a rate of $75 for each full day of unused personal leave at the end of each academic year. Oklahoma Session Laws 2019, ch. 159 (SB 77) amended 10 O.S. § 1419.

612:20-2-8. Standards of conduct and performance for teachers

Teachers at the Oklahoma School for the Deaf and Oklahoma School for the Blind are charged with the education of their students. In order to perform effectively, teachers must demonstrate a belief in the worth and dignity of each human being, recognizing the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of democratic principles. **1**

(1) Principle I - commitment to the students. The teacher must strive to help each student realize his or her potential as a worthy and effective member of society. The teacher must work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. In fulfillment of the obligation to the student, the teacher:

(A) shall not unreasonably restrain the student from independent action in the pursuit of learning;

(B) shall not unreasonably deny the student access to varying points of view;

(C) shall not deliberately suppress or distort subject matter relevant to the student's progress;

(D) shall make reasonable effort to protect students from conditions harmful to learning or to health and safety;

(E) shall not intentionally expose the student to embarrassment or disparagement;

(F) shall not on the basis of race, color, creed, sex, national origin, marital status, disability, political or religious beliefs, family, social or cultural background, or sexual orientation, unfairly:

(i) exclude any student from participation in any program;

(ii) deny benefits to any students; or

(iii) grant any advantage to any student;

(G) shall not use professional relationships with students for private advantage; and

(H) shall not disclose information about students obtained in the course of professional service, unless disclosure serves a compelling professional purpose and is permitted or required by law.

(2) Principle II - commitment to the profession. The teaching profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service. In order to assure that the quality of the services of the teaching profession meets the expectations of the State and its citizens, the teacher shall exert every effort to raise professional standards, fulfill professional responsibilities with honor and integrity, promote a climate that encourages the exercise of professional judgment, achieve conditions which attract persons worthy of the trust to careers in education, and assist in preventing the practice of the

profession by unqualified persons. In fulfillment of the obligation to the profession, the educator:

(A) shall not in an application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications;

(B) shall not misrepresent his/her professional qualifications;

(C) shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute;

(D) shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position;

(E) shall not assist an unqualified person in unauthorized practice of the profession;

(F) shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law;

(G) shall not knowingly make false or malicious statements about a colleague; and

(H) shall not accept any gratuity, gift or favor that might impair or appear to influence professional decisions or actions.

(3) Principle III.

(A) A career teacher may be dismissed or not re-employed for:

(i) willful neglect of duty;

(ii) repeated negligence in performance of duty;

(iii) mental or physical abuse to a child;

(iv) incompetency;

(v) instructional ineffectiveness;

(vi) unsatisfactory teaching performance; or

(vii) any reason involving moral turpitude.

(B) A probationary teacher may be dismissed or not re-employed for cause.

(C) A teacher shall be dismissed or not re-employed, unless a presidential or gubernatorial pardon has been issued, if during the term of employment such teacher is convicted in this state, the United States or another state of:

(i) Any sex offense subject to the Sex Offenders Registration Act in this state or subject to another state's or the federal sex offender registration provisions; or

(ii) Any felony offense.

(D) A teacher may be dismissed, refused employment or not reemployed after a finding that such person has engaged in criminal sexual activity or sexual misconduct that has impeded the effectiveness of the individual's performance of school duties. As used in this subsection:

(i) "Criminal sexual activity" means the commission of an act as defined in 21 O.S. § 886, which is the act of sodomy; and

(ii) "Sexual misconduct" means the soliciting or imposing of criminal sexual activity.

INSTRUCTIONS TO STAFF

1. Title 70, O.S. 1990 6-101.21 and 6-101.22.

Section History

7-1-98 PT Memo #98-15
Permanent, new Section

7-1-02 PT Memo #02-02
Permanent, removed "Teacher Due Process" reference. DRS policy now contains teacher due process.

612:20-2-9. Staff development [RESERVED]

Section History
7-1-02 POL Memo #02-02
Permanent, Reserved

612:20-2-10. Performance evaluation [RESERVED]

Section History
7-1-02 POL Memo #02-02
Permanent, Reserved

612:20-2-11. Admonishment

(a) When an administrator who has the responsibility of evaluating a teacher identifies poor performance or conduct that the administrator believes may lead to a recommendation for the teacher's dismissal or nonreemployment, the administrator shall, after consulting with the Superintendent:

(1) Admonish the teacher, in writing, and make a reasonable effort to assist the teacher in correcting the poor performance or conduct; and

(2) Establish a reasonable time for improvement, not to exceed two (2) months, taking into consideration the nature and gravity of the teacher's performance or conduct.

(b) If the teacher does not correct the poor performance or conduct cited in the admonition within the time specified, the administrator shall make a recommendation to the Superintendent for the dismissal or nonreemployment of the teacher.

(c) Whenever the Director, Chief of Staff, Superintendent or a school administrator identifies poor performance or conduct that may lead to a recommendation for dismissal or nonreemployment of a teacher, the administrator who has responsibility for evaluation of the teacher shall be informed, and that administrator shall comply with the procedures set forth in this section. If the administrator fails or refuses to admonish the teacher within ten (10) calendar days after being so informed by the Director, Chief of Staff, Superintendent or other school administrator, then the Superintendent shall admonish the teacher pursuant to the provisions of this section.

(d) Repeated negligence in performance of duty, willful neglect of duty, incompetency, instructional ineffectiveness or unsatisfactory teaching performance, for a career teacher, or any cause related to inadequate teaching performance for a probationary teacher, shall not be a basis for a recommendation to dismiss or not reemploy a teacher unless and until the provisions of this section have been complied with.

(e) In determining whether or not the professional performance of a teacher is adequate, the standards adopted by the State Board of Education shall be considered. Consideration may be given to any written standards of performance which have been adopted by any other education-oriented organization or agency. Professional performance or conduct of a teacher which is in compliance with standards adopted by the State Board of Education or the Department of Rehabilitation Services shall not be considered in support of any dismissal or nonreemployment against the teacher.

Section History

7-1-02	PT Memo #02-02 Permanent, New
7-1-10	PT Memo #10-02 Permanent, changed Deputy Director to Chief of Staff

612:20-2-12. Dismissal or non-renewal of contract

The provisions of the section shall not apply to substitute teachers, adult education teachers or teachers who are employed on temporary contracts. However, the provisions regarding dismissal shall apply to teachers employed on a temporary contract for a complete school year.

(1) Whenever the Superintendent decides to recommend that a teacher be dismissed or not reemployed, the Superintendent shall state the recommendation in writing, setting forth the basis for the recommendation and specifying the underlying facts supporting the recommendation. The Superintendent shall submit the recommendation to the Director.

(2) If the teacher subject to the recommendation is a career teacher, the recommendation shall specify the policy grounds provided for at OAC 612:20-2-8(3) upon which the recommendation is based.

(3) If the teacher subject to the recommendation is a probationary teacher, the recommendation shall specify the cause upon which the recommendation is based.

Section History
7-1-02 PT Memo #02-02
Permanent, New

612:20-2-13. Dismissal/Nonreemployment Hearing

(a) When the Director receives a recommendation from the Superintendent that a teacher be dismissed or not reemployed pursuant to OAC 612:20-2-12, the Director shall send a Notice of Dismissal/Nonreemployment Hearing to the teacher. The notice shall be sent by certified mail, restricted delivery, return receipt requested, or by substitute process as provided for by law.

(1) The notice shall include a copy of the Superintendent's recommendation and the date, time and place of the hearing. The date of the hearing shall be no sooner than twenty (20) days or no later than sixty (60) days after the teacher's receipt of the notice.

(2) The notice shall specify the policy grounds as provided for at OAC 612:20-2-8(3) upon which the recommendation is based for career teachers and the cause upon which the recommendation is based for probationary teachers. The notice shall also specify the underlying facts supporting the recommendation.

(b) The Director shall assign the hearing to an independent Hearing Officer. The hearing shall be conducted as an individual proceeding pursuant to the Oklahoma Administrative Procedures Act (75 O.S. § 250 et seq.).

(c) The Director shall also designate a person as the Hearing Coordinator who shall facilitate communication between the parties and the Hearing Officer.

(d) The parties may conduct discovery as provided for in the Oklahoma Administrative Procedures Act. Such discovery may include written interrogatories, document requests, depositions and any other discovery device permitted by law.

(e) The Hearing Coordinator shall schedule a pre-hearing conference between the parties and the Hearing Officer at which time the parties shall submit witness lists and any requests for subpoenas. The Hearing Officer shall issue subpoenas pursuant to the Oklahoma Administrative Procedures Act. If a party fails to obey a subpoena, the Hearing Officer may apply to the district or superior court of the county of such person's residence or to any judge thereof for an order to compel compliance with the subpoena or the furnishing of information or the giving of testimony.

(f) At the hearing, the standard of proof shall be by the preponderance of the evidence and the burden of proof shall be on DRS to establish that the teacher's dismissal or nonreemployment is warranted.

(g) At the hearing, in the absence of any other arrangements made by the parties and the Hearing Officer, the order of the proceedings shall be as follows:

(1) Opening statement by DRS.

(2) Opening statement by the teacher.

(3) Presentation of the case by DRS, including the examination and cross-examination of witnesses.

(4) Presentation of the case by the teacher, including the examination and cross-examination of witnesses called by the teacher.

(5) Closing statement by DRS.

(6) Closing statement by the teacher.

(h) The hearing shall be tape-recorded and a copy of the tape shall be provided the teacher upon request.

(i) Within seven (7) calendar days following the conclusion of the hearing, the Hearing Officer shall prepare written findings of fact and conclusions of law separately stated and shall issue a decision as to whether the dismissal or nonreemployment be affirmed or denied. The findings of fact shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.

(j) The Director shall review the Hearing Officer's decision as well as the record of the case and shall issue a final agency order regarding the dismissal or nonreemployment of the teacher.

(k) The teacher may seek a rehearing, reopening or reconsideration of the final order pursuant to the Oklahoma Administrative Procedures Act at 75 O.S. § 317.

Section History

7-1-02	PT Memo #02-02 Permanent, New
7-1-03	PT Memo #03-07 Permanent, changed tagline to reflect accurate subject matter
7-1-04	PT Memo #05-01 Permanent, added right to trial de novo
7-1-12	Permanent, removed right to trial de novo

612:20-2-14. Immediate suspension of a teacher

(a) **Cause unrelated to a criminal charge or indictment.**

(1) Whenever the superintendent has reason to believe that cause exists for the dismissal of a teacher and is of the opinion that the immediate suspension of the teacher would be in the best interests of the children in the school, the superintendent, Chief of Staff or Director, after receiving the recommendation for suspension from the superintendent, may suspend the teacher without notice or hearing. However, the suspension shall not deprive the teacher of any compensation or other benefits to which the teacher is otherwise entitled.

(2) The suspension shall extend to such time as the teacher's case is decided in a hearing as provided for at OAC 612:20-2-13. However, such extension shall not include time for judicial review or any other appeal process.

(3) Within ten (10) calendar days after the suspension of a teacher, the Director shall initiate proceedings for dismissal pursuant to the relevant provisions of this subchapter.

(b) **Cause related to a criminal charge or indictment.**

(1) If the cause for dismissal is related to a criminal charge or indictment against the teacher, the suspension may extend to such time as the criminal case is finally adjudicated at trial. However, such extension shall not include any appeal process.

(2) If the cause for dismissal is related to a criminal charge or indictment against the teacher, the Director may at any time initiate proceedings for dismissal pursuant to the relevant provisions of this subchapter.

Section History

7-1-02	PT Memo #02-02 Permanent, New
7-1-10	PT Memo #10-02 Permanent, changed Deputy Director to Chief of Staff

612:20-2-15. Full-time administrators; conviction of felony; criminal sexual activity or sexual misconduct

(a) An administrator shall be dismissed or not reemployed, unless a presidential or gubernatorial pardon has been issued, if during the term of employment such administrator is convicted in this state, the United States or another state of:

(1) Any sex offense subject to the Sex Offenders Registration Act in this state or subject to another state's or the federal sex offender registration provisions; or

(2) Any felony offense.

(b) An administrator may be dismissed, refused employment or not reemployed after a finding that such person has engaged in criminal sexual activity or sexual misconduct that has impeded the effectiveness of the individual's performance of school duties. As used in this subsection:

(1) **"Criminal sexual activity"** means the commission of an act as defined in 21 O.S. § 886, which is the act of sodomy; and

(2) **"Sexual misconduct"** means the soliciting or imposing of criminal sexual activity.

Section History
7-1-2002 PT Memo #02-02
Permanent, New

612: 20-2-16. Administrators; suspension

(a) **Cause unrelated to a criminal charge or indictment.**

(1) Whenever the Director, Chief of Staff or Superintendent believes that a reason exists for the dismissal of an administrator and that the immediate suspension of the administrator would be in the best interests of the children in the school, the Superintendent, Chief of Staff or Director may suspend the administrator without notice or hearing. However, the suspension shall not deprive the administrator of any compensation or other benefits to which he or she would otherwise be entitled under his or her contract pursuant to law.

(2) Within ten (10) calendar days after the suspension becomes effective, the Director shall initiate proceedings pursuant to the relevant provisions of this subchapter to have the administrator dismissed.

(b) **Cause related to a criminal charge or indictment.**

(1) If the reason for dismissing the administrator is related to a criminal charge or indictment against the administrator, then the suspension may be extended to such time as the criminal case is finally adjudicated at trial. However, the extension shall not include any appeal process.

(2) If the reason for dismissing the administrator is related to a criminal charge or indictment against the administrator, then the Director may at any time initiate proceedings pursuant to the relevant provisions of this subchapter to have the administrator dismissed.

Section History

7-1-02	PT Memo 02-02
	Permanent, New
7-1-10	PT Memo #10-02
	Permanent, changed Deputy Director to Chief of Staff

612:20-2-17. Full-time administrators; Appeal of dismissal or nonreemployment

(a) Whenever the Director, Chief of Staff or Superintendent shall determine that the dismissal or nonreemployment of an administrator from his/her administrative position should be effected, the administrator shall be notified in writing of the proposed action. The notice shall state the reason(s) for taking the action and shall inform the administrator of his/her right to a hearing before the Director or the Director's designee prior to the dismissal or nonreemployment.

(b) The administrator may request a hearing within ten (10) calendar days after receipt of the notice of proposed dismissal or nonreemployment. If the administrator fails to request a hearing within the ten-day period, then the administrator will have waived the right to such a hearing. The request for a hearing shall be made in writing to the Director and sent by certified mail, return receipt requested, or by substitute process as provided for by law.

(c) Upon the receipt of a timely request, the Director shall schedule a hearing to take place no more than ten (10) calendar days after receipt of the request. The Director shall notify the administrator of the hearing by certified mail, return receipt requested, or by substitute process as provided for by law. The notice shall include a statement of the reasons for the recommendation for dismissal or nonreemployment, the facts underlying the recommendation, and a statement of the legal authority and jurisdiction under which the hearing is to be held.

(d) The Director or the Director's designee shall serve as the hearing officer. The hearing shall be an individual proceeding pursuant to the Oklahoma Administrative Procedures Act (70 O.S. § 250 et seq). Discovery may be conducted by the parties pursuant to the Oklahoma Administrative Procedures Act. The hearing officer shall be authorized to issue subpoenas pursuant to 75 O.S. § 315.

(e) The hearing shall be tape-recorded and a copy of the tape shall be provided the administrator upon request.

(f) If the hearing officer is the Director's designee:

(1) The hearing officer shall deliver to the Director a decision within three (3) workdays after the conclusion of the hearing. The decision shall include findings of fact and conclusions of law, separately stated. The hearing officer shall decide by a preponderance of the evidence whether reason(s) exist for the dismissal or nonreemployment of the administrator.

(2) In deciding whether to dismiss or to not reemploy the administrator, the Director shall take the hearing officer's decision into consideration and shall independently review the record of the case. The Director shall issue a final agency order regarding the dismissal or nonreemployment of the administrator within five (5) workdays after the date of the hearing officer's decision. The Director shall notify the administrator of the order by certified mail, return receipt requested, or by substitute process as provided for by law. The order shall include findings of fact and conclusions of law separately stated.

(g) If the Director serves as the hearing officer, the Director shall issue a final agency order regarding the dismissal or nonreemployment of the administrator within five (5) workdays following the conclusion of the hearing. The Director shall notify the administrator of the order by certified mail, return receipt requested, or by substitute

process as provided for by law. The order shall include findings of fact and conclusions of law separately stated.

(h) The administrator may seek a rehearing, reopening or reconsideration of the final order pursuant to the Oklahoma Administrative Procedures Act at 75 O.S. § 317.

Section History

7-1-02	PT Memo #02-02 Permanent, New
7-1-03	PT Memo #03-07 Permanent, grammatical correction
7-1-04	PT Memo #05-01 Permanent, added right to trial de novo
7-1-10	PT Memo #10-02 Permanent, changed Deputy Director to Chief of Staff
7-1-12	Permanent, removed right to trial de novo

612:20-2-31. Reduction in Force for Contracted Instructional Personnel

(a) **Declining Enrollment.** If declining student enrollment in a given program area or serious financial shortfall makes it necessary to eliminate or consolidate positions held by contracted instructional personnel, the Department will follow the following procedure:

(1) Any necessary reduction in staff will to the extent possible be handled through normal attrition by voluntary retirements or resignations. In the event that a teacher's position is eliminated, the teacher will be transferred to a vacant position, if any, which he or she is certified to teach.

(2) Probationary teachers will be released based on reverse order of seniority before career teachers who are qualified to hold positions currently held by probationary teachers.

(3) If normal attrition and the release of probationary teachers who hold positions that career teachers are qualified to teach do not sufficiently reduce the certified staff, the following criteria will be considered in the reduction process in the order they are listed:

(A) Seniority at the School.

(B) Length of service in current assignment

(C) Academic and professional preparation beyond minimum certification requirements

(D) Total number of years teaching experience

(b) **Recall.** Staff will be recalled in reverse order of layoff. For one year after the effective date of termination pursuant to this procedure's provisions, the Department shall offer to a teacher who has been terminated all positions that become available for which he or she is certified in reverse order of layoff. The offer will be made by certified mail, return receipt requested, and the teacher will be notified that he or she must submit written acceptance within ten calendar days. No new teachers will be hired in a subject area or grade level until all laid off teachers qualified for the position have been recalled or decline the opening.

Section History
7-1-04 PT Memo #05-01
Permanent, new

SUBCHAPTER 3. GENERAL OPERATING PROCEDURES FOR THE SCHOOLS

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PART 7. STUDENT RIGHTS

Section

612:20-3-49 Residential Life

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-95	PT Memo #95-2 Permanent, added entries for new Sections and deleted entries for revoked Sections
10-12-95	PT Memo #95-3 Emergency, revised to add new Section 612:20-3-20
8-1-96	PT Memo #97-2 Permanent rules supersede Emergency rules issued 10-12-95
7-30-97	PT Memo #98-2 Added Part 5
7-1-98	PT Memo #98-15 Permanent, added new Sections; removed listing for Section 20-3-44
7-1-05	PT Memo #06-01 Permanent, added new section, residential life

PART 1. GENERAL EDUCATIONAL POLICIES

Section

612:20-3-1. The special schools

612:20-3-2. Administrative responsibility

612:20-3-3. Comprehensive programming for all basic needs

612:20-3-4. Records

612:20-3-5. Departmental resources

612:20-3-6. Admission to OSB and OSD

612:20-3-7. Discipline

612:20-3-8. Elementary and Secondary Education Act

612:20-3-9. Regional preschool satellite programs (RPSP)

612:20-3-1. The special schools

(a) **Legal base and Department responsibility.** The special schools were established under the authority of Article XIII, Section 2 of the Oklahoma State Constitution. The Department of Rehabilitation Services is responsible for supervision of services provided in the Oklahoma School for the Blind (OSB) and the Oklahoma School for the Deaf (OSD). The powers and duties of the Department in relation to OSB and OSD are set forth in Title 10, Oklahoma Statutes, Section 1418, 1419, and 1420.

(b) **Purpose, nature of services provided, approach and non-discriminatory practices.**

(1) **Purpose.** The schools for the blind and deaf exist for the purpose of meeting the educational, social, and emotional needs of the youth charged to their care. This includes provisions for a quality educational program that builds on individual strengths, addresses individual needs and weaknesses, and encourages students to develop and grow toward their maximum potential. It also includes the fostering in the children of positive feelings toward themselves, toward others, and toward their school.

(2) **Nature of services provided.** OSB and OSD are both elementary and secondary schools accredited by the Oklahoma State Department of Education. As such, they meet all programming and course requirements of public schools in the state of Oklahoma. OSB and OSD will not provide services which are mandated of another agency. In addition, the comprehensive services given in (A) - (I) of this paragraph are provided.

(A) Assessment and evaluation of blind and/or deaf students within the schools and by referral from throughout the state.

(B) Special programming for pre-school age children.

(C) Special programming for multidisability/special needs students.

(D) Physical education and competitive athletic opportunities.

(E) Related support services, e.g., speech, physical therapy, audiology, etc.

(F) Residential placement in a warm, positive, accepting environment that fosters a positive self-image and facilitates acquisition of self-help and independent living skills.

(G) Recreation and leisure time activities.

(H) Pre-vocational and vocational programming.

(I) Further, OSD is authorized to establish a regional pre-school program to provide services to the pre-school deaf population.

(3) **Approach.** A multi-disciplinary approach is used to accomplish the purpose of the school. This includes casework, psychology, health, education, and child care staff functioning in accordance with their designated responsibilities and expertise. All employees of the schools, whether houseparents, cooks, teachers, maintenance

personnel, or others have a responsibility for the well-being and growth of the children with whom they work.

(4) **Non-discriminatory practices.** OSB and OSD abide by the Equal Employment Opportunity Affirmative Action Plan adopted by the Department of Rehabilitation Services. Specific information regarding this plan may be obtained from the superintendent's office at either school.

(5) **Rehabilitation Act of 1973 and ADA.** In compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA), the Department's policy is that no student shall be excluded from any program, activity, or educational endeavor based on disability. The Department is responsible for fair employment practices which assure that employees and applicants for employment are not discriminated against on the grounds of disability. The Principal/Education Director at the Schools for the Blind and Deaf are designated to coordinate Section 504 and ADA compliance efforts, including the processing of parent/student and employee complaints alleging discrimination on the basis of disability.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-95	PT Memo #95-2 Permanent, establishment of OSB & OSD under State Constitution cited; the provision of services mandated of other agencies prohibited

612:20-3-2. Administrative responsibility

The superintendent is responsible for the operation of the school. It is the responsibility of the superintendent to designate and assign an administrator in charge in the superintendent's absence. The person so designated will fulfill the responsibilities of the superintendent until his or her return.

(1) **Staff attitudes and conduct.** Because positive staff attitudes are essential to constructive work with any child, staff members in the schools are required to demonstrate genuine interest and concern in the growth and development of each child, and possess the willingness and ability to take risks of becoming effectively involved with children in a positive and meaningful relationship. There must, regardless of position, be a willingness to communicate with other staff members on a cooperative basis which allows for self-criticism without personal threat. Staff members are required to conduct themselves, at all times, in such a way as not to bring discredit on themselves, the institution, or the Department. Decorum with the children with whom they work shall be warm, friendly, and understanding, and professional in quality. They shall be able to set appropriate limits for children and accept responsibility for the propriety with which it is done. Except in line of duty, staff members shall not discuss confidential matters of personnel or students.

(2) **In-service training.** The administrative/teaching staff will abide by H.B. 1706, 1981, which provides for the formation of a staff development plan to be submitted and approved annually by the State Department of Education.

(3) **Transportation of children.** Transportation needs may range from weekly trips home to occasional trips to doctor's offices, local stores, etc. The superintendent of each school shall designate an individual to coordinate transportation needs and arrange for the safe, appropriately chaperoned transport of students locally and throughout the state as needs arise. Close cooperative efforts in transporting students to and from school and home will be maintained with parents and local education agencies.

(A) **School responsibility.** Employees provide transportation originating from the campus for home going and field trips.

(i) The vehicle and operator of a vehicle used to transport children are in compliance with all applicable state laws. School buses used to transport students must meet the requirements of the Oklahoma State Department of Education.

(ii) Written permission from parents or guardian for transportation of their child is on file at the school.

(iii) Supervision of the children begins at the designated pick-up locations.

(iv) The driver is responsible for leaving the child only with the person or school designated by the parent. Written instructions and approval from the parent for such a plan is required. Changes to these instructions from the parent are required.

(B) **Driver qualifications.**

(i) All drivers will have an operator's license of the type appropriate for the vehicle that is valid in the driver's state of residence.

(ii) All staff/drivers must notify the Superintendent in writing of any conviction of driving under the influence of alcohol or drugs or other impaired driving offense or reckless driving within the last five years.

(C) **Staff-child ratios.** Staff-student ratios are appropriate to ensure the safety and welfare of the children being transported.

(D) **Procedure.** Requirements pertaining to transportation procedure are listed in this subsection.

(i) A schedule showing accurate route and itinerary is planned and kept at OSB/OSD to show approximately where the vehicle is at all times. If the vehicle is equipped with a mobile communication system, route information is not required.

(ii) The driver is provided with:

(I) A copy of the scheduled route;

(II) The name, address, and telephone number of the child care center;

(III) Names of children being transported; and

(IV) A method to contact the children's parents in case of emergency.

(iii) Safe conduct to and from all vehicles and safe off-street loading space is provided to protect children from backing vehicles, from being between vehicles, and from all traffic hazards.

(iv) Attendance is checked each time children board and exit the vehicle.

(v) Children remain seated while the vehicle is in motion, and no part of a child's body extends from windows.

(vi) Vehicles containing children are never left unattended.

(vii) The use of tobacco products is prohibited while children are being transported.

(E) **Passenger restraints.** Children who are being transported in a passenger car, station wagon, van, bus, or truck are properly secured in a child passenger restraint system (car seat) or individual seat belt. Buses with a capacity of ten or more passengers that meet state and federal requirements for school buses are exempt from this requirement. Schools may, at their discretion, require students to be secured with seat belts during their transport.

(i) When transported in a seat equipped with a shoulder belt, children who have not entered kindergarten and weigh less than 60 pounds are properly secured in a child passenger restraint system, such as a car seat or booster seat. Children who have entered kindergarten and older are protected by use of a car seat, booster seat, or individual seat belt.

(ii) The car seat is:

(I) Federally approved;

(II) Installed according to the manufacturer's instructions;

(III) Appropriate to the height, weight, and physical condition of the child, according to the manufacturer's instructions; and

(IV) Properly maintained.

(iii) Each seat belt is properly anchored to the vehicle and fits snugly across children's hips or securely anchors the car seat.

(iv) All adult passengers, except those in a full-size school bus, and the driver are properly secured by seat belts unless the driver or passenger has written verification from a doctor licensed in Oklahoma that the individual is unable to use a seat belt for medical reasons. The school bus driver must always use a seat belt.

(v) Children under 50 pounds and/or under five feet in height are prohibited from sitting in the front seat of a passenger vehicle equipped with air bags.

(F) **Vehicle requirements.** Any vehicle used to transport children complies with the requirements listed in this subsection.

(i) The vehicle's maximum seating capacity is not exceeded. Maximum seating capacity of the vehicle is based on the manufacturer's designated seating capacity for children or on a minimum of 13 inches of seating space per child.

(ii) All passengers are able to sit comfortably in a stationary padded seat with a back that is properly anchored to the vehicle.

(iii) Vehicles used to transport children are maintained in a clean, safe operating condition, free of hazardous objects or other nonessential items that could injure children.

(iv) Children are not transported in vehicles or parts of vehicles, which were not designed for the purpose of transporting people, for example, truck beds, campers, and trailers.

(v) Each vehicle must have door locks. The driver is responsible for keeping the doors locked when the vehicle is moving.

(vi) The transporting vehicle is covered by medical and liability insurance as required by Oklahoma laws.

(vii) A vehicle used to transport children has an operable heater and an adequate ventilation system.

(viii) A first aid kit is placed on each bus.

(4) **Report of injuries, fires, assaults, etc.** Should a child be injured in an incident or accident, an accident report is completed. The parents or the guardian are to be notified of the child's accident and given complete details and a report of the child's condition at the time.

(5) **Fire and safety.** The superintendents and their staffs at OSB and OSD have a responsibility to observe fire and safety regulations and to comply with official inspections. Buildings and premises will be maintained in a safe condition and free from fire hazards. From time to time, inspections are made by the State Fire Marshall to determine fire and safety precautions taken by the school and the school is expected to correct any deficiencies noted. Fire drills shall be conducted on a regular basis in all occupied buildings, and a record of such drills maintained in the superintendent's office.

(6) **Sanitation.** The superintendents and their staffs at OSB and OSD have a responsibility to see that sanitary conditions at the schools meet acceptable standards as prescribed by public health authorities. From time to time, inspections are made of such matters under the direction of the State Department of Health, and the school is expected to correct any deficiencies found.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-05	PT Memo #06-01 Permanent, clarifying school responsibility, driver qualifications, procedures, passenger restraints and vehicle requirements

612:20-3-3. Comprehensive programming for all basic needs

Each student's educational needs will be addressed in an Individualized Educational Plan (IEP) developed in a manner consistent with 20 U.S.C., 1400-1485 and State Department of Education guidelines. More specific information regarding the IEP may be requested from the superintendent's office.

(1) **Meeting physical needs.**

(A) **Food service.** Food must be plentiful to meet the requirements of growing children. It must be sanitary, nutritious, attractively served in a pleasant atmosphere, and palatable. Menus should vary and reflect sensitive planning by food service staff. Employees in direct supervision of children at mealtime should encourage proper eating, both in terms of good manners and adequate diet, stressing the need to eat nutritious foods.

(i) Menu Planning. Menus are planned at least one week in advance. Menus are dated, posted, and kept on file for one year. Any substitutions are noted on the menu. Food services are directed by a nutritionist or licensed dietitian and/or facilities consult annually with a qualified nutritionist.

(ii) Frequency and quality of meals. All meals should meet the nutritional guidelines of the students.

(I) The facility provides or arranges for the provision of breakfast, lunch, and dinner and one or more snacks from food that is selected, stored, prepared, and served in a sanitary and palatable manner. Brunch and dinner may be provided on weekends and holidays only.

(II) Each meal contains a sufficient amount of food for every student and additional servings are available and permitted.

(III) Cool, potable drinking water is available for students at all times.

(iii) Special diets. Facilities recognize the religious, cultural, and health needs of students when planning, preparing, and serving food.

(I) The facility makes available, as necessary, an alternate choice of food for each meal served for students on special diets or residents who, because of religious beliefs, cannot eat particular foods.

(II) The facility follows individualized diets and feeding schedules that are prescribed by the student's physician.

(iv) Meals. Facilities recognize the social and emotional needs of residents during mealtime.

(I) Students and the staff who eat with them are served the same menu, except for tea and coffee, unless differences in age or special dietary needs are factors.

(II) Students who have not had opportunities to learn how to handle food with the usual table service are managed in such a way that they are not embarrassed or subject to the ridicule of other students.

(B) **Student housing.** Ample living quarters in a pleasant setting are considered essential to the growth of any child. Some degree of privacy, adequate bedding, suitable space for clothing and personal effects, recreation areas, clean and ample bath and toilet facilities, and a pleasant atmosphere are all basic to this provision. In planning residential quarters in the schools, consideration should be given to color schemes, housekeeping possibilities, whether the area lends itself to proper supervision, heating, cooling and lighting.

(C) **Clothing.** Provision for appropriate student clothing is a parental responsibility. If the child's parents are unable or unwilling to make such provision, other resources will be sought. Care should be taken to label clothing and personal items.

(D) **Health and medical services.** Emergency and routine health care of students is provided by a staff of licensed nurses, and a physician contracted by the Department. Minor medical and health needs will be addressed in the school clinic. Illnesses not amenable to recovery within a one to two day period will be referred to parents for care and follow-up. All medication administered will be prescribed by a physician. The cost of such prescriptions shall be borne by the parents. All medication is kept under lock and key in the school clinic. Dispensing of medication is supervised by nursing personnel. Parents will be notified immediately of any serious illness or injury, and the situation will be addressed in a manner mutually agreed upon.

(i) Medical plan. The facility has an operational medical plan to meet the medical needs of the students.

(ii) Physical examination. Each student is offered a physical examination annually, or at more frequent intervals as recommended by a health care professional.

(iii) Medical care. Each student receives proper medical and/or dental care. When a serious accident or illness occurs to a student, the facility takes the necessary emergency action and notifies the parents or custodian immediately.

(iv) Immunizations. Students are required to have immunizations against communicable diseases in accordance with the rules and regulations of the State Department of Health and the Oklahoma State Department of Education.

(v) Medication. The facility has current, written medication procedures **1**

(I) When any medication is administered to a student, a precise record is kept with the student's name, the name of the medication, the dosage, date and time given, and the signature of the person who administered it. The reason for the medication is noted and any unusual reaction is documented. The student, the parents or custodian, and all staff members responsible for the student are informed of the side effects of the medication prescribed for the student.

(II) Prescription medications are administered by the designated staff member only as part of a prescribed therapeutic treatment as prescribed by a medical doctor.

(III) All medications are kept in a locked container and under the supervision of the designated staff member.

(vi) First aid supplies. The facility maintains first aid supplies.

(vii) Tobacco use. The facility prohibits the use of any tobacco on campus.

(2) **Meeting emotional needs.**

(A) **Staff-child relationships.** Positive relationships with adults are vital to the growth and development of any child. To permit such relationships to occur, the adult must be able to express an involved interest in the child, be willing to accept the risk of being rebuffed by the child, and be sensitive to the reason the child behaves as he does. Moreover, he must respect the child as an individual worthy of being heard, and recognize his strengths. He must be honest with the child and, above all, be willing to listen to him. His concern should be to meet the needs of the child, rather than his own, so his involvement will be of a professional nature.

(B) **Counseling.** While some children may require only the structure of the school and the relationships formed in the day-to-day environment, others may require special attention. Students with special problems will be referred to the school psychologist.

(C) **Location of authority.** To achieve fairness and consistency of controls in the school, authority and responsibility for proper limit setting must be established. Such authority rests finally with the superintendent. Minor day-to-day behavior problems may be handled routinely by the youth guidance specialist on duty when the incident occurs, but is subject to review by the administration. In no case should any individual staff member impose disciplinary action upon a child which is not within the scope of authorized policy.

(D) **Appropriate methods of discipline and control.** Control of children through consistent but reasonable limit setting is viewed as an integral part of the school program. One objective for emotional growth of children is self-control. This can develop only when children are availed of opportunities to make choices for themselves. Controls should be applied only when a child demonstrates an inability to control himself, and then only to the degree necessary to the situation.

(i) Good supervision of children will reduce the need for drastic measures. Verbal or visual controls, written reports, loss of privilege, and many other such methods can be used effectively, if the person relating to the child is sensitive to the needs of the child and the part controls play in his development.

(ii) Discipline when used with children shall be appropriate to the situation and designed to contribute to student well being. An example of an appropriate method of control might be withdrawal of privileges. Children

also may be required to reimburse the school for damage of property through negligence or intent.

(iii) Reasonable restraint may be necessary to prevent a child from injuring himself or others.

(iv) No procedures will be implemented which could be construed as abuse or neglect according to the Department of Human Services' policy on abuse and/or neglect of clients in residential facilities. A copy of this policy is available from the superintendent's office.

(E) **Abuse complaint referral.** Alleged abuse of a student by a staff member, substantiated by investigation, may constitute cause for referral to the District Attorney. Refer to 612:20-3-19 through 612:20-3-27 for specific information.

(F) **Disciplinary review.** The superintendent of each school shall establish procedures for review of disciplinary measures when infractions are of a chronic or serious nature and may result in suspension. Such procedures will include appropriate opportunity for students to have their view heard and considered. Parents and students will be apprised of their right to appeal decisions made.

(3) **Meeting social needs.**

(A) **Education.** Opportunities will be provided in the school area for student involvement in class activities, clubs, organizations, and various extracurricular activities designed to foster personal responsibility and healthy interpersonal relationships.

(B) **Religious services.** Opportunity is provided for resident children at the School for the Blind and the School for the Deaf to attend worship services of their choice.

(C) **Recreation.** Recreation for children embodies a wide range of activities, from sedentary recreation to competitive sports. In programming for meeting the recreation needs of children, consideration is given to their interests, their abilities, their need for successful experiences, and their need to learn team play. Consideration also is given to the use of hobbies and cultural exposures as opportunities for social and personal growth. Off-campus activities are programmed within the limits of good judgement, and with an awareness of the child's interests.

(D) **Children's correspondence.** Correspondence provides a means of family and social contact for children. It can be a definite factor in meeting social needs; therefore, correspondence between children and their parents, relatives, and close friends is encouraged insofar as it appears to be in the best interest of the child. Incoming or outgoing mail is not to be inspected or censored.

(E) **Visitation on campus.** Visits by family and friends of students are encouraged. Visitors are expected to abide by all school rules.

(F) **Dormitory living.** Social needs of children can be met also in group living where an atmosphere of mutual respect is essential. Sharing of work, participation in dormitory activities, and identifying with the group can be vital in the growth and development of the child. Moreover, in his association with the

Direct Care Specialist, the child is given an opportunity to come to terms with an authority figure and to form a positive relationship with an adult. Still another opportunity for growth is provided by participation in group decision making, as practiced in varied degrees by the dormitories in the schools.

(G) **Student allowances.** Disbursement of allowances to students may be done weekly subject to arrangements made by parents with the student finance office. The Department does not provide for routine allowances except for certain children in custody of the Department of Human Services who are attending OSB or OSD. For any financially needy children, monthly allowances can be arranged in accordance with the needs of the individual child.

INSTRUCTIONS TO STAFF:

1. Medication procedures may be obtained by contacting the schools Medical Services Supervisor.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-95	PT Memo #95-2
	Permanent, removed reference to DHS rules on abuse and neglect
7-1-05	PT Memo #06-01
	Permanent, clarifying policy regarding physical needs and medical services

612:20-3-4. Records

(a) **Confidential nature of records.** School records are considered confidential and contents are not divulged except for purposes directly related to the program for the particular child. Information to be safeguarded includes, but is not limited to, transcripts; reports of medical examinations; psychological reports; progress reports; correspondence; and other records covering the condition or circumstances of any person from whom, or about whom, information is obtained. Also to be safeguarded are records of any evaluations made by Department staff members.

(1) Information of an intimate and personal nature about the child or the child's parents is not discussed orally except in furtherance of the student's program, and then only to personnel who have responsibility for carrying out that program. The same principle applies to information disclosed or opinions expressed at conferences. School records are made available at conferences for reference purposes.

(2) Access to school records are subject to the confidentiality procedures of the State Department of Education.

(b) **Statement of rights.** Parents and eligible students have the following rights under the Family Educational Rights and Privacy Act and rules of this Subchapter.

(1) **General.**

(A) The right to inspect and review the student's education record.

(B) The right to exercise a limited control over other people's access to the student's education record.

(C) The right to seek to correct the student's education records; in a hearing if necessary.

(D) The right to report violations of the FERPA to the U.S. Department of Education.

(E) The right to be informed about FERPA rights.

(2) **When student becomes age 18.** All rights and protections given parents under the FERPA and this policy transfer to the student when he or she reaches age 18 or enrolls in a post secondary school. The student then becomes an "eligible student".

(c) **Records of requests for access and disclosures made from education records.** Oklahoma School for the blind (OSB) and Oklahoma School for the Deaf (OSD) will maintain an accurate record of all requests for it to disclose information from or to permit access to a student's education records and of information it discloses and access it permits with some exceptions listed below. This record will be kept with, but will not be a part of, each student's cumulative school records. It will be available only to the record custodian, the eligible student, the parent of the student, or to federal, state, or local officials for the purpose of auditing or enforcing federally supported educational programs.

(1) The record will include at least:

(A) The name of the person or agency that made the request.

(B) The interest the person or agency had in the information.

(C) The date the person or agency made the request.

(D) Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

(2) The district will maintain this record as long as it maintains the student's education record.

(3) The record will not include requests for access or access granted to parents of the student or to an eligible student, request for access or access granted to officials of OSB or OSD who have a legitimate education interest in the student, requests for or disclosures of information contained in the student's education record if the request is accompanied by the prior written consent of a parent of the student or the eligible student or the disclosure is authorized by such prior consent, or for requests for, or disclosure of directory information designated for that student.

(d) **Procedure to inspect education records.** Parents of students and eligible students may inspect and review the student's education records upon request. In some circumstances, it may be mutually more convenient for the record custodian to provide copies of records.

(1) Since a student's records may be maintained in several locations at the school, the school superintendent will offer to collect copies of records or the records themselves from locations so they can be inspected at one site. However, if parents and eligible students wish to inspect records where they are maintained, the school superintendent will make every effort to accommodate their wishes.

(2) Parents or eligible students should submit to the school superintendent a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

(3) The superintendent, assistant superintendent, (or other records custodian) will contact the parent of the student or the eligible student to discuss how access will be best arranged (copies, at the exact location, or records brought to a single site).

(4) The superintendent, assistant superintendent, (or other custodian) will make the needed arrangements as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected. This procedure must be completed in 45 days or less from the receipt of the request for access.

(5) If for any valid reason as working hours, distance between record location sites, or health, a parent or eligible student cannot personally inspect and review a student's education record, the school will arrange for the parent or eligible student to obtain copies of the record. There may be a nominal fee for copies (up to ten cents per page) plus postage if required. Notification will be given of any fees prior to copying.

(6) When a record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the records of the other students.

(e) **Locations of education records.** Records, their locations and custodians are:

(1) **Parkview School.** Cumulative school records for current students, including health and special test records, will be maintained by the School Principal in the School Principal's office. Cumulative school records for former students will be maintained by the School Superintendent in the Superintendent's office. Speech therapy records will be maintained by the Speech Therapist in the Office of Speech Therapy.

(2) **Oklahoma School for the Deaf.** Cumulative school records, transcripts, and Individualized Education Programs for current students will be maintained by the Assistant Superintendent in the office of the Assistant Superintendent. Confidential files including assessment and admissions information for current students, and cumulative files for former students, will be maintained by the Director of the Student Assessment Center at the Student Assessment Center. Health records for current students will be maintained by the Head Nurse in the OSD Clinic.

(f) **Annual notification.** At the beginning of each school year Parkview School (OSB) and Oklahoma School for the Deaf (OSD) will send a notice to parents and eligible students of their rights under the FERPA and this policy. OSB and OSD will send to parents or eligible students a bulletin listing these rights and the bulletin will be included with a packet of material provided parents or an eligible student when the student enrolls during the school year.

(1) The notice will include:

(A) The right of a student's parents and eligible students to inspect and review the student's education records.

(B) The intent of OSB and OSD to limit the disclosure of information contained in a student's records except:

(i) By the prior written consent of the student's parent or the eligible student;

(ii) As directory information; or

(iii) Under certain limited circumstances, as permitted by the FERPA.

(C) The right of a student's parent or an eligible student to seek to correct parts of the student's education record which he or she believes to be inaccurate, misleading or in violation of student rights. This right includes the right to a hearing to present evidence that the record should be changed if the district decides not to alter it according to the parent or eligible student's request.

(D) The right of any person to file a complaint with the U.S. Department of Education, if OSB or OSD violates the FERPA.

(E) The procedure that a student's parent or an eligible student should follow to obtain copies of this policy and the locations where copies may be obtained.

(2) The district will arrange to provide translations of this notice to non- English speaking parents in their native language to the extent possible including explanations using sign language if necessary.

(g) **Access to school records for research purposes.** The Commission for Rehabilitation Services has supervision over all personal property, records, equipment and supplies used by OSB and OSD. Any records which a researcher may wish to inspect and copy are in the custody of the Commission. Requests to examine school records will be processed through the school superintendent's office and be subject to parental approval.

(h) **Release of medical information.** Medical information contained in a child's case record is confidential. Employees are not to release medical information except for purposes directly relating to the program for particular child or except in the administration of the school's programs. Various units or divisions within the Department may request medical information regarding persons receiving services. This medical information may be shared in order to expedite services for those persons in the administration of our own programs.

(i) **Medical emergency.** In the event of a medical emergency, the superintendent may release to physicians information from the medical record that has a direct bearing on the medical emergency. The superintendent will use her or his own judgement as to the extent of the information releases. The superintendent has the authority to act in the best interest of the child in an emergency when parents/guardian cannot be reached.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-95	PT Memo #95-2
	Permanent, changed tabular format in (e) to acceptable APA format

612:20-3-5. Departmental resources

(a) **In-service training.** State Office staff are available as resource persons through the Staff Development Unit. They are charged by the director with the responsibility of assisting the superintendents with the development of a meaningful, ongoing in-service training program patterned to serve the individual needs of each school and embodying the Department's school goals.

(b) **Rehabilitative and Services for the Blind and Visually Impaired.** Coordination of efforts to make a smooth transition from secondary school to employment or further training will be facilitated by VR counselors trained to work with the blind and deaf. The Department of Rehabilitation Services will encourage and support efforts to enhance communication and cooperation between school and rehabilitation personnel.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.
9-11-20	Division name change of Visual Services (VS) to Services for the Blind and Visually Impaired (SBVI).

612:20-3-6. Admission to OSB and OSD

(a) **Eligibility to OSB.** Title 70 O.S. Supp. 1978, Sec. 1733 states: "All persons, residing in the State of Oklahoma, between the ages of six and twenty-one years, whose vision is so defective as to prevent them attending the public schools... are eligible, provided persons may be continued in said school after passing the age of 21, or persons under six and over 21, may be admitted as pupils in said school at the discretion of the superintendent and faculty."

(b) **Eligibility to OSD.** Title 70 O.S. Supp. 1978, Sec. 1733 states: "All deaf residents of this State, and those deaf and mute to such an extent that they cannot acquire an education in the common schools of the State, of suitable age and capacity... shall be entitled to an education in the school for the deaf, without charge." Title 70 O.S., Sec. 1734 (1971) states: "The purpose of said school shall be the physical, and moral and intellectual culture and training of the deaf to the end that pupils may be returned to society, capable of becoming self-sustaining and useful citizens."

(c) **Authority for admission and discharge.** Title 56 O.S. Sec. 321 (1971) provides for the transfer of the Schools for the Blind and the Deaf, and states in part: "The Oklahoma Public Welfare Commission shall have the supervision, management and control of the Oklahoma School for the Blind and the Oklahoma School for the Deaf, and, in addition to the powers and duties now vested in the State Board of Education as to each of such institutions, shall have authority to adopt such rules and regulations as it deems necessary for the government and operation of each institution, and for the admission and discharge of pupils at each institution." Title 74 O.S. Sec. 1418 (1993) transferred the supervision, management, and control of the Oklahoma School for the Blind and Oklahoma School for the Deaf to the newly created Department of Rehabilitation Services.

(d) **Procedure for admission.** Application is made to the schools by the parent or guardian of the child. Forms for this purpose may be obtained from the schools. Prior to admission, an appointment will be made for the prospective student to be assessed. Information from the assessment plus previous school records will assist the Admission/Assessment Review Committee in determining appropriate programming. Parents will be informed by the superintendent of their child's acceptance or denial of admission. All new students are accepted on a six week trial basis during which time an extended evaluation is conducted.

(e) **Assessment and I.E.P. development.** No later than six weeks after admission, the Admissions/Assessment Review Committee at each school makes an assessment of the child to determine if continued enrollment of the child is appropriate and in the child's best interest and develops a goal-oriented plan for each child. Medical, social, educational, psychological, ophthalmological or audiological needs and assessment of ability to benefit from the total program of the school should be included in this assessment and plan. Particular attention should be given to the child's potential to adjust in group living situations. Observations of all personnel having contact with the child should be considered in the evaluation process. Based upon the assessment, the Evaluation Committee recommends to the superintendent whether continued enrollment in the school seems appropriate. The Individuals with Disabilities Education Act requires that an Individualized Education Plan (IEP) be developed for each child. The IEP will be developed and implemented for each child at the Schools for the Blind and Deaf according to guidelines as specified in 20 U.S.C., 1400-1485 regulations. Students not accepted for admission will be referred to the school district of residence, and assistance provided in determining a more appropriate placement.

(f) **Appeal of denial of admission or discharge.** If as a result of screening a child is denied admission or is discharged as a result of no longer meeting visual or hearing eligibility requirements or having attained the age of 21, the decision may be administratively appealed. When a child is denied admission or is discharged, a letter is sent from the superintendent to the parents/guardians advising them of the denial/discharge, the specific eligibility factors not met by the child, and of the right to appeal by written request to the Director within 30 days.

(g) **Suspension.** Should the superintendent approve, a student may be suspended for conduct violating a specific rule, and previously identified and published as being of a type for which suspension may be imposed.

(1) **Summary suspension and appeal.** Summary suspension is defined as a suspension of ten days or less. For infractions occurring in the academic area, the suspension could be only from attending classes but not from the campus. Summary suspension is imposed using the following process:

(A) An oral or written report of the conduct and rule violated must be submitted to the discipline committee;

(B) The student is called before the committee, who gives the student oral or written notice of the charge, basis for the charge, and proposed sanction (one to ten days suspension);

(C) If the student denies the charge at this discussion, he will be permitted to present openly and fully his version of the facts;

(D) If the committee decides to suspend, inform the student and invoke the penalty;

(E) A full report is then submitted to the superintendent who has the authority to affirm, modify, or reverse the decision;

(F) The superintendent submits a report of the entire incident to the parents/guardian of the student and to the Director, Department of Rehabilitation Services; and

(G) The student and/or his parents/guardian may appeal the Superintendent's decision to the Director by letter. No hearing is granted, but after full investigation, the Director may affirm, modify, expunge the record, reverse, or order such action as is deemed necessary to assure fairness.

(2) **Lengthy suspension and appeal.** A lengthy suspension is anything in excess of ten days up to the statutory maximum of the current semester and the succeeding semester which could be imposed. The procedure is analogous to the above with the additional notification of the school district of residence that educational programming for one of their students has been temporarily discontinued. This will enable the student and the local school district to consider alternative programming.

(3) **Return from discharge or suspension.** Failure of a student to return to the school after a summary suspension, without reasonable cause, will result in discharge of the student. Return of students after discharge or a lengthy suspension will be handled as a regular application for admission.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612

612:20-3-7. Discipline

(a) Disciplinary measures at the OSB and OSD will be consistent with Oklahoma Statutes, policy as established by the Commission for Rehabilitation Services, and regulations of publicly supported schools in the state of Oklahoma.

(b) **Prohibitions.** Facility policy prohibits:

(1) Shaking, striking, spanking, or other cruel treatment;

(2) Harsh, humiliating, cruel, abusive or degrading language;

(3) Denial of food or sleep;

(4) Work tasks that are degrading or unnecessary and inappropriate to the residential student's age and ability;

(5) Denial of private familial and significant other contact, including visits, phone calls, and mail, as a means of punishment;

(6) Use of chemical agents, including tear gas, mace, or similar agents;

(7) Seclusion;

(8) Extreme physical exercise;

(9) One resident punishing another resident:

(10) Chemical restraint;

(11) Mechanical restraint; and

(12) Violating residential student's rights.

(c) **Separation.** A resident may be removed from the group or group activity as a method of behavior management. The resident remains within hearing of an adult in an unlocked, safe, clean, well-lit, well-ventilated area.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-05	PT Memo #06-01
	Permanent, clarifying policy in regards to prohibitions to discipline

612:20-3-8. Elementary and Secondary Education Act

The OSB and OSD come under the provisions of the Federal Elementary and Secondary Education Act. In compliance with Title IX of the Education Amendments of 1972, the Department's policy is that no student or employee at the OSB or OSD shall be excluded on the basis of sex from participation in any educational endeavor or other activity sponsored by the OSB or OSD. The Principal/Education Director of each of these two schools has been designated to coordinate the local Title IX compliance efforts, including the processing of parent/student or employee complaints alleging sex discrimination. Any parent, student, or employee aware of discrimination based on sex may obtain details on how to pursue a complaint from the Title IX coordinator.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-03	PT Memo #03-07
	Permanent, grammatical correction

612:20-3-9. Regional preschool satellite programs (RPSP)

(a) **Definition.** The Oklahoma School for the Deaf will develop and implement RPSP's to provide services to the hearing impaired as resources allow. Programs will be located in areas with the greatest need for service as indicated by the State Department of Education, child count and OSD. Each satellite preschool will serve children within a 35 mile radius of the program's location. RPSP provides preschool classroom instruction and a course of instruction for parents (70 O.S., 1210.171). The preschool teacher will provide a half day of classroom instruction using OSD Early Childhood Curriculum and a half day of home visitation using SKI-HI home intervention curriculum (Project ECHO). The OSD Early Childhood Curriculum is a developmental curriculum based on child development.

(b) **Referrals.** Referrals can be made by parents, pediatricians, audiologists, social workers, etc., to the school district in which the child resides or directly to OSD. It is preferable that referrals are made to the local school district. Referrals can be made by telephone. OSD or the sending district (district in which the child lives) will provide the screening of the child and complete a categorical eligibility statement. Evaluation data required for eligibility and placement may be provided by the sending school district or the OSD student assessment center.

(c) **Eligibility.** Preschool Satellites will serve students from the age of identification (no minimum age) to age five. Eligibility standards are those established by the Oklahoma Department of Education for Deaf/Hard-of-hearing placement. The primary eligibility standard is that a child have a 40 decibel minimum loss or hearing impairment which with best correction adversely affects performance in a regular class. A team consisting of the parent(s), the school administrator, regular teacher, special teacher, and other appropriate persons will determine eligibility and appropriateness of the program for the child.

(d) **Placement.** Students will be placed according to procedures and timeliness established by the Oklahoma State Department of Education as stated in the policies and procedures manual for Special Education in Oklahoma. The placement team will include staff from both OSD and the sending district. The placement team will write the Individual Education Plan (IEP).

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

PART 3. ABUSE, NEGLECT, AND INAPPROPRIATE BODY CONTACT

Section

612:20-3-19. General requirements

612:20-3-20. Reporting requirements

612:20-3-21. Protocol for abuse or neglect of a student by a staff member or volunteer

612:20-3-22. Protocol for abuse of a student by another student

612:20-3-23. Protocol for abuse and neglect of a student in the home environment

612:20-3-24. Protocol for inappropriate body contact between student and staff

612:20-3-25. Protocol for inappropriate body contact between students

612:20-3-26. Special procedures for prevention of abuse, neglect, and inappropriate body contact

612:20-3-27. Harassment of students

612:20-3-19. General requirements

(a) All school employees and volunteers have responsibility for reporting suspected abuse, neglect, and inappropriate body contact. General guidelines for when to report possible abuse, neglect, or inappropriate body contact are given in Paragraphs (1) through (4).

(1) When a student reports an incident to the employee/volunteer;

(2) someone other than the student reports suspected behaviors;

(3) there is physical evidence; or

(4) there is first hand observation by an employee/volunteer of a suspect incident.

(b) For the purposes of this Section, abuse or neglect is defined as knowingly, intentionally, or negligently causing or permitting an enrolled child to be:

(1) placed in a situation that endangers his or her life or physical or mental health;

(2) cruelly confined or cruelly punished;

(3) deprived of necessary food, clothing, shelter, or care;

(4) left unattended;

(5) physically manhandled resulting in bruises; or

(6) sexually abused.

(c) Inappropriate body contact may be defined as sexual contact such as fondling of sexual body parts and sexual relations. Inappropriate body contact could occur between a child and adult, between two children of similar age, or between a younger and an older child with a three or more year age difference.

(d) Recognizing signs of possible abuse, neglect or inappropriate body contact is a matter of degree. Many of the examples given in this Subsection can be observed to some degree in persons who are not experiencing abuse, neglect, or inappropriate body contact. Indications of possible abuse, neglect, or inappropriate body contact are strongest when such signs make up a prevailing pattern, or represent a sudden dramatic change in a student's condition or behavior. Examples of signs of abuse, neglect, or inappropriate body contact are given in Paragraphs (1) through (17):

(1) bruises;

(2) sudden change in mood or personality;

(3) sudden change in school performance;

(4) withdrawal from social contact with peers or adult care takers;

(5) acting out behaviors such as fighting, exhibitionism, drug usage, running away;

(6) seductive behaviors learned from being sexually abused;

(7) aversion to appropriate touching or closeness;

(8) listlessness;

(9) psychosomatic illnesses;

(10) unusually fearful and distrustful of adults;

(11) overly complimentary in attempts to please adults;

(12) lying and/or stealing;

(13) insomnia, nightmares, bed wetting;

(14) drawing of genitals;

(15) dirty, hungry, presence of sores;

(16) lack of proper clothing; or

(17) shows need for medical attention.

Section History
7-1-95 PT Memo #95-2
Permanent, new Section

612:20-3-20. Reporting requirements

(a) Any staff member or volunteer who suspects that a child under the age of 18 years has been abused or neglected by any person, including parent, shall make an immediate report to Child Welfare and/or the Office of Client Advocacy in the Department of Human Services, or to the police as appropriate. A written report shall also be made by the end of his or her shift to his or her supervisor. The supervisor will report the incident to the school social worker or designee as soon as he or she receives the report. The social worker or designee will be the contact person for the police, Child Welfare and/or the Office of Client Advocacy in the Department of Human Services as appropriate. The school social worker or designee shall also submit a report to the Superintendent within 24 hours of receiving notice of the incident. Parents will be contacted unless the home environment is suspect.

(b) Anyone making a report in accordance with this policy, State statute, and in good faith is immune from any civil or criminal liability that otherwise results from reporting the incident, or from any resulting judicial proceeding, even if the suspicion is proven to be unfounded.

(c) Reports submitted to the supervisor and the social worker or designee shall include the information given in Paragraphs (1) through (6).

(1) Name of student(s) involved;

(2) name of any staff involved;

(3) age of student(s);

(4) location of incident;

(5) nature and extent of injuries or description of abuse, neglect, or inappropriate body contact; and

(6) other information that might be pertinent to the situation.

(d) Final reports submitted to appropriate authorities by the social worker or designee will include:

(1) name of student(s) involved;

(2) location of incident;

(3) name of any staff involved;

(4) date(s) of birth of student(s);

(5) parent names, addresses, and phone numbers;

(6) nature and extent of injuries or description of abuse, neglect, or inappropriate body contact; and

(7) other information that might be pertinent to the situation.

(e) The school social worker or designee will document the information in Paragraphs (1) through (7) for each incident reported in a separate record which will be kept in a locked file:

(1) date the report was received;

(2) person contacted, and date/time of contact, when report was forwarded to the appropriate authorities;

(3) date and time parent was contacted (as appropriate);

(4) response of authorities to include date, time, and time of response and name of contact person;

(5) investigative reports from staff;

(6) investigative summary by school social worker or designee; and

(7) parent contacts with the school.

(f) Procedure for reporting suspected abuse, neglect, verbal abuse, caretaker misconduct and exploitation

(1) **Reporting requirements and reportable incidents.**

(A) Persons having reason to believe that a minor is a victim of abuse or neglect are required by Section 7103 of Title 10 of the Oklahoma Statutes to promptly report it to the Oklahoma Department of Human Services (OKDHS).

(B) Persons having reason to believe that a minor or vulnerable adult is a victim of abuse, neglect, verbal abuse, threat, or exploitation are required by Section 10-104 of Title 43A of the Oklahoma Statutes to promptly report it to OKDHS. This reporting requirement applies to providers, as defined in OAC 340:2-3-2, and their employees and agents.

(C) In addition, employees of the Oklahoma School for the Blind and the Oklahoma School for the Deaf, who have reason to believe that caretaker misconduct, according to State Statutes (amendable), with regard to a student, has occurred, promptly report it to OCA intake, to their immediate supervisor and to the school social services department.

(D) A person can have reason to believe that maltreatment has occurred based on information they have learned directly or indirectly, including information provided by the alleged victim or witnesses to an incident. When an allegation of maltreatment is made by the alleged victim or the guardian or parent of the alleged victim, it is reported to OCA intake. Persons unsure of what to report call OCA intake (1-800-522-8014) during business hours, and after hours call the Abuse Hotline (1-800-522-3511).

(E) Knowledge of circumstances which may constitute maltreatment is reported even if the person reporting it cannot substantiate the information.

(F) In addition to the reportable incidents in paragraphs (1), (2), and (3) of this subsection, Oklahoma School for the Blind and Oklahoma School for the Deaf

employees and schools report to OCA events listed in (a) through (c) of this paragraph involving a person listed in OAC 340:2-3-32(a)(2) are:

(i) a death;

(ii) a suspicious or unexplained assault or physical injury, as defined in OAC 340:2-3-2;

(iii) a rape, sodomy, or other sexual activity prohibited by state law.

(G) Such incidents must be reported within 24 hours.

(H) The reporting obligations under this section are individual. Employers, supervisors, and administrators do not impede or inhibit the reporting obligations of any employee or other person; however, employees must also report any reasonable suspicions of child abuse or neglect involving any student or staff to their immediate supervisor and to the school social services department.

(I) Any incidents involving criminal activities will be reported to local law enforcement by Oklahoma School for the Blind and Oklahoma School for the Deaf administration.

(2) **Reporting responsibilities.**

(A) **Reportable incidents.** Reportable incidents are defined in subsection (a) of this Section.

(B) **Immunity from liability.** Oklahoma law provides that any person exercising good faith and due care in making a report of alleged abuse, neglect, verbal abuse, or exploitation pursuant to the Oklahoma Child Abuse Reporting and Prevention Act or the Oklahoma Protective Services for Vulnerable Adults Act shall have immunity from any civil or criminal liability the person might otherwise incur.

(C) **Questions about reporting.** A person who is uncertain if a particular incident is reportable contacts OCA intake (1-800-522-8014) during business hours, and after hours calls the Abuse Hotline (1-800-522-3511).

(3) **Failure to report.** Any person who knowingly and willfully fails to promptly report a reportable incident as provided for in this Section may be subject to administrative action or criminal sanctions. Section 10-104(C) of Title 43A and Section 7103(C) of Title 10 of the Oklahoma Statutes makes failure to report a misdemeanor, upon conviction. In addition, failure to report by an Oklahoma School for the Blind or Oklahoma School for the Deaf employee can result in disciplinary action.

(4) **False reporting.**

(A) Any person who knowingly and willfully makes a false report regarding alleged maltreatment of a minor, or a report that the person knows lacks factual foundation, may be reported to local law enforcement for criminal investigation and, upon conviction, is guilty of a misdemeanor.

(B) With regard to vulnerable adults, any person who willfully or recklessly makes a false report may be liable in a civil action for any actual damages suffered by the person(s) being reported and for any punitive damages set by the court or jury.

(5) **Method of reporting.**

(A) Any person obligated to report an allegation of suspected abuse, neglect, verbal abuse, exploitation, or caretaker misconduct towards a student, contacts OCA intake in Oklahoma City. **1**

(B) Allegations of abuse or neglect at the Oklahoma School for the Blind or Oklahoma School for the Deaf should be reported to the social services department or to the superintendent of the respective school.

(6) **Retaliation prohibited.** Oklahoma Statutes state that an employer shall not terminate the employment, prevent or impair the practice or occupation of or impose any other sanction on any employee solely for the reason that the employee made or caused to be made a report or cooperated with an investigation pursuant to the Vulnerable Adults Act.

(7) **Staff training.** All administrators ensure their employees receive relevant training regarding their reporting responsibilities detailed in this Section. Employees receive this training within 30 calendar days of initial employment and subsequent training annually.

INSTRUCTIONS TO STAFF:

1. (1-405-522-4850 or 1-800-522-8014) between 8:00 a.m. and 5:00 p.m. on normal business days. At all other times, the Statewide Abuse Hotline (1-800-522-3511) accepts referrals on behalf of OCA. Referrals also are made by completing Form OCA-1, Office of Client Advocacy Intake Referral, and transmitting it by fax (1-405-525-4855) to OCA, Attn: OCA intake.

Section History

10-12-95	PT Memo #95-3 Emergency, new Section
8-1-96	PT Memo #97-2 Permanent rules supersede Emergency rules issued 10-12-95
7-1-05	PT Memo #06-01 Permanent, clarifying procedures for reporting suspected abuse, neglect, verbal abuse, caretaker misconduct and exploitation

612:20-3-21. Protocol for abuse or neglect of a student by a staff member or volunteer

(a) Investigation of a reported incident will be conducted by the school social worker, a designee, the appropriate principal, dorm coordinator (YGSIV), or counselor. Students named in the report will be interviewed. The interview will be documented. Any personal interview or physical inspection of the child will be conducted in a considerate, professional manner. Student health services staff and a counselor will participate as appropriate. Other than reports from staff, information shall not be gathered from staff until the Office of Client Advocacy has made a preliminary determination.

(b) The reported incident will be called into the DHS Office of Client Advocacy regardless of final results of student interviews. The Office of Client Advocacy will determine whether the incident will be investigated by their office, or referred back to the school to be processed as a mistreatment grievance.

(c) The Superintendent or the employee's supervisor will immediately take one or more of the actions in Paragraphs (1) through (4) for the safety of the student(s) believed to be in imminent danger from continued contact with the school employee or volunteer:

(1) call to proper authorities to report the incident;

(2) temporarily stop all contact between the student and employee or volunteer;

(3) temporarily remove the school employee from assignment or service (leave with pay); or

(4) temporarily remove the volunteer from the program.

(d) Parents will be contacted by the school social worker or designee to report the incident and the actions taken by the school as of the contact date. Parents will be given timely progress reports.

(e) Incidents returned to the school by the DHS Office of Client Advocacy to be processed as mistreatment grievances will be referred to the Superintendent. The Superintendent will require the appropriate supervisor to address the issue with all involved parties and to correct the situation within established policy on corrective discipline. Documentation of the resolution shall be filed with the Superintendent and the school social worker.

Section History
7-1-95 PT Memo #95-2
Permanent, new Section

612:20-3-22. Protocol for abuse of a student by another student

(a) Investigation of a reported incident will be conducted by the school social worker, a designee, the appropriate principal, dorm coordinator (YGSIV), or counselor. Interviews with students named in the report will be conducted and documented. Any personal interview or physical inspection of a student will be conducted in a considerate, professional manner. Student Health Services staff and a counselor will be included as appropriate.

(b) All reported incidents will be called into the DHS Office of Client Advocacy regardless of interview results. The Office of Client Advocacy will determine the need to investigate the incident for staff neglect.

(c) Parents will be notified by the school social worker or designee to report the incident and the actions taken as of the date of contact. Parents will be given progress reports in a timely fashion.

(d) The Superintendent and/or program supervisor will immediately contact the proper authorities and temporarily separate involved students for the safety of the student(s) believed to be in danger from continued contact. A reported incident of abuse between students with an age difference of three or more years will be reported to DHS Child Welfare and/or the police as appropriate. A reported incident of abuse to a minor child by a student who is 18 years of age or above will be reported to the police. The methods in (1) through (5) will be used as appropriate to deal with incident and its effects:

(1) separation of the students involved;

(2) counseling;

(3) restriction of student's activities;

(4) referral to the Discipline Committee; and/or

(5) review of placement.

Section History
7-1-95 PT Memo #95-2
Permanent, new Section

612:20-3-23. Protocol for abuse and neglect of a student in the home environment

Staff suspecting abuse or neglect in a student's home environment must report the suspect incident in accordance with policy. The school social worker or designee will report the suspected incident to the Child Welfare office in the student's home county. Parents will not be notified unless circumstances indicate abuse or neglect from persons outside the home.

Section History

7-1-95 PT Memo #95-2
Permanent, new Section

612:20-3-24. Protocol for inappropriate body contact between student and staff

(a) The incident will be reported to the school social worker or designee. Once the school social worker or designee receives the report, an investigation will be conducted by the social worker, appropriate principal, dorm coordinator (YGSIV), or counselor. Students named will be interviewed and documentation of the interviews noted. Any personal interview or physical inspection of the student will be conducted in a considerate, professional manner. Student Health Services staff and a counselor will be included as appropriate.

(b) A final report will be called into the DHS Office of Child Advocacy regardless of final results of student interviews. Local police will also be contacted at the time a report is made to the DHS Office of Client Advocacy, and the suspected employee will be placed on leave with pay until the situation is resolved.

(c) For the safety of the student(s) believed to be in imminent danger if continued contact is permitted between a school employee or volunteer and a student, one or more of the options in Paragraphs (1) through (4) will be exercised immediately by the Superintendent or Program Supervisor:

(1) call to authorities;

(2) temporary removal of the student and employee or volunteer from contact with each other;

(3) temporary removal of the school employee from assignment or service (leave without pay); and/or

(4) temporary removal of volunteer from program.

(d) Parents will be contacted by the school social worker or designee to inform them of the suspect incident and the actions taken. Parents will be given progress reports in a timely fashion.

Section History

7-1-95 PT Memo #95-2
Permanent, new Section

612:20-3-25. Protocol for inappropriate body contact between students

(a) The incident will be reported to the school social worker or designee. Upon receiving the report, the social worker or designee, an investigation will be conducted by the social worker, designee, appropriate principal, dorm coordinator (YGSIV), or counselor. Students named will be interviewed and documentation of interviews noted. Any personal interview or physical inspection of the student will be conducted in a considerate, professional manner. Student Health Services staff and a counselor will be included as appropriate.

(b) All reports will be called into the DHS Office of Client Advocacy regardless of the interview results. The Office of Client Advocacy will determine whether they need to investigate the incident for staff neglect. Parents will be notified by the school social worker or designee to report the incident and the actions taken. Parents will be given progress reports in a timely fashion.

(c) The Superintendent and/or program supervisor will immediately contact the proper authorities and temporarily separate involved students for the safety of the student(s) believed to be in danger from continued contact. A reported incident of inappropriate body contact between students with an age difference of three or more years will be reported to DHS Child Welfare and/or the police as appropriate. A reported incident of abuse to a minor child by a student who is 18 years of age or above will be reported to the police. The methods in (1) through (7) will be used as appropriate to deal with incident and its effects:

(1) separation of the students involved;

(2) counseling;

(3) restriction of student's activities;

(4) parent conference;

(5) referral to the Discipline Committee;

(6) referral to outside counseling;

(7) review of placement.

Section History
7-1-95 PT Memo #95-2
Permanent, new Section

612:20-3-26. Special procedures for prevention of abuse, neglect, and inappropriate body contact

(a) Students will receive group instruction on the meaning of improper body contact, abuse and neglect. Instruction will include risk factors and how to keep oneself safe. This safety instruction will be conducted at least once annually.

(b) All staff will receive information and training on the schools' policies on abuse, neglect, and inappropriate body contact at least once annually.

(c) Residential staff are expected to know the whereabouts of students for which they have responsibility. Residential staff will conduct student checks a minimum of once every fifteen minutes from the time the students start morning bathing until they leave for school in the mornings. Residential students will be expected to sign in and out of the dorm, when allowed, for evening activities.

(d) Educational staff will be expected to know the whereabouts of students for which they have responsibility at all times. Students suspected of prohibited activity will be given close supervision.

(e) The Superintendent may, at any time, request that the school social worker or designee conduct confidential interviews of students in the residential program. The interview shall be generalized to cover all forms of potential abuse.

Section History
7-1-95 PT Memo #95-2
Permanent, new Section

612:20-3-27. Harassment of students

The Oklahoma School for the Blind and the Oklahoma School for the Deaf affirm that all students are to be treated fairly, equally, with dignity and respect by their peers and school staff. Harassment of students, sexually or otherwise, will not be condoned on or off campus during school endorsed activities. Any student who feels he or she has been harassed has the right to file a grievance through the school's established grievance procedure.

Section History

7-1-95	PT Memo #95-2
	Permanent, new Section

PART 5. STANDARDS OF CONDUCT FOR ALL SCHOOL PERSONNEL

Section

612:20-3-37. Purpose

612:20-3-38. Use of alcohol, drugs and controlled substances by employees (Drug-Free Workplace)

612:20-3-39. Felony record search

612:20-3-37. Purpose

The purpose of this Subchapter is to present standards of conduct and management policies for staff at the Oklahoma School for the Blind and the Oklahoma School for the Deaf. Staff at the Special Schools are expected to comply with these standards of conduct and management policies.

Section History
7-1-98 PT Memo #98-15
Permanent, new Section

612:20-3-38. Use of alcohol, drugs and controlled substances by employees (Drug-Free Workplace)

(a) The Department of Rehabilitation Services has committed itself to a continuing good faith effort to maintain a drug-free workplace. **1** The Oklahoma School for the Blind and the Oklahoma School for the Deaf recognize that alcohol and drug abuse in the workplace has become a major concern. The object of the schools' alcohol and drug prevention program is to provide a safe and secure workplace to comply with federal and state health and safety regulations, and to prevent accidents.

(b) Staff development programs shall be conducted to inform each employee of the school's drug-free workplace program; the dangers of drug abuse in the workplace; this policy; available drug counseling and rehabilitation programs; and the penalties that may be imposed for drug abuse violations occurring in the workplace.

(c) The unlawful possession, sale, distribution, manufacture, or use of any drug, narcotic or controlled substance as defined in the Uniform Controlled Dangerous Substances Act and/or Title 63 O.S. 2-101 by any employee at any time on school premises or while on school business is prohibited and will not be tolerated. Judgment regarding the use of such substances will be based upon behaviors related to being under the influence of such substances or having an adverse effect upon job performance. Any employee found to be in violation of this policy will be subject to disciplinary action which may include termination of employment or satisfactory participation, at the employee's expense, in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

(d) Each employee of the Oklahoma School for the Deaf or the Oklahoma School for the Blind is hereby notified that, as a condition of employment, the employee must abide by the terms of this policy. In addition, the employee must notify the Superintendent or his/her designee of any criminal drug statute conviction regardless of where it occurred. Such notification must be made to the Superintendent or his/her designee no later than five (5) calendar days after conviction. the Drug-Free Workplace Act the Superintendent shall provide notice of such violation to the Impact Aid Program, United States Department of Education, or other appropriate government agency within ten (10) calendar days after receiving such notice from the employee or otherwise receiving actual notice of such conviction. Within thirty (30) calendar days of receipt of the above notification, the School will take appropriate disciplinary action which may include termination of employment or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency at the employee's expense.

(e) The unlawful possession, sale, distribution, manufacture, or use of an intoxicating beverage as defined in 37A O.S. § 1-103 by any employee in the workplace will not be tolerated. Judgment regarding the use of such substances will be based upon behaviors related to being under the influence of such substances or having an adverse effect upon job performance. Any employee found to be in violation of this policy will be subject to disciplinary action which may include termination of employment or satisfactory participation in an alcohol abuse assistance or rehabilitation program at the employee's expense.

INSTRUCTIONS TO STAFF

1. Alcohol and drug testing for employees

(a) Purpose. Federal law (Omnibus Transportation Employee Testing Act of 1991) and rules of the U. S. Department of Transportation, the Federal Highway Administration and the Federal Transit Administration require alcohol and drug testing of all drivers who are required to have a commercial driver's license (CDL) and of all employees who perform safety sensitive transportation functions. This policy applies to bus drivers and those teachers and coaches who drive school buses with a capacity of 16 or more passengers including the driver as well as mechanics who do maintenance repair work on buses.

(b) Responsibility. The Superintendent or designee of each school is responsible for the administration of the program of required alcohol and drug testing of employees who perform safety-sensitive transportation functions.

(c) Definitions. The following words and terms, when used in this Section, shall have the following meaning unless the context clearly indicates otherwise:

(1) "Driver" means those drivers regularly employed by the school and casual, intermittent or occasional drivers, leased drivers and independent owner-operator contractors who are either directly employed by or under lease to an employer who operates a commercial motor vehicle at the direction of or with the consent of an employer.

(2) "Commercial vehicle" means a vehicle used to transport passengers if the vehicle is designed to transport 16 or more passengers, including the driver.

(3) "Safety-sensitive transit employees" means mechanics who perform maintenance and repair on school vehicles.

(4) "Controlled substances" means marijuana (THC metabolite), cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP).

(5) "Substance abuse professional" means a licensed psychologist or social worker, a D.O. or M.D. with training in assessing and treating alcohol and controlled substances abuse, a Certified Employee Assistance Professional, or a certified National Association Alcohol and Drug Abuse Counselor.

(d) Legal requirements.

(1) Federal law. These policies are developed in accordance with the Omnibus Transportation Employee Testing Act of 1991, and rules promulgated by the U.S. Department of Transportation at 49 CFR 383.

(2) United States Department of Transportation rules.

(A) The Federal Highway Administration has issued an alcohol and controlled substances rule requiring alcohol and controlled substances testing of drivers who are required to have a commercial driver's license.

(B) The Federal Transit Administration has issued rules requiring alcohol and controlled substances testing of safety-sensitive transit employees including mechanics.

(C) The U. S. Department of Transportation has issued a controlled substances and alcohol testing procedures rule (49 CFR Part 40) which establishes procedures for urine testing and breath alcohol testing.

(3) Notification required. Oklahoma School for the Blind and Oklahoma School for the Deaf shall distribute to drivers and safety sensitive employees a copy of these policies on alcohol and controlled substances testing. (A) through (D) of this Paragraph establish information drivers and other employees who perform safety sensitive functions must be given.

(A) Alcohol and controlled substances tests are required;

(B) The results of a pre-employment controlled substances test;

(C) The results of random, reasonable suspicion, and post-accident tests that are positive for controlled substance(s); and

(D) The identity of the controlled substance(s) verified as positive.

(e) Alcohol restrictions.

(1) Prohibited alcohol conduct standards. Performance of a safety sensitive function is prohibited if the employee:

(A) has an alcohol concentration 0.04 or greater as measured on a breath test;

(B) after having tested at more than 0.04 concentration, possessing alcohol at work, using alcohol at work, using alcohol within four hours before the start of work, or using alcohol within eight hours of an accident, has not been retested and posted a concentration of less than 0.02;

(C) after testing from 0.02 to 0.039 concentration during a pre-employment, post-accident, random, reasonable suspicion, return to work or follow-up test, has not been off work at least 24 hours;

(D) is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse;

(E) is known to possess alcohol at the workplace;

(F) is known to use alcohol during duty performance;

(G) is known to have used alcohol within the four hours previous to performing duties;

(H) has had an accident within the last eight hours and has not taken a breath test showing clearance from banned alcohol levels; or

(I) has refused to take an alcohol test.

(2) Medication. Alcohol use includes the consumption of any medication containing any amount of alcohol.

(3) Required alcohol tests. (A) through (F) if this Paragraph gives information as to when alcohol tests are required.

(A) Pre-employment tests are conducted after an offer to hire, but before actually performing driving or other safety sensitive functions for the first time. It is also required when employees transfer to a safety sensitive position.

(B) Random tests may be conducted on an unannounced basis just before, during or just after performance of safety sensitive functions.

(C) Reasonable suspicion tests are conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse. Observation must occur during, just preceding, or just after the period of the work day that the employee is required to be in compliance with the law.

(D) Post-accident tests are conducted after an accident involving an employee whose performance could have contributed to the accident, or when a driver receives a moving traffic violation arising from the accident. The driver must remain readily available for such testing. If the driver leaves the scene of an accident without a valid reason prior to submission to such test, he or she may be deemed to have refused to submit to testing.

(E) Return to duty and follow-up tests are conducted when an individual who has violated the prohibited alcohol conduct standards returns prior to performing safety sensitive duties. Follow-up tests are unannounced, conducted at least six times in the first twelve months after an employee returns to duty, and may be extended for up to 60 months (five years) following return to duty.

(4) Test procedures. Alcohol testing procedures will be conducted in a manner which meets the requirements of 49 CFR 40. Oklahoma School for the Deaf and Oklahoma School for the Blind will pay for required pre-employment, random sample, reasonable suspicion, and post-accident testing. The employee will pay for return-to-duty and follow-up testing.

(f) Controlled substances restrictions.

(1) Prohibited controlled substances conduct standards. No employee shall report to driving duty or remain on duty in jobs requiring the performance of other safety-sensitive functions when:

(A) the employee uses any controlled substance on or off duty unless use is pursuant to the instructions of a physician who has advised the employee the use does not adversely affect the ability to perform safety-sensitive functions (documentation to this effect from the physician will be required);

(B) the employer has actual knowledge that an employee has used a controlled substance;

(C) the employee tests positive for a controlled substance(s); or

(D) the employee has refused to take a controlled substances test.

(2) Required controlled substances tests. (A) through (E) of this Paragraph give information as to when alcohol tests are required.

(A) Pre-employment tests are conducted after an offer to hire, but before actually performing safety sensitive functions for the first time. It is also required when employees transfer to a safety sensitive position.

(B) Random tests may be conducted on an unannounced basis just before, during or just after performance of safety sensitive functions.

(C) Reasonable suspicion tests are conducted when a trained supervisor observes behavior or appearance that is characteristic of controlled substance(s) abuse. Observation must occur during, just preceding, or just after the period of the work day that the employee is required to be in compliance with the law.

(D) Post-accident tests are conducted after an accident involving an employee whose performance could have contributed to the accident, or when a driver receives a moving traffic violation arising from the accident. The driver must remain readily available for such testing. If the driver leaves the scene of an accident without a valid reason prior to submission to such testing, he/she may be deemed to have refused to submit to testing.

(E) Return to duty and follow-up tests are conducted when an individual who has violated the prohibited controlled substance(s) abuse conduct standards returns prior to performing safety sensitive duties. Follow-up tests are unannounced; conducted at least six times in the first twelve months after an employee returns to duty, and may be extended for up to 60 months (five years) following return to duty.

(3) Test procedures. The Oklahoma School for the Blind and Oklahoma School for the Deaf will have their drug testing done in a manner which meets the requirements of 49 CFR 40. The school will pay for required pre-employment, random sample, reasonable suspicion, and post-accident testing. The employee will pay for return to duty and follow-up testing.

(g) Consequences of refusing to submit to testing. An employee covered under this policy must submit to the required tests. Refusal to submit to alcohol concentration or controlled substances testing will result in the same disciplinary action as if the employee had tests of 0.04 or greater or had tested positive for use of controlled substance(s). Any of the instances shown in (1) through (7) of this Subsection will be considered as refusal to submit to testing:

(1) failure to keep an appointment for any of the required tests without a valid reason and appropriate documentation;

(2) leaving the scene of an accident without a valid reason prior to submission to an alcohol concentration test;

(3) failure to present oneself within 32 hours following an accident for a controlled substances test;

(4) failure to provide adequate breath for testing when required without a valid medical explanation;

(5) engaging in conduct which clearly obstructs the testing process;

(6) failure to sign the alcohol testing form (if the employee does not take the tests); and/or

(7) refusing to submit to a confirmation test for blood alcohol concentration regardless of whether or not the employee admits alcohol misuse.

(h) Consequences for violation of alcohol and controlled substances policy. Consequences to employees in safety sensitive transportation functions who violate alcohol and controlled substances standards of conduct are stated in (1) through (5) of this Subsection.

(1) Employees with alcohol levels of 0.02 to 0.039 as indicated by a confirmation test shall be off work for at least 24 hours following administration of the confirmation test. In the event an employee must miss work due to such violation of alcohol standards, the employee is required to take sick leave, annual leave (if applicable), compensatory leave or leave without pay for each day missed if no leave is available.

(2) Employees suspected of being under the influence of or impaired by alcohol may not perform safety sensitive functions until 24 hours have elapsed following a determination that there was reasonable suspicion to believe the employee had violated the law's prohibitions against alcohol use, or an alcohol test shows concentration of less than 0.02. If an employee must miss work due to a violation of alcohol or controlled substances standards, the employee is required to take sick leave, annual leave (if applicable), compensatory leave or leave without pay for each day missed if no leave is available.

(3) Employees in safety sensitive functions testing more than 0.04 alcohol concentration, possessing alcohol at work, using alcohol at work, working within four hours after alcohol use, using alcohol within eight hours after an accident, or showing use of controlled substance(s), shall:

(A) be advised of resources available to the employee in evaluating and resolving problems associated with the misuse of alcohol and encouraged to use the Employee Assistance Program;

(B) be evaluated, at the school's expense, by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse;

(C) be barred from returning to work until testing for less than 0.02 alcohol concentration if the conduct involved alcohol, or a controlled

substances test with a verified negative result if the conduct involved a controlled substance(s); and

(D) be required to take sick leave, annual leave (if applicable) compensatory leave or leave without pay for each day missed, if no leave is available, due to such violation of alcohol or controlled substances standards.

(4) If an employee is identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances abuse, he or she must:

(A) be evaluated, at the employee's expense, by a substance abuse professional to determine that the employee has properly followed the rehabilitation program prescribed; and

(B) be subjected to unannounced follow-up alcohol and controlled substances tests on return to duty. The number and frequency of such follow-up testing shall be determined by a substance abuse professional, but shall consist of at least six tests in the first 12 months following the employee's return to duty.

(5) These requirements do not apply to an applicant for employment refusing to be tested or one having a pre-employment test of 0.04 or greater since such an applicant could not be hired. The requirements do not apply to an employee who refuses a return to duty test. This employee could not be returned to duty.

(i) Training and certification requirements. Training and certification requirements for alcohol testing of employees are stated in (1) through (2) of this Subsection.

(1) The required observations shall be made by a supervisor who is trained in detecting the symptoms of alcohol misuse and controlled substances use. Training must include at least 60 minutes of training for alcohol misuse and at least an additional 60 minutes of training for controlled substances use. Training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

(2) The evidential breath testing device must be approved by the National Traffic Safety Administration. The breath alcohol technician must have successfully completed a course of instruction on EBT methodology, operation and calibration checks; the fundamentals of breath analysis for alcohol content; and the procedures required under 49 CFR 40 for obtaining breath samples, interpreting and recording EBT results.

(j) Release of information.

(1) Alcohol test records. Employee alcohol test records are confidential. Test results and other confidential information may only be released to the school and the alcohol abuse professional. Any other release of this information is only with the employee's written consent. If an employee initiates a grievance, hearing, lawsuit or other action as a result of violation of these rules, the school may release relevant information to the decision

maker. If an employee is licensed, documented, or certified by a DOT agency, relevant information may be released to the decision maker in any DOT agency revocation or suspension action.

(2) Drug test results. A medical review officer may disclose drug test results to the school, and must disclose the results to the tested employee. Employee drug test results and records are maintained under strict confidentiality by the school, the drug testing laboratory, and the medical review officer. These records cannot be released to others without the written consent of the employee. Exceptions to these confidentiality provisions are limited to DOT agencies when license or certification actions are required or to a decision maker in arbitration, litigation or administrative proceedings arising from a positive drug test.

(k) Annual reports. The school must complete an annual calendar year report that summarizes the results of its alcohol and controlled substances testing programs. Required contents of the report are stated in (1) through (2) of this Subsection.

(1) Each annual summary must contain information on a verified positive controlled substances test result, an alcohol screening test of 0.02 or greater, or any other alcohol misuse violation and shall include the:

(A) number of employees subject to testing;

(B) number of urine specimens collected by pre-employment, random, reasonable suspicion, and post-accident tests;

(C) number of positive tests verified by a medical review officer by test and type of controlled substances;

(D) number of negative controlled substances tests verified by a medical review officer by type of test;

(E) number of those denied a position because of pre-employment testing of 0.04 or greater, or a verified positive controlled substances test;

(F) number of employees with tests verified positive by a medical review officer for multiple controlled substances;

(G) number of employees refusing to submit to tests;

(H) number of supervisors who have received alcohol and controlled substances training during the reporting period;

(I) number of screening alcohol tests by type of test;

(J) number of confirmation alcohol tests by type of test;

(K) number of confirmation alcohol tests showing concentrations of 0.02 or greater but less than 0.04 by type of test;

(L) number of employees returned to duty after complying with recommendations of a substance abuse professional and after the driver had a verified positive controlled substances test result or had engaged in prohibited alcohol misuse;

(M) number of employees administered alcohol and drug tests at the same time, with both a positive drug test result and an alcohol test result showing a concentration of 0.04 or greater; and

(N) number of employees who were found to have violated any non-testing prohibitions and any action taken in response to the violation.

(2) An annual summary containing only negative controlled substances test results, alcohol screening test results or less than 0.02, and not containing any other violations, shall include:

(A) number of employees subject to the law;

(B) number of urine specimens collected by type of test;

(C) number of negative controlled substances tests verified by a medical review officer by type of test;

(D) number of employees refusing to submit to a test;

(E) number of supervisors receiving alcohol and controlled substances training;

(F) number of screening alcohol tests by type of test; and

(G) number of employees returned to duty after complying with recommendations of a substance abuse professional after the employee had a verified positive controlled substances test result or had engaged in prohibited alcohol misuse.

(l) Records required. The specific records listed in (1) through (6) of this Subsection must be collected and kept.

(1) Collection process records, including:

(A) logbooks, if used;

(B) documents regarding the random selection process;

(C) Calibration documents for evidential breath testing devices;

(D) verification of breath alcohol technician training;

(E) any documents made when deciding to administer a reasonable suspicion alcohol or controlled substances test;

(F) any documents regarding post-accident tests;

(G) documents verifying any medical explanation of the inability of an employee to provide an adequate breath sample for testing; and

(H) annual reports.

(2) Test results records, including:

(A) copy of alcohol test form, including test results;

(B) the school's copy of the controlled substances test chain of custody and control form;

(C) documents sent by a medical review officer to the employer;

(D) documents relating to the refusal of an employee to submit to a test; and

(E) documents presented by the employee to dispute test results.

(3) Records relating to other violations of the regulations by employees.

(4) Records relating to evaluations and determinations by a substance abuse professional concerning any employee's need for assistance as well as records concerning an employee's compliance with the recommendations of the substance abuse professional.

(5) Education and training, including:

(A) materials on alcohol misuse awareness, including a copy of school's policy on alcohol misuse;

(B) documentation of compliance with regulations;

(C) documentation of training provided to supervisors to qualify for making determinations needed for reasonable suspicion tests; and

(D) certification that training complies with requirements for such training.

(6) Drug testing records, including:

(A) agreements with collection site facilities, laboratories, medical review officers and consortia;

(B) names and positions of officials and their role in the school's alcohol and controlled substances testing programs;

(C) monthly laboratory statistical summaries of urinalyses; and

(D) the school's drug testing policy and procedures.

(m) Record retention. The time periods for retaining records are given in (1) through (3) of this Subsection.

(1) Information in (A) through (E) of this Paragraph shall be retained for five years:

(A) records indicating alcohol concentration of 0.02 or greater;

(B) records of employees' verified positive controlled substances test results;

(C) documentation of refusals to take required alcohol tests;

(D) calibration documentation; and

(E) employee evaluation and referrals.

(2) Information in (A) through (E) of this Paragraph shall be retained for two years:

(A) records related to the collection process (except calibration of EBT devices) and training;

(B) records of the inspection and maintenance of each EBT used in employee testing;

(C) documentation of employer compliance with a quality assurance plan developed by the manufacturer;

(D) records of the training and proficiency testing of each breath alcohol technician (BAT) used in employee testing; and

(E) log books, which are to record EBT's not meeting requirements of 49 CFR 40.53(b).

(3) Records of negative and canceled test results will be retained for one year.

Section History

7-1-98	PT Memo #98-15 Permanent, new Section; ITS have drug testing policy for drivers and other safety critical jobs.
9-11-20	Revised outdated citations.

612:20-3-39. Felony record search

(a) The Oklahoma School for the Blind and the Oklahoma School for the Deaf policy requires a felony record search for the recommended applicant for employment including a search of local law enforcement records maintained pursuant to the Sex Offenders Registration Act. **1** Either school may also require a national felony record search based upon fingerprints. The cost of the searches will be paid by the school. **2**

(b) An individual may be employed not to exceed sixty (60) calendar days pending receipt of the results of the search. The Superintendent shall review the background information and make the determination whether employment should be continued or terminated. All information contained on and generated from this application and fingerprint cards is to be confidential and used only for professional purposes. Results of the searches will remain the permanent property of the school. **3**

(c) All applicants for employment at the Oklahoma School for the Blind and Oklahoma School for the Deaf shall be notified of this requirement.

INSTRUCTIONS TO STAFF

1. Title 10, O.S. 404.1

2. Applications for Felony Offense Records and/or Federal Bureau of Investigation fingerprinting cards shall be processed as in (a) through (c) of this Instruction.

   (a) The superintendent or designee shall process Applications for Felony Offense Records and/or Federal Bureau of Investigation fingerprinting cards.

   (b) The recommended applicant completes the Notification for Background investigation form (DRS-S-20) which serves as notification of the felony record search.

   (c) The school will forward all collected information to the Oklahoma State Bureau of Investigation, who forwards one fingerprint card to the Federal Bureau of Investigation for processing.

3. Title 70 O.S. 5-142

Section History
7-1-98 PT Memo #98-15
Permanent, new Section

PART 7. STUDENT RIGHTS

Section

612:20-3-49 Residential Life

612:20-3-49 Residential Life

(a) **Rights of students.** Students and parents are provided a handbook. OSB/OSD has current, written students' rights policy that supports and protects all students and is available for students, parents or custodians, and staff.

(1) Students have individualized education plans that focus the services of the facility toward meeting the student's needs. Students have the right to participate in the development of their IEP.

(2) Personal finances. Students are given the opportunity to have and handle their own money for personal use. For money in excess of their ability to manage, the schools provide student accounts and a dorm safe box managed by the dorm staff.

(3) Personal possessions. Students are allowed to bring personal possessions to the facility and to acquire personal belongings as permitted by OSB/OSD policy and procedure.

(4) Personal care and hygiene. Students are expected to provide their own personal care and hygiene products. For needy students, assistance is provided through donations and the needy fund.

(5) Clothing. Students possess adequate, clean, well-fitting, and seasonable clothing and has a safe place to keep it. Each dorm provides washers and dryers for the care of student clothing.

(6) Community activities. Students have the right to community contacts and opportunities for participation in the local community.

(7) Telephone contacts. Students have access to a telephone to initiate and receive uncensored personal calls in accordance with OSB/OSD policy and procedure.

(8) Mail. Student's letters, both incoming and outgoing, are not opened unless there is suspicion of contraband. If correspondence is opened, the student is informed in advance, and is present when the letter is opened. This action is documented.

(9) Restrictions. Any restrictions placed on communications are explained to the student and clearly documented. For example, if the student has abused telephone privileges by making prank calls, he/she may have their telephone privileges limited until the disciplinary period is over.

(10) Publicity. Consent is obtained by either OSB/OSD from the student and the student's parents or custodian prior to the use of any publicity about or related to the student. Students are not caused embarrassment by any publicity or promotional materials.

(11) Grievance. Residents and parents/custodians have the right to file a grievance.

(12) Work. Students are taught good work habits and are provided with a variety of tasks. A student work program allows students to work and receive pay for performing work details.

(13) Safety. Adequate measures are taken to prevent accidents and to avoid health and safety hazards.

(A) Students participate in fire exit drills performed by OSB/OSD at least four timers per year during a school day and a minimum of two drills conducted at night.

(B) Students participate in tornado drills conducted each year.

(C) Facilities maintain a log of all evacuation and sheltering drills.

(14) Recreation. Residents are given time to pursue talents, hobbies, and chosen interests.

(A) The facility provides both an on-grounds and off-grounds recreational programs.

(B) A written schedule of planned recreational, leisure, or physical exercise activities is developed with input from staff members and residents and is kept on file and available.

(15) Water activities. If students engage in water activities, safety precautions are followed.

(A) A staff member is in the water or is appropriately dressed to enter the water at any time.

(B) A person with a Community Water Safety Certificate or a comparable certificate is in attendance at all times.

(16) Sleep. The facility provides adequate time and facilities for proper rest and sleep commensurate with each student's age and activities.

(b) **Visitation.** The facility provides the students and parents or custodian the opportunity for on-or-off-campus visits. A record is kept of all off-campus visits.

(c) **Tutoring.** Tutoring is provided or arranged by the facility for students, as needed.

Section History
7-1-05 PT Memo #06-01
Permanent, new, adding student rights

SUBCHAPTER 5. OKLAHOMA SCHOOL FOR THE BLIND (OSB/PARKVIEW SCHOOL) ADMISSION RULES

Section

612:20-5-1. General provisions for OSB

612:20-5-2. General admission requirements

612:20-5-5. Criteria for the preschool multidisability program

612:20-5-6. Admission requirements for summer school

612:20-5-7. Admissions process

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-95	PT Memo #95-2 Permanent, removed revoked Sections

612:20-5-1. General provisions for OSB

The Oklahoma School for the Blind, under the supervision of the Department of Rehabilitation Services, is a residential/day school whose legal purpose is to provide educational services to blind and visually impaired children residing in the State of Oklahoma. In addition, House Joint Resolution 1026, 1982, designates the school as a statewide resource for blind and visually impaired children, their parents, and local school districts.

(1) The basic eligibility criteria are, "All persons, residing in the State of Oklahoma . . . whose vision is so defective as to prevent them attending the public schools, and who are of such physical, mental and moral character as to enable them to pursue any one or all of the courses of study taught in this school, are eligible. . ." [70 OS 1991, Section 1724.]

(2) The school accepts referrals from Local Education Agencies (LEA's), Regional Educational Service Centers (RESC's), educational cooperatives, parents residing within the State of Oklahoma, and/or third party agencies or individuals. The local school districts are advised of all referrals. When a referral is received, an evaluation is scheduled and/or records are obtained to ascertain eligibility. If the initial screening reveals that the student may be eligible for admission, parents and LEA will be notified to participate in the initial Individualized Education Plan (IEP) meeting and an interim 30-day IEP shall be developed by the team. A final decision as to whether or not to continue enrollment shall be made no later than the last day off the 30-day interim period.

(3) Admission to the school is accomplished through application directly from parents or guardians. The Oklahoma School for the Blind is committed to assuring that the provisions of Federal Statute 20 U.S.C. 1400-1485 (Individuals with Disabilities Education Act) are met and, toward this end, cooperates with the LEA's.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

612:20-5-2. General admission requirements

(a) For students who meet the residency and visual loss requirements but are unable to meet other criteria for the Regular Academic or Early Childhood Development Program, admission to alternative programs, such as Special Needs and Preschool Special Needs programs, may be available.

(b) Visual loss requirements are corrected visual acuity of 20/70 or less, or visual field no greater than 20 degrees in the better eye, or a visual impairment which, even with the best correction, adversely affects performance in a regular class. Visual impairment should be a major contributor to the student's inability to succeed in the public school.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

612:20-5-5. Criteria for the preschool multidisability program

OSB has established a pre-school multidisability program which is designed to meet the needs of students under the age of seven who are unable to function in other available academic programs at OSB. This is a self-contained classroom which is affiliated with but separate from the OSB academic program. Admission and retention in the program will be determined by the multidisciplinary team. Before a child's sixth birthday, the multidisciplinary team will meet to determine whether or not OSB will be able to continue to meet the child's needs through the special education classroom or in a regular classroom. The team's decision will be shared with the parents and recommendations for the child's further education will be provided.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

612:20-5-6. Admission requirements for summer school

(a) A student is eligible for the summer session who:

(1) is a resident of Oklahoma;

(2) is diagnosed as visually impaired or blind (current eye report should be provided); and

(3) is assigned a grade from beginning kindergarten to 12 (copy of school records forwarded in advance).

(b) Parkview School reserves the right to send students home when programmatic, behavioral or medical needs of the student have become so intense that the student is no longer benefitting from participation in the summer session.

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-95	PT Memo #95-2 Permanent, paragraphs 4 & 5 removed to bring admission rules into compliance with ADA and IDEA

612:20-5-7. Admissions process

(a) **Referrals/Admission procedures.** Any child between preschool and age 21, who is resident of Oklahoma, may be eligible to be admitted to Oklahoma School for the Blind/Parkview. The minimum criteria for admission is a corrected visual acuity of 20/70 or less in the better eye and/or field no greater than 20 degrees in the better eye or a visual impairment which even with the best correction adversely affects performance in a regular classroom. Visual impairment should be a major contributor to the student's inability to succeed in the public school. Referrals may be initiated by school districts, RESC's, educational cooperatives, parents, and/or third party agencies or individuals.

(b) **Application.** Applications are sent to parents to be completed. Prior to consideration for admission, the records in (1) - (10) of this Subsection are requested:

(1) academic records/transcripts;

(2) most recent IEP;

(3) medical records;

(4) birth certificate;

(5) immunization records;

(6) ophthalmological or optometric information;

(7) psychological report;

(8) social/emotional information;

(9) attendance and disciplinary records; and

(10) any other information that may be pertinent.

(c) **Review of records/evaluation.** Upon receipt of a referral, all student admissions will be determined by a staffing with an OSB multidisciplinary team. OSB staff will evaluate each child to determine eligibility status and decide whether he/she can benefit from attending OSB. The team may request that the child come to campus to be evaluated for either a 2-day or a 9-day evaluation to determine eligibility.

(d) **Placement evaluation.** All student admissions will begin with a 30-day observation evaluation period. OSB staff will evaluate each child and decide whether he/she can benefit from OSB services. Parents should feel free to visit with their child during this 30-day period and may, if they choose, remove their child from the program at any time. If additional time appears to be needed for evaluation purposes, a short-term IEP will be written at the end of the 30-day evaluation period to extend this time.

(e) **Parent conference.** Following the staff meeting, the parents will be notified of the team's decision and recommendations. If a student is found eligible for OSB services following the least restrictive guidelines, this information is referred to the local education agency for their determination of the student's placement.

(f) **Readmission.** Persons formerly served by OSB shall be eligible for readmission services on the same basis as an individual initially seeking services.

(g) **Placement IEP.** If admission is granted, all reports and IDEA paperwork will be reviewed and the 30-day interim IEP meeting will take place. An initial IEP will be developed prior to continued placement at OSB if the IEP team, through development of individualized goals and objectives, determines that such placement is the least restrictive environment for the student. Placement and programming needs will be reviewed at least annually.

(h) **Special facts.**

(1) There is no tuition fee for OSB.

(2) There is no room/board fee for OSB residential students.

(3) There is no cost for OSB staff evaluations.

(4) Transportation is provided by parents and/or LEA.

(5) Parents/Guardians are responsible for the child's clothing, medical expenses, and personal hygiene items.

(6) It is strongly recommended that parents maintain an adequate amount in the student's account to cover any incidental expenses.

(i) **Admission information source.** For admission information, please contact: Compliance Officer, Oklahoma School for the Blind, 3300 Gibson Street, Muskogee, Oklahoma 74403, Telephone 918-781-8200.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-03	PT Memo #03-07
	Permanent, updated language

SUBCHAPTER 7. OKLAHOMA SCHOOL FOR THE DEAF (OSD) ADMISSION RULES

Section

612:20-7-1. General provisions for OSD

612:20-7-2. General admission requirements

612:20-7-8. Admissions process

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-95	PT Memo #95-2 Permanent, removed revoked Sections

612:20-7-1. General provisions for OSD

The Oklahoma School for the Deaf, under the supervision of the Oklahoma Department of Rehabilitation Services, is a residential/day school whose legal purpose is to provide educational services to deaf and hard of hearing children residing in the State of Oklahoma. In addition, House Joint Resolution 1026, 1982, designates the school as a statewide resource for deaf and hard of hearing children, their parents, and local school districts.

(1) The basic eligibility criteria are, "All residents . . . who are deaf to the extent that they cannot acquire an education in the common schools of the state and of suitable age and capacity . . . are entitled to an education in the School for the Deaf without charge. . ." [Article II, Section 5803 of the Oklahoma Constitution.]

(2) The school accepts referrals from Local Education Agencies (LEA's), Regional Educational Service Centers (RESC's), educational cooperatives, parents residing within the State of Oklahoma, and/or third party agency or individual. The local school districts are advised of all referrals. When a referral is received, an evaluation is scheduled and/or records are obtained to ascertain eligibility. If the initial screening reveals that the student may be eligible for admission, parents and LEA will be notified to participate in the eligibility determination meeting. At that meeting a Categorical Statement is completed as required by law and, if appropriate, an interim 30-day Individualized Education Plan (IEP) is developed by the team. A final decision as to whether or not to continue enrollment shall be made no later than the last day off the 30-day interim period.

(3) Admission to the school is accomplished through application directly from parents or guardians. The Oklahoma School for the Deaf is committed to assuring that the provisions of Federal Statute 20 U.S.C. 1400-1485 (Individuals with Disabilities Education Act) are met and, toward this end, cooperates with the LEA's.

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612

612:20-7-2. General admission requirements

Residents of the State of Oklahoma ages 3 through 21 who are deaf or hard of hearing, and cannot acquire an appropriate education in the common schools shall be entitled to an education in the Oklahoma School for the Deaf free of charge. An individual with a hearing loss that impairs the processing of linguistic information through hearing, with or without amplification, that adversely affects that individual's educational performance is considered deaf or hard of hearing for the purposes of this section. Eligibility indicators included:

(1) a minimum 40 decibel loss or hearing impairment which, even with best correction, adversely affects educational performance; or

(2) a hearing loss so severe that the individual cannot hear or understand either speech or most sounds in the every day environment, even with a hearing aid.

Section History

9-1-93 No PT Memo
Emergency, first adoption under OAC Title 612

7-1-94 PT Memo #94-1
Permanent, first adoption under OAC Title 612

7-1-95 PT Memo #95-2
Permanent, paragraphs 4 & 5 removed to bring admission rules into compliance with ADA and IDEA

612:20-7-8. Admissions process

(a) **Referrals.** Students must be residents of Oklahoma. Referrals may be received from school districts, Regional Educational Service Centers (RESC's), educational cooperatives, parents, and/or any third party agency or individual. Upon receipt of a referral, parents are contacted by the OSD Student Assessment and Program Development Center either by correspondence or phone. Parents are invited to visit the campus and OSD program.

(b) **Application.** Applications are sent to parents to be completed. Prior to consideration for admission, the following records are requested:

(1) academic records/transcripts;

(2) most recent IEP;

(3) medical records;

(4) audiological information;

(5) psychological report;

(6) social/emotional information with adaptive behavior; and

(7) any other information that may be pertinent.

(c) **Conference/review of records/evaluation.** Upon receipt of all records, an IEP team which may consist of the parent, LEA representative, OSD Principal, representatives from the OSD Student Assessment and Program Development Center, special and regular teachers, and others as appropriate, will meet to determine the student's program needs and program options. The team may request the child come to campus to be evaluated if further information is required. A 30 day interim IEP will be developed by the team if the individual educational needs of the student require that placement at OSD constitutes the least restrictive environment for that student.

(d) **Review of placement.** A review of placement will be made as described in (1) and (2) of this Subsection.

(1) **First determination.** Prior to the end of the 30 day interim IEP, a review of placement will be conducted to reevaluate the placement for appropriateness in accordance with the student's individual needs. An IEP will be developed prior to continued placement at OSD if the IEP team, through development of individualized goals and objectives, determines that such placement is the least restrictive environment for the student. Placement will be reviewed at least annually. If OSD is determined by the team not to be the appropriate placement, the IEP team will reevaluate the full continuum of placements in order to meet the student's educational needs in the least restrictive environment.

(2) **Readmission.** Persons formerly served by OSD shall be eligible for readmission as described in (a) through (d)(1) of this Section.

(e) **Special facts.**

(1) There is no tuition fee for OSD.

(2) There is no room/board fee for OSD residential students.

(3) Transportation is provided each weekend to and from designated areas across the state. There is no fee for this service. Other transportation needs will be addressed through the IEP process.

(4) Parents/Guardians are responsible for the child's clothing, medical expenses, and personal hygiene items, and weekly allowance.

(f) **Admission information source.** For admission information, please contact: Admissions, Oklahoma School for the Deaf, 1100 East Oklahoma Street, Sulphur, Oklahoma 73086-3108, Telephone 580-622-4900 (Voice or TDD).

Section History

9-1-93	No PT Memo
	Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1
	Permanent, first adoption under OAC Title 612
7-1-95	PT Memo #95-2
	Permanent, Section rewritten according to accepted modern practices
7-1-03	PT Memo #03-07
	Permanent, updated address and phone

SUBCHAPTER 9. Special Services

Section

612:20-9-1. Special services and devices for individuals who are deaf, hard of hearing, deaf-blind or have communicative disorders

Section History
7-1-12 No PT Memo
Permanent, New chapter, section moved form 612:10-13-4

612:20-9-1. Special services and devices for individuals who are deaf, hard of hearing, deaf-blind or have communicative disorders

This section applies to individuals with deafness, hard of hearing, deaf-blindness or communicative disorders who require access to telecommunication services and devices to enhance communication and contribute to the individual's residential and personal safety. The DRS division providing services under this section is authorized to share the case information of a service applicant or recipient with other DRS staff serving the same client.

(1) **Telecommunication and safety devices.** Consumers may be provided telecommunications equipment, personal or home safety devices, or other specialized equipment determined by individual need. The recipient of services may be asked to participate in the cost of the services provided based upon individual or family income in accordance with (d) of this Section. Equipment will not be replaced before five (5) years have lapsed unless determined by DRS staff to be malfunctioning and not caused by consumer misuse or neglect. Appeals of this waiting period must be presented in writing for administrative review. DRS staff will consider possible changes in disability. The consumer is responsible for the equipment when the manufacturer's warranty expires prior to the five (5) year period. DRS will provide surge protection which must be used. Failure to use surge protection will be considered consumer neglect. Additional requirements are stated in (A) through (E) of this Subsection.

(A) All recipients of equipment must be residents of the state.

(B) Medical or audiological verification will be required to support the applicant's diagnosis of a hearing loss to the extent the applicant cannot use the telephone, or communicative disorders to the extent speech is unintelligible. If verification is not available, DRS will authorize the initial audiological evaluation. Individuals with deaf-blindness may be referred to the deaf blind program to determine additional equipment needs. Documentation of legal blindness or inability to read standard print is required.

(C) Parents or other legal guardians must assume responsibility for the telecommunication devices assigned to clients under 18 years of age.

(D) The guidelines in (i) - (iv) of this Paragraph will be used in determining the priority of service.

(i) Qualified persons with disabilities living alone.

(ii) Qualified households where all residents have substantial disabilities.

(iii) Qualified households where two or more residents have substantial disabilities.

(iv) Qualified households where one of the residents has a substantial disability.

(E) To apply for assistance, an individual must complete an application and registration using the Application for the Equipment Distribution Program form. Applications may be obtained by contacting any DRS office. Equipment may be mailed to the closest DRS office for the consumer to pick up. If not picked up

within 30 days, the equipment will be returned to DRS inventory to be issued to the next consumer on the waiting list.

(2) **Hearing aids for senior citizens.** Hearing aids may be purchased for individuals who are sixty (60) years of age or older and have a hearing loss of 35 decibels or greater in the better ear. The level of hearing loss is to be determined by a vendor audiologist selected by the applicant and having a current contract to provide services under this program. One hearing aid will be purchased per person with the exception of (E) below. All services and equipment purchased will be paid at the contracted rate. The individual may be required to participate in the cost of services in the form of a co-payment as determined under (3) of this Section. Procedures for providing hearing aids under this program are presented in (A) through (D) of this Section.

(A) **Application.** An applicant will complete the Application for the Equipment Distribution Program and submit the completed application along with proof of income to the Oklahoma School for the Deaf, DRS.

(B) **Eligibility determination and authorization of services.** Upon receipt of a completed application, DRS will determine the amount of any required co-payment in accordance with (3) of this Section. Staff will authorize an audiological evaluation to the preferred vendor designated on the application form. The referral source and applicant will be notified of the authorization and the amount of any required co-payment to be made to the DRS/235 Fund. The report of audiological evaluation is sent to the Oklahoma School for the Deaf. If the result is a hearing loss of 35 decibels in the better ear, staff will issue an authorization for a hearing aid and appropriate ancillary services and devices in accordance with the vendor contract. The level of hearing loss will be determined averaging the readings reported at the 1000 Hz, 2000 Hz, 3000 HZ and 4000 HZ frequency ranges.

(C) **Appointments and transportation.** DRS staff will notify the individual of any authorizations for evaluation or services. This notification will instruct the individual to contact his/her selected vendor for an appointment.

(D) **Disposal of unused hearing aids.** Service recipients will be encouraged to return hearing aids to DRS if no longer needed.

(E) **Applicants who have hearing loss and are legally blind.** If a hearing aid applicant meets the adiological criteria for (B) above, and is also legally blind, they can be approved to receive two hearing aids.

(3) **Client participation in cost of services.** Allowable income levels for these services will be 200% of the current income guidelines for food stamps. The monthly earnings, evaluated annually, that fall above the income guidelines create a surplus. Ten percent (10%) of that surplus will be the consumer's participation in the cost of services payable to DRS/Fund 235. If the surplus exceeds the service cost DRS will not participate.

(4) **Disposal of unused telecommunications equipment and assistive communication devices.** As with hearing aids, service recipients will be encouraged to return useable equipment to DRS if no longer needed.

612:20-9-2. Grants for Support Service Providers

(a) For the purposes of this section:

(1) Deaf-Blind means being legally blind as provided in definition of blindness at rule 10-1-2, and a hearing loss significant enough to impede everyday life.

(2) Support Service Providers (SSP) are individuals certified by a deaf-blind program recognized by the Department who provide access to the environment for individuals who are Deaf-Blind. This may include auditory information, environmental information and human guide. SSP duties include but are not limited to services to and on behalf of deaf-blind individuals for work related activities, to assist with employment applications, job interviews, or any other employment preparation task; for grocery or clothe shopping, banking, doctor or other appointments, meetings, social or religious events, reading mail or making calls. Transportation to such activities may be provided but cannot be the sole purpose of using a SSP.

(b) Subject to appropriations, the Oklahoma Department of Rehabilitation Services may issue request-for-proposals to provide grants to organizations that:

(1) Provide services for Deaf-Blind adults. Such services may include providing auditory and environmental information and human guide;

(2) Provide services for deaf-blind adults. Such grants shall be used to provide assistance to deaf-blind adults who are working towards establishing and maintaining independence; and

(3) Train support service providers. Such grants shall be used to provide training that will lead to certification of support service providers in Oklahoma.

(c) The total amount of grants provided under this section shall not exceed three hundred thousand dollars annually.

Section History

7-1-12 Permanent, NEW, moved from 612:10-13-4

9-11-20 New rule implemented.

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES

CHAPTER 25. BUSINESS ENTERPRISE PROGRAM

Subchapter		Section
2.	General provisions	612:25-2-1
4.	The state licensing agency	612:25-4-1
6.	Licensed managers and business enterprise operation	612:25-6-1

Section History

9-1-93	No PT Memo Emergency, first adoption under OAC Title 612
7-1-94	PT Memo #94-1 Permanent, first adoption under OAC Title 612
7-1-97	PT Memo #97-9 Complete revision of Chapter 25; odd numbered Subchapters revoked and replaced by even numbered Subchapters
4-13-99	PT Memo #99-7 Emergency, name of Chapter shortened to Business Enterprise Program

SUBCHAPTER 2. GENERAL PROVISIONS

Section

612:25-2-1. Purpose

612:25-2-2. Mission of the Business Enterprise Program

612:25-2-3. Federal legal authority

612:25-2-4. State legal authority

612:25-2-5. Definitions

612:25-2-7. State and Federal Assurances Policy of non-discrimination

612:25-2-8. Accessibility of written materials

612:25-2-9 Conflict of interest

Section History

7-1-97 PT Memo #97-9
Permanent, new table of contents; Complete revision of Chapter 25; odd numbered Subchapters revoked and replaced by even numbered Subchapters

7-1-05 PT Memo #06-01
Permanent, amended section 7 tag line

612:25-2-1. Purpose

(a) The purpose of the Business Enterprise Program Manual is to provide uniform rules and regulations for the administration of the Business Enterprise Program operated by the State Licensing Agency.

(b) The purpose of this Chapter is to set forth the legal authority from which these rules are derived, to proclaim the mission of the Business Enterprise Program, define terms used in this body of policy, and to set forth the organization of the Business Enterprise Program.

Section History
7-1-97 PT Memo #97-9
Permanent, new Section

612:25-2-2. Mission of the Business Enterprise Program

(a) **Mission.** The mission of the Business Enterprise Program is to establish and maintain business enterprises operated by qualified individuals who are blind.

(b) **Goals.** The goals for the Business Enterprise Program are set forth in (1) and (2) of this Subsection.

(1) Provide employment opportunities for qualified persons who are blind by establishing and maintaining Business Enterprise Program Facilities.

(2) Administer a continuing process of career development and upward mobility for qualified persons in the Business Enterprise Program.

(c) **Objectives.** The objectives of the Business Enterprise Program are set forth in (1) through (7) of this Subsection.

(1) Establish and equip Business Enterprise Program Facilities.

(2) Assure availability of Business Enterprise Program licensed managers.

(3) Provide management support services to Business Enterprise Program licensed managers.

(4) Develop and maintain standards of conduct and a system of accountability for State Licensing Agency staff.

(5) Develop and maintain standards of conduct and a system of accountability for Business Enterprise Program licensed managers.

(6) Establish and maintain procedures for quality customer service.

(7) Attain the program's financial stability through its administration in an operationally efficient and cost-effective manner.

Section History
7-1-97 PT Memo #97-9
Permanent, new Section

612:25-2-3. Federal legal authority

(a) The Randolph-Sheppard Act of 1936, as amended [20 U.S.C. Section 107 et seq.], authorizes designated State Licensing Agencies to establish and administer Business Enterprise Programs in their respective States. The law locates the State Licensing Agency (SLA) for the program in the individual State or territorial agency which offers vocational rehabilitation services for individuals who are blind under the Rehabilitation Act [29 USC 701 et seq.].

(b) Primary regulatory authority for the Business Enterprise Program is found at 34 CFR Part 395. Other regulatory guidelines impacting the Business Enterprise Program are found at 34 CFR Part 361 and 32 CFR 260.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-99	POL Memo #00-1 Permanent, updated Rehab. Act reference

612:25-2-4. State legal authority

Rules for the Business Enterprise Program are promulgated by the Oklahoma Commission for Rehabilitation Services under the authority of 74 O.S., Section 166.1 et seq., and in accordance with the Administrative Procedures Act, 75 O.S., Sections 250 et seq.

Section History
7-1-97 PT Memo #97-9
Permanent, new Section

612:25-2-5. Definitions

The following words or terms, when used in this Manual, shall have the following meaning unless the context clearly indicates otherwise:

"Act" means the Randolph-Sheppard Vending Facility Act (Public Law 74-732), as Amended by Public Law 83-565 and Pub Law 93-516, 20 U.S.C., Ch. 6A, Sec. 107.

"Active participation" means a process of good faith negotiations involving the Elected Committee of Licensed Managers and the State Licensing Agency. The Committee must be given the opportunity to have meaningful input into the decision-making process in the formulation of program policies which govern the duties, supervision, transfer, promotion and financial participation of licensed managers. The SLA is charged with the ultimate responsibility for the administration and operation of all aspects of the Business Enterprise Program.

"Annual Evaluation" means an evaluation conducted on a yearly basis of a manager. This evaluation will be performed at the end of each calendar year.

"BEP" means the Business Enterprise Program of the State Licensing Agency which provides self-employment opportunities for qualified persons who are blind.

"BEP Operations Coordinator" means the person who has responsibility for the operation of the Business Enterprise Program in the State.

"Blind person" means a person who, after examination by a physician skilled in the diseases of the eye or by an optometrist, whichever the person shall select, has been determined to have (1) not more than 20/200 central visual acuity in the better eye with correcting lenses, or (2) an equally disabling loss of the visual field as evidenced by a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

"Board" or "Commission" means the governing body for the State Licensing Agency.

"Business Consultant (BC)" means an individual who provides consultative and management services to those business enterprises and licensed managers of the State to which the consultant is assigned.

"Business Enterprise" means an approved business administered by the State Licensing Agency. See definition of "Vending Facility."

"Business Enterprise Program (BEP)" means the Business Enterprise Program services available to establish business enterprises for persons who are blind.

"Cafeteria facility" means a food dispensing business enterprise capable of providing a broad variety of prepared foods and beverages (including hot meals) primarily through the use of a line where customers serve themselves from displayed selections. A cafeteria may be fully automatic or provide limited waiter or waitress service. Table and/or booth seating facilities are always provided.

"Client or Consumer" means any person who has made application for the State Licensing Agency's services and has been determined by the State Licensing Agency to be eligible for services.

"Commissioner" means the Commissioner of the Rehabilitation Services Administration (RSA) who exercises approval authority for the Federal government under the Randolph-Sheppard Act.

"Committee" means the Elected Committee of Licensed Managers.

"Contract" means a written agreement between the State Licensing Agency and officials in control of Federal or other property to establish a business enterprise.

"Contract labor" means a person or company that performs duties or services not a part of the regular duties of the business enterprise.

"Counselor" means Division of Vocational Rehabilitation or Division of Visual Services counselors assigned to the State Licensing Agency's program of vocational rehabilitation.

"Director" or **"Executive Director"** means the chief administrator of the State Licensing Agency.

"Displaced licensed manager" means a licensed manager who has been displaced from his or her business enterprise through no fault of his or her own.

"Dry/Wet facility" means any business enterprises providing manual dispensing of prepackaged articles, refreshments, and services.

"Elected Committee of Licensed Managers (ECM)" means the committee elected biennially by licensed managers in accordance with 34 CFR 395.14.

"Emergency" means an unforeseen circumstance that calls for immediate action. When a piece of equipment is out of order it is not normally considered an emergency unless it will harm/destroy lives, other equipment or property.

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

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

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

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

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

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

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

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

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

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

"Interim manager" means a licensed manager appointed to manage a business enterprise on a temporary basis.

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

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

"Licensed Manager (LM)" means a licensed individual who has signed an agreement with the State Licensing Agency to manage a Randolph-Sheppard business enterprise under the supervision of the State Licensing Agency.

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

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

"Management services" means inspection, quality control, consultation, accounting, regulating, in-service training, and other related services provided on a systematic basis to support and improve business enterprises operated by licensed managers.

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

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

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

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

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

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

"Other income" means money received by a licensed manager from sources other than over the counter and machine sales.

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

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

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

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

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

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

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

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

"Retained vending machine income" means vending machine income disbursed by a property managing department, agency or instrumentality of the United States, or received from vending machines on State or other property in excess of the amounts eligible to accrue to licensed managers.

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

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

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

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

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

"Secretary" means the United States Secretary of Education.

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

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

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

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

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

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

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

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

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

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

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

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

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-99	POL Memo #00-1 Permanent, updated DVR/DVS and Rehab. Act. reference
7-1-02	POL Memo #02-02 Permanent, additional definitions
7-1-03	PT Memo #03-07 Permanent, grammatical error correction
7-1-05	PT Memo #06-01 Permanent, cleanup language
7-1-12	Permanent, updated language due to audit
9-12-14	Update language
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.

612:25-2-7. State and Federal Assurances Policy of non-discrimination

(a) The SLA will assure compliance with all State and Federal Rules and Regulations applicable to the Randolph Sheppard Act.

(b) The State Licensing Agency assures that it shall not exclude from participation, deny the benefits of the program, or otherwise subject any person to discrimination because of the person's gender, age, physical or mental impairment, religion, race, creed, national origin, or political affiliation in accordance with the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act of 1990.

(c) Every licensed manager of a business enterprise shall operate the business enterprise in such a manner that no person shall be subject to discrimination because of the person's gender, age, physical or mental impairment, religion, race, creed, national origin, or political affiliation whether that person is a present or prospective purveyor, customer, employee or other individual who might come into contact with the business enterprise.

(d) Confidentiality and requests for information. Policies on confidentiality of client records in the BEP will apply also to licensed managers in the BEP and to those who apply for training. Such information will be limited to purposes directly connected with the administration of the BEP and may not be released either directly or indirectly for any other purpose without the consent of the licensed manager/applicant or his/her legal representative. While the SLA complies with the Freedom of Information Act, protection of confidential information takes precedence. When information is requested that is not clearly of a public nature, the information will be treated as confidential unless and until ruled otherwise by the general counsel for the SLA. The SLA may charge reasonable fees for copies of information.

Section History

7-1-97	PT Memo #97-9
	Permanent, new Section
7-1-99	POL Memo #00-1
	Permanent, updated Rehab. Act reference
7-1-05	PT Memo #06-01
	Permanent, clarification of policy

612:25-2-8. Accessibility of written materials

Upon advance request, all written materials will be provided to each licensed manager, licensed employee, or licensee in a format accessible to that licensed manager, licensed employee, or Licensee to the extent practicable. It is the responsibility of the licensed manager, licensed employee, or licensee to inform the SLA of the accessible format needed.

Section History
7-1-97 PT Memo #97-9
Permanent, new Section

612:25-2-9 Conflict of interest

(a) **State Licensing Agency (SLA) employees.** DRS policy prohibits the employment of any person in a position that would result in immediate supervision by a relative or two or more relatives reporting to the same supervisor. Employment in the Business Enterprise Program (BEP) and SLA is subject to DRS rules governing related employees. **1**

(b) **BEP employee relationship to program participants.** It is the policy of the SLA that BEP employees and SLA administrators with responsibility for BEP operation may not be placed in a position to establish program eligibility, authorize program services or otherwise participate in program decisions for BEP applicants or participants who are related to such employees by blood or marriage. An employee shall immediately disclose to his/her supervisor the existence of a relation to a BEP applicant or participant. The BEP operations coordinator, SLA administrator or director (if appropriate) may reassign employee duties or take such other measures as are permitted under law and DRS rules to comply with this policy.

(c) **Conflict of interest.** BEP employees are subject to DRS policy and Oklahoma Ethics Commission rules regarding use of position for personal gain and avoidance of conflicts of interest. **2**

Instructions to Staff

1. Link 612:3-3-20. See (h) and (i)

2. 74 OS Chapter 62 Appendix - Title 257. Ethics Commission, Chapter 20 - Ethics and Conflicts of Interest, Standard 257 20-1-1 and following. Link to 612:3-3-20.

The Department of Rehabilitation Services (DRS) has an obligation under state and federal law to provide services in a fair and impartial manner. State Ethics Commission Rules state that the proper operation of state government requires that the state employee be independent and impartial; that state employees not use state office to obtain private benefits; that a state employee must avoid action which creates the appearance of using state office to obtain a private or inappropriate benefit; and that state employees exercise their powers without prejudice or favoritism.

Section History
7-1-12 Permanent, new Section

SUBCHAPTER 4. THE STATE LICENSING AGENCY

PART 1. ORGANIZATION AND GENERAL OPERATION STANDARDS

Section

612:25-4-1. Organization of the State Licensing Agency

612:25-4-4. Management services provided by the State Licensing Agency

PART 3. BUSINESS ENTERPRISE PROGRAM TRAINING

Section

612:25-4-14. Training for new or potential licensed managers

612:25-4-15. Training for present licensed managers

PART 5. STATE LICENSING AGENCY RESPONSIBILITY FOR BUSINESS ENTERPRISE OPERATIONS

Section

612:25-4-25. Management of BEP equipment and fixtures

612:25-4-26. Maintenance and replacement of business enterprise equipment

612:25-4-27. Initial inventory and supplies

PART 9. ASSIGNMENT OF LICENSED MANAGERS

Section

612:25-4-53. Assignment and transfer

612:25-4-54. Business enterprise vacancy announcement

612:25-4-55. Qualifications

612:25-4-56. Applications

612:25-4-57. Applicant Selection Committee

612:25-4-58. Annual and Performance Evaluations

612:25-4-59. Interview, Selection Process and Scoring

612:25-4-60. Ninety day replacement

612:25-4-61. Satellite business enterprise locations

612:25-4-62. Vending machine income

PART 11. BUSINESS ENTERPRISE PROGRAM AUDITING AND DUE PROCESS

Section

612:25-4-72. Audits

612:25-4-73. Due process

612:25-4-75. Arbitration of complaints after the evidentiary hearing

612:25-4-76. Arbitration of SLA complaints against federal agencies

Section History

7-1-97 PT Memo #97-9
Permanent, Complete revision of Chapter 25; odd numbered Subchapters revoked and replaced by even numbered Subchapters

7-1-05 PT Memo #06-01
Permanent, revoked and amended tag lines

7-1-12 Permanent, amended due to Audit results

9-12-14 Revoked and amended tag lines for 612:25-4-16 Training for Business Enterprise Program staff.
Updated language and amended tag lines for 612:25-4-58 Annual Evaluation to Annual and Performance Evaluations.

8-27-15 Revoked and amended tag line for 612:25-4-52 SLA responsibility for assignment and transfer of licensed managers.
Deleted language of remote in tag line 612:25-4-61.
Deleted language "and transfer" fro Part 9. Assignment of Licensed Managers.

PART 1. ORGANIZATION AND GENERAL OPERATION STANDARDS

Section

612:25-4-1. Organization of the State Licensing Agency

612:25-4-4. Management services provided by the State Licensing Agency

612:25-4-1. Organization of the State Licensing Agency

(a) **Governing board.** The Oklahoma Department of Rehabilitation Services (DRS) is the designated State Licensing Agency (SLA) for administration of Oklahoma's vending facility program for the blind under the Randolph-Sheppard Act. The governing board of the SLA is the Oklahoma Commission for Rehabilitation Services. The Director of DRS reports directly to the Commission.

(b) **Business Enterprise Program administration.** The Business Enterprise Program (BEP) is located in the Division of Visual Services of DRS, and is administered by the Business Enterprise Program Operations Coordinator who reports to the Visual Services Division Administrator.

(c) **BEP staff.** The SLA, with consultation from the Elected Committee of Licensed Managers, determines staffing requirements for administration of the BEP and provision of services to achieve the mission, goals and objectives of the Program.

(d) **Licensed managers.** The individual enterprises established by the Business Enterprise Program are managed by licensed managers. Licensed managers are subject to the policies and procedures of the Business Enterprise Program, but are not employees of the program, the SLA, or the State of Oklahoma. They do, however, have a contractual relationship with the SLA and are required to manage the business enterprise in accordance with established rules and regulations.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-99	POL Memo #00-1 Permanent, updated DVS
7-1-05	PT Memo #06-01 Permanent, cleanup language
7-1-12	Permanent, updated language due to audit.
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.

612:25-4-4. Management services provided by the State Licensing Agency

(a) **Overview of management services.** Management services provided by the State Licensing Agency (SLA) include but are not limited to inspections, quality control, consultation and technical assistance for licensed managers, accounting, regulating, training, including in-service training, equipment procurement and other services provided to support and improve business enterprises.

(b) **Consultation and technical assistance.** The SLA provides licensed managers with consultation and technical assistance services that may include:

(1) Recommendations for optimizing the profitability of the business enterprise;

(2) Recommendations and feedback on business enterprise operations including quality, service, and cleanliness;

(3) Possible solutions to problems recognized by the licensed manager or brought to the licensed manager's attention by BEP staff or the grantor;

(4) Explanation of the SLA's procedures, policies, and standards;

(5) Information on compliance with applicable laws and regulations;

(6) Instruction on compliance with all conditions in the manager's agreement;

(7) Information and inspection to help the licensed manager assure that merchandise is sold in accordance with the grantor’s agreement;

(8) Instructions for maintenance of sanitation and safety standards;

(9) Instructions for proper maintenance of equipment;

(10) Recommendations for building effective communications and working relationships between the licensed manager and customers, purveyors, employees, grantor, the SLA and the general public; and

(11) Instruction on SLA and other agency requirements for record keeping and reporting.

(c) **On-site location reviews.** On-site location reviews will be made as often as necessary, but not less than once each month to ensure the continued success of the business enterprise. Each on-site location review of a business enterprise will be documented using such forms or methods as are prescribed by the BEP. **1** The report will contain at a minimum the following information to the extent relevant:

(1) Status of compliance with the licensed manager’s agreement.

(2) Violations (if any) of State or Federal Laws and the SLA's policies and procedures.

(3) Observation that proper insurance, permits and license are current and posted.

(d) **SLA provision of training.** The SLA shall ensure that effective programs of training shall be provided to licensed manager trainees, current licensed managers and BEP

staff, as appropriate. **2** Programs for trainees and current licensed managers shall include, as appropriate, on-the-job training in all aspects of business enterprise operations and upward mobility training that includes improved work opportunities for all licensed managers. **3, 4**

INSTRUCTIONS TO STAFF

1. The On-Site Review and Inspection is documented using the Location Review Form.

2. Training for BEP business consultants: 612:25-4-16.

3. Link to 34 CFR 395.11

4. BEP licensed manager training is described in 612:25-4-14 and 612:25-4-15.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-05	PT Memo #06-01 Permanent, removed procedures from policy
7-1-12	Permanent, updated language due to audit
9-12-14	Permanent, updated language due to audit

PART 3. BUSINESS ENTERPRISE PROGRAM TRAINING

Section

612:25-4-14. Training for new or potential licensed managers

612:25-4-15. Training for present licensed managers

612:25-4-14. Training for new or potential licensed managers

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

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

(1) current eye examination, documenting blindness;

(2) documentation for United States citizenship;

(3) documentation the client is at least 18 years of age; and

(4) completion of any rehabilitation training prerequisites established by the BEP in consultation with the ECM to better optimize the successful employment outcome;

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

(d) **Notice regarding criminal background record.** Before entering training, BEP applicants will be informed that a criminal background investigation will be performed and may prevent their being licensed to manage some BEP facilities.

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

(f) **Completion of training.** Each trainee who completes the BEP manager training program is issued a certificate certifying that the trainee has met all the training criteria to be a licensed manager in the Business Enterprise Program. Upon assuming management of their first facility, a certified graduate shall be issued a temporary license and begin a six (6) month probationary period. During this period, the probationary manager will receive benefits afforded all other managers, along with accruing seniority. Upon completion of their probationary period, the BEP Operations Coordinator, in consultation with the ECM Chair, will review their progress and if determined appropriate will issue their permanent BEP Manager License.

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

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

(i) **Acceptance of out-of-state licenses.** The BEP Operations Coordinator will evaluate the skills and knowledge of BEP applicants who were licensed managers in other states. Training will be provided to correct any noted deficiencies and acquaint the applicant with Oklahoma's program. After qualifications are met, the applicant is issued a training completion certificate.

(j) **Seniority.** Seniority in the Oklahoma Business Enterprise Program will only accrue when managing an Oklahoma BEP facility. **1**

INSTRUCTIONS TO STAFF

1. Seniority is earned at a rate of .25 points per year of qualifying time.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-99	PT Memo #00-01 Permanent, updated DVR/DVS
7-1-05	PT Memo #06-01 Permanent, clarifying selection process
7-1-12	Permanent, updated language due to audit
9-12-14	Permanent, updated language due to audit Updated Instructions to Staff
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired. Updated language.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.

612:25-4-15. Training for present licensed managers

Post-employment training for licensed managers will be provided by the State Licensing Agency to encourage greater professional competence and to promote achievement of maximum vocational potential. **1, 2**

INSTRUCTIONS TO STAFF

1. Link to 20 USC 107d-4.

2. Post-employment training for licensed managers may be provided in a number of ways that include, but are not limited to,

   (a) instruction and consultation provided by qualified BEP staff;

   (b) training programs offered by industry associations;

   (c) courses offered by Career Tech facilities, Oklahoma universities, etc.

   (d) customized training modules to address specific manager requests;

   (e) online training courses;

   (f) flexible training options with pace and duration based on individual manager preferences;

   (g) opportunity for an annual training conference.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-05	PT Memo #06-01 Permanent, removed procedures from policy
7-1-12	Permanent, updated language due to audit Updated Instructions to Staff
9-12-14	Updated Instructions to Staff to include (g)

612:25-4-25. Management of BEP equipment and fixtures

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

(b) Equipment for new locations will be determined by the BEP Operations Coordinator and staff in consultation with an Elected Committee of Licensed Managers (ECM) member specified by the ECM Chairperson.

(c) The licensed manager may make additions, deletions or modifications to the business enterprise and its operation, in the form of equipment, fixtures or facilities, by obtaining written authorization from the BEP.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-02	POL Memo #02-02 Permanent, includes ECM member in consultations regarding equipment for new locations
7-1-05	PT Memo #06-01 Permanent, removed procedures from policy
7-1-12	Permanent, updated language due to audit

PART 5. STATE LICENSING AGENCY RESPONSIBILITY FOR BUSINESS ENTERPRISE OPERATIONS

Section

612:25-4-25. Management of BEP equipment and fixtures

612:25-4-26. Maintenance and replacement of business enterprise equipment

612:25-4-27. Initial inventory and supplies

612:25-4-25. Management of BEP equipment and fixtures

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

(b) Equipment for new locations will be determined by the BEP Operations Coordinator and staff in consultation with an Elected Committee of Licensed Managers (ECM) member specified by the ECM Chairperson.

(c) The licensed manager may make additions, deletions or modifications to the business enterprise and its operation, in the form of equipment, fixtures or facilities, by obtaining written authorization from the BEP.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-02	POL Memo #02-02 Permanent, includes ECM member in consultations regarding equipment for new locations
7-1-05	PT Memo #06-01 Permanent, removed procedures from policy
7-1-12	Permanent, updated language due to audit

612:25-4-26. Maintenance and replacement of business enterprise equipment

The SLA shall maintain, or cause to be maintained, all business enterprise equipment in good repair and in an attractive condition and shall replace or cause to be replaced worn-out and obsolete equipment as required to ensure the continued successful operation of the business enterprise. **1**

INSTRUCTIONS TO STAFF

1. Link to 34 CFR 395.10

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-05	PT Memo #06-01 Permanent, removed procedures from policy

612:25-4-27. Initial inventory and supplies

(a) **Initial inventory.** A licensed manager may acquire initial merchandise for resale by purchasing it with his/her own funds, utilizing self-employment assistance that may be available from DRS or other public and private sources, **1** or use of a merchandise loan provided by the State Licensing Agency (SLA).

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

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

(2) The total amount of the loan will not exceed the average of the prior year's inventories without approval from the BEP operations coordinator.

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

(4) The incoming licensed manager, BEP business consultant and BEP operations coordinator will determine what may be purchased from the existing stock of the outgoing facility manager. Only salable merchandise may be purchased. The BEP business consultant and Operations Coordinator will also assist the out-going manager in selling any remaining salable merchandise and its interim storage.

(5) A merchandise loan must be repaid to the SLA by a licensed manager in monthly installments equaling two percent (2%) of monthly gross sales. A licensed manager shall not allow the facility inventory level to fall below that of the balance of the merchandise loan. Managers receiving loans will sign a merchandise security agreement that will be retained on file by DRS and released to the manager when loan repayment is complete along with a letter from the BEP Operations Coordinator officially notifying the licensed manager of their full repayment of the loan..

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

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

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

(1) If a licensed manager's merchandise loan payment is not received in the BEP office within five days after the due date, the licensed manager will be placed on probation and is not eligible to make application into the selection process.

(2) If a licensed manager's merchandise loan payment remains delinquent through the succeeding month and is not received in the BEP office within five days after the succeeding month's due date, the BEP operations coordinator will recommend

suspension or termination of the operator's agreement by the SLA director unless an alternate repayment schedule has been approved by the SLA. The SLA will initiate action to collect a remaining merchandise loan balance when a loan payment is two months overdue.

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

(d) **Second merchandise loan.**

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

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

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

(e) It is the incoming manager's choice to procure any merchandise from the out-going manager. If this condition occurs, the outgoing manager must be given a one-week notice prior to the facility turnover to the new manager.

INSTRUCTIONS TO STAFF

1. Link to 612:10-7-230.4, which describes agency financial contribution to self-employment plans. The individual's DVR/DVS counselor may be consulted to determine agency financial assistance that may be provided in accordance with 612:10-7-230.4 for the acquisition of initial inventory.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-05	PT Memo #06-01 Permanent, cleanup language
7-1-12	Permanent, updated language due to audit
9-12-14	Permanent, updated language
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired. Updated language in Instructions to Staff. Removal of language regarding a licensed manager that provides their own merchandise will not require a merchandise loan and must sign a statement to that effect.

PART 9. ASSIGNMENT OF LICENSED MANAGERS

Section

612:25-4-53. Assignment and transfer

612:25-4-54. Business enterprise vacancy announcement

612:25-4-55. Qualifications

612:25-4-56. Applications

612:25-4-57. Applicant Selection Committee

612:25-4-58. Annual and Performance Evaluations

612:25-4-59. Interview, Selection Process and Scoring

612:25-4-60. Ninety day replacement

612:25-4-61. Satellite business enterprise locations

612:25-4-62. Vending machine income

612:25-4-53. Assignment and transfer

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

(b) **Transfer.** The SLA, in consultation with the ECM, may transfer a licensed manager to a different location of similar complexity and income potential when it appears to be in the best interest of the licensed manager and/or the BEP. The SLA notifies the licensed manager and the ECM Chair, in writing, by registered or certified mail of the transfer and the grounds for the transfer.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-03	PT Memo #03-07 Permanent, updated language
7-1-12	Permanent, updating language due to audit
8-27-15	Updated policy name and deleted section (b) Promotion.

612:25-4-54. Business enterprise vacancy announcement

(a) The procedure for announcing business enterprise openings is a mail out to all licensed managers, licensed employees, and licensees.

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

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

(1) type of business enterprise;

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

(3) location of the business enterprise;

(4) classification; **1**

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

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

(7) application due date;

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

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

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

INSTRUCTIONS TO STAFF

1. Prior to the distribution of any facility announcement, the facility will be re-evaluated for proper classification.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-02	POL Memo #02-02 Permanent, expands the information on announcements
7-1-05	PT Memo #06-01 Permanent, clarification of policy, selection process
7-1-12	Permanent, updated language due to audit
9-12-14	Updated language Added Instructions to Staff
8-27-15	Added new subsection (10) to include a copy of an OTC Form A 100 in each business enterprise openings announcement. Added new section (d) placing a statement on all announcements stating records provided with application is subject to the Oklahoma Open Records Act.

612:25-4-55. Qualifications

(a) In order to apply for manager placement in a Classification "A" or "B" facility in the Business Enterprise Program (BEP), an individual must hold a permanent 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. Certified graduates of the BEP Training Program are only eligible to apply for Classification "C" or "D" facilities. 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 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 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 ECM Chairperson.

(4) Classification D. No experience required.

(d) The BEP Operations Coordinator, in consultation 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 licensed manager is on probation 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 who have a permanent license 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. 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 OTC form A 100 will be used on a one-time basis for a tax inquiry in relation to that announcement application only.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-03	PT Memo #03-07 Permanent, updated language
7-1-05	PT Memo #06-01 Permanent, clarification of policy, selection process
7-1-12	Permanent, updated language
9-12-14	Updated language
8-27-15	Language deleted in section (c) subsection (2) regarding substituted management experience and section (e) regarding a displaced licensed manager.

612:25-4-56. Applications

(a) Applications must be received in the BEP Headquarters by the deadline date and time in order to be considered. The applications may be mailed, emailed, faxed, or hand delivered.

(b) Applications received by the announcement expiration date and time are reviewed to determine if the applicant meets the basic qualifications.

(c) All eligible applicants will be scheduled for an interview with the Selection Committee. Applicants who do not meet the basic qualifications will be notified in writing.

(d) Included with each application an OTC form A-100, Disclosure of Tax Information Authorization, will be completed and submitted. This form will be used to accomplish a one-time inquiry as to their sales tax and tax permit status. This form will be issued with the facility announcement.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-05	PT Memo #06-01 Permanent, clarification of policy, interview
7-1-12	Permanent, updated language
9-12-14	Permanent, updated language

612:25-4-57. Applicant Selection Committee

Selection Committee. The Selection Committee shall be established and convened by the SLA. The Selection Committee will consider applicants for assignment. The Selection Committee shall make recommendation(s) to the BEP Operations Coordinator or designee.

The BEP selection committee is chaired by the BEP Operations Coordinator or designee. Members include two members of the SLA staff, the area member of the ECM or alternate and the chairperson of the ECM or alternate (vice-chair or secretary or another member of the ECM, in order). If no member of the ECM can serve in either capacity the BEP Operations Coordinator shall poll from the ECM chairs outside of State of Oklahoma to complete the committee. No person can serve on the selection committee who has a conflict of interest or is related to an applicant.

Section History

7-1-97	PT Memo #97-9
	Permanent, new Section
4-13-99	PT Memo #99-7
	Emergency, amended the composition of the Applicant Selection Committee
7-1-02	POL Memo #02-02
	Permanent, clarifies the structure of BEP selection committee
7-1-05	PT Memo #06-01
	Permanent, clarification of policy, selection process
7-1-12	Permanent, updating staff position titles and correcting grammar
9-12-14	Permanent, updating language
8-27-15	Updated language.

612:25-4-58. Annual and Performance Evaluations

(a) The BEP will conduct an annual evaluation of each licensed manager at the end of each calendar year. Performance evaluations will be conducted when a manager applies for a facility or when a probationary period ends. All evaluations will be based on data collected from the manager's primary assigned facility and will consist of the previous twelve (12) working months information. **1** The Licensed Manager will be advised of the results of any evaluation in writing. The manager will be evaluated in the following areas:

(1) Tasks/responsibilities

(A) Timely submission and accuracy of all required monthly reports and payments.

(B) Accurately calculated gross profit percentage reported on monthly reports.

(C) Accurately calculated net profit percentage reported on monthly reports.

(D) Maintenance of an acceptable level of merchandise inventory.

(E) Attendance at Agency and other certified training.

(F) Attendance at Quarterly ECM Meetings.

(2) Work Habits

(A) Provides preventive maintenance and appropriate cleaning/sanitation.

(B) Merchandise displayed, rotated and stocked sufficiently.

(C) Maintains required insurances.

(D) Maintains agreed upon hours of operation.

(E) Maintains professional relationships with customers and grantors.

(b) When a Licensed Manager applies for a facility a performance evaluation will be conducted to determine their eligibility to apply. To be eligible the manager must score at least 80 of the available 100 points. Any score above 80 will accrue to the benefit of the licensed manager in that selection process by adding it to their total score. If there is a second interview conducted, these points will not be added to the total points of the second interview.

INSTRUCTIONS TO STAFF

1. For months not having data available, a one month’s average will be determined using the monthly point totals for that same period. This amount will be added for each month not having data.

Section History
7-1-97 PT Memo #97-9
Permanent, new Section

4-13-99	PT Memo #99-7 Emergency, amended to add Subsections (d) and (e)
7-1-02	POL Memo #02-02 Permanent, clarification of the interview process
7-1-05	PT Memo #06-01 Permanent, clarification of policy, scoring
7-1-12	Permanent, updating language
9-12-14	Permanent, updating language due to audit Added Instructions to Staff
8-27-15	Added subsection (F) attendance at Quarterly ECM Meeting.

612:25-4-59. Interview, Selection Process and Scoring

(a) All eligible applicants will be referred by the SLA to the Selection Committee for a personal interview.

(b) All personal information made available to the Selection committee and all information discussed in the course of a selection is held confidential. Information will not be released to any other individual, agency, or organization by Selection Committee members, unless they are advised in writing by the SLA's legal counsel to release information.

(c) An applicant not present at the appointed time for their interview will have his/her name removed from consideration for this location unless due to reasonable extenuating circumstances make them unable to appear and a majority vote of the selection committee agrees to allow a change of the interview time.

(d) Following every interview, each Selection Committee member will complete a score sheet on the applicant. Members of the Selection committee must complete their own score sheets before assisting another member. After each interview, the scores from all score sheets on the applicant will be totaled. Selection Committee members may not change their scores for an applicant after scores for the applicant have been tabulated. The total scores for all applicants will then be ranked.

(e) Any candidate not scoring a minimum of 50 percent of the available points, not including seniority, performance evaluation, or displaced manager points, will be deemed not qualified to manage the facility being considered.

(f) The score of the Chairperson of the Selection Committee's score will not be added into the ranking unless it is a tie.

(g) Any agreement made to the Selection Committee by a selected candidate will be transferred to an addendum in the manager's agreement by the BEP Operations Coordinator.

(h) After all applicants' scores from the initial interview have been tabulated; a second interview will be given to the top scorer and any applicant whose total score is within 5 points of the top score. The SLA will have the responsibility of convening the same Selection Committee and notifying all eligible applicants of the time and place of the second interview. The second interview will be governed by the same process rules as the initial interview described above.

(i) To determine the final rankings of the applicants, combine the personal interview points from the second interview to the combined point total of the first interview.

(j) The initial interview scoring shall be based on the following factors:

(1) Personal interview;

(2) Business Plan;

(3) Performance evaluation points accrued over 80;

(4) Seniority; and

(5) Displaced manager points, if applicable. A displaced licensed manager will have 15 points added in the selection process for the first comparable business enterprise announced, including type and gross sales, for one year from the date of displacement.

(k) Once a selection is made, all individual applicants who received a personal interview will be immediately notified of their result. This notification will be in writing with an attempt to be contacted by phone.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
4-13-99	PT Memo #99-7 Emergency, amended to remove provision for telephone interview; added additional qualifications for candidate in Subsection (g)
7-1-02	POL Memo #02-02 Permanent, clarification of the scoring process
7-1-03	PT Memo #03-07 Permanent, updated language
7-1-05	PT Memo #06-01 Permanent, clarification of policy, interview, selection process and scoring
7-1-12	Permanent, updated language, grammar and punctuation
9-12-14	Permanent, updated language due to audit
8-27-15	Language revisions and added language in section (j) subsection (5) regarding displaced licensed manager points.

612:25-4-60. Ninety day replacement

If the licensed manager defaults on the Manager's Agreement for any reason (i.e. resignation, removal by the SLA or death) during the first 90 days from the date of selection, the BEP Operations Coordinator will, following such default and completion of any resulting due process action, offer the business enterprise to the applicant who ranked second in the previous selection process. If the second person decides to remove his/her name from consideration, it will be offered to the next applicant with the highest accumulated points. In the event of a tie, or there are scores within five (5) points of the now highest ranking score, the procedures identified in 612:25-4-59 will be followed. This procedure will be exercised until a qualified licensed manager accepts the business enterprise. If all the applicants have removed their names from consideration, a determination will be made by the BEP Operations Coordinator, in consultation with the ECM Chairperson, to combine, remove, re-announce, or satellite the business enterprise.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-05	PT Memo #06-01 Permanent, cleanup language
7-1-12	Permanent, added "due process" to policy
9-12-14	Permanent, updated language
8-27-15	Added language regarding following procedures in 612:25-4-59 in the event of a tie during the selection process.

612:25-4-61. Satellite business enterprise locations

(a) A business enterprise facility will 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 on short notice by a licensed manager.

(b) The BEP Operations Coordinator, in consultation with the Chairperson of the Elected Committee of Licensed Managers, 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, every 180 days for possible advertisement of permanent assignment, adding in whole or in part to another business enterprise facility, continue the satellite assignment, or closure. 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.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-05	PT Memo #06-01 Permanent, cleanup language
7-1-12	Permanent, updated language
9-12-14	Permanent, updated language and policy
8-27-15	Updated language.

612:25-4-62. Vending machine income

Collection, distribution and use of income from vending machines on Federal property shall be governed by applicable Federal rules. **1, 2** Income from non-Federal property will follow the same rules.

INSTRUCTIONS TO STAFF

1. 34 CFR 395.8 Distribution and use of income from vending machines on Federal property.

2. 34 CFR 395.32 Collection and distribution of vending machine income from vending machines on Federal property.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-12	Permanent, updating language
9-12-14	Permanent, updating language and policy
8-27-15	Updated language and deleted section (b) income from non-Federal property

PART 11. BUSINESS ENTERPRISE PROGRAM AUDITING AND DUE PROCESS

Section

612:25-4-72. Audits

612:25-4-73. Due process

612:25-4-75. Arbitration of complaints after the evidentiary hearing

612:25-4-76. Arbitration of SLA complaints against federal agencies

612:25-4-72. Audits

The SLA reserves the right to develop audit procedures with active participation of the ECM. The SLA reserves the right to conduct audits, including the use of third party auditors. The licensed manager will be given a 30 calendar day written notice.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-05	PT Memo #06-01 Permanent, removed procedures from policy
9-12-14	Permanent, updating language and policy
8-27-15	Added language regarding the licensed manager will be given 30 calendar day written notice.

612:25-4-73. Due process

(a) **Due process overview.** The SLA provides procedures for fair hearings of licensed managers' grievances. These procedures provide each licensed manager the opportunity to seek remediation of dissatisfaction with any SLA action arising from the operation of the BEP.

(b) **Informal administrative review.** It is the policy of the SLA to resolve complaints in an expeditious and facilitative manner. These resolutions shall be accomplished through the informal administrative review process whenever possible. A licensed manager has the right to request a full evidentiary hearing at any time within established due process time lines. These timelines are identified later in this policy.

(1) Informal administrative reviews are conducted by the SLA staff person closest to the problem who was not involved in the action resulting in the complaint, and who can resolve the complaint in the most expeditious manner.

(2) The informal administrative review is to be completed within 30 calendar days of receipt of the complaint to the appropriate SLA staff person.

(3) The results of the informal administrative review are to be reported in writing within 15 calendar days to the BEP Operations Coordinator, with a copy going to the licensed manager affected.

(c) **Full evidentiary hearings.** Licensed managers have the right to a full evidentiary hearing to resolve dissatisfaction with any SLA action arising from the operation or administration of the Business Enterprise Program.

(1) If the complaint cannot be resolved with an informal administrative review, or in the absence of an informal administrative review, the licensed manager may request a full evidentiary hearing. The request for a full evidentiary hearing must be made to the BEP Operations Coordinator in writing within 30 calendar days from the date the licensed manager receives the notification of adverse action, or the written report of the informal administrative review. The request for a full evidentiary hearing is to be sent by certified mail. Upon receipt, the BEP Operations Coordinator will immediately forward the request to the Visual Services Division Administrator. The Licensed Manager submitting the request for full evidentiary hearing will be notified of the date it was forwarded.

(2) The licensed manager may be represented in the evidentiary hearing by legal counsel, or other representation of the licensed manager's choice, and at the licensed manager's expense.

(3) Reasonable accommodations will be arranged by the SLA upon the request of the licensed manager.

(4) The hearing will be scheduled by the SLA for a time and place convenient and accessible to the licensed manager and the SLA staff involved in the hearing. The licensed manager will be notified of the place and time of the hearing and the right to be represented by legal or other counsel in writing.

(5) The hearing will be conducted by an impartial and qualified official with no involvement or vested interest in the SLA, action at issue, or with the operation of the affected business enterprise. The presiding officer will conduct the hearing in

accordance with State and/or Federal laws and rules governing the conduct of such proceedings. In any case, the hearing will be conducted in a manner that avoids delay, maintains order, and provides for a full recording and reporting of the proceedings so that a full and true disclosure of the facts and issues occurs.

(6) The hearing officer's determination will be based upon the facts as presented by both parties and upon applicable law and the existing rules of the SLA. The hearing officer does not have the power to rule upon the legality or construction of the rules themselves. The officer's decision will determine the relevant issues and facts to be ruled upon.

(7) The hearing officer shall make a written report of the evidence presented, the laws and rules used in determining a resolution, and the resolution itself. This report shall be issued to the BEP Operations Coordinator and the licensed manager, or his/her authorized representative within 15 calendar days of the conclusion of the full evidentiary hearing.

(8) The hearing officer's report shall be issued to the Director of the SLA within 15 calendar days of the conclusion of the full evidentiary hearing. The SLA Director issues his or her final written decision to the BEP Operations Coordinator and the licensed manager within 30 calendar days of the date on which he or she receives the hearing officer's report.

(9) If the licensed manager is dissatisfied with the decision, she or he may request that the Secretary (USDE) convene an arbitration panel.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-05	PT Memo #06-01 Permanent, cleanup language
7-1-12	Permanent, updated language
9-12-14	Permanent, updated language
8-27-15	Division name change of Visual Services to Vocational Rehabilitation for the Blind & Visually Impaired. Deleted language from section (c), subsection (1) regarding the DRS Hearings Coordinator.
9-11-17	Division name change of Vocational Rehabilitation for the Blind & Visually Impaired to Visual Services.

612:25-4-75. Arbitration of complaints after the evidentiary hearing

(a) The licensed manager has the right to file a request for arbitration with the Secretary (USDE) if dissatisfied with the outcome of the evidentiary hearing. By filing a complaint with the Secretary, the licensed manager consents to the release of information necessary for the conduct of an ad hoc arbitration panel.

(b) The complaint must be filed in writing and must contain:

(1) a statement of the grievance;

(2) the date and place of the full evidentiary hearing;

(3) a copy of the decision and what actions have been taken because of the decision;

(4) the part of the decision which is causing the dissatisfaction and reason for the dissatisfaction; and

(5) a statement as to what is required to remedy the situation.

(c) The Secretary (USDE) will convene an arbitration panel after receiving a complaint which meets the requirements in (b) of this Section. The decision of the panel will be final, except as provided for in 20 U.S.C. 107d-2. The Secretary will pay the reasonable costs for the arbitration. An abstract of the arbitration decision will be published in the Federal Register. The panel will be convened by the Secretary in accordance with (1) through (4) of this Subsection.

(1) The SLA shall designate one member of the panel.

(2) The licensed manager shall designate one member of the panel.

(3) The designees of the SLA and the licensed manager shall together designate the third panel member who shall not be an employee of the SLA. This member shall be the chairperson of the panel.

(4) If the SLA or licensed manager does not select a member for the panel, the Secretary will designate such a member on the applicable party's behalf.

Section History
7-1-97 PT Memo #97-9
Permanent, new Section

612:25-4-76. Arbitration of SLA complaints against federal agencies

The SLA is to resolve problems related to the operation of a business enterprise with the full participation of the licensed manager and the appropriate property manager. The SLA may file a complaint with the Secretary (USDE) if it determines that an agency controlling Federal property is not complying with the provisions of the Randolph-Sheppard Act or U.S. Department of Education regulations. After the complaint is received, the Secretary will convene an arbitration panel. If the panel finds that the Federal agency is in violation of the Act or USDE regulations, that Federal agency will be notified that it is expected to correct the violation according to 20 U.S.C. 107d-2. The Secretary pays the reasonable costs of this arbitration. The decision resulting from the arbitration will be published in the Federal Register. The arbitration panel will be convened by the Secretary in accordance with (1) through (4) of this Subsection.

(1) The SLA will designate one member of the panel.

(2) The agency controlling the Federal property over which the dispute arose will designate one member of the panel.

(3) The designees of the SLA and the agency controlling the property will designate a third member who is not an employee of the agency controlling the Federal property. This member will chair the panel.

(4) If either the SLA or the head of the Federal department, agency, or instrumentality fails to designate a member of an arbitration panel, the Secretary shall designate such member on behalf of such party.

Section History
7-1-97 PT Memo #97-9
Permanent, new Section

SUBCHAPTER 6. LICENSED MANAGERS AND BUSINESS ENTERPRISE OPERATION

PART 1. LICENSED MANAGERS

Section

612:25-6-1. Licensing requirements for managing a business enterprise

612:25-6-2. Standards for licensed managers

612:25-6-2.1. Probation

612:25-6-3. Grounds for suspension or termination of a license

612:25-6-4. Use of service animals

612:25-6-5. Motor vehicle operation

PART 3. BUSINESS ENTERPRISES

Section

612:25-6-15. Setting aside of funds

612:25-6-16. Criteria to establish a business enterprise

612:25-6-17. Contracts and permits for business enterprise facilities

612:25-6-18. Establishing new business enterprises

612:25-6-19. Employees of the licensed manager

612:25-6-20. Closing a business enterprise

612:25-6-21. Business expenses

612:25-6-22. Monthly reports

PART 5. THE ELECTED COMMITTEE OF LICENSED MANAGERS

Section

612:25-6-32. The Elected Committee of Licensed Managers

612:25-6-33. Organization and operation of the Elected Committee of Licensed Managers

Section History

7-1-97 PT Memo #97-9
Permanent, Complete revision of Chapter 25; odd numbered Subchapters revoked and replaced by even numbered Subchapters

7-1-05 PT Memo #06-01

	Permanent, amended section 19 tag line
7-1-12	Permanent, new policy section 2.1, amended tag line section 18
9-12-14	Updated language and tag line in 612:25-6-4 Use of dog guides to use of service animals

PART 1. LICENSED MANAGERS

Section

612:25-6-1. Licensing requirements for managing a business enterprise

612:25-6-2. Standards for licensed managers

612:25-6-2.1. Probation

612:25-6-3. Grounds for suspension or termination of a license

612:25-6-4. Use of service animals

612:25-6-5. Motor vehicle operation

612:25-6-1. Licensing requirements for managing a business enterprise

(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. **1** The 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. The license remains effective for an indefinite length of time, unless terminated, suspended, or revoked by the SLA in accordance with State and Federal regulations. A license issued to a qualified individual is non-transferable. **2**

(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 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. **3**

(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.

INSTRUCTIONS TO STAFF

1. 612:25-4-14

2. 34 CFR 395.7

3. When the license is reinstated, the amount of seniority/experience in the BEP will also be reinstated.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-12	Permanent, updated language due to audit
9-12-14	Permanent, updating language
8-27-15	Language deleted regarding definition of license, formerly section (a). Under reformatted section (a) subsections 1-4 are deleted regarding requirements for the issuance of a BEP

612:25-6-2. Standards for licensed managers

(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. **1**

(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 daily 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, cheerful 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

issued by the SLA as contained herein. If differences should arise between the licensed manager and the grantor, the licensed manager shall bring the matter to the immediate attention of the BEP business consultant for appropriate action.

(m) The licensed manager will supervise employees in a manner that promotes quality customer service.

(n) The licensed manager will maintain and display current licenses and permits, including BEP license, in the business enterprise or in the case of a facility of only vending machines, carried with the Licensed Manager.

(o) The licensed manager will comply with all regulations and laws governing the possession and/or use of firearms, weapons, alcohol and other drugs.

(p) When a licensed manager starts or buys a similar business, the licensed manager must make assurances to the SLA that the two businesses will not intermingle in any manner and the merchandise of the two businesses will be in separate locations. At no time will state owned equipment be used in the private business.

INSTRUCTIONS TO STAFF

1. The SLA point of contact for licensed managers is generally the business consultant. Business issues, problems and questions should be communicated to the business consultant. Circumstances in which it is appropriate for a licensed manager to contact the BEP operations coordinator directly are

2. when a problem cannot be resolved through the area business consultant or the elected Committee of Managers,

3. when there is a specific complaint concerning the conduct and/or behavior of a business consultant, or

4. when an emergency develops and the business consultant is not available.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-12	Permanent, clarification of policy regarding SLA owned equipment
9-12-14	Updated language Updated Instructions to Staff

612:25-6-2.1. Probation

(a) **Scope.** A licensed manager who is not meeting all of the requirements or qualifications set forth in the BEP rules and regulations, or a licensed manager who is not managing the business enterprise in a proper manner, may be placed on probation. Intensive review/consultation will be provided during the probationary period. The period of the probation will be used to focus on specific problem areas and attempts will be made to improve the licensed manager's performance. This is the first step in the disciplinary process. If proper results are not achieved, suspension or termination of the BEP License may be necessary.

(b) **Initiation of probation procedure.** The BEP Operations Coordinator will place licensed managers on probation through a probation letter. The business consultant will deliver, read and explain the letter of probation to the licensed manager. The business consultant and licensed manager will then sign the probation letter. The original is given to the licensed manager, one copy returned to the BEP Operations Coordinator, and one copy mailed to the Chairperson of the Elected Committee of Licensed Managers.

(c) **Probationary letter.** The probationary letter will specify the cause(s) for placing the manager on probation and rules that have been violated. It will clearly state the terms of the probation, including the length of the probationary period, the remedial action required and the consequences of failure to take remedial action. A statement will be included which indicates it has been read and understood by the licensed manager, followed by a space for the licensed manager's and business consultant's signature, and the date. This acknowledgement does not imply that the licensed manager agrees with the issues identified, but rather, that he/she understands the terms of his/her probation. Refusal to sign does not invalidate the letter.

(d) **Probationary periods.** Probationary periods are usually 30 to 90 days, at the discretion of the BEP Operations Coordinator, but may be longer or shorter as circumstances warrant. The exact period of probation will be specified in the probationary letter.

(e) **Consequences.** The Licensed Manager or the business consultant may submit a request to the BEP Operations Coordinator that the licensed manager be taken off probation whenever the licensed manager's performance improves to a satisfactory level. If remedial action does not result in improved performance within the time specified, the BEP Operations Coordinator may recommend that:

(1) the SLA Director transfer the licensed manager to a more suitable business enterprise; **1**

(2) the probationary period be extended; and/or

(3) the SLA Director terminate the Managers Agreement and suspend/terminate the licensed manager's BEP license.

INSTRUCTIONS TO STAFF

1. Link to 612:25-4-53 Assignment and transfer policy.

Section History
7-1-12 Permanent, NEW, moved from 612:25-4-74

9-12-14 Updated language
Added Instructions to Staff
8-27-15 Updated language in policy and Instructions to Staff.

612:25-6-3. Grounds for suspension or termination of a license

(a) A BEP license may be suspended or terminated for the reasons set forth in (1) through (13) 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) Does not actively work as a licensed manager or licensed employee in the Business Enterprise Program for 2 years.

(b) When the BEP Operations Coordinator determines that a BEP license should be suspended or terminated, the BEP Operations Coordinator 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 writing 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.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-12	Permanent, updating and clarifying language
8-27-15	Updated language.

612:25-6-4. Use of service animals

(a) A licensed manager, licensed employee, or trainee may house a service animal in designated areas other than food preparation and food serving areas. Each business enterprise will be surveyed and a service animal area designated as needed.

(b) The service animal will be kept in a suitable kennel provided by SLA and screened from customers' view to provide maximum security for the service animal.

(c) It is the service animal owner's responsibility to keep the service animal, kennel and kennel area neat, clean and odor free at all times.

(d) After leaving the kennel area, any licensed manager, licensed employee or trainee must immediately wash his/her hands before returning to work.

(e) This Section will not in any way prohibit customers with service animals from access to business enterprises.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
9-12-14	Permanent, updated language

612:25-6-5. Motor vehicle operation

No individual who obtains or possesses a valid driver's license or who lawfully or unlawfully operates a motor vehicle on any public street or highway shall be eligible to participate in the Business Enterprise Program as a licensed manager, licensed employee or trainee. **1** If it is determined that a licensed manager, licensed employee or trainee of a business enterprise has violated this provision, his/her licensed manager's agreement and/or BEP license will be subject to suspension or termination.

INSTRUCTIONS TO STAFF

1. 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, even when bioptic telescopic systems are used [OAC 595:10-5-7].

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-12	Permanent, updating language
9-12-14	Permanent, updating language and policy

PART 3. BUSINESS ENTERPRISES

Section

612:25-6-15. Setting aside of funds

612:25-6-16. Criteria to establish a business enterprise

612:25-6-17. Contracts and permits for business enterprise facilities

612:25-6-18. Establishing new business enterprises

612:25-6-19. Employees of the licensed manager

612:25-6-20. Closing a business enterprise

612:25-6-21. Business expenses

612:25-6-22. Monthly reports

612:25-6-15. Setting aside of funds

(a) Set-aside charges paid by the licensed manager will be placed in a revolving account maintained by the SLA. Set-aside charges will be re-evaluated yearly by the SLA and the Elected Committee of Licensed Managers. Adjustments will be made accordingly in the appropriate classification, with allowances for reasonable charges for improving services, fluctuation of costs, and for program expansion.

(b) Funds will be set aside only for the purpose of:

(1) maintenance and replacement of equipment;

(2) the purchase of new equipment;

(3) management services;

(4) assuring a fair minimum of return to licensed managers; or

(5) the establishment and maintenance of retirement or pension funds and health insurance contributions.

(c) The licensed manager's set-aside charges will be on a sliding scale of 0% to not more than 12% of the net proceeds of the business enterprise during any one month. The sliding scale will be in four classifications: Class A, B, C, and D (based on prior year's performance).

(1) Class A - 12% of net proceeds, $60,000 and above.

(2) Class B - 10% of net proceeds, $25,000 to $59,999.

(3) Class C - 6% of net proceeds, $10,000 to $24,999.

(4) Class D - 0% of net proceeds, $9,999 and below.

(d) A licensed manager will submit his/her set-aside payment to the BEP office on or before the 25th of the current calendar month. If the 25th falls on a weekend, the payment is due in the BEP office no later than the close of business on the last business day prior to the 25th. Set-aside payments may be mailed to the BEP office. To be considered on time, they must be postmarked by the 21st of the month for regular mail or the 22nd for overnight mail. If these dates fall on a day where the post office is closed, they must be postmarked the day before. If the set-aside payment is late the SLA shall notify the manager by phone on the next business day following the due date. If the set-aside payment is not received in the BEP office within five calendar days after the due date, the licensed manager will be placed on probation and assessed a $50 late charge. If the licensed manager’s overdue set aside payment is not received in the BEP office within five calendar days after the due date in the succeeding month (i.e. is over one month and five calendar days 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 effective at the beginning of the first business month 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 second 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.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-02	POL Memo #02-02 Permanent, adjustment to set-aside
7-1-05	PT Memo #06-01 Permanent, added late payment penalty
7-1-12	Permanent, updating language
9-12-14	Permanent, updating language and policy
8-27-15	Updated language in section (d) to include mailing payments and postmarked deadlines.

612:25-6-16. Criteria to establish a business enterprise

A decision to establish a business enterprise will be made by the State Licensing Agency (SLA) in consultation with the ECM based on the Business Enterprise Program (BEP) calculation of potential business profitability, estimated installation costs, available SLA resources and the BEP's recommendation. **1** Information used for calculation of business profitability will be obtained by BEP staff using a site survey that will include:

(1) building population;

(2) number of visitors;

(3) competition in the immediate area;

(4) building security;

(5) average salary of prospective customers;

(6) estimated installation cost to provide required services;

(7) stability of number of prospective customers;

(8) longevity of potential facility;

(9) geographic location; and

(10) additional information as determined necessary.

INSTRUCTIONS TO STAFF

1. To calculate potential business profitability the BEP uses the Net Present Value and Internal Rate of Return Analysis.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-12	Permanent, updating and clarifying language

612:25-6-17. Contracts and permits for business enterprise facilities

When it is determined that a business enterprise is feasible and when agreements are ready to be made with the grantor, one of four types of arrangements will be adopted with the grantor.

(1) **Private industry.** Agreements made with private industry are on a contract basis and sometimes require a percentage payment.

(2) **State and local government.** State and local government location agreements are made when Application for Authority to Establish a business enterprise in a State, County or Municipal Building is signed.

(3) **Federal property - business enterprise.** The Department of Education form, Application and Permit for the Establishment of a business enterprise on Federal and other Property, is the instrument, or formal agreement governing the establishment of a business enterprise. Procedures and conditions pertaining to the permit are contained in the regulations [34 CFR 395.34].

(4) **Federal property - cafeteria facility.** Contracts may be required for the operation of a cafeteria on federal property. These contracts sometimes specify such things as costs of items, brand names, portion size and other conditions of agreement between the federal agency and the SLA.

Section History
7-1-97 PT Memo #97-9
Permanent, new Section

612:25-6-18. Establishing new licensed managers in business enterprises

Business Enterprise Program (BEP) staff will provide consultation and assistance to accomplish installation of licensed managers in business enterprises. Steps in the installation process will include the following:

(1) BEP staff will orient the new licensed manager to the business enterprise as needed. **1**

(2) An inventory of the outgoing manager's merchandise that will be transferred to the incoming manager will be performed by the outgoing and incoming licensed managers with assistance from the BEP. The outgoing licensed manager or designee, incoming licensed manager or designee, and a representative from the BEP must be present when merchandise is counted. The completed merchandise inventory is signed by both outgoing and incoming licensed managers, accepting the count of merchandise. **2** All items not being transferred to the incoming manager must be removed from the facility prior to the incoming manager taking responsibility for the facility.

(3) The BEP will assist the incoming licensed manager in procuring initial merchandise for sale and will arrange for the licensed manager to obtain a merchandise loan as necessary and in accordance with agency policy. **3**

(4) An equipment inventory is completed and the incoming licensed manager signs the inventory sheet and assumes responsibility for the equipment.

(5) The BEP will assist the incoming licensed manager in filling out any insurance or retirement enrollment or change forms as necessary.

(6) The BEP will verify that workers compensation and liability insurance on the business enterprise are in effect. The business enterprise will not be opened by the new licensed manager until this is verified.

(7) The BEP will provide the incoming licensed manager with a copy of the permit/contract in effect for the business enterprise.

(8) The BEP will provide the incoming licensed manager with a supply of the forms required by the SLA relative to the business enterprise operation.

(9) The incoming licensed manager must read and sign a licensed manager's agreement before assuming the operation of any business enterprise. If needed, BEP staff will read the agreement to the manager and/or provide the agreement in the accessible format required by the manager.

INSTRUCTIONS TO STAFF

1. The business consultant will remain at the business enterprise for a sufficient time to assure a smooth business operation. If possible, the incoming licensed manager will be available one week prior to the opening of the facility to become familiar with the business, discuss BEP requirements and business issues with the BEP consultant, and arrange for purchase of initial stock. The business consultant will inform the incoming manager of options for procuring initial stock and assist with procurement of stock and arrangement for a merchandise loan, if necessary.

2. If the facility is to be closed while inventory is being conducted, sufficient and proper notice must be given to the grantor and customers. Deposits and personal equipment are not to be included on the inventory. Arrangements may be made between outgoing and incoming managers for these items. Receipts collected for pricing of merchandise should be returned to the outgoing licensed manager at the conclusion of the pricing phase.

3. Link to 612:25-4-27 Initial inventory and supplies.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-05	PT Memo #06-01 Permanent, cleanup language
7-1-12	Permanent, updating and clarifying language
9-12-14	Updated language and policy Updated Instructions to Staff
8-27-15	Updated language

612:25-6-19. Employees of the licensed manager

(a) The BEP has no direct responsibility over the employees of licensed managers. If a complaint is filed by a customer or grantor against an employee of a licensed manager, or an employee-related problem is brought to the attention of BEP staff, the business consultant will bring the complaint/problem to the attention of the licensed manager. A business consultant may make suggestions as to the action that needs to be taken, however the responsibility lies with the licensed manager as to disciplinary action toward the business enterprise employee.

(b) In the event the grantor requests an employee of a licensed manager be terminated/suspended, the information will be presented to the licensed manager immediately by personal contact or phone call followed by written memorandum indicating the reason for the requested suspension or termination.

(c) The business consultant will immediately notify the SLA state office by memorandum for insurance and retirement purposes when a licensee/licensed employee starts to work for another licensed manager or quits.

(d) Licensed managers are to take affirmative action to employ and advance qualified individuals with disabilities in accordance with applicable federal and state laws. **1**

(e) Volunteer labor is permitted in a business enterprise; however the volunteer must be covered by insurance in the event of injury. This insurance coverage will be documented in the SLA state office prior to the individual's actual work in a business enterprise.

Instructions to Staff

1. See Sections 503 and 504 of the Rehabilitation Act of 1973 (as amended), the Americans with Disabilities Act and Civil Rights Act of 1964 (as amended).

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-12	Permanent, updating and clarifying language

612:25-6-20. Closing a business enterprise

(a) A business enterprise may be closed immediately by the SLA, the grantor, any government agency or the licensed manager when a life threatening situation, health or safety hazard exists. Notice of the closing should be made as soon as possible to the SLA and the grantor.

(b) The business enterprise will also be closed immediately for failure to have proper insurance verification for liability and workers' compensation insurance.

(c) The business enterprise may be closed for short periods of time with prior written approval from the SLA and the grantor.

(d) The SLA's policy is to operate business enterprises that have the potential to produce net profit returns for licensed managers which will enable them to live self sufficiently and with dignity within their communities. Additional consideration is given to the amount of return on investment as related to expenditures for capital outlay, management services overhead, and other expenses of operation. Anytime a licensed manager vacates a business enterprise, the business consultant will re-evaluate the business enterprise if it generates revenue below the program net profit objective. A business enterprise that lacks the potential to meet the SLA's net profit objective will be closed or added to another location.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-12	Permanent, Clarifying language
9-12-14	Permanent, updating policy and language

612:25-6-21. Business expenses

Business expenses calculated as a flat-rate percentage of gross sales may be deducted from gross sales on the licensed manager's monthly report to the SLA. The percentage of gross sales which may be reported as a business expense deduction shall be set by the SLA in consultation with the Elected Committee of Licensed Managers and shall be determined using available historical data and industry standards. **1** The percentage rate will be reviewed annually to ensure it continues to reflect average monthly expenditures attributable to standard business expenses.

INSTRUCTIONS TO STAFF

1. The current business expense deduction rate is 5.5% percent of monthly gross sales.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
4-13-99	PT Memo #99-7 Emergency, amended to add Subsections (d) and (e), limit expenses that can be claimed
7-1-02	POL Memo #02-02 Permanent, clarifies and adds licensed manager's business expense deductions
7-1-03	PT Memo #03-07 Permanent, removed mileage log book review
7-1-12	Permanent, updating language
8-27-15	Deleted Business Enterprise Program language and replaced with SLA.

612:25-6-22. Monthly reports

(a) Content and when due. Licensed managers must submit monthly business enterprise financial reports to the SLA. Reports will contain data on gross sales, merchandise purchases, payroll expense, business expense and other information determined necessary to reflect business financial status and calculate licensed manager set-aside, retirement and/or merchandise loan payments. The monthly reports shall be for one of the two following time periods: 1) the sixteenth (16th) day of the previous calendar month to the fifteenth (15th) day of the current calendar month; or 2) the twenty-first (21st) day of the previous calendar month to the twentieth (20th) day of the current calendar month. The licensed manager may choose either period, but must notify the business consultant which option is chosen by September 30th of each year. The licensed manager shall use the same option throughout the federal fiscal year. Monthly reports are due in the BEP office on or before the 25th of the current calendar month. If the 25th falls on a weekend, the monthly report is due in the BEP office no later than the close of business on the last business day prior to the 25th. Monthly reports may be mailed to the BEP office. To be considered on time, they must be postmarked by the 21st of the month for regular mail or the 22nd for overnight mail. If these dates fall on a day where the post office is closed, they must be postmarked the day before. The BEP shall notify the manager by phone on the first business day following the 25th if the report is not received. The BEP will review each monthly report for mathematical errors, correct loan payment, correct set-aside payment, approved business expenses, and other factors that will affect the accuracy of the report. The business consultant will sign the report indicating that the report is correct, correct payments are attached (if required), and all items in question have been discussed with the licensed manager.

(b) Failure to file in a timely manner. If the monthly report is not received in the BEP office within five days after the due date, the licensed manager will be placed on probation. If the 1st and second reports are not received by the time the 3rd report is due, the licensed manager's agreement will be canceled and the BEP licenses will be suspended. Failure to file monthly reports in a timely manner three or more times within any twelve month period will result in formal disciplinary action.

(c) Fee for reports. The Agency maintains records for its use and may charge a reasonable fee to supply copies of records to individuals. The agency will supply copies of lost reports or other documents at 25 cents per page.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-02	POL Memo #02-02 Permanent, removes statement regarding possible loss of insurance
7-1-12	Permanent, updating and clarifying language
9-12-14	Updated language Deletion of Instructions to Staff
8-27-15	Updated language in section (a) to include mailing payments and postmarked deadlines.

PART 5. THE ELECTED COMMITTEE OF LICENSED MANAGERS

Section

612:25-6-32. The Elected Committee of Licensed Managers

612:25-6-33. Organization and operation of the Elected Committee of Licensed Managers

612:25-6-32. The Elected Committee of Licensed Managers

(a) Authority for Establishing an Elected Committee of Licensed Managers (ECM) is found in Section 107-B1 of Chapter 6A of Title 20 U.S., commonly referred to as the Randolph-Sheppard Act.

(b) Paragraphs (1) and (2) of this Subsection provide guidance in approaching the degree of participation by the ECM.

(1) Active participation means a process of good faith negotiations involving the ECM and the SLA. The Committee must be given the opportunity to have meaningful input into the decision-making process in the formulation of program policies which affect licensed managers.

(2) The SLA is charged with the ultimate responsibility for the administration and operation of all aspects of the Business Enterprise Program.

(c) Functions of the Elected Committee of Licensed Managers include:

(1) Actively participate with the SLA in the major administrative, policy, and program development decisions affecting the overall administration of the Business Enterprise Program.

(2) To receive and transmit to the SLA grievances at the request of licensed managers and serve as advocates for such managers in connection with such grievances.

(3) To actively participate with the SLA in the development and administration of a State system for the transfer and promotion of licensed managers.

(4) To participate with the SLA in developing training and retraining programs for licensed managers.

(5) To sponsor, with the assistance of the SLA, meeting and instructional conferences for licensed managers.

(6) To participate in setting out the method of determining the charge for each of the purposes listed in (A) through (D) of this Paragraph.

(A) Maintenance and replacement of equipment;

(B) The purchase of new equipment;

(C) Management services;

(D) The establishment and maintenance of retirement or pension funds, health insurance contributions, if it is so determined by a majority vote of licensed managers, after the SLA provides to each licensed manager information on all matters relevant to such proposed purposes. [34 CFR 395.9(b) and (c)]

(d) The ECM will be composed of licensed managers and licensed employees. There will be an executive committee with their duties and terms of office specified in the bylaws of the ECM.

(e) The SLA shall provide for the election of an Elected Committee of Licensed Managers which shall be fully representative of all licensed managers in the BEP. [34 CFR 395.14]

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
7-1-12	Permanent, updating language
9-12-14	Updated language

612:25-6-33. Organization and operation of the Elected Committee of Licensed Managers

(a) **Organization.** The ECM will be organized in accordance with its bylaws.

(b) **Nominations and elections.** The procedures set forth in (1) through (3) of this Subsection shall be used to nominate and elect members of the committee.

(1) The Chairperson of the Committee of Licensed Managers presides over the election of Committee members.

(2) The SLA presents a list of eligible voters and candidates. The Chairperson will call for nominations from the floor for ECM members. Nominees must give consent to be nominated.

(3) The SLA and the ECM are responsible for the collection and tallying of votes.

(c) **Operation.** The Elected Committee of Licensed Managers shall operate according to (1) through (3) of this Subsection.

(1) The Elected Committee of Licensed Managers will convene at least once each year at the licensed manager's training conference, the time and place of joint meetings to be scheduled by SLA staff and the Elected Committee of Licensed Managers. Requests for meetings by the ECM committee will be made in writing to the SLA for prior approval of financial assistance.

(2) The ECM members will be notified of matters within its purview that are being considered for decision. The ECM committee members will have the opportunity to initiate subjects for consideration by it and the SLA. Recommendations by the ECM members will be in writing and given serious consideration by the SLA.

(3) The SLA has the ultimate responsibility for the administration of the Business Enterprise Program. If the SLA does not adopt the views and positions of the Elected Committee of Licensed Managers it will notify the ECM Committee in writing of the decision reached or the action taken and the reasons therefore.

(d) **Materials.** The SLA will supply the necessary materials for the function of the Elected Committee of Licensed Managers upon written request to the SLA.

(e) **Travel Expenses.** ECM members on committee business will be reimbursed for travel expenses at the same rates and conditions as state employees.

Section History

7-1-97	PT Memo #97-9 Permanent, new Section
4-13-99	PT Memo #99-7 Emergency, Section amended to clarify: eligible voters must be present at the annual training conference; the State Licensing Agency responsibilities; when newly elected members of the ECM take office
7-1-02	POL Memo #02-02 Permanent, clarification to the operation of the Elected Committee of Licensed Managers
7-1-03	PT Memo #03-07

	Permanent, updated language
7-1-05	PT Memo #06-01
	Permanent, clarification of policy
7-1-12	Permanent, clarification of policy