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VRBS Policy 1.1  Timely Services

Applied Effective Date: 12/27/02
Last Edition Date: 6/1/1999

Federal Authority: 34 CFR 361.41 Processing Referrals and Applications
State Authority: ARM 37.30.102 Vocational Rehabilitation Policy:
Incorporation by Reference of Federal and State Authority

Policy Statement:
VRBS will inform individuals of the time requirements incorporated in the application
and eligibility determination process at the time the individual expresses intent to apply.
VRBS shall process applications and determine eligibility and ineligibility within sixty
days of the date of application unless the consumer and the counselor mutually agree
on a specific extension of time due to circumstances beyond the control of the
consumer or agency. The agency shall provide all services in a timely and equitable
manner.

VRBS Policy 1.2  Timeliness of Referral

Applied Effective Date: 10/01/03
Last Edition Date:

Federal Authority: Sec. 361.41 Processing referrals and applications
State Authority:

Policy Statement:
Vocational Rehabilitation and Blind Services will inform individuals who are referred to
the VRBS agency of application requirements and the necessity of gathering
information necessary to initiate an assessment for determining eligibility and priority for
services within 30 days from notification of referral. The means by which the individual
is to be informed shall be either:

1. Through a face to face meeting with an agency representative or when that is not
   possible;
2. By means of a mailing (or other appropriate electronic `means of transfer) of
   information in accessible format and language including an application form.

VRBS Policy 1.3  Information and Referral Services

Applied Effective Date: 12/27/02
Last Edition Date: 6/1/1999

Federal Authority: 34 CFR 361.37 Information and Referral Services
Policy Statement:
VRBS will implement an information and referral system to ensure individuals with disabilities will be provided accurate vocational rehabilitation information and guidance, using appropriate modes of communication, to assist such individuals in preparing for, securing, retaining, or regaining employment. In addition to information regarding the availability and benefits of, and information on eligibility standards for vocational rehabilitation services, consumers will be appropriately referred to federal and state programs (other than the vocational rehabilitation program carried out under this title), including other components of the statewide workforce investment system in the state.

An appropriate referral will be made through VRBS to federal or state programs, including programs carried out by other components of the statewide workforce investment system in the state, best suited to address the specific employment needs of an individual with a disability; and include, for each of these programs, provision to the individual of:

1. A notice of the referral by VRBS to the agency carrying out the program;
2. Information identifying a specific point of contact within the agency carrying out the program;
3. Information and advice regarding the most suitable services to assist the individual to prepare for, secure, retain, or regain employment; and
4. Provide that eligible individuals, who do not meet the order of selection criteria, shall have access to services provided through the information and referral system.

VRBS Policy 1.4 Use of Existing Information

Applied Effective Date: 12/27/02
Last Edition Date: 6/1/1999

Federal Authority: 34 CFR 361.42 Assessment for Determining Eligibility and Priority for Services
State Authority: ARM 37.30.102 Vocational Rehabilitation Policy: Incorporation by Reference of Federal and State authority.

Policy Statement:
1. Use of Existing Information.
The determination of eligibility and the development of the Individualized Plan for Employment (IPE) shall be based on a review of existing data and to the extent that additional data is necessary, a preliminary review of that data. Determinations made by officials of other agencies regarding whether an individual has an impairment that
creates a substantial impediment to employment shall be used to the extent appropriate and available. To the extent appropriate, information provided by the individual and by the family of the individual will be used. Prior to the determination of eligibility, the case record must contain evidence of the disability upon which the determination was based. An individual is eligible for VRBS Title I services if the individual is an individual with a disability and requires vocational rehabilitation services to prepare for, secure, retain, or regain employment. The term "individual with a disability" means any individual who:

a. Has a physical or mental impairment which for such individual constitutes or results in a substantial impediment to employment; and
b. Can benefit in terms of an employment outcome from vocational rehabilitation services.

**VRBS Policy 1.5 Presumption of Eligibility**

**Applied Effective Date:** 12/27/02  
**Last Edition Date:** 6/1/1999

**Federal Authority:** 34 CFR 361.42 Assessment for Determining Eligibility and Priority for Services  
**State Authority:** ARM 37.30.102 Vocational Rehabilitation Policy: Incorporation by Reference of Federal and State Authority.

**Policy Statement:**
An individual who has a disability or is blind as determined pursuant to Title II or Title XVI of the Social Security Act shall be:

1. Considered to be an individual with a significant disability; and
2. Presumed to be eligible for vocational rehabilitation services under this title (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 VRBS can demonstrate by clear and convincing evidence that such individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the disability of the individual.

Nothing in this policy shall be construed to create an entitlement to any vocational rehabilitation service.
VRBS Policy 1.6   Presumption of Benefit

Applied Effective Date:  12/27/02
Last Edition Date:  6/ 1/1999

Federal Authority:  34CFR 361.42  Assessment for Determining (2)  Eligibility and Priority for Services
State Authority:  ARM 37.30.102  Vocational Rehabilitation Policy:  Incorporation by Reference of Federal and State Authority.

Policy Statement:
An individual shall be presumed to be an individual that can benefit in terms of an employment outcome from vocational rehabilitation services, unless the counselor can demonstrate by clear and convincing evidence that such individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the disability of the individual.  In making the demonstration, the counselor shall explore the individual's abilities, capabilities, and capacity to perform in work situations, through the use of trial work experiences with appropriate supports provided through VRBS, except under limited circumstances when an individual cannot take advantage of such experiences.  Such experiences shall be of sufficient variety and over a sufficient period of time to determine the eligibility of the individual or to determine the existence of clear and convincing evidence that the individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the disability of the individual.

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VRBS Procedure 1.1  Procedure and Instruction for Learning Disorders

Applied Effective Date:  03/21/11
Last Edition Date:  06/05/03

Policy Statement:
Individuals who have diagnosed learning disabilities may be eligible for Vocational Rehabilitation and Blind Services if their disabilities cause a substantial impediment to employment, and if they require services to prepare for, secure, retain or regain employment.

Definitions

- Learning Disorder
The term “learning disorder” includes a number of related structural and/or functional central nervous system disorders that affect higher cognitive functioning. The DSM-IV lists the following categories: reading disorder (dyslexia), mathematics disorder (dyscalculia), disorders of written expression (dysgraphia) and learning disorders that are not otherwise specified, usually because the disorder may include problems in multiple areas. Learning disorders are not the result of visual, hearing, or motor disabilities, intellectual disabilities, mental illness, or environmental, cultural, or economic disadvantage.

- **Specific Learning Disability**
  As described in IDEA, the term "specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

**Criteria for Evidence of Learning Disability**

Evidence of a learning disability may be established via the following criteria:

1. A report from a qualified professional, including clinical psychologists, school psychologists, educational psychologists, and neuro-psychologists.
2. The report must contain a diagnosis based on a comprehensive assessment battery which includes:
   a. A diagnostic interview
   b. Assessments of academic achievement and information processing.
   c. Evidence of a substantial limitation to learning or other major life activities
3. The report can be no more than three years old.

**Note: In Montana, school psychologists summarize the above information into an "Evaluation Report." Likewise, the VRBS counselor may consider the "Evaluative Report" as sufficient.

**Eligibility Considerations**

A diagnosis of a learning disability alone is not sufficient to establish eligibility for VRBS services. The VRBS counselor must then determine if the learning disability constitutes a substantial impediment to employment, VRBS staff must address the following:

- Does the individual have considerable difficulty with job tasks requiring reading or writing, spelling or math calculations/application? For example, would the person’s reading and/or writing difficulties impede his/her ability to independently complete a job application?

- Does the individual lack transferable work skills that would require the provision of VRBS services?
Would it be difficult or impossible for the individual to achieve a suitable vocational objective—that is, one equal to his/her potential—without one or more vocational rehabilitation services? For example, consider the individual with a high IQ who, without adjustment counseling and significant accommodations, can't complete a college degree.

VRBS Procedure 1.2 Procedure for Presumed Eligibility

Applied Effective Date: 09/30/06
Last Edition Date: New Procedure

At the time of application for services, upon report of eligibility for benefits pursuant to Title II or Title XVI of the Social Security Act, VRBS shall acquire verification of the consumer’s benefit status. The date upon which the benefit verification is received by VRBS is the date of eligibility.

Definitions:

“Necessary notifications”: Consumer letter; system input
“Date of verification”: date stamp, fax date, or other electronic mark of date

Policy 1.7 Eligibility Extension
Applied Effective Date: 05/23/13

Federal Authority: 34 CFR 361.41 Processing Referrals and Applications
State Authority: ARM 37.30.102

Within 60 days of application completion, counselor will determine eligibility or ineligibility, unless applicant and Counselor mutually agree upon an extension due to circumstances beyond the control of the applicant or agency.

Extensions will specify:
1. a mutually agreed upon date for completion, not to exceed 60 days
2. steps that have been taken and steps that will be taken to reach a decision
3. Eligibility Extensions require Supervisor Approval
ELIGIBILITY DETERMINATION EXTENSION

EXTENSION DEADLINE:
(Enter date here. Not to exceed 60 days.)

EXTENSION RATIONALE
The following exceptional and unforeseen circumstances, which are beyond the control of Montana Vocational Rehabilitation (MVR), preclude the completion of your eligibility determination within sixty (60) days of your application:

(Enter rationale here.)

ACTION TAKEN
The MVR counselor has taken the following action to proceed toward making an eligibility decision:

(Enter activity here.)

________________________________________________
COUNSELOR SIGNATURE

________________________________________________
CONSUMER SIGNATURE

________________________________________________
SUPERVISOR SIGNATURE