

# State Rehabilitation Council Manual

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# Acronyms used by Vocational Rehabilitation and Blind Services

## April 2016

ADA	Americans with Disabilities Act
AWACS	Agency Wide Accounting & Client System (VRBS case management system—will be replaced in 2015)
BEP	Business Enterprise Program
BIAM	Brain Injury Association of Montana
BLVS	Blind and Low Vision Services
CANAR	Consortia of Administrators for Native American Rehabilitation
CAP	Client Assistance Program
CARF	Commission on Accreditation of Rehabilitation Facilities
CIL	Center for Independent Living
COLA	Cost of Living Adjustment
CRC	Certified Rehabilitation Counselor
CRP	Community Rehabilitation Program
CSAVR	Council of State Administrators of Vocational Rehabilitation
CSPD	Comprehensive System of Personnel Development
DETD	Disability Employment and Transitions Division
DPHHS	Department of Public Health and Human Services
DRM	Disability Rights Montana (“home” of the Client Assistance Program)
DSU	Designated State Unit
EPP	Executive Planning Process (to build the Governor’s budget)
HIPAA	Health Insurance Portability and Accountability Act of 1996
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Program (used in schools)
IPE	Individualized Plan for Employment (used in VRBS)
IRWE	Impairment Related Work Expenses
JAN	Job Accommodation Network
LIFTT	Living Independently for Today & Tomorrow (CIL in Billings)
MAB	Montana Association for the Blind
MACS	Montana Accounting and Case System
MAD	Montana Association of the Deaf
MAR	Montana Association for Rehabilitation\
MCA	Montana Codes Annotated
MCDD	Montana Council on Developmental Disabilities
MDC	Montana Developmental Center
MILP	Montana Independent Living Project (CIL in Helena)
MonTECH	Montana TECHNOlogy Program
MSDB	Montana School for the Deaf and Blind
MTAP	Montana Telecommunication Access Program
MYLF	Montana Youth Leadership Forum
NAMI	National Association for Mentally Ill
NCILS	North Central Independent Living Services (CIL in Great Falls)
NCSRC	National Coalition of State Rehabilitation Councils
OBP	Older Blind Program
OBPP	Office of Budget & Program Planning
OJT	On the Job Training
OOS	Order of Selection
OPI	Office of Public Instruction

OSERS	Office of Special Education & Rehabilitation Services
PASS	Plan for Achieving Self Sufficiency
PLUK	Parents Let's Unite for Kids
Pre-ETS	Pre-Employment Transitions Services (new under WIOA)
RFP	Request for Proposals
RSA	Rehabilitation Services Administration (our federal partner)
Section 110	Major funding source for VRBS (federal funds)
Section 121	Native American VR Projects (funded directly by feds)
SILC	Statewide Independent Living Council
SRC	State Rehabilitation Council
SSA	Social Security Administration
SSDI	Social Security Disability Insurance
SSI	Supplemental Security Income
SWIB	State Workforce Innovation Board
TBI	Traumatic Brain Injury
TTY or TDD	Test Telephone or Telephone Device for the Deaf (TTY is preferred)
VRBS	Vocational Rehabilitation and Blind Services (this is our program)
WIA	Workforce Investment Act (replaced by WIOA in 2014)
WIOA	Workforce Innovation and Opportunity Act (passed in 2014)

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# State Rehabilitation Council

## Mission and Vision

Reviewed October 2009

### **The State Rehabilitation Council Mission Statement**

*Mission statements describe what we do and provide that no other organization does and provides, what we are all about, the purpose of the organization and why it exists.*

The Montana State Rehabilitation Council advises and works with the Vocational Rehabilitation and Blind Services Program to improve policies, programs, delivery of services to consumers, and methods for reaching potential consumers and employers.

### **SRC Vision Statements**

*Vision statements are a number of statements that describe the changes we want to make in the lives of the people we serve, the differences in Montana we want to be responsible for, the ideal outcomes of our collective work and efforts. They are intended to be a reach, difficult to accomplish, and presented and worded as if they are already in place.*

1. The federal criteria for funding is met each year. State matching funds are provided each biennium.
2. The hourly wage paid to VR placements is deemed to be a fair wage by the workers.
3. The order of selection is a thing of the past.
4. Consumer satisfaction with the VR program grows each year – and all VR clients are aware of and accessing the Client Assistance Program.
5. The Transition program and services are considered state-of-the art, and the best possible. Many people do what the Florida gentleman did, and call us with stories about their life-long success that they attribute to a great experience with VR services.
6. Services for VR consumers are exactly what they need to be. If clients need software, that is what they receive. As inflation affects the costs of services, the services – such as gasoline allotments – are adjusted upwards.
7. Counselors are well versed in individual disabilities, technology and career choices. They are consistently known for their great compassion for our constituents.
8. The consumer/counselor relationship is based on trust and empowerment. All choices are provided to the client, with the education necessary for the choices the consumer makes to be truly theirs.
9. The issue of losing benefits when you become employed is no longer the case.
10. Public awareness of VR issues and the availability of trained people with disabilities is well known.
11. All Montana Tribes have active and successful 121 programs, and do a good job of supporting each other across the state.
12. People with disabilities are fully integrated into our society and seeing people with significant disabilities in our community is common place. They are welcomed everywhere.

13. Employers are well aware of the opportunity to hire VR clients. Our connections to the business community are strong and there are more employment opportunities than we need. Our VR clients experience long-term work commitments.
14. Schools, doctors' offices, physical therapists, hospitals, Job Service, and other likely sites all actively help spread the word about the availability of VR services and provide people with our brochures and contact information. They even recommend our services and can speak to the success of people who have utilized them.
15. Rural Montana has the VR services they need and want.

### **Our role and responsibilities as Council members are:**

As individual members, be publicly supportive of the Program. We can do outreach to consumers, help them make connections to services, speak positively, help change stereotypes, and bring feedback about VR services to the staff. We are allies and supporters of the counselors and staff, and they trust us.

Specific activities include:

- Report to the Governor;
- Assist in the development of the state plan, help look at long-range needs;
- Review the Consumer Satisfaction Survey;
- Advise the staff on policy regarding ways to improve services using all our backgrounds and expertise.

### **What are we NOT responsible for? What is outside of our job description?**

- We don't have the authority to speak on behalf of the Council, without permission of the Council.
- We are not the managers of the Program. For instance, we don't hire and fire counselors.
- We are not the counselors.
- We are not the money managers.

## **Council Operating Principles State Rehabilitation Council March 2012**

1. We are all equal and have something to share and contribute to the Council.
2. We demonstrate respect for each other by listening well, using attentive body language (eye contact and posture), and avoiding interrupting. We take turns speaking and no one dominates the conversation. We stay on the subject at hand and avoid ever surprising each other or staff. If something sensitive needs to be addressed, we talk to the staff prior to the meeting.
3. We appreciate the diversity among our Council – in geography, abilities, backgrounds, ages, work history, relationship with VR, etc.
4. We acknowledge that to disagree is acceptable; we honor different perspectives and points of view. We remain friends and always assume good intent by our fellow Council members and staff people.
5. We focus on the good of everyone, not individual agendas or issue advocacy.
6. We welcome questions and, at the same time, don't overuse devil advocacy.
7. We operate in a safe environment to honestly and openly share what we think and what we want.
8. We attend all meetings unless we have a conflict of great importance – and stay for the entire meeting.
9. We come prepared to our meetings by reading the materials sent in advance.
10. We utilize a Council Chair who facilitates our meetings, keeps us on task and at the same time encourages discussions, and invites concerns early on in the conversation about any proposals.
11. We utilize agendas for each meeting, so we can prepare and think about the subjects on the table in advance of the meeting. We brainstorm ideas for the next meeting agenda at the end of each meeting. We ask staff to put items on the agenda prior to the meeting and avoid bringing up un-announced proposals during announcements or public comment.
12. We make sure to always, to the best of our ability, turn problems or concerns into learning experiences for all involved.
13. We appreciate humor.
14. We bring and relay both VR success stories from people we know and our home towns, and negative concerns as well, but withhold judgement, realizing we don't know the whole story.
15. We welcome new members and make them feel comfortable and up to speed on how we work and our responsibilities.

# Montana State Rehabilitation Council General Information

**Purpose of Council**---The purpose of the Montana State Rehabilitation Council is to advise the VRBS program on policy and program issues, delivery of services to consumers, and methods for reaching potential consumers

**Membership of Council**---The Council is composed of 22 members representing different disabilities, business, education, and advocacy groups. The members come from all parts of Montana, and over 50% of the members must have disabilities.

**Meetings**---The Council meets four times a year, generally in Helena. Each year the Council holds one meeting out of town. Most meetings last a day and a half. In addition, some Council members meet with VRBS management staff to help craft the agency's strategic plan. Members are reimbursed for travel expenses and also receive a small honorarium.

**Activities**---The Council writes an annual report to the Governor describing the status and effectiveness of the Vocational Rehabilitation and Blind Services (VRBS) program; reviews and analyzes the consumer satisfaction with the agency; advises the agency on policy and procedure; and helps to develop the agency state and strategic plans.

**Vocational Rehabilitation and Blind Services Mission**--The mission of Vocational Rehabilitation and Blind Services is “Real jobs with real wages. We maximize the potential for Montanans with disabilities to prepare for, obtain, retain, and advance in the same high-quality jobs and high demand careers as persons without disabilities. We deliver employment services consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

# State Rehabilitation Council (SRC) Requirements from the Law

## SRC FUNCTIONS

The SRC must perform the following functions, after consulting with the State Workforce Innovation Board. This requirement can be met, at a minimum, through the exchange of ideas between the SRC representative of the State Workforce Innovation Board and other members of the SRC.

1. Review, analyze, and advise the VR unit regarding VR's performance related to:
  - eligibility, including order of selection;
  - extent, scope and effectiveness of VR services;
  - functions performed by state agencies that affect the ability of individuals with disabilities to achieve an employment outcome.
2. In partnership with the VR unit:
  - Develop, agree to and review state goals and priorities.
  - Evaluate the effectiveness of the VR program and submit annual progress reports to the RSA Commissioner.
  - Conduct a statewide needs assessment of individuals with disabilities living in the state every three years.
3. Advise the VR agency/unit regarding VR activities.
4. Assist in the preparation of the state plan, amendments to the plan, applications, reports, needs assessments, and evaluations, including those necessary for the VR agency to satisfy the requirements of developing a "comprehensive system of personnel development" and establishing an "order of selection."
5. Review and analyze the effectiveness of and the consumer satisfaction with:
  - VR agency functions;
  - VR services provided by the VR agency and other entities; and
  - employment outcomes achieved by eligible individuals served by VR.
6. Prepare and submit an annual report to the Governor and RSA on the status of VR services. Report should be made available to the public.
7. Coordinate the activities of the SRC with the activities of other councils, such as the:
  - SILC;

- advisory panel established under IDEA;
  - State Developmental Disabilities Council;
  - State Mental Health Planning Council; and
  - State Workforce Innovation Board.
8. Provide for the coordination and the establishment of working relationships between the VR agency and the SILC and the centers for independent living.  
AND
9. Perform other functions that it determines appropriate and comparable to its other functions, provided they are consistent with the purpose of Title I of the Act and its implementing regulations.

## **VR UNIT'S MANDATE REGARDING SRC**

The Act requires the designated state VR agency/unit to:

1. Jointly develop, agree to and review annually state goals and priorities and jointly submit annual reports of progress with the SRC;
2. Consult with the SRC regularly regarding the development, implementation and revision of state policies and procedures of general applicability pertaining to the provision of VR services;
3. Include in the state plan and any revisions to the state plan, a summary of input provided by the SRC;
4. Conduct a statewide needs assessment of individuals with disabilities living in the state every three years; and
5. Transmit copies of the following to the SRC:
  - all plans, reports and other information required to be submitted to RSA;
  - all policies and information on practices and procedures of general applicability provided to or used by rehabilitation personnel in carrying out the VR program; and
  - due process hearing decisions which are to be transmitted to the SRC in such a manner as to protect the confidentiality of the individuals involved.

## Membership List—November 2015 State Rehabilitation Council

Representation Required in Law	Name	City	Affiliation
Business, Industry, and Labor (4)	Robin Haux Vacant Vacant Vacant	Montana City	Labor Business  Business
Parent Training and Information Center	Linda Zermeno	Billings	Parents Lets Unite for Kids (PLUK)
Workforce Investment Board	Vacant		State Workforce Investment Board
Native American VR Project	Vacant		Section 121 Native American Project
Education Agency	Frank Podobnik	Helena	Office of Public Instruction
Client Assistance Program	Vacant		Client Assistance Program
Independent Living Council	Tom Osborn	Great Falls	Independent Living Council
Vocational Rehabilitation Counselor	Anna Gibbs	Billings	Vocational Rehabilitation
Community Rehabilitation Program	Michelle Pickell	Missoula	Community Rehabilitation Program
Vocational Rehabilitation Director	Jim Marks	Helena	Vocational Rehabilitation Director
Current/former VR Client	See below		
Disability Advocates	Donna Marie Robnett Coreen Faulkner Tiffany Costa Amy Capolupo Rick Heitz John Senn Vacant Michael Woods Vacant	Frenchtown Missoula Billings Missoula Kalispell Billings  Billings	

## Draft Montana VR Council Members January 2014

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# SRC Member Job Description

## **Personal characteristics to consider:**

1. Ability to: listen, analyze, think clearly and creatively, work well with people individually and in a group;
2. Willing to: prepare for and attend council and committee meetings, ask questions, take responsibility and follow through on given assignments, open the doors of the community and evaluate one's self;
3. Develop certain skills if you do not already possess them, such as: abilities to cultivate and recruit council members and other volunteers for the organization, learn more about the substantive program areas this organization covers;
4. Possess: honesty, sensitivity to and tolerance of different views, friendly, responsive and patient approach, ability to build community skills and information dissemination, personal integrity, developed sense of value, concern for the development of the VR program, and most importantly a sense of humor.

## **Individual council member responsibilities:**

1. Attend all council and committee meetings and functions unless excused--more than two unexcused absences may result in termination of council membership;
2. Be informed of the organization's mission, services, policies, and programs;
3. Review the agenda and all supporting materials prior to council and committee meetings;
4. Serve on committees and offer to take on special assignments;
5. Inform other individuals in the community and the state about the VR organization, its goals, and its job;
6. Suggest possible nominees to the council who could make significant contributions to the work of the council and to the organization in general.
7. Keep up to date on all developments in the field of VR;
8. Follow conflict of interest and confidentiality policies.

## **As council members we are:**

1. The voice of the VR mission;
2. Charged with expanding the sphere of influence of the organization within the state of Montana;
3. Ambassadors of the VR program; and
4. A primary partner of the VR administration.

# Dates and Officers State Rehabilitation Council 2016

**2016 Chair**---Rick Heitz

**2016 Vice Chair**---Michael Woods

## **Committees**

*No formal committees are named at this time. In October 2010, the Council decided to try to handle all business as a committee of the whole.*

## **2016 Meeting Dates**

March 3	Helena
June 9-10	Helena
September 8-9	Possible out of town
November 3-4	Helena

## **General Meeting Themes**

Winter	Legislature or Executive Planning Process Orientation for new members Election of officers Governor's Report presented
Spring	State plan and strategic plan Federal report review Satisfaction survey
Summer	Special event or cultural
Fall	Review activities for Governor's Report

## **SRC Budget**

- Travel costs for members to attend the four Council meetings per year. VRBS will also pay the meeting room costs for these meetings. VRBS will pay for necessary accommodations for the four Council meetings--drivers, attendants, interpreters, transcribing, etc.
- Registration and travel costs for the chair to attend the VRBS All Staff Meeting.
- Travel costs to attend the State Rehabilitation Council training and CSAVR meetings .
- Administrative support for Council meetings (in kind).
- Routine mailings to Council members (in kind) .

*VR spent approximately \$27,000 on SRC activities in federal fiscal year 2013.*

# How VRBS Reimburses Your Travel Costs 2016

When you come to an SRC meeting, VRBS will pay your travel expenses. At the meeting, you complete a travel form, and VRBS will send you a check for your expenses within a month. The rates of reimbursement are the same ones state employees use.

## **Meals**

VRBS will pay for your meals (depending on what hours you are in a travel status) as follows:

Breakfast	\$5.00
Lunch	\$6.00
Dinner	\$12.00

## **Motel**

VRBS usually pays for motel bills directly with the motel. However, if you stay overnight and you do not have this arrangement, VRBS will pay for your motel room at the following rate:

Motel	State rate--with a receipt (depends on the city and time of year)
	\$12.00--with no receipt

## **Mileage**

If you drive to the meeting, VR will pay for your mileage as follows:

Mileage	\$.54 per mile (2016)
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## **Other Costs**

VR will reimburse the actual cost of your public transportation (bus ticket, etc), and you need a receipt for this.

If you need a personal attendant, driver, etc., VR will reimburse you for the cost according to the VR Reimbursement Policy.

If you are not a state employee, VR will pay you an honorarium of \$50 for each meeting day.

***Receipts are needed for everything except meals and mileage.***

## Montana VRBS Policy regarding Reimbursement for Support Services for State Rehabilitation Council Members

### Values:

Montana Vocational Rehabilitation and Blind Services (VRBS) highly values the input and role the State Rehabilitation Council and Statewide Independent Living Council play in implementing the mission of the agency. The agency takes the “whatever it takes, within reason” approach to have Council members participate in the Council meetings, and provides reasonable accommodations for persons with disabilities so that they may participate to their fullest ability. VRBS recognizes that a “one sizes fits all” does not fit all individual Council member needs. Similarly, VRBS recognizes its responsibility to the Legislature and taxpayers to spend money prudently.

VRBS places a high value on allowing members of our State Rehabilitation Council and Statewide Independent Living Council to have discretion regarding services performed for them while they function as active Council members.

VRBS recognizes that it is often difficult to find a reliable personal services attendant or a safe driver that is willing to travel for a day trip away from their community as they may be taken away from other work.

### Guiding Principles:

Council members will have discretion regarding services performed for them while they are functioning as active Council members. Examples of services performed include, but are not limited to, drivers, readers, and personal care attendants. It is the policy of VRBS that the individual Council member has the discretion to hire and pay on an hourly rate up to \$10.00 per hour for individuals who perform disability related support services for personal assistance, and up to \$8.00 for drivers. In some cases, exceptions will be considered.

If a person providing support services such as those previously mentioned needs to be available upon demand, the person may be paid an hourly rate based upon an agreement between the Council member and the attendant. Reimbursement needs are to be treated on a case by case basis and the circumstances surrounding the individual's needs should be taken into consideration. If the support person does not need to be in the vicinity but is waiting for the Council member to complete their business, the person would generally not be eligible for reimbursement. For example, if a personal assistance attendant or driver uses their time in Helena to go shopping and run errands and is clearly not available upon demand and in the vicinity, this “down time” would not be reimbursed. However, "in the vicinity" can sometimes include being available by a cell phone call.

Per diem and meal allowance will be at the same rate as that paid for State of Montana employees.

Support services other than those mentioned can be paid at different rates depending on the complexity of the level of support staff. For example, interpreters are paid in accordance with the existing fee schedules. Other categories of support service having other degrees or skill levels necessary may warrant different wages.

The individual Council member is responsible for making his/her own arrangements and accommodations regarding support services (other than interpreters) that will be necessary for them. They will employ the personal care attendants and drivers, and will pay them for their services in accordance with this policy. VRBS will reimburse the individual Council member for these costs.

VRBS strongly encourages coordination among Council members regarding transportation and other services whenever possible to minimize the costs.

It is permissible under VRBS policy for an individual Council member to utilize the services of a family member if that person is the most appropriate one to provide the services. Also, it is the policy of VRBS that support service paid by VRBS may not be reimbursed by another entity.

## Bill for Driving Services

Driver Name \_\_\_\_\_ Driver SSN \_\_\_\_\_

Council Member being driven \_\_\_\_\_

Date I drove the Council Member TO the meeting \_\_\_\_\_

Number of hours driving \_\_\_\_\_

Other expenses (list) \_\_\_\_\_

Date I drove the Council Member home FROM the meeting \_\_\_\_\_

Number of hours driving \_\_\_\_\_

Other expenses (list) \_\_\_\_\_

### Totals

Number of hours driving \_\_\_\_\_

Charge for driving @ \$10.00 per hour \_\_\_\_\_

Other expenses \_\_\_\_\_

Total bill \_\_\_\_\_

*I certify that I am not being reimbursed for these services from any other funding source.*

Signed by Driver \_\_\_\_\_ Date \_\_\_\_\_

**Note: The SRC will reimburse the Council member who then pays the driver directly.**

# BILL FOR PCA SERVICES

PCA Name: \_\_\_\_\_ PCA SSN: \_\_\_\_\_

Council member receiving PCA Services: \_\_\_\_\_

Date I started PCA Services for SRC Meeting: \_\_\_\_\_

Number of hours worked: \_\_\_\_\_

Other Expenses list): \_\_\_\_\_

Additional days/hours worked: \_\_\_\_\_

Date I completed PCA Services for SRC Meeting \_\_\_\_\_

Number of hours worked: \_\_\_\_\_

Other Expenses (list): \_\_\_\_\_

**Totals:**

Number of hours worked: \_\_\_\_\_

Charge of PCA Services @ \$10.00 per hour: \_\_\_\_\_

Other Expenses: \_\_\_\_\_

Total Bill: \_\_\_\_\_

*I certify that I am not being reimbursed for these services from any other funding source.*

PCA Signature \_\_\_\_\_ Date \_\_\_\_\_

NOTE: SRC will reimburse the council member who then pays the PCA directly.

# **CONSTITUTION/BYLAWS**

## **MONTANA STATE REHABILITATION COUNCIL**

### **ARTICLE I NAME**

The name of the Council shall be: Montana State Rehabilitation Council, as mandated by Public Law 102-569, and other appropriate laws.

### **ARTICLE II PURPOSE**

The purpose of the Council is to advise the Administrator of the Montana Vocational Rehabilitation and Blind Services program (VRBS) concerning policy and program issues, delivery of services to consumers, and methods for reaching potential consumers.

### **ARTICLE III STATUTORY FUNCTIONS**

FUNCTIONS OF THE COUNCIL - The Council shall, after consulting with the State Workforce Innovation Board -

1. Review, analyze, and advise VRBS regarding its performance; particularly in areas relating to -
  - (A) Eligibility (including order of selection);
  - (B) The extent, scope, and effectiveness of services provided; and
  - (C) Functions performed by state agencies that affect or potentially affect the ability of Montanans with disabilities in achieving employment outcomes.
2. In partnership with the VRBS,
  - (A) Develop, agree to, and review state goals and priorities;
  - (B) Review the effectiveness of the Vocational Rehabilitation and Blind Services program and submit reports of progress to the Commissioner of the federal Rehabilitation Services Administration.
3. Advise the Department of Public Health and Human Services and VRBS and, assist in the preparation of applications, the State Plan, the Strategic Plan and amendments to the plans, reports, statewide needs assessments, and evaluations required by the Rehabilitation Act.
4. To the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with -

- (A) The functions performed by VRBS;
  - (B) Vocational rehabilitation services provided by state agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities;
  - (C) Employment outcomes achieved by eligible individuals receiving VRBS services, including the availability of health and other employment benefits in connection with such employment outcomes.
5. Prepare and submit an annual report to the Governor on the status of vocational rehabilitation programs operated within the state, and make the report available to the public.
  6. Coordinate with other councils within the state, including the Statewide Independent Living Council established under Section 705 of the Rehabilitation Act, the Advisory Panel established under Section 612 (a)(21) of the Individuals with Disabilities Education Act (as amended by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Pubic Health Law 105-17), the State Planning Council described in Section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024), and the State Mental Health Planning Council established under Section 1914(a) of the Public Health Service Act (42 U.S.C. 300x-4(a)), and the State Workforce Investment Board.
  7. Provide for coordination and the establishment of working relationships between VRBS and the Statewide Independent Living Council and Centers for Independent Living within the state.
  8. Perform such other functions, consistent with the purposes of this title, as the Montana State Rehabilitation Council determines to be appropriate, that are comparable to the other functions performed by the Council.
  9. The meetings of the full committee, hearings and forums shall be publicly announced.

#### ARTICLE IV GOALS

1. Facilitate informed communication between regional and state staff on policy and program issues.
2. Provide information to VRBS on the effect of its programs on the community as well as on consumers.
3. Facilitate public input into state and regional planning for vocational rehabilitation services.
4. Advocate for consumer rights and services.
5. Communicate the purpose and needs of VRBS to the public and community leaders.

6. Support VRBS in its efforts to expand resources available to individuals with disabilities.
7. Advise VRBS on other issues as requested.

## **ARTICLE V MEMBERSHIP**

### **COMPOSITION AND APPOINTMENT**

1. Composition - The Council shall be composed of -
  - At least one representative of the Statewide Independent Living Council established under Section 705 of the Rehabilitation Act as amended, which representative may be the Chairperson or other designee of the Council;
  - At least one representative of a parent training and information center established pursuant to Section 682(a) of the Individuals with Disabilities Education Act (as added by Section 101 of the IDEA Amendments of 1997; Public Law 105-17);
  - At least one qualified representative of the Client Assistance Program established under Section 112 of the Reauthorization of the Rehabilitation Act (1992);
  - At least one qualified Vocational Rehabilitation Counselor with knowledge of and experience with vocational rehabilitation programs, who shall serve as an ex officio, nonvoting member of the Council if the Counselor is an employee of VRBS;
  - At least one representative of community rehabilitation program service providers;
  - Four representatives of business, industry and labor;
  - Representatives of disability advocacy groups representing a cross section of -
    - Individuals with physical, cognitive, sensory, and mental disabilities; and
    - Representatives of individuals with disabilities who have difficulty in representing themselves or are unable, due to their disabilities, to represent themselves;
  - Current or former applicants for, or recipients of, vocational rehabilitation services;
  - At least one representative of the directors of Native American VR Projects ("Section 121" projects) in Montana;
  - At least one representative of the state educational agency responsible for the public education of students with disabilities who are eligible to receive services under this title and the IDEA; and
  - At least one representative of the State Workforce Investment Board.

Members of the Council may meet one or more of the composition guidelines as set out above.

2. Ex officio Member - the Administrator of VRBS shall be an ex officio member of the Council.
3. Appointment - Members of the Council shall be appointed by the Governor. The Governor shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities. In selecting members, the Governor shall consider, the greatest

extent practicable, of the extent to which minority populations are represented on the Council.

4. Qualifications - A majority of Council members shall be persons who are -
  - (A) Individuals with disabilities as described in Section 7(20)(A) of the Rehabilitation Act of 1998; and
  - (B) Not employed by VRBS.
5. Terms of Appointment -
  - (A) Length of Term - Each member of the Council shall serve for a term of not more than three (3) years, except that -
    - (i) A member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and
    - (ii) The terms of service of the members initially appointed shall be (as specified by the appointing authority) for such fewer number of years as will provide for the expiration of terms on a staggered basis.
  - (B) Number of terms - No member of the Council, other than the Client Assistance Project representative and the Native American VR Project director, may serve more than two consecutive terms.
6. Vacancies - Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.
7. Conflict of Interest - No member of the Council shall cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest under state law.
8. Compensation and Expenses - The Council will use funds appropriated under this title to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care and personal assistance services), and to pay compensation honorariums.
9. If a member has two unexcused absences out of the four (4) regularly scheduled meetings, the Council may vote to discontinue the individual's membership on the Council.
10. All members have equal voting rights except ex officio members.
11. The Council will function as a body. An individual member may not represent the Council without the expressed approval of the Council as a whole. The Chairperson or the Administrator of VRBS will be authorized to speak for the Council or may authorize members to act as a public spokesperson.

## **ARTICLE VI MEETINGS & FORUMS**

1. There shall be four (4) quarterly meetings each year. Scheduled meetings may be canceled due to bad weather or other extenuating circumstances. Meeting dates shall be specifically designated and planned in advance.
2. Robert's Rules of Order, Revised shall be the accepted parliamentary authority except as modified and supplemented in the Bylaws.
3. A quorum shall consist of at least a majority of voting members. To conduct the business of the Council, other than statutory functions, it will take a majority vote.
4. To approve or take any final action on a statutory function, it will take a majority vote of the membership of the Council. Members of the Council may vote on statutory functions by paper ballot through the mail.
5. The Council shall convene at least four (4) meetings per year in such places as it determines necessary to conduct business. The Council may conduct forums and hearings as the Council considers appropriate. The meetings, hearings, and forums shall be publicly announced. The meetings shall be open and accessible to the general public unless there is a valid reason for an executive session.

## **ARTICLE VII OFFICERS**

1. Chairperson - Subject to the control of the Council, the Chairperson shall preside according to Robert's Rules of Order, Revised. He/she shall establish appropriate subcommittees, make appointments thereto, and shall have such other powers and duties as may be prescribed from time to time by the Council.
2. Vice Chairperson - In the absence of the Chairperson, the Vice Chairperson shall perform all duties of the Chairperson and in so acting shall have all the power of the Chairperson.
3. The Administrator of VRBS or his/her designee will conduct the meeting in the absence of both the Chairperson and Vice Chairperson.

## **ARTICLE VIII ELECTIONS**

1. Officers shall be elected by secret ballot at the first meeting of the calendar year. If a vacancy occurs within the Chairperson or Vice Chairperson, that position will be filled at the next regularly scheduled meeting.
2. The Chairperson shall be elected to serve a term of one (1) year.
3. The Vice Chairperson shall be elected to serve a term of one (1) year.

## **ARTICLE IX SUBCOMMITTEES**

1. Standing subcommittees will be established by the Council when and if the Council determines they are necessary.
2. Ad hoc subcommittees shall be created by the Chairperson for specific functions and will cease to operate when the need is met.
3. The meetings shall be open and accessible to the general public unless there is a valid reason for an executive session.

## **ARTICLE X COMMUNICATION**

1. The Council shall prepare and distribute minutes of each meeting as soon as feasible after that meeting. Notice of next meeting and location shall be made through this report.

## **ARTICLE XI RESOURCE PLAN**

1. Plan - The Council should plan for the provision of such resources, including such staff and personnel, as may be necessary to carry out the functions of the Council under this section.
2. Resolution of disagreements - To the extent that there is a disagreement between the Council and VRBS in regard to the resources necessary to carry out the functions of the Council as set forth in this section, the disagreement shall be resolved by the Governor or appointing agency consistent with paragraph one (1).
3. Personnel conflict of interest - While assisting the Council in carrying out its duties, staff and other personnel shall not be assigned duties by the Department of Public Health and Human Services or any other agency or office of the state that would create a conflict of interest.

## **ARTICLE XII AMENDMENTS**

This Constitution/Bylaws may be amended in whole or in part by submitting to all members such amendments in writing two (2) weeks prior to any regular meeting. Amendments may be adopted by a two-thirds vote of the members of the Council.

The foregoing Constitution/Bylaws were amended by the Montana State Rehabilitation Council on May 8, 2015.

**REHABILITATION ACT**  
**SEC. 105. STATE REHABILITATION COUNCIL.**

**(a) ESTABLISHMENT-**

(1) IN GENERAL- Except as provided in section 101(a)(21)(A)(I), to be eligible to receive financial assistance under this title a State shall establish a State Rehabilitation Council (referred to in this section as the “Council”) in accordance with this section.

(2) SEPARATE AGENCY FOR INDIVIDUALS WHO ARE BLIND- A State that designates a State agency to administer the part of the State plan under which vocational rehabilitation services are provided for individuals who are blind under section 101(a)(2)(A)(I) may establish a separate Council in accordance with this section to perform the duties of such a Council with respect to such State agency.

**(b) COMPOSITION AND APPOINTMENT-**

(1) COMPOSITION-

(A) IN GENERAL- Except in the case of a separate Council established under subsection (a)(2), the Council shall be composed of--

- (i) at least one representative of the Statewide Independent Living Council established under section 705, which representative may be the chairperson or other designee of the Council;
- (ii) at least one representative of a parent training and information center established pursuant to section 682(a) of the Individuals with Disabilities Education Act (as added by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105-17);
- (iii) at least one representative of the client assistance program established under section 112;
- (iv) at least one qualified vocational rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs, who shall serve as an ex officio, nonvoting member of the Council if the counselor is an employee of the designated State agency;

(v) at least one representative of community rehabilitation program service providers;

(vi) four representatives of business, industry, and labor;

(vii) representatives of disability advocacy groups representing a cross section of--

(I) individuals with physical, cognitive, sensory, and mental disabilities; and

(II) individuals' representatives of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves;

(viii) current or former applicants for, or recipients of, vocational rehabilitation services;

(ix) in a State in which one or more projects are carried out under section 121, at least one representative of the directors of the projects;

(x) at least one representative of the State educational agency responsible for the public education of students with disabilities who are eligible to receive services under this title and part B of the Individuals with Disabilities Education Act; and

(xi) at least one representative of the State workforce investment board.

(B) SEPARATE COUNCIL- In the case of a separate Council established under subsection (a)(2), the Council shall be composed of--

(i) at least one representative described in subparagraph (A)(I);

(ii) at least one representative described in subparagraph (A)(ii);

(iii) at least one representative described in subparagraph (A)(iii);

(iv) at least one vocational rehabilitation counselor described in subparagraph (A)(iv), who shall serve as described in such subparagraph;

(v) at least one representative described in subparagraph (A)(v);

(vi) four representatives described in subparagraph (A)(vi);

(vii) at least one representative of a disability advocacy group representing individuals who are blind;

(viii) at least one individual's representative, of an individual who--

(I) is an individual who is blind and has multiple disabilities; and

(II) has difficulty in representing himself or herself or is unable due to disabilities to represent himself or herself;

(ix) applicants or recipients described in subparagraph (A)(viii);

(x) in a State described in subparagraph (A)(ix), at least one representative described in such subparagraph;

(xi) at least one representative described in subparagraph (A)(x); and

(xii) at least one representative described in subparagraph (A)(xi).

(C) EXCEPTION- In the case of a separate Council established under subsection (a)(2), any Council that is required by State law, as in effect on the date of enactment of the Rehabilitation Act Amendments of 1992, to have fewer than 15 members shall be deemed to be in compliance with subparagraph (B) if the Council--

(i) meets the requirements of subparagraph (B), other than the requirements of clauses (vi) and (ix) of such subparagraph; and

(ii) includes at least--

(I) one representative described in subparagraph (B)(vi); and

(II) one applicant or recipient described in subparagraph (B)(ix).

(2) EX OFFICIO MEMBER- The Director of the designated State unit shall be an ex officio, nonvoting member of the Council.

(3) APPOINTMENT- Members of the Council shall be appointed by the Governor. The Governor shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities. In selecting members, the Governor shall consider, to the greatest extent practicable, the extent to which minority populations are represented on the Council.

(4) QUALIFICATIONS-

(A) IN GENERAL- A majority of Council members shall be persons who are--

- (i) individuals with disabilities described in section 7(20)(A); and
- (ii) not employed by the designated State unit.

(B) SEPARATE COUNCIL- In the case of a separate Council established under subsection (a)(2), a majority of Council members shall be persons who are--

- (i) blind; and
- (ii) not employed by the designated State unit.

(5) CHAIRPERSON-

(A) IN GENERAL- Except as provided in subparagraph (B), the Council shall select a chairperson from among the membership of the Council.

(B) DESIGNATION BY GOVERNOR- In States in which the chief executive officer does not have veto power pursuant to State law, the Governor shall designate a member of the Council to serve as the chairperson of the Council or shall require the Council to so designate such a member.

(6) TERMS OF APPOINTMENT-

(A) LENGTH OF TERM- Each member of the Council shall serve for a term of not more than 3 years, except that--

- (i) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

(ii) the terms of service of the members initially appointed shall be (as specified by the Governor) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

(B) **NUMBER OF TERMS-** No member of the Council, other than a representative described in clause (iii) or (ix) of paragraph (1)(A), or clause (iii) or (x) of paragraph (1)(B), may serve more than two consecutive full terms.

(7) **VACANCIES-**

(A) **IN GENERAL-** Except as provided in subparagraph (B), any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

(B) **DELEGATION-** The Governor may delegate the authority to fill such a vacancy to the remaining members of the Council after making the original appointment.

(c) **FUNCTIONS OF COUNCIL-** The Council shall, after consulting with the State workforce investment board--

(1) review, analyze, and advise the designated State unit regarding the performance of the responsibilities of the unit under this title, particularly responsibilities relating to--

(A) eligibility (including order of selection);

(B) the extent, scope, and effectiveness of services provided; and

(C) functions performed by State agencies that affect or that potentially affect the ability of individuals with disabilities in achieving employment outcomes under this title;

(2) in partnership with the designated State unit--

(A) develop, agree to, and review State goals and priorities in accordance with section 101(a)(15)(C); and

(B) evaluate the effectiveness of the vocational rehabilitation program and submit

reports of progress to the Commissioner in accordance with section 101(a)(15)(E);

(3) advise the designated State agency and the designated State unit regarding activities authorized to be carried out under this title, and assist in the preparation of the State plan and amendments to the plan, applications, reports, needs assessments, and evaluations required by this title;

(4) to the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with--

(A) the functions performed by the designated State agency;

(B) vocational rehabilitation services provided by State agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities under this Act; and

(C) employment outcomes achieved by eligible individuals receiving services under this title, including the availability of health and other employment benefits in connection with such employment outcomes;

(5) prepare and submit an annual report to the Governor and the Commissioner on the status of vocational rehabilitation programs operated within the State, and make the report available to the public;

(6) to avoid duplication of efforts and enhance the number of individuals served, coordinate activities with the activities of other councils within the State, including the Statewide Independent Living Council established under section 705, the advisory panel established under section 612(a)(21) of the Individual with Disabilities Education Act (as amended by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105-17), the State Developmental Disabilities Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024), the State mental health planning council established under section 1914(a) of the Public Health Service Act (42 U.S.C. 300x-4(a)), and the State workforce investment board;

(7) provide for coordination and the establishment of working relationships between the designated State agency and the Statewide Independent Living Council and centers for independent living within the State; and

(8) perform such other functions, consistent with the purpose of this title, as the State

Rehabilitation Council determines to be appropriate, that are comparable to the other functions performed by the Council.

**(d) RESOURCES-**

(1) PLAN- The Council shall prepare, in conjunction with the designated State unit, a plan for the provision of such resources, including such staff and other personnel, as may be necessary and sufficient to carry out the functions of the Council under this section. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

(2) RESOLUTION OF DISAGREEMENTS- To the extent that there is a disagreement between the Council and the designated State unit in regard to the resources necessary to carry out the functions of the Council as set forth in this section, the disagreement shall be resolved by the Governor consistent with paragraph (1).

(3) SUPERVISION AND EVALUATION- Each Council shall, consistent with State law, supervise and evaluate such staff and other personnel as may be necessary to carry out its functions under this section.

(4) PERSONNEL CONFLICT OF INTEREST- While assisting the Council in carrying out its duties, staff and other personnel shall not be assigned duties by the designated State unit or any other agency or office of the State, that would create a conflict of interest.

**(e) CONFLICT OF INTEREST-** No member of the Council shall cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest under State law.

**(f) MEETINGS-** The Council shall convene at least four meetings a year in such places as it determines to be necessary to conduct Council business and conduct such forums or hearings as the Council considers appropriate. The meetings, hearings, and forums shall be publicly announced. The meetings shall be open and accessible to the general public unless there is a valid reason for an executive session.

**(g) COMPENSATION AND EXPENSES-** The Council may use funds allocated to the

Council by the designated State unit under this title (except for funds appropriated to carry out the client assistance program under section 112 and funds reserved pursuant to section 110(c) to carry out part C) to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care and personal assistance services), and to pay compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing the duties of the Council.

**(h) HEARINGS AND FORUMS-** The Council is authorized to hold such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council.

## **State Rehabilitation Council Applying for Membership**

*The Governor appoints members to the Vocational Rehabilitation Council, and he uses an online application process. To apply to be on the Council, go to <http://governor.mt.gov> and click on “Governor’s Boards and Councils/Application to Serve or Nominate Someone”. Complete the application and submit it. They are also requesting a brief resume and cover letter. When it asks what council you are applying for, you will want State Rehabilitation Council.*

## Montana Law—Public Participation

**2-3-103. Public participation -- governor to ensure guidelines adopted.** (1) (a) Each agency shall develop procedures for permitting and encouraging the public to participate in agency decisions that are of significant interest to the public. The procedures must ensure adequate notice and assist public participation before a final agency action is taken that is of significant interest to the public. The agenda for a meeting, as defined in 2-3-202, must include an item allowing public comment on any public matter that is not on the agenda of the meeting and that is within the jurisdiction of the agency conducting the meeting. However, the agency may not take action on any matter discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on that matter. Public comment received at a meeting must be incorporated into the official minutes of the meeting, as provided in 2-3-212.

(b) For purposes of this section, "public matter" does not include contested case and other adjudicative proceedings.

(2) The governor shall ensure that each board, bureau, commission, department, authority, agency, or officer of the executive branch of the state adopts coordinated rules for its programs. The guidelines must provide policies and procedures to facilitate public participation in those programs, consistent with subsection (1). These guidelines must be adopted as rules and published in a manner so that the rules may be provided to a member of the public upon request.

**History:** En. 82-4228 by Sec. 3, Ch. 491, L. 1975; amd. Sec. 24, Ch. 285, L. 1977; amd. Sec. 2, Ch. 452, L. 1977; R.C.M. 1947, 82-4228(1), (5); amd. Sec. 1, Ch. 425, L. 2003.

DEPARTMENT OF  
PUBLIC HEALTH AND HUMAN SERVICES



Brian Schweitzer  
GOVERNOR

Anna Whiting Sorrell  
DIRECTOR

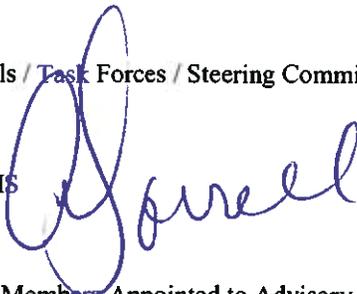
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## Memorandum

**To:** Members of DPHHS Advisory Councils / Task Forces / Steering Committees  
**CC:** DPHHS Staff  
**From:** Anna Whiting Sorrell, Director, DPHHS  
**Date:** January 12, 2011  
**Re:** Guidance on Legislative Activities for Members Appointed to Advisory Councils



Please review the attached document distributed by the Governor's office entitled "Guidance for Members Appointed to Advisory Councils within the Executive Branch of Montana State Government." This document is intended to help explain the role of council members in the legislative process and to streamline communication. The term "council member" is used throughout this memo, but please recognize that this guidance applies to any of the official councils, steering committees or task forces, etc. under the supervision of the Governor and/or Department. I encourage all members to read this very carefully, particularly the information on the second page that describes testifying on bills or budget proposals.

In the attached memo, the administration has laid out a process to be used when an advisory council wants to take an official position on a legislative issue. This process provides for an approval process to have a single individual speak on behalf of the council and state a particular position that has been adopted after giving proper public notice and providing for public participation. To the extent that any council wishes to present an official position to the Legislature, the Department will be happy to assist them through this process.

However, for the most part, council members are encouraged to consider testifying as a private citizen on the member's own time, on his or her own behalf. Council members are certainly entitled to state that they are a member of a particular council, but should clarify that they are representing only themselves and are presenting their own views. This general approach to legislative activities is recommended because members do not have to go through a formal process and their comments do not have to be limited to the very specific motion passed by the council.

I hope this information is helpful. Please contact your DPHHS staff liaison if you have any questions, and we look forward to continuing to work with you. Your input is very important to us as we work to address the important issues facing Montanans.

*An Equal Opportunity Employer*



*Guidance for Members Appointed to Advisory Councils  
within the Executive Branch of Montana State Government*

Each legislative session, advisory council members raise questions about the roles they may play, either as council members or as private citizens, in impacting legislative policy and specific legislation that is germane to the legitimate purposes of their council. The following guidance is being provided to help streamline communication, coordinate legislative issues, and assist executive branch advisory council members about their role in the legislative process.

The Governor is the Chief Executive Officer of the executive branch of state government and is charged with formulating and administering the policies of the Executive Branch, including budget policies and priorities. Whether your advisory council is established by statute or by executive order, advisory councils that are attached to departments are part of the executive branch. This guidance applies to members of advisory councils under the supervision of the Governor.

In general, advisory councils are established for the purpose of providing advice, gathering information, and making recommendations to the Governor or the executive branch agency to which they are attached and not for the purpose of legislative advocacy. A limited number of advisory councils, by statute or executive order, have the additional duty of reporting and conveying recommendations to the legislature relating to their council's subject area.

Before an advisory council can develop and approve reports and recommendations – whether to the Governor, to the agency to which the council is attached, or to the legislature – the council must give proper public notice of its meetings and agendas and allow opportunity for public participation. See *generally*, Title 2, chapter 3, parts 1 and 2, MCA. An advisory council acts (e.g., approves a report or recommendation) by passing a motion made by one of its members.

If an advisory council is charged with presenting a report and recommendations to the legislature, the advisory council is requested to coordinate its work within the executive branch. Advisory councils are requested to provide the head of the agency to which the council is attached (usually the department director) with the council's report and recommendations to the legislature. The agency head is responsible for informing the Governor's Office of the council's report and recommendations and for assisting the council in conveying the information to the legislature. Because advisory councils generally have limited budgets, the agency to which the council is attached will assist the council in preparing the report and recommendations in a cost-effective manner.

As stated above, advisory councils generally are not charged with advocating for or against legislation. Rather, generally, an advisory council member desiring to

advocate for or against legislation must do so as a private citizen on the member's own time on his or her own behalf. When advocating (testifying or lobbying) as a private citizen, the council member is not entitled to compensation or travel reimbursement from the state.

However, with approval of the Governor's Office, advisory council members may be authorized to testify for or against legislation that is within the advisory council's subject area. A request to the Governor's Office for approval of an advisory council member to testify in support of or against legislation on behalf of the council requires a motion passed by the council. The request should be made through the head of the agency to which the council is attached. The request for approval to testify can be made informally (e.g., agency staff can convey request by telephone or e-mail to the department head, who in turn will communicate with the Governor's Office) and should explain why the legislation is important to the council, the substance of the testimony, and how it impacts the advisory council's subject area.

When authorized to testify on behalf of the advisory council, the member is acting in the performance of advisory council duties and is entitled to compensation and reimbursement for travel. Please refer any questions in this area to the agency head or agency legal counsel.

Always remember that when an advisory council member testifies before a legislative committee, the member should expressly state whether he or she is appearing as a private citizen or on behalf of the advisory council.

Also please remember that the time spent in lobbying at the legislature, including providing testimony on bills, must comply with Montana's lobbying laws and rules. See, the Commission on Political Practices website and Title 5, chapter 7, MCA.

Finally, the Administration recognizes that the volunteer service given by each advisory council member is invaluable in making critical decisions on important issues affecting Montanans. The hard work and dedication of all advisory council members is valued and greatly appreciated.

U.S. DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND  
REHABILITATIVE SERVICES  
REHABILITATION SERVICES ADMINISTRATION  
WASHINGTON, D.C. 20202

TECHNICAL ASSISTANCE CIRCULAR  
RSA-TAC-12-01  
DATE: October 21, 2011

ADDRESSEES: STATE VOCATIONAL REHABILITATION AGENCIES  
STATE REHABILITATION COUNCILS  
CLIENT ASSISTANCE PROGRAMS  
TECHNICAL ASSISTANCE & CONTINUING EDUCATION  
CENTERS  
AMERICAN INDIAN VOCATIONAL REHABILITATION  
SERVICES PROJECTS  
CONSUMER ADVOCACY ORGANIZATIONS

SUBJECT: Federal Requirements Governing the Composition and  
Membership of, and Appointments to, the State Rehabilitation  
Councils

PURPOSE: *The Rehabilitation Act of 1973, as amended (Rehabilitation Act)*  
requires the State Plan for the vocational rehabilitation (VR)  
program to assure that either the designated state agency is an  
independent commission that is consumer-controlled or that the  
state has established a State Rehabilitation Council (SRC) that  
meets the requirements set forth in Section 105 of the  
*Rehabilitation Act* (Section 101(a)(21)).

Except for those states in which the designated state agency is an  
independent commission established pursuant to Section  
101(a)(21)(A)(i) of the *Rehabilitation Act*, a state must establish an  
SRC so that it can receive funding for the administration and  
operation of the VR program (Section 105(a)(1)). Among its  
several responsibilities, the SRC reviews, evaluates and advises the  
agency regarding its performance and effectiveness in the delivery  
of services and the affect of service provision on the achievement  
of employment outcomes by individuals with disabilities (Section  
105(c)(1) of the *Rehabilitation Act*). Additionally, the SRC  
ensures that the voice of the community of stakeholders is heard as  
agencies develop and implement policies and procedures that

directly impact the individuals served by the VR agency (Sections 101(a)(16) and 105(c)(2) and (6) of the *Rehabilitation Act*).<sup>1</sup>

When constituted in accordance with federal requirements, the SRC brings together a variety of individuals with disabilities, disability groups, VR professionals, service providers and leaders in the community, including those representing business, industry and labor. To ensure that each SRC is properly constituted so that it is able to carry out its mandated functions, the Rehabilitation Services Administration (RSA) provides, through this technical assistance circular (TAC), guidance to VR agencies and SRCs regarding the federal requirements concerning the composition and membership of, and appointments to, the SRC.<sup>2</sup>

**TECHNICAL  
ASSISTANCE:**

The information contained in this TAC is presented below in answer to a series of questions frequently asked by VR agencies and SRCs. Except where otherwise noted, all requirements discussed herein also apply to SRCs established in states with a separate VR agency serving individuals who are blind and visually impaired.

**1. Who has the authority to appoint members to the SRC?**

Except in a very limited number of states, the governor must select and appoint the members of the SRC (Section 105(b)(3) of the *Rehabilitation Act*; 34 CFR 361.17(a)). However, in those few states where the state's constitution or statutes vest authority to carry out activities under the *Rehabilitation Act* in another entity, including one or more houses of the legislature or an independent board, the chief officer of that entity has the authority to make the appointments to the SRC (*Id.*). For example, a state's constitution may establish an elected board of education that is structurally independent from the state's executive branch and from the control of the governor. In such circumstances, state statute may identify the elected board as the entity charged with the responsibility to carry out the activities under the *Rehabilitation Act*. In that case, the board's president, as its chief officer, has the authority to select and appoint the members of the SRC.

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<sup>1</sup> A complete list of an SRC's mandated functions and responsibilities can be found at Section 105(c) of the *Rehabilitation Act* and its implementing regulations at 34 CFR 361.17(h).

<sup>2</sup> This TAC does not address federal requirements, found at Section 101(a)(21)(A)(i) of the *Rehabilitation Act* and 34 CFR 361.16(a)(1), pertaining to the composition and functions of an independent commission established for the purpose of overseeing and administering a state's VR program.

When making the appointments, the appointing authority must do so only after receiving recommendations from representatives of organizations representing a broad range of individuals with disabilities. To the greatest extent practicable, the appointing authority must take into account the extent to which minority populations are represented on the SRC (*Id.*). This requirement is consistent with changes to the *Rehabilitation Act* that emphasize outreach to individuals from minority backgrounds and the need for the VR program to better reflect the culturally diverse population of the United States (preamble to the Notice of Proposed Rulemaking (NPRM) 60 Fed. Reg. 64475, 64482-64483 (Dec. 15, 1995)).

**2. Must the director of the designated state unit be a member of the SRC?**

Regardless of whether the SRC is established pursuant to Section 105(b)(1)(A) or (B) of the *Rehabilitation Act*, the director of the designated state unit must be appointed to the SRC as an ex-officio, nonvoting member (Section 105(b)(2) of the *Rehabilitation Act* and 34 CFR 361.17(b)(i)(xii)). In those states where one SRC represents two designated state units – one for individuals who are blind and one for all other individuals with disabilities – both directors must be appointed to the SRC and serve in a nonvoting, ex-officio capacity.

**3. What are the other composition and membership requirements for the SRC?**

The membership requirements, set forth at Section 105(b) of the *Rehabilitation Act* and 34 CFR 361.17(b) ensure that various constituencies of the VR program have a voice in the conduct of the VR program in the state (Final Regulations, 66 Fed. Reg. 4379, 4422 (Jan. 17, 2001)). An SRC must be comprised of a minimum of 15 members (Section 105(b)(1)(A) and (B) of the *Rehabilitation Act* and 34 CFR 361.17(b)(1) and (3)). However, a separate SRC for agencies serving individuals who are blind and visually impaired may consist of fewer than 15 members, if state law establishing this lower minimum number of members was in effect on the day of enactment of the *Rehabilitation Act Amendments of 1992* (Section 105(b)(1)(C); 34 CFR 361.17(b)(4)).

A majority of SRC members must be individuals with disabilities who do not work for the VR agency (Section 105(b)(4)(A) of the *Rehabilitation Act*; 34 CFR 361.17(c)(1)). In those states that establish a separate SRC for the agency serving the blind, the

majority of that SRC must be comprised of individuals who are blind and do not work for either VR agency in the state (Section 105(b)(4)(B); 34 CFR 361.17(c)(2)).

In accordance with Section 105(b)(1)(A) of the *Rehabilitation Act* and regulations at 34 CFR 361.17(b)(1), states may appoint more than the minimum 15 members to the SRC, so long as the membership includes all of the representatives described below:

- at least one representative of the Statewide Independent Living Council (SILC) – who must be either the chairperson or another designee of the SILC;
- at least one representative of a parent training and information center established pursuant to Section 682(a) of the *Individuals with Disabilities Education Act (IDEA)*;
- at least one representative of the Client Assistance Program (CAP) who must be either the CAP director or another individual recommended by the CAP;
- at least one qualified VR counselor with knowledge of and experience with the VR programs. This individual serves as an ex-officio, nonvoting member if he or she is employed by the designated state agency;
- at least one representative of a community rehabilitation program;
- four representatives of business, industry and labor;
- representatives of disability advocacy groups: (a) representing a cross section of individuals with physical, cognitive, sensory and mental disabilities; and, (b) representing individuals with disabilities who have difficulty representing themselves or are unable due to their disabilities to represent themselves.
- at least one former or current applicant for, or recipient of, VR services;
- at least one representative of the directors of the American Indian Vocational Rehabilitation grant program, if the state has such a project(s) carried out in the state;
- at least one representative of the state educational agency (SEA) responsible for the public education of students with disabilities; and
- at least one representative from the state workforce investment board.

Pursuant to Section 105(b)(1)(B) of the *Rehabilitation Act* and 34 CFR 361.17(b)(3)(i), states that have established a separate SRC for a VR agency serving individuals who are blind and visually impaired must satisfy all of the above membership requirements, with only a few exceptions permitted. In particular, instead of including representatives of a cross section of disability groups, the

SRC for a separate agency serving the blind and visually impaired, must include at least one individual who represents an advocacy group for the blind (34 CFR 361.17(b)(3)(ii)(A)). In addition, this SRC must include at least one representative of an individual who is blind, has multiple disabilities, and has difficulty representing him or herself due to his or her disabilities (34 CFR 361.17(c)(3)(ii)(B)).

RSA recommends that appointing officials, and those that advise them, make every effort to ensure, whenever practicable, that the SRC includes representation from more than one advocacy group in those states where there are more than one advocacy group representing individuals with disabilities, including more than one advocacy group representing individuals who are blind. In those states where there is one SRC representing both designated state units for the VR program, RSA encourages the appointing authority to appoint representatives from a cross section of disability groups that include those advocacy groups of the blind.

**4. Can an entity be represented on the SRC by an individual who is not a member or employee of that entity?**

With few exceptions, Section 105(b) of the *Rehabilitation Act* and 34 CFR 361.17(b)(1) require that “representatives” of specified organizations must be appointed to sit on the SRC. Neither the *Rehabilitation Act* nor its implementing regulations require that the representatives be employees or members of those organizations. Therefore, RSA has interpreted this to mean that those organizations may be represented by individuals who are not members or employees of those organizations (Final Regulations, 66 Fed. Reg. 4379, 4422 (Jan. 17, 2001)).

As noted elsewhere in this TAC, while the organizations and entities represented on the SRC must provide their recommendations of representatives, the final appointment decision vests in the governor or other appointing authority. Although RSA strongly encourages that the representatives be active members or employees of those organizations, RSA also recognizes that the appointing authority may appoint a nonmember or someone who is not employed by that organization. RSA recommends that careful consideration be given, prior to such a decision, to whether such an individual can truly represent the organization for which he or she is being appointed. If a nonmember or someone who is not employed by the organization is to be appointed, RSA expects that such a council member would be closely affiliated with and knowledgeable about the

organization or entity whose interests the individual is charged with representing (*Id.* At 4422-4423) so that the member can best carry out his or her responsibilities on the SRC.

## **5. Which SRC members may vote?**

With limited exceptions, all members of the SRC have the right to vote on matters before the council. The first of the exceptions prohibits representatives who are employed by the VR agency or its designated state agency from voting on SRC matters (34 CFR 361.17(b)(2)). For example, the director of the designated state unit serves as an ex officio member and is not allowed to vote (Section 105(b)(2) of the *Rehabilitation Act*; 34 CFR 361.17(b)(1)(xii)). Similarly, the member who serves as a qualified VR counselor, if that individual works for the VR agency at the time he or she is appointed to the council, also serves as an ex-officio member and is not permitted to vote (Section 105(b)(1)(A)(iv); 34 CFR 361.17(b)(1)(iv)). However, if the CAP representative is from a CAP that is housed within the VR agency, that individual representative is not so restricted and, therefore, has the right to vote on matters before the SRC (34 CFR 361.17(b)(2)).

The second of the exceptions pertains to those matters before the council when a conflict of interest – or the appearance of a conflict of interest – exists, e.g., when the vote would result in a direct financial gain for that individual or the organization he or she represents. In such circumstances, individuals must not vote on such matters. Members also must not vote when there is an appearance of a conflict of interest under state law (Section 105(e) of the *Rehabilitation Act*; 34 CFR 361.17(g)). If there is a conflict of interest, or the appearance of a conflict of interest, the member must recuse him or herself from that particular vote, explaining to the council as necessary the reason for the recusal.

## **6. When an individual with a disability is appointed to represent an agency or entity on the SRC, does this count toward the majority representation of individuals with disabilities?**

Yes, so long as the individual is not an employee of a state VR agency. As noted above, the SRC must be comprised of a majority of individuals with disabilities who are voting members (Section 105(b)(4); 34 CFR 361.17(c)). This requirement applies even if more than the minimum of 15 individuals are appointed to serve on the council.

## **7. Can one person represent more than one agency or stakeholder group on the SRC?**

RSA has consistently stated that a member of the SRC can represent only one agency or organization on the council at a time (Final Regulations 66 Fed. Reg. 4379, 4423 (Jan. 17, 2001)). For example, an individual, who is a former or current applicant or client of VR services, may not also serve as a representative of a disability group, even though that individual may be affiliated with such a group. RSA recognizes that some states have difficulty maintaining a sufficient pool of qualified individuals to serve on statewide councils. Nevertheless, Section 105(b) of the *Rehabilitation Act* and 34 CFR 361.17(b) establish a minimum number of members for the council, each of whom represents a specific component of the disability community. Because each member represents a different interest, sometimes one that is divergent from that of other members, we maintain that each organizational requirement must be met separately (Final Regulations, 66 Fed. Reg. 4379, 4423 (Jan. 17, 2001)).

## **8. How is the chairperson of the SRC selected?**

Every SRC must have a chairperson. The members of the SRC must select the chairperson from among the voting members of the SRC (Section 105(b)(5)(A) of the *Rehabilitation Act* and 34 CFR 361.17(d)(1)). This means that ex-officio members of the Council, such as the director of the designated state unit or qualified VR counselor employed by the designated state unit, cannot be selected to serve as the chairperson. The governor may veto the council's choice of chairperson if state law grants this authority to the governor (*Id.*). In states where the governor does not have a veto power, or in which another entity is granted the authority to make appointments to the SRC, that entity may select a chairperson, or require the SRC to select a chairperson (Section 105(b)(5)(B) of the *Rehabilitation Act*; 34 CFR 361.17(d)(2)). There is nothing in federal law to prohibit an SRC from selecting co-chairs.

Although not required, RSA strongly recommends that a chairperson of the SRC be an individual with a disability or, in the case of a SRC for agencies serving the blind, that the chairperson be blind. RSA also encourages SRC members to select a chairperson in accordance with the council's bylaws, and with attention to a number of factors, including availability of the individual to take on the responsibility of serving as chairperson, demonstrated leadership skills, and a minimum potential for

conflicts of interest that might result in frequent recusals from voting or actively participating in the work of the council.

### **9. How long can a member serve on the SRC?**

Each SRC member shall be appointed to serve no more than two consecutive full three-year terms (Section 105(b)(6)(A) and (B); 34 CFR 361.17(e)(1)). This rule does not apply to the individuals representing the CAP or the AIVRS project (*Id.*). If a council member is appointed to replace a former member who did not complete his or her term, the new council member must be appointed for the remainder of the vacated term for which he or she is being appointed – not a full three-year term (Section 105(b)(6)(A)(i); 34 CFR 361.17(e)(2)). Once that initial term is completed, the individual may be appointed to fill a second term of three years (Section 105(b)(6)(A)(i) and (B); 34 CFR 361.17(e)(2)).

When an SRC was originally established, the length of the member's terms were to be staggered, so that the SRC remained fully constituted as the initial terms expired; however, no single term was to be longer than three years (Section 105(b)(6)(A)(ii); 34 CFR 361.17(e)(3)). This staggered approach to the setting of the length of a member's term also can be used in the rare instance when the SRC must be re-established after the terms of all members have lapsed.

### **10. Can a member of the SRC continue to serve on the council once his or her term has expired?**

It has come to RSA's attention that some states have enacted statutes or regulations, or have adopted policies, permitting a member of an advisory council in general, or the SRC specifically, to continue in his or her role on the council after the term of membership, set by federal law, has expired, until the governor reappoints the individual or appoints another person to replace that member. Whether these statutes, regulations or policies are consistent with the provisions of the *Rehabilitation Act* and its implementing regulations is a matter of federal constitutional principle.

The *Rehabilitation Act* typically grants wide flexibility to states in the implementation of federal requirements governing the administration and operation of the VR program. Nonetheless, Section 105 of the *Rehabilitation Act* is prescriptive with respect to SRC membership criteria, as well as the length and number of

terms a member is permitted to serve. Although the *Rehabilitation Act* provides for a few exceptions to each of these requirements (e.g., the CAP representative is not limited in the number of terms he or she can serve), even the exceptions are very specifically detailed. The specificity of these particular requirements is intended to ensure that the SRC is well qualified to carry out its responsibilities and functions in a meaningful manner.

Consequently, the Supremacy Clause of the U.S. Constitution dictates that the very clear and specific language contained in the provisions of the *Rehabilitation Act* and implementing regulations pertaining to the terms of service for SRC members supersede such state statutes and regulations. If permitted, the implementation of the state's statutes or regulations would both interfere with and undermine the proper implementation of the *Rehabilitation Act*. The implementation of a state's policy allowing a member to sit beyond his or her term would have the direct effect of undermining the provisions of Section 105 specifying the time limit for SRC membership. Therefore, no member of the SRC to whom term limits apply can continue to serve on the council once his or her term has expired, unless he or she is reappointed if eligible.

In an effort to minimize the effect SRC vacancies may have on the council's ability to continue its work, the *Rehabilitation Act* created two safeguards. First, Section 105(b)(7)(A) of the *Rehabilitation Act* makes it clear that a vacancy shall not affect the ability of the remaining SRC members to perform their duties. Second, Section 105(b)(7)(B) permits the appointing authority to delegate the authority to the remaining SRC members to fill a vacancy once the appointing authority has made the original appointment.

**11. Can the same individual serve two terms representing one agency or entity and then serve additional terms representing a different agency or entity?**

There is nothing in federal law to prohibit an individual, whose term of membership has expired or who has left the SRC, from being appointed to a new term. However, this appointment must be done consistent with the term-limit requirements already discussed. In other words, if an individual has served the maximum number of terms as a representative of a particular organization, he or she may not be re-appointed to that same membership slot – or any other membership slot – immediately. A meaningful break in service must occur before that individual

could sit as a member of the SRC again. Both the *Rehabilitation Act* and its implementing regulations are very clear that “members” are appointed and that “members” have specific term limits. In other words, both the *Rehabilitation Act* and its implementing regulations speak in terms of the individuals serving on the council, not the seats they represent. Therefore, in order to give meaning to the specificity of the term limits imposed by federal law, no member should be appointed – after having already served the maximum time allowed – to a new membership seat until a meaningful break in service to the council has passed. Because neither the *Rehabilitation Act* nor its implementing regulations define this break in service, RSA encourages SRCs to consider addressing this issue through its bylaws so that criteria may be established to govern when an individual may be appointed to the council again.

**12. How is a SRC member replaced if he or she cannot complete his or her term?**

The governor or other appointing authority in the state must select a member to fill a vacant position in the middle of a term in the same manner as members appointed to a full term (Section 105(b)(7)(A) of the *Rehabilitation Act*; 34 CFR 361.17(f)(1)). However, the appointing authority can delegate this responsibility to the remaining members of the SRC after making the initial appointment (*Id.*). The substituting member must be appointed for the entire remainder of the departing member’s term (Section 105(b)(6)(A)(i); 34 CFR 361.17(e)(2)). RSA interprets these statutory and regulatory provisions to permit a member, who completed the term of a vacating member, to be appointed for a consecutive full three-year term.

**13. Can members be removed from the SRC, by whom and under what circumstances?**

Neither the *Rehabilitation Act* nor its implementing regulations specify requirements governing the removal of an SRC member whose term has not expired. Each SRC has adopted bylaws that provide guidelines on how all aspects of the SRC are to be managed, which could include the varying circumstances that could cause the possible removal of an active member of the council. The council should then make a recommendation for removal to the governor or other appointing authority, who ultimately would make the decision since he or she made the original appointment.

#### **14. Can SRC members receive compensation for their service on the council?**

Members are not compensated for their service, which is voluntary, but may be compensated for expenses incurred in the course of their service, or be compensated for lost income as a result of attending to council business. This may include attending council meetings, hearings and forums sponsored by the council, or for receiving training which is deemed necessary by the council for the purpose of facilitating the members' ability to carry out their assigned duties as council members (Section 105(g) of the *Rehabilitation Act*; 34 CFR 361.17(k)).

Examples of expenses that may be reimbursed include child care expenses, costs associated with personal assistance services, reasonable accommodations for individuals with disabilities and other necessary expenses for individual members to participate in the work of the council. Compensation may be made for lost wages that occur as a direct result of participating in council activities.

RSA encourages SRCs to plan meetings and other activities of the council and its established committees to minimize the need for individuals to take time from work, and thus reduce the need for compensation for lost wages in order to maximize the resources of the council for other council activities. There is no federal requirement that compensation be equivalent to the wages earned by the individual, and, therefore, the level may be set by the council in accordance with its bylaws. RSA encourages SRCs to consider carefully the balance between maximizing the council's resources, and minimizing the inconvenience and expenses incurred by members in the course of participating on the council so that individuals are not unduly deterred from serving.

#### **SUMMARY:**

The SRC plays an important role in advising, and guiding state VR agencies to ensure the effective delivery of VR services to eligible individuals with disabilities in the community. RSA believes that the SRC should represent as great a diversity of voices from the disability community as possible, including ethnic, cultural, linguistic, gender diversity, as well as a wide range of physical, intellectual and mental health disabilities. All of the requirements discussed above are intended to support these goals of ensuring that the voice of individuals with disabilities served by state VR agencies are heard, along with the voices of the community of stakeholders, business and labor leaders, and VR service providers

who work together to assist individuals with disabilities to achieve their vocational goals.

CITATIONS: Section 105 of the *Rehabilitation Act of 1973*, as amended  
VR program regulations found at 34 CFR 361.16 and 34 CFR 361.17

INQUIRIES: Carol Dobak  
Chief, Vocational Rehabilitation Program Unit  
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Carol.Dobak@ed.gov

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Lynnae M. Ruttledge  
Commissioner

cc: Council of State Administrators of Vocational Rehabilitation  
National Council of State Agencies for the Blind  
Consortia of Administrators of Native American Rehabilitation  
National Disability Rights Network

# Travel Voucher Worksheet

Purpose of Travel: SRC Meeting

Name: \_\_\_\_\_

SSN: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

## Departing from Home:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

## Mode of Transportation:

Private Car Mileage: \_\_\_\_\_ (# of Miles Round Trip)

Commercial Transportation: \$ \_\_\_\_\_ (Attach Receipt)

Lodging: \$ N/A (Based on state rates with receipt; \$12 without receipt)

## Arriving at Home:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Miscellaneous: \$ \_\_\_\_\_

(Please detail any additional itemized expenses)

\_\_\_\_\_  
Signature of Council Member

\_\_\_\_\_  
Date

# **Vocational Rehabilitation and Blind Services Table of Contents**

General Information

Stats at a Glance

VRBS Central Office: Who Does What

VRBS Field Offices

Federal Standards and Indicators

Navigating RSAs Website

VRBS Strategic Plan

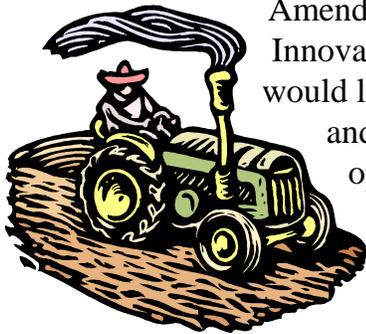
VR History

VR -- Important Dates in History

# Vocational Rehabilitation and Blind Services (VRBS) General Information

VRBS helps people with disabilities get jobs and live independently in the community. Rehabilitation counselors and blind/low vision specialists in eleven field offices across the state work directly with consumers to provide individual services. Vocational Rehabilitation and Blind Services operates under the federal Rehabilitation Act of 1973, as amended.

Under the Rehabilitation Act, federal grants are awarded to assist states in operating a comprehensive vocational rehabilitation program. This program provides VR services to eligible people with disabilities, consistent with their strengths, resources, priorities, and abilities, so that each person may prepare for and engage in gainful employment.



Amended in 2014, the Rehabilitation Act is part of the Workforce Innovation and Opportunity Act. Congress hoped this linkage would lead to close cooperation and coordination between the VR and workforce systems which in turn would lead to increased opportunities for training and higher quality employment outcomes for people with disabilities.

## General Highlights

- Typically Vocational Rehabilitation serves over 7,500 Montanans with disabilities. About 800-900 of these consumers find jobs.
- The total annual earnings of Montanans who are rehabilitated each year are about \$15 million.
- The average wage of a consumer who is employed is over \$11 per hour.
- The average successfully employed consumer receives VR services for about 2 years.

## FY 2014 Highlights

In FY 2014, Montana VR served 7,755 eligible Montanans with disabilities.

- 5,376 of these Montanans received services under an Individualized Plan for Employment (IPE).
  - 860 went to work (Note: VR counts a person as “working” only after they have been employed for at least 90 days)
  - 1,177 dropped out after they started on their employment plan for a variety of reasons—moved out of the area, disability became more significant, death, no longer interested in VR services, etc.
  - 3,339 continued with Vocational Rehabilitation in FY 2015.
- The total annual earnings of Montanans who were successfully employed last year were \$14.7 million.
- The average hourly wage was \$11.94.



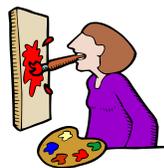
## Cost effectiveness

- National statistics show that for every dollar invested in the VR program, about ten dollars are returned to the economy in the form of higher wages.
- Montana statistics indicate that for every dollar spent, \$3.31 is returned to the economy within three years. One reason for the difference in these numbers is the lower pay scales in Montana.

## Eligibility criteria

You are eligible for VR services if:

1. you have a physical or mental disability, and
2. the disability prevents you from getting or keeping a job, and
3. you want to work and you need VR services to help you obtain or keep a job.

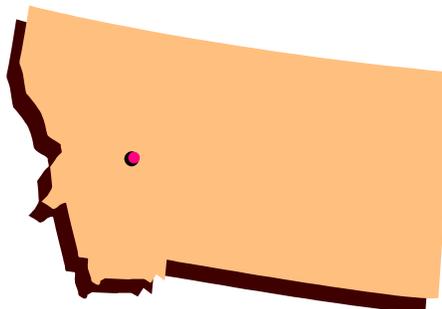


## Primary Disability

VR serves people with any disability. About 32% of the VR consumers have some type of physical disability such as paraplegia, quadriplegia, multiple sclerosis etc. About 57% of VR consumers have some type of mental disability such as a mental illness or a developmental disability. The other 11% of our consumers have a sensory disability---visual or hearing.

## Where are we located?

- We have 98 employees (bodies, not FTE) who are located in offices across the state.
- Most of our staff provide direct services to consumers in field offices. These staff include counselors, visual specialists, and support staff.
- Our 11 field offices are located in Missoula, Kalispell, Hamilton, Polson, Butte, Bozeman, Helena, Great Falls, Havre, Billings, and Miles City.
- Our four Blind/Low Vision locations in Missoula, Butte, Great Falls, and Billings each house a team composed of a counselor, rehabilitation teacher, and an orientation and mobility specialist. This staff works directly with blind and visually impaired consumers, helping them to learn to work and live independently in their communities.



## What services are provided?

- Guidance and counseling in the selection of a vocational goal
- Assessment of needs to overcome disability impediments in achieving work and independence
- Physical and mental restoration services
- Adaptive equipment (adapted computer; hand driving controls; etc.)
- Training and training materials (university, vo-tech, adult education, on-the-job training)
- Transportation related to other VR services
- Interpreter services for persons who are deaf
- Reader services for persons who are blind
- Orientation and mobility instruction (visually impaired)
- Services to assist students with disabilities transition from school to work
- Job placement services
- Any service necessary to get someone to work
- Technical assistance for employers



## The Rehabilitation Process

- A VR counselor is assigned to each eligible individual
- The counselor gathers as much information as possible about the individual's work history, education and training, abilities and interests, rehabilitation needs, and possible career goals.
- Together the counselor and the individual develop an Individualized Plan for Employment (IPE) which identifies the individual's long-term vocational goals.

- The IPE also lists the steps necessary to achieve the individual's goals, the services required to help the individual reach those goals, and evaluation criteria used to determine whether goals have been achieved.
- The IPE also contains a description of how the individual was involved in choosing among alternative goals, objectives, services, and service providers.
- The VR counselor provides some services directly to the eligible individual and arranges for and/or purchases other services from providers in the community.

### **Does the individual ever have to pay for VR services?**

Montana state law requires that consumers must help pay for their VR services if they are able to. Since most VR consumers are not employed, they generally do not have resources to pay for all of their services. Federal law requires that VR provide certain services regardless of the individual's ability to pay. These services include:

- assessments to determine eligibility and VR needs
- vocational counseling, guidance, and referral services
- job placement services
- rehabilitation technology

### **Additional information**

1. In addition to the “work” program described above, Vocational Rehabilitation serves Montanans with disabilities in the Independent Living Program (1,108 consumers), Montana Telecommunications Access Program (838 consumers), Older Blind Program (620 consumers), Extended Employment Program (309 consumers), Visual Medical Program (82 consumers), Montana Youth Leadership Forum (20 consumers) and Business Enterprise Program (3 vending routes).
2. Each counselor works with over 100 active cases at a time.
3. The average consumer who becomes successfully employed receives VR services for about two years. The purpose of Vocational Rehabilitation is to assist people in obtaining employment so that they can work and live independently without VR services.
4. The major funding source is Section 110 with a matching rate of 78.7% federal and 21.3% state. In addition, VR has some areas which are 100% federal funds (Supported Employment) and some which are 100% general fund (Extended Employment, Visual Medical).
5. VR purchases goods and services from about 2,000 vendors. These vendors

include universities, vo-techs, schools, community rehabilitation programs such as Helena Industries, private businesses and stores, adaptive equipment suppliers, bus companies, and medical providers.

6. VR Counselors have masters degrees in rehabilitation counseling as well as other specialized training in disability issues.

# CONSUMER SUCCESS STORIES

## Success Story 1

When Paul\* first applied for services, he was 48 years old and had just moved to Montana from California. He had contacted the Mental Health Center, was receiving services, and now wanted to go to work. He had not worked in four years. He applied for VR services based on a long history of mental illness.

Paul had worked most of his adult life until 1996. He was very good at getting jobs but simply could not keep them. After years of struggling and being frustrated, he realized his employment problems had a lot to do with his mental illness, so eventually he went on Social Security disability.

When Paul came to VR, he was frustrated, tired of not having enough income, and he had a strong desire to return to work. After some counseling and guidance, career exploration, and a community assessment, Paul decided that he wanted to build on his interest in computers. He and his counselor agreed that a career in this field would give him the best chance of maintaining employment. It was an area in which he had a strong interest, some experience, limited skills, and it appeared to be the most compatible with his disability and the limitations imposed by his symptoms. He developed a vocational plan with computer technician as his goal.

VR was able to fund Paul in training that would give him the certifications he needed to work as a computer technician. VR also gave him the services of a placement specialist who helped him with his job search and eventually assisted him in securing a position as a computer technician. The job he accepted allowed him to work independently, provided him enough income to get off of Social Security benefits, and allowed him the flexibility to maintain his mental health program.

## Success Story 2

Chris\* applied for services from Montana Vocational Rehabilitation in November 2002. He had been diagnosed with anxiety and depression significant enough that it had resulted in hospitalizations.

Chris expressed the desire to reach several goals, both vocational and personal. Vocationally he wanted to become a counselor, working with children. His personal goals were to set a good example for his own children; specifically, he wanted his children see him successfully employed by Christmas.

While his initial goal was to work with children, later in the process we agreed to change his long-term vocational goal to Chemical Dependency Counselor. Chris made this change because he felt he had valued skills and insights to bring to that

occupation. He was also aware that the length of that curriculum is shorter and this change would enable him to work sooner.

Chris worked diligently to complete his training and graduated in May; he was hired as a Chemical Dependency Counselor in June.

### **Success Story 3**

Darla\* is a 35 year-old married woman and mother of four. She came to Vocational Rehabilitation (Blind and Low Vision Services) inquiring about the newly formed Montana Business Enterprise Program for vendors, and she expressed a genuine interest to become involved. At the time of her application, Darla owned and operated a registered daycare business from her home. She was told by State of Montana authorities that they could no longer license her as a daycare provider should her vision get worse. Additionally, her ophthalmologist told her that she had to stop driving due to advancing Retinitis



Pigmentosa. Darla and her VR counselor wrote an employment plan to include services such as evaluation and assessment, low vision adaptation and assistive technology, Business Enterprise vendor training, and on-the-job training. Darla is maintaining her position as a licensed Business Enterprise Program vendor in her community and has successfully expanded her route.

### **Success Story 4**

Bill\* was a man who initially said, “No one will hire me”. He had the look of a man that really believed that. Bill had residuals of cancer, which was not yet in remission. He admitted that his grooming and cleanliness were an issue because “Being out in the sticks so much I got out of the habit of taking a bath”. When VR tried to take a shared approach to Bill’s rehabilitation with another agency they were told “We don’t want to pick him up. He is never going to work.” When Bill reached the point of vocational planning, he had two ideas for employment. The first was to play a guitar in a band. “Do you play a guitar”, asked the counselor. “No”, said Bill, “but I always thought it would be fun, and I could put this sagebrush in my rearview mirror”. Bill’s



second idea was to build guns. He and his counselor talked about his hobbies of fishing, hunting, shooting and trapping. Bill, who had never used a computer, received a little training in web searching from the VR counselor and from Job Service, so he began diligently looking at gunsmith schools and gun related jobs; and gradually his thoughts moved away from his first musical goal. The rehabilitation of Bill was truly a team effort between Bill, Montana Vocational Rehabilitation and Montana Job Service. For example, Bill felt his mail was being taken from his box, so Job Service allowed him to receive his mail at their office, and they assisted him with his internet searches and computer skill development. Vocational Rehabilitation assisted him with enlarging photos of guns he had built and finished. VR also helped him create professional letters and provided postage to send his new portfolio to several gun makers in

Montana and nationwide. Bill cooperated fully, and worked hard to contact as many gun manufactures as he could afford. He kept careful records, including a job search notebook. Bill was hired at a Montana manufacturing plant and earns over eleven dollars an hour.

### **Success Story 5**

Ross\* is an individual with a severe hearing disability, and he communicates only with sign language. In order to move toward an appropriate work goal, Ross participated in a number of assessments, including a vocational evaluation and a functional capacity evaluation. Ross then worked with an employment specialist at a facility offering job finding activities. After a few months of job searching, Ross found a job at Lowe's Hardware. Lowe's had not officially opened yet, but after being interviewed, Ross was offered a job working in inventory. The employment specialist/interpreter worked with Lowe's employees and Ross during his training to establish ways for effective communication including a vibrating pager system, information to employees on common sign language such as the alphabet and emergency signs, and assisting with general interpretation of job duties and communication. Many of Ross' coworkers have now learned minimal signing in order to communicate with him, and one of his coworkers signs due to having a relative who is deaf, providing a form of natural support for Ross. Ross' case was closed as successfully employed after he reported that he is enjoying his job and planning to apply for full-time employment. He currently works about 20 hours a week at \$9.01/hour with part-time insurance benefits.



\* Vocational Rehabilitation is always concerned about individual confidentiality and privacy. Names have been changed to protect the individuals with disabilities.

# Stats at a Glance

## Disability Employment and Transitions Division (DETD) Vocational Rehabilitation and Blind Services (VRBS) Fiscal Year 2014

### Number Served and Outcomes

# clients who received services from VRBS	7,755
# clients who went to work	860
# clients receiving ongoing services at fiscal year end	4,308

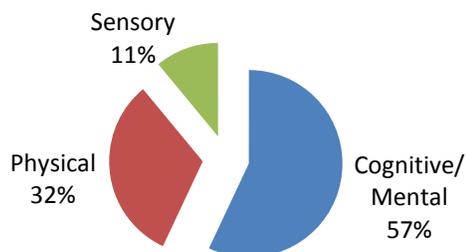
*According to the U.S. Census, approximately 40,000 working-age Montanans have a disability affecting employment. VRBS works with over 7,500 people with disabilities each year.*

### Successes

Total annual earnings of clients who went to work	\$14.7 million
Average hourly wage	\$11.94
Average hours worked per week	27.5 hours

*In 2012, VRBS contracted with the University of Montana/Bureau of Business and Economic Research to conduct a Return on Investment analysis of the VRBS program. They concluded that for every public dollar spent, we get \$3.31 back in improved wages, reduced Social Security disability payments, and increased tax revenues.*

### Disability Type Summary



*In addition to the “work” program above, DETD also serves Montanans with disabilities in the Independent Living Program (1,108 consumers), Montana Telecommunications Access Program (838 consumers), Older Blind Program (620 consumers), Extended Employment Program (309 consumers), Visual Medical Program (82 consumers), Montana Youth Leadership Program (18 consumers), Business Enterprise Program (3 vending routes), and Disability Determination Services (11,155 consumers).*

## Central Office: Who does What

**Jim Marks**—Jim heads the Disability Employment and Transitions Division which includes Vocational Rehabilitation and Blind Services, Disability Determination Services, Montana Telecommunications Access Program, and Transportation.

**Peggy Williams**—Peggy oversees the program support side of VRBS and supervises many central office staff. She is the staff person for the State Rehabilitation Council.

**Chanda Hermanson-Dudley**--Chanda supervises all the field staff in the 11 VRBS offices..

**Mike Hermanson**—Mike is the program manager over many areas of VRBS: Social Security, Ticket to Work, Work Incentives, Community Rehabilitation Programs, State Plan, and he is the liaison to the Section 121 Native American Projects.

**Mark Mahnke**—Mark is the human resource development specialist and the transition coordinator. He plans all the training for VR staff. He is housed in Missoula.

**Bill Harant**—Bill is the Independent Living program manager and the staff person for the Statewide Independent Living Council.

**Barb Schiedermayer**—Barb is the quality services specialist. She works out of Missoula.

**Tammy Hogan**—Tammy is the youth services specialist. She works out of Great Falls.

**Sally Sjaastad**—Sally is the employer services specialist. She works out of Billings.

**Marvalee Christofferson**—Marvalee is the data expert on the VRBS data system. She works closely with the VR federal agency and the VRBS staff.

**Pat Sanders**—Pat is the transportation coordinator for the department. He is housed in Butte.

**Clay Calton**—Clay is the budget analyst for the program.

**Karie Whitlock**—Karie is also a budget analyst for the program.

**Paul Suptic**---Paul works with adaptive computer equipment for people who are blind.

**Beverly Berg**—Beverly is the regional manager for Blind and Low Vision Services.

**Shawn Tulloch**—Shawn is the program manager for deaf services.

**Barb Varnum**—Barb is the director of the Montana Telecommunications Access Program (MTAP).

**Mary Taylor**—Mary heads up the ASPIRE project, a study of students receiving Supplemental Security Income.

**Tisha Harry**—Tisha is a case manager for the ASPIRE project, and she works out of Billings.

**Kathy Brook**—Kathy is the administrative assistant for the ASPIRE project.

**Sue Anderson**—Sue is the administrative support supervisor.

**Dani Sanders**—Dani is the administrative support staff person for Vocational Rehabilitation and Blind Services.

# VOCATIONAL REHABILITATION AND BLIND SERVICES

[www.vocrehab.mt.gov](http://www.vocrehab.mt.gov)

## OFFICE LOCATIONS

### **BILLINGS**

2121 Rosebud Dr, Ste C  
Billings, MT 59102  
406-248-4801 (voice/TTY)  
888-279-7532 (toll-free)  
406-652-1781 (fax)

### **BOZEMAN**

220 W Lamme, Ste 1E  
Bozeman, MT 59715  
406-587-0601 (voice/TTY)  
877-296-1759 (toll-free)  
406-587-7863 (fax)

### **BUTTE**

700 Casey St, Ste B  
Butte, MT 59701  
406-496-4925 (voice/TTY)  
888-279-7531 (toll-free)  
406-782-8728 (fax)

### **GREAT FALLS**

201 1st St S, Ste 2  
Great Falls, MT 59405-1884  
406-454-6060 (voice/TTY)  
888-279-7527 (toll-free)  
406-454-6084 (fax)

### **HAMILTON**

316 N Third, Suites 109 & 110  
Hamilton, MT 59840  
406-375-0203 (voice/TTY)  
406-363-7530 (fax)

### **HAVRE**

48 2<sup>nd</sup> Ave, Ste 213  
Havre, MT 59501  
406-265-6933 (voice/TTY)  
877-296-1294 (toll-free)  
406-265-9271 (fax)

### **HELENA**

111 N Last Chance Gulch, Ste 3A  
PO Box 202957  
Helena, MT 59620-2957  
406-444-1710 (voice/TTY)  
877-296-1757 (toll-free)  
406-444-9659 (fax)

### **KALISPELL**

121 Financial Dr, Ste B  
Kalispell, MT 59901  
406-751-5940 (voice/TTY)  
877-296-1760 (toll-free)  
406-751-5944 (fax)

### **MILES CITY**

114 N 7<sup>th</sup>  
Miles City, MT 59301  
406-232-0583 (voice/TTY)  
877-296-1198 (toll-free)  
406-232-0885 (fax)

### **MISSOULA**

2675 Palmer, Ste A  
Missoula, MT 59808  
406-329-5400 (voice/TTY)  
888-279-7528 (toll-free)  
406-329-5420 (fax)

### **POLSON** (Will move Spring 2016)

830 Shoreline Dr, Ste 7  
Polson, MT 59860  
406-883-7845 (voice)  
406-883-3897 (fax)

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### **CENTRAL OFFICE** - Admin Office

PO Box 4210 (59604-4210)  
111 N Last Chance Gulch, Ste 4C  
Helena, MT 59601-4168  
406-444-2590 (voice/TTY)  
877-296-1197 (toll-free)  
406-444-3632 (fax)

# VR Federal Standards and Indicators

## Montana 2014 Results

### Draft

#### Standard #1: Employment outcomes

##### 1.1 Number of rehabs

Federal Requirement: at least as many as in the previous year  
Montana Results: 860 which is 36 less than last year  
Pass/Fail: Fail

##### 1.2 Percent employed--Percentage of rehabs compared to all people who had plans written and were closed (Rehab rate)

Federal Requirement: at least 55.8%  
Montana Results: 42.2%  
Pass/Fail: Fail

##### 1.3 Employed competitively--percentage of rehabs who are getting at least minimum wage

Federal Requirement: at least 72.6%  
Montana Results: 97.7%  
Pass/Fail: Pass

##### 1.4 Significant Disability--Percentage of rehabs who are earning at least minimum wage who are significantly disabled

Federal Requirement: at least 62.4%  
Montana Results: 84.2%  
Pass/Fail: Pass

##### 1.5 Earnings ratio--Average hourly rate of rehabs who are earning at least minimum wage divided by the state's average hourly earnings for all employed people

Federal Requirement: at least .52  
Montana Results: .66  
Pass/Fail: Pass

1.6 Self supporting--Look at all rehabs who are earning at least minimum wage. This item is the difference between the percent who report their own income as their largest source of support at closure and at application

Federal Requirement: at least 53.0

Montana Results: 53.8

Pass/Fail: Pass

**Standard 2: Equal access / Minority ratio**--service rate for minorities as a ratio to the service rate for non-minorities. Note: service rate is defined as the number of people who exited the VR program after receiving services divided by the total number of people exiting the program.

Federal Requirement: at least .80

Montana Results: .89

Pass/Fail: Pass

# How to Navigate RSA's Website--Highlights

[www.rsa.ed.gov](http://www.rsa.ed.gov)

On the left side of the home page, click on "[About Your State](#)" to get information on:

- Fiscal Snapshot—lists grant amounts for different programs over the past few years
- Data Snapshot—lists how cases were closed (successful, not successful) over the past few years
- Grantees—lists organizations that got grants from RSA in fiscal year 12 (Vocational Rehabilitation and Blind Services; 4 independent living centers; Disability Rights Montana (Client Assistance Program))
- Grant Award Calculator—details the complicated formula that determines how much money each state receives in their Section 110 grant.
- Reports—lists three important reports: (1) Annual Review; (2) State Plan; (3) Other-2012 Monitoring
- More RSA Programs—provides copies of all the reports submitted to the feds.

For more information on the federal requirements, click on "[Orientation and Technical Assistance Guide for State Vocational Rehabilitation Directors](#)" on the left side of the home page. This information was compiled for newly-hired state Vocational Rehabilitation Directors, and it provides a good general overview of the federal requirements.

The right side of the home page contains more information. Click on "[Legislation and Policy](#)" for specifics on legislation, regulations, sub-regulatory guidance, Policy Directives, Technical Assistance Circulars, and Information Memoranda.

The "[Ad hoc Query](#)" link on the right side allows a user to search for specific data and to compare data among states using quick tables under "Reports".

Also on the right side of the home page, "[Info for SRCs](#)" provides a wealth of information of interest to VR Council members.

# **VRBS Strategic Plan For Period Ending 6-30-2016**

**Goal 1: Assure high quality employment for Montanans with disabilities through the vocational rehabilitation program.**

**Goal 2: Improve the infrastructure that supports VRB in order to increase the agency's potential to promote work and independence for Montanans with disabilities.**

**Priority 1:** The VRB delivery process will become more seamless through reducing procedures and practices that create unnecessary delay in the development of plans and delivery of services.

Performance Measure 1.1: Individualized Plans for Employment (IPE) will be developed within 120 days of a person becoming eligible or the counselor will obtain an approved waiver for a limited time extension.

Target: At least 90% of IEP extensions will be in the case file and valid.

Performance Measure 1.2: Reduce the number of status 30 closures.

Target: The number of status 30 closures will decrease each year of the plan.

Performance Measure 1.3: Decrease the number of pre-plan assessments (excluding assessments to determine eligibility).

Target: The number of pre-plan assessments (excluding assessments to determine eligibility) will decrease by 2% each year of the plan.

**Priority 2:** VRB employees will be satisfied with their jobs.

Performance Measure 2.1: High satisfaction will be expressed on the annual employee satisfaction survey.

Target: Positive responses on the survey for each question will be 85% or higher.

Performance Measure 2.2: Staff turnover will not be excessive.

Target: The number of VRB staff leaving for non-retirement reasons will be less than 10 persons each year.

**Priority 3:** VRB will have a quality community rehabilitation provider (CRP) network.

Performance Measure 3.1: There will be an increase in CRP job placement or job search referrals that lead to a successful placement.

Target:

The following percentages will be the targets for each year of the plan:

2014: above 30%      2015: above 31%      2016: above 32%

Performance Measure 3.2: The procedures for dealing with CRP compliance with contract and performance expectations will be implemented.

Target: Each report of issues related to CRP compliance will be investigated by regional personnel and a report of findings will be on file. Actions related to the report will have been implemented.

Performance Measure 3.3: There will be an increase in the weekly wages at closure earned by consumers served by CRPs.

Target: The weekly wages at closure earned by consumers served by CRPs will increase each year of the plan.

Performance Measure 3.4: Consumer satisfaction with CRP services will be monitored.

Target: A procedural guidance related to measuring consumer satisfaction with CRP activities will be completed by October 1, 2015 and performance measures and targets will also be developed.

Performance Measure 3.5: CRP vocational direct service staff will complete appropriate training or otherwise demonstrate competency.

Target: When the DPHHS training program is developed, CRPs will be required to have vocational direct service staff successfully complete the training within a specific period of time or complete a competency exam. If this is not done, the CRP's enrollment as a VR provider will be jeopardized.

**Priority 4:** VRB will increase its capacity to serve un-served and underserved populations.

Performance Measure 4.1: VRB will utilize caseload based data and census data to identify specific issues related to unserved or underserved populations.

Target: Issues identified by the caseload research and census research will generate guidance addressing issues that are impacting unserved or underserved populations.

**Priority 5:** VRB will increase its capacity to serve transition age (14-24) youth with disabilities.

Performance Measure 5.1: VRB will increase the number of IEPs completed with transition youth before they graduate from high school.

Target: The number of IEPs completed with transition youth before they graduate from high school will increase each year of the plan.

Performance Measure 5.2: VRB will increase the number of 26 closures for transitions age (14-24) youth.

Target: The number of 26 closures for transitions age consumers will increase by 3% each year of the plan.

Performance Measure 5.3: VRB will increase the number of transition age youth (14-24) served.

Target: The number of transitions age youth served will increase by 5% each year of the plan.

**Priority 6:** VRB will increase the quality of successful closures by placing more consumers in positions that pay a living wage and have employee benefits.

Performance Measure 6.1: On the consumer satisfaction survey, 26 closures will indicate VRB services assisted them in meeting their needs.

Target: For the question "I believe the program has met most of my needs." 90% of the responses from 26 closures will be positive.

Performance Measure 6.2: Real income for 26 closures will increase.

Target: Wages at closure combined with benefits income for 26 closures will increase faster than the rate of inflation for each year of the plan.

Performance Measure 6.3: The number of 26 closures with health benefits will increase.

Targets: The percentage of 26 closures that have health benefits provided by employers will increase each of the three years of the plan.

The percentage of 26 closures that have employer provided health insurance, Medicaid, or Medicare will increase each year of the plan.

**Priority 7:** VRB will become a model of an accessible work place for individuals with disabilities.

Performance Measure: 7.1: VRB will address identified barriers to accessibility in VRB offices.

Targets: Each year of the plan, VRB will address barriers to accessibility identified in accessibility studies conducted in 2012. When all the identified barriers are removed the target will be met.

When VRB changes to or adds a new office, an accessibility study will be completed within a year and a plan will be developed to address identified accessibility barriers. When all identified barriers are removed the target will be met.

When individual employees have a specific accessibility barrier not addressed in the preceding surveys, they will report the barrier to their supervisor, and the issue will be assessed and a plan for removal developed. When all individualized barriers are removed the target will be met.

Performance Measure 7.2: VRB will work to be a resource for making the network of services for persons with a disability accessible.

Target: VRB will develop and provide guidance procedures for staff on information that can be provided to other agencies in the network on resources available for addressing the workplace for accessibility.

### **Strategies to Address Priorities**

Expand options in areas such as self-employment, online and home employment, including expanding the Business Enterprise Program.

Priorities addressed: 1, 4, and 6

Develop additional consumer support and input mechanisms for the BLVS program, such as establishing an advisory group.

Priorities addressed: 1, 4, 5, and 6

Be able to provide more assistance to consumers related to assistive technology.

Priorities addressed: 4, 5, and 6

Use technology to assist counselors in having more time to work with consumers and less time doing paper work.

Priorities addressed: 1, 2, and 7

Improve VRB counselor's relationships with employers.

Priorities addressed: 1, 3, 4, 5, and 7

Develop and provide guidance on transition age timelines.

Priorities addressed: 1, 2, and 5

Implement new CRP compliance procedure.

Priorities addressed: 1, 2, and 3

Develop procedures to increase quality/quantity of services in rural areas.

Priorities addressed: 1, 2, and 4

Review wait time for supported employment and provide guidance on reducing the time involved or approaches for adding value to the wait time.

Priorities addressed: 1, 2, 3, 4, and 5

Develop a paperless case management and vendor payment system.

Priorities addressed: 1, 2, 3, and 7

Improve working relationship with mental health agencies.

Priorities addressed: 3, 4, and 5

Improve working relationships with Development Disabilities Program.

Priorities addressed: 3, 4, and 5

Provide training and ideas for serving individuals with autism.

Priorities addressed: 4 and 5

Explore alternatives for job placement services.

Priorities addressed: 1, 3, 4, 5, and 6

Support initiatives and procedures that increase opportunities for persons with disabilities to obtain state and federal government jobs.

Priorities addressed: 4, 5, and 6

Encourage regular meetings between VRB and Section 121 Project staff.

Priorities addressed: 1, 4

Review potential of streamlining eligibility process for dual cases with Section 121 projects.

Priorities addressed: 1, 4

Utilize counseling techniques that are less directive, this will increase consumer motivation to participate in the process.

Priorities addressed: 1, 2, 4, 5, and 6

Review supports and orientation procedures for new counselors to ensure their start with VRB is a positive and productive period.

Priorities addressed: 1, 2, 3, 4, 5, 6, and 7

Continue to explore methods to facilitate increased productive and supportive communication between counselors. The emphasis should be on supporting the counselors in smaller offices. Utilize tools such as interactive video to facilitate such activities.

Priorities addressed: 1, 2, 3, 4, 5, 6,

Explore methods and techniques for an ongoing consistent approach to providing feedback to counselors and obtaining feedback from counselors.

Priorities addressed: 1, 2,

Ensure that staff are aware of training requirements and opportunities for possible advancement in the agency.

Priorities addressed: 2

Encourage CRPs to be active in Community Management Team activities.

Priorities addressed: 3, 4, and 6

Encourage staff participation in activities and conferences related to minority groups and other potentially unserved and underserved populations.

Priorities addressed: 2, 4

Explore providing training for counselors on how to effectively participate in the Individualized Education Plan process.

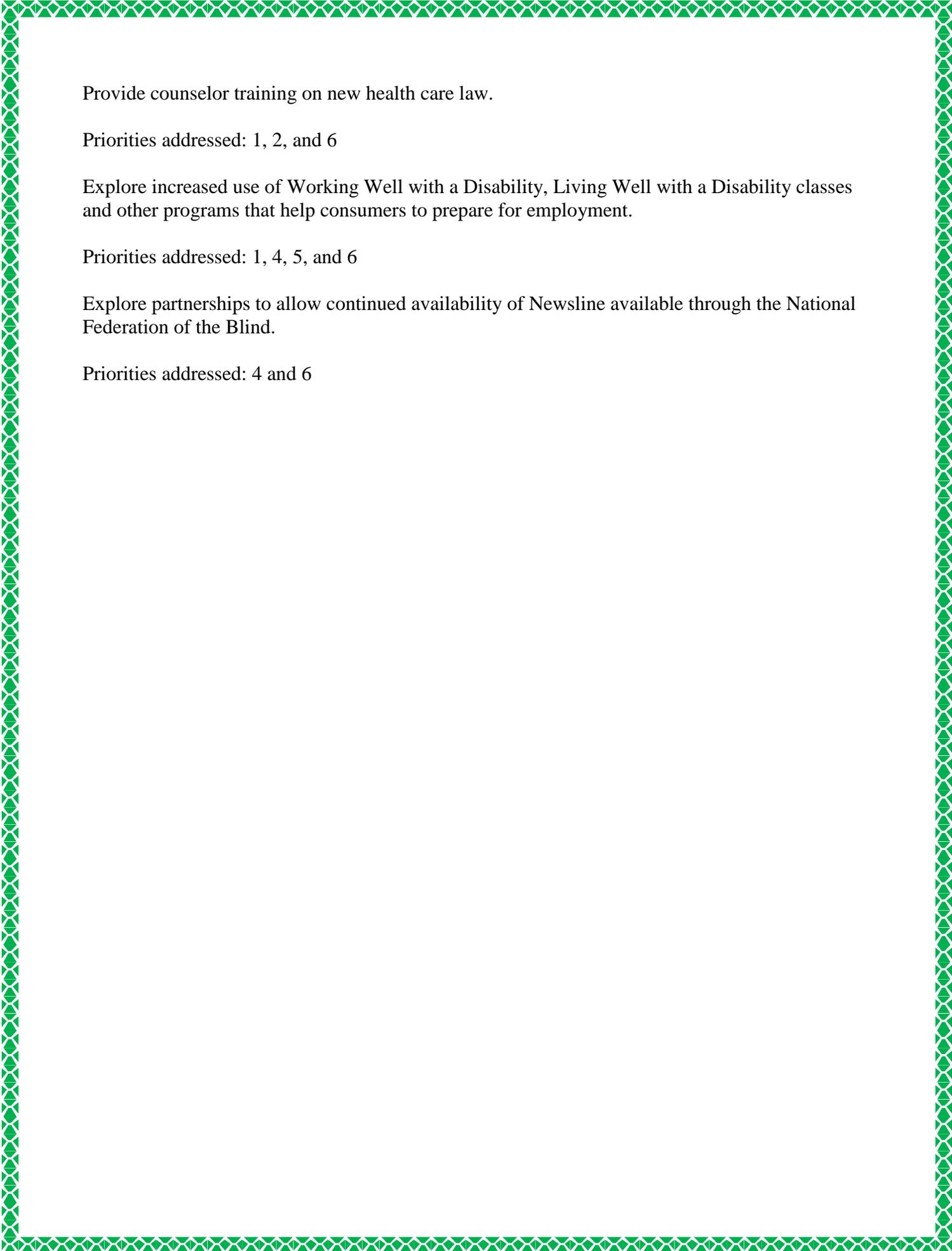
Priorities addressed: 1, 3, and 5

Build relationships with other youth oriented programs that can be contacted to increase the contacts with transition age youth.

Priorities addressed: 4, 5

Explore methods for outreach to businesses on the benefits of working with VRB to gain employees.

Priorities addressed: 1, 6



Provide counselor training on new health care law.

Priorities addressed: 1, 2, and 6

Explore increased use of Working Well with a Disability, Living Well with a Disability classes and other programs that help consumers to prepare for employment.

Priorities addressed: 1, 4, 5, and 6

Explore partnerships to allow continued availability of Newline available through the National Federation of the Blind.

Priorities addressed: 4 and 6

## VOCATIONAL REHABILITATION HISTORY

The first federal vocational rehabilitation (VR) program known as the Soldier's Rehabilitation Act became law in 1918. Under this act, the Federal Board for Vocational Education was primarily responsible for developing VR programs for and providing VR services to disabled veterans who had a disability (resulting from military service) that presented a handicap to employment. Employment had to be a feasible possibility as a result of the VR training.

The Smith Fess Act passed in 1920 extended VR services and programs to civilian physically disabled. It, too, was administered by the Federal Board of Vocational Education. Because the Rehabilitation Act provided federal funds to states on a 50-50 matching basis, it provided a strong incentive for states to pass similar legislation.

In Chapter 149, the Session Laws of 1921, the Montana Legislature created a vocational rehabilitation program to accept the provisions and benefits of the Act of Congress to promote vocational rehabilitation. Montana's Vocational Rehabilitation program was situated with the Worker's Compensation program under the State Board of Vocational Education until the late 40's. The funds could be used to provide vocational guidance, vocational education, occupational adjustment, and placement services. Provision of placement services as the only service to a client was not within the spirit of the act, which primarily mandated vocational training opportunities for the disabled. Although the act was not oriented toward the provision of physical restoration services, a disabled client could be provided a prosthesis if it could be justified as necessary "supplies" for the successful completion of training.

Although not specified in the act, the Federal Board of Vocational Education set the minimum age of legal employability, 16, as the minimum age for qualifying for services. Because home economics was considered a legitimate training program under the vocational education legislation, the Federal Board considered homemaking as an appropriate occupation for which to provide training to a disabled client. It is still considered as such.

The 1935 passage of the Social Security Act established the federal-state vocational rehabilitation program as a permanent program, meaning the program could only be discontinued by Congressional action.

A prevailing assumption in the 1920's and the early 1930's was that the visually handicapped had little potential for competitive employment; hence, the blind received very little benefit from early legislative developments in rehabilitation.

Blind individuals were maintained in stereotyped occupations and were expected to work in either sheltered workshops or home industry-type settings.

The Randolph-Sheppard Act of 1936 and the Wagner-O'Day Act of 1938 helped to clear up many misconceptions regarding the abilities of blind individuals. Both acts expanded opportunities for the blind to demonstrate their abilities. Job opportunities made available at a

federal level for the blind for the administration of the two acts also created an increased awareness in the Civil Service system of the potential of blind employees.

The Visual Services program in Montana was initially provided through the Department of Public Welfare established by the 1937 Legislature. A Blind Services Bureau was established within that department in 1943.

Also in 1943 the federal Barden-LaFollette Act extended the federal-state VR program to the mentally retarded, mentally ill and blind and expanded the type of physical restoration services that could be provided to disabled persons.

The 1947 Montana Legislature created the Division of Vocational Rehabilitation of the State Board of Education. This legislation made the division responsible for providing rehabilitation services to the state's physically and mentally handicapped, and for performing disability determinations for Social Security disability benefits and supplemental income payments.

Significant growth in vocational rehabilitation activity occurred from 1954 to 1965. During that period, annual funding for the federal-state rehabilitation program more than quadrupled to over \$150 million by 1965.

The 1954 Vocational Rehabilitation Act Amendments of 1954 increased the federal share of funding from 50% to 75%. Another significant provision of the 1954 VR Act Amendments was to expand services to the mentally retarded and mentally ill with research and demonstration grants, extension and improvement grants and the establishment of rehabilitation facilities.

The late fifties and early sixties saw the beginning of the independent living rehabilitation movement with the inclusion of a 6-month and 18-month extended evaluation period for the purposes of determining the employment potential of certain severely disabled individuals. The 1965 amendments to the VR act also expanded the definition of handicapped to include behavior disorders diagnosed by a psychologist or psychiatrist. Other significant provisions of the 1965 Vocational Rehabilitation Act Amendments included:

- ◆ Increased federal-state fund matching ratios to three federal dollars for each state dollar (75%-25%; further increases to 80% federal - 20% state by legislation in 1968) and doubled the federal appropriation for the federal-state program.
- ◆ Elimination of economic need as a prerequisite for the provision of any vocational rehabilitation services. States could, however, require economic need tests for some services, i.e., training and physical restoration. In Montana the VR program requires an economic needs test.
- ◆ Provision of federal funds to help construct new rehabilitation centers and workshops (matching funds with the federal share ranging from one-third to two-thirds).

- ◆ Provision of special statewide planning grants to help states develop service delivery systems that would reach all handicapped citizens in the state.

The consumer rights movement that pervaded American society in the 1960's (e.g., "Naderism") also provided a valuable lesson to persons with disabilities. They learned that they did not have to be passive recipients of rehabilitation services. They became more aware of their rights as a group to participate in the formation of the public policies that could impact on the satisfaction of their needs, as well as of their right to participate in the planning of their own rehabilitation programs.

Severely disabled individuals were losing confidence in the ability and/or desire of rehabilitation professionals to unilaterally "champion" what was best for the severely disabled. They, therefore, lobbied for legislation that would allow them more of a say in the determination of the rehabilitation services that society would provide to meet their rehabilitation needs.

In order to ensure the quality of these services, consumers also wanted a more comprehensive system for evaluating the effectiveness of these programs, and they wanted to play a role in that evaluation (e.g., client satisfaction measures). They also sought greater opportunities to influence the design of rehabilitation programs in regard to type and quality of services provided and to play a direct role in the overseeing process (e.g. serve on advisory boards).

The disability consumer groups also wanted legislation passed that would provide for a comprehensive program of independent living rehabilitation services. Rather than seeing independent living and vocational rehabilitation as being distinct programs with different goals, they saw the two as integrated parts of an optimal program of services for the severely disabled. The validity of the compatibility of independent living and rehabilitation goals can be seen in the fact that advances in medical and rehabilitation technology paired with improvements in the accessibility of buildings and transportation systems to disabled persons tend to make vocational goals feasible for larger and larger percentages of the total "community of those with severe disabilities." Therefore, it is not surprising to find the rehabilitation legislation of the 1970's emphasizing both rehabilitation research and environmental accessibility as well as the provision of independent living rehabilitation services.

In 1971 Executive Reorganization in Montana renamed the two (2) VR programs the Rehabilitative Services Division (RSD) and the Visual Services Division (VSD), as well as transferred them to the newly organized Department of Social and Rehabilitation Services.

In 1972 Congress passed a stipulation in the Rehab Act known as the Maintenance of Effort which requires each state to maintain their expenditure rate of state dollars for VR as reported in 1972.

The Rehabilitation Act of 1973 was called the "billion dollar program," which it certainly approximated when state matching funds were added to the \$650 million and \$680 million federal appropriation for 1974 and 1975, respectively. It retained the 80%-20% split between

federal and state dollars established in 1968. The 1973 legislation continued to reflect a major Congressional commitment to rehabilitation. However, that commitment appeared to be more focused regarding target groups and target services. For example, members of Congress felt that the act should reflect a greater commitment to the traditional meaning of the term handicapped; i.e., clients with severe physical, intellectual, and professionally diagnosed emotional disorders, while removing the 1965 and 1968 Congressional mandate to serve behavioral disorders.

Rehabilitation Act amendments in 1974 and 1976 essentially extended the 1973 authorizations for rehabilitation. The next extensive legislative statement came in 1978 in the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments. These amendments called for a federal allocation of \$808 million for rehabilitation for the fiscal year ending September 30, 1979, and for \$972 million for the fiscal year ending September 30, 1982. The 1978 amendments to the Rehabilitation Act of 1973 further expanded the emphasis on serving the severely disabled. For example, they mandated (with little or no funding) the establishment of an independent living rehabilitation program for those disabled without work potential who would be brought to independent living status through the provisions of rehabilitation services.

In 1981 the state administration of the Visual Service Division was drastically reduced and effectively merged with the administration of the general Rehabilitative Services Divisions.

The 1984 amendments to the Rehab Act mandate a Client Assistance Project (CAP) to advocate for VR clients and authorize (with no appropriation) special projects to meet the training and employment needs of handicapped youth and adults.

The (1986) amendments to the Rehab Act:

- ◆ Clearly identify supported employment as a service outcome;
- ◆ Require absolute consideration of the client's need for Rehabilitation Agency's services to implement objectives of the IWRP.

Other important changes in the Act include the following:

- ◆ A comprehensive statewide assessment of the rehabilitation needs of individuals with severe handicaps is required.
- ◆ A definition of "employability" is added that addresses the range of outcomes appropriate from the provision of vocational rehabilitation services.
- ◆ The definition of "rehabilitation facility" is modified to include programs that provide psychological rehabilitation services for people with chronic mental illness.
- ◆ A provision provides for review of decisions by an impartial hearing officer at the request of

the client or his or her parents or guardian.

- ◆ Public meetings are to be used as a source of input in formulation of policies governing the provision of rehabilitation services.
- ◆ The matching rate will change as follows over the next five years.
  - ◆ For 1988 the matching ratio will be 80-20 for the amount of the VR federal grant up to the 1987 appropriated level. Any increase over that level will be subject to a matching ratio of 79-21.
  - ◆ For 1989 the matching ratio will be 80-20 for the amount of the VR federal grant up to the 1987 appropriated level. Any increase over that level will be subject to a matching ratio of 78-22.
  - ◆ This decreasing ratio on the difference will continue until 1992 when the difference will be matched at 75-25.
- ◆ The Maintenance of Effort required in the 1986 amendments has changed from the 1972 mandated level to a continuous average of the last three years of state expenditures. Thus each year the prior three years' average of state expenditures must be spent or a penalty involving the loss of federal dollars will be enforced.

The Rehabilitation Act Amendments of 1992, (Public Law 102-569) are much more than a status quo reauthorization or continuation of the Federal/State Rehabilitation Program. Substantial adjustments are made in the principles, purpose, process, and outcomes of the Rehabilitation Program to support persons across the full range of type and extent of disability to attain and maintain employment outcomes appropriate to their interests and abilities. The 1992 amendments are guided by the presumption of ability. A person with a disability, regardless of the severity of the disability, can achieve employment and other rehabilitation goals if the appropriate services and supports are made available. These amendments provide for new responsibilities for the vocational rehabilitation system:

- ◆ Assist the individual with a disability to make informed choices about potential employment outcomes that result in integration and inclusion in the community.
- ◆ Develop an individualized rehabilitation program with the **full participation** of the person with the disability.
- ◆ Match the needs and interests reflected in the individualized programs with the appropriate services and supports including rehabilitation technology, supported employment, and others.
- ◆ Proactively foster cooperative working relationships with other agencies and programs

including local education authorities to unify and coordinate transition services.

- ◆ Emphasize the quality of services and the accountability that service representatives have to honor the dignity, participation and growth of persons with disabilities as their employment interests develop over time.
- ◆ The Rehabilitation Act Amendments of 1992 put the abilities and choices of persons with a disability first and challenge the service system and the greater communities to support their efforts to work, live and participate in the community.
- ◆ The matching ratio has gone from a two-tiered system back to a single system of 78.7% federal - 21.3% state.
- ◆ The notion of feasibility is removed whereby the burden of proof for accessing the system shifts from the individual to the rehabilitation system. The rehabilitation counselor must demonstrate that no employment outcome is possible in order to determine a person ineligible.
- ◆ Eligibility determinations must now focus first on the use of existing data particularly on information provided by the individual with a disability, his/her family, or advocates. A decision regarding eligibility must now be made within 60 days. A short extension may be provided if mutually agreed upon between the individual with a disability and the VR counselor.
- ◆ A two part process essentially determines a person's eligibility for Vocational Rehabilitation services. First, does the person have a disability? Second, does he/she require assistance from the Vocational Rehabilitation Agency to achieve an employment outcome? A presumption of disability or the first criteria in the eligibility decision may be made based on existing information.

There is now a consistent set of public legislation through the Americans with Disabilities Act (ADA), the Individuals with Disabilities Education Act (IDEA), and the Rehabilitation Act Amendments of 1992 which provides guidance to employers, education authorities, rehabilitation service managers and providers, and others in how to support persons with disabilities. The Rehabilitation Act Amendments of 1992 support the actual service systems through which employers can find assistance and expertise in identifying and completing the reasonable and appropriate job accommodations called for in the ADA. They establish a basis in the adult service system for accomplishing the transition preparation, planning, and implementation activities found in the IDEA. Finally, the Rehabilitation Act Amendments put the abilities and choices of persons with disabilities first and challenge the service system to work toward inclusion in the greater community.

- ◆ Rehabilitation Facilities are now called Community Rehabilitation Programs.

- ◆ The role of the Vocational Rehabilitation Advisory Council and the Independent Living Council has expanded and members are actively involved in helping the VR Agency meet consumer needs.

These and other changes along with the extension of the Act for a full five years, provide a solid basis for program growth and development. This landmark piece of legislation will ultimately facilitate employment outcomes for people with the most severe disabilities. This law and congressional intent forcefully proposes that VR should focus on employment outcomes.

During the years 1992 to 1998 a substantial amount of work was done by Congress to look at the coordination of some 154 federal manpower training programs. Several efforts were made to block grant all manpower training programs and send the money directly to the states for distribution and service delivery. These efforts failed. In 1998, the Rehabilitation Act was reauthorized and substantially changed the provision of Vocational Rehabilitation services. With passage of the Workforce Investment Act of 1998, the Rehabilitation Act, which had previously been a stand-alone act, was now incorporated as Title IV of the Workforce Investment Act. This linkage allowed state Vocational Rehabilitation agencies the opportunity to develop linkages with other service providers to develop a series of one-stop delivery systems throughout the country. The Act came with a number of criteria for development of memorandums of understanding and prescribed that services be developed in a "seamless" way and that they developed with input and participation from local boards at the local level.

Although Vocational Rehabilitation became linked by statute with workforce development in the Rehabilitation Act Amendments, there were also some fairly significant changes in the delivery of VR services. Those significant changes included:

- ◆ presumption of benefit for purposes of the 1998 Amendments, an individual is presumed to be an individual that can benefit in terms of an employment outcome from Vocational Rehabilitation services unless the designated state unit involved 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. The individual is presumed to be eligible for VR services if the individual is eligible for Title II or Title XVI of the Social Security Act.

The Individualized Written Rehabilitation Program (IWRP) was changed to Individualized Plan for Employment (IPE). Options for developing an IPE:

- ◆ If an individual is determined eligible for VR services the state agency shall provide the eligible individual or the individual's representative, in writing and in an appropriate mode of communication, with information on the individual's options for developing an Individualized Plan for Employment which now includes information on the availability of assistance to the extent determined to be appropriate by the eligible individual, from a

qualified Vocational Rehabilitation Counselor in developing all or part of the plan for employment and, the availability of technical assistance in developing the plan.

- ◆ A description of the full range of components that shall be included in a plan for employment to include agency guidelines, a description of the rights and remedies available to each individual, and a description of the availability of the Client Assistance Program.

### **Informed Choice**

The 1998 Rehabilitation Act Amendments also provide for an expansion of informed choice. They require that an Individualized Plan for Employment shall be developed and implemented in a manner that affords eligible individuals the opportunity to exercise informed choice in selecting an employment outcome, the specific Vocational Rehabilitation services to be provided under the plan, the entity that will provide the Vocational Rehabilitation services, and the methods used to procure the services. These amendments also allow for the process of mediation in the Vocational Rehabilitation due process. Mediation refers to the identification of an outside third party facilitator who can work with the agency and the individual and/or the individual's representative to solve problems that might otherwise end up at fair hearing.

While the scope of Rehabilitation Services remained fairly in tact, there is a definite requirement that VR develop linkages with partner agencies to create a seamless service delivery system.

The role of the Vocational Rehabilitation Council was enhanced in the 1998 Amendments. The Council, now known as the Vocational Rehabilitation Council takes the place of the former Vocational Rehabilitation Advisory Council. The Council has mandatory membership from certain groups including business and labor, consumers, the Client Assistance Program, and a number of different advocacy groups that serve persons with disabilities. The role of the Council in helping make decisions for the agency was enhanced in this legislation.

There continues to be extensive emphasis on transition services and on providing choice and serving individuals with the most severe disabilities.

### **Standards and Indicators**

The 1998 amendments to the Rehabilitation Act also provide for a series of standards and indicators that will measure a number of factors in the Vocational Rehabilitation system. Those factors include, but are not limited to, things like number of employment outcomes from year to year, wages at placement, benefits at placement, and consumer satisfaction. These standards and indicators will be adopted through the code of federal regulations and should be in place fairly quickly. They will provide VR agencies with a road map to assess how they are doing in these critical areas.

These and other changes, along with the extension of the Act for at least a full five years, provide

a number of opportunities for program growth and development and opportunities for persons with disabilities to become ever more involved in the development of their own rehabilitation plans. This landmark piece of legislation moves Vocational Rehabilitation into the workforce arena as a partner with other agencies including Joe Service, Human Resource Development Councils, Higher Education and other programs who provide job opportunities for disadvantaged individuals, including individuals with disabilities. The law continues to focus on employment outcomes in integrated settings and the success of this program will continually be measured in that arena along with customer satisfaction.

#### Emphasis on Youth, Employers, Collaboration

The 2014 amendments in the Workforce Innovation and Opportunity Act placed a great emphasis on services to youth. Fifteen percent of the federal grant must now be spent on “Pre-employment Transitions Services” (Pre-ETS) to high school students with disabilities. In addition, employers are now viewed as a group to be served. Collaboration with other partners, Department of Labor and Adult Basic Education is emphasized, and the state plan now includes all three entities.

Competitive integrated employment is emphasized. Section 511 discourages subminimum wages. For consumers under age 24, subminimum wages are not allowed unless VR services have first been tried.

# VOCATIONAL REHABILITATION HISTORY

## IMPORTANT DATES

- 1918 Soldier's Rehabilitation Act -- Federal Board of Vocational Education.
- 1920 Smith Fess Act -- Extension of VR services to civilian physically disabled -- Federal Board of Vocational Education -- 50-50 match. (Incentives to states to pass similar legislation.)
- 1921 Montana Legislature passed state's first Vocational Rehabilitation Act. Located with Worker's Compensation under the State Board of Vocational Education until the late 1940's.

**Allowable Services** were vocational guidance, vocational education, occupational adjustment and placement services. Placement could not be a singular service. The Act mandated vocational training. Physical Restoration services were allowed only if a necessary "supply" to successfully complete training.

**Homemaker** - Home Economics was a legitimate training program under Vocational Education, thus homemaking was considered an appropriate occupation for which to provide training.

- 1935 Federal/State Vocational Rehabilitation program permanent -- program can be discontinued only by Congress.

**NOTE:** In the 1920's and early 1930's assumption was that persons who were blind or had severe visual problems had little potential for competitive employment.

- 1936 Federal Randolph Sheppard Act.
- 1937 Montana Legislature establishes Visual Services Bureau in the Department of Public Welfare.
- 1938 Federal Wagner O'Day Act.
- 1943 Federal Barden La Follette Act -- Extended VR program to mentally retarded, mentally ill and blind.

- 1947 Montana Legislature created Division of Vocational Rehabilitation of the State Board of Education; performance of disability determinations for SSA.
- 1954 Matching ratio went from 50-50 to 75-25; VR services expanded to MR and MI with research and demonstration grants; establishment of rehabilitation facilities; medical by-products from WWII.
- Late 50's  
Early 60's Beginning of the Independent Living movement with 6 and 18 month extended evaluation period to determine employment potential; expansion of definition of VR services.
- 1965 Expanded definition of "Handicapped" to include behavior disorder diagnosed by a psychologist or psychiatrist; 80-20 match; elimination of economic need as a prerequisite for VR services -- Montana still requires such test; construction money for Rehabilitation Facilities; statewide planning grants
- Late 60's Momentum in consumer rights movement; severely disabled; accessibility; independent living.
- 1971 Montana's Executive Reorganization.
- 1972 Congress passed maintenance of effort -- maintain expenditure rate of state dollars as reported in 1972 - still exists.
- 1973 to  
1983 Billion dollar program; continued emphasis on severely disabled; funding of independent living - National Council for the Handicapped.
- 1981 Administration of Visual Services given to Rehabilitative Services Division.
- 1984 Client Assistance Project.
- 1985 Montana's Legislature passes Special Populations (HB-798).
- 1986 Rehabilitation Act Amendments - supported employment; rehabilitation engineering; comprehensive statewide assessment of needs of severely disabled; employability definition; rehabilitation facility definition expanded to include psychological facilities; impartial hearings officer; public hearings; eventual change in matching requirements from 80-20 to 75-25.

- 1990 Americans With Disabilities Act (ADA) passes.
- 1992 Emphasis on informed choice; presumption of disability; general presumption that individuals with disabilities are capable of work unless proven otherwise; 60-day eligibility requirement; Advisory Council requirements; maximizing use of rehabilitation technology in employment; renewed emphasis on purpose of program: **Employment, Employment, Employment**; matching rate changed to 78.7 - 21.3; 1.5% federal allotment for statewide strategic plan.
- Independent Living - major changes reflect the philosophy of consumer control and empowerment. States are given more choice in how to spend funds earmarked for IL case services. The State IL Council becomes directly involved with the Montana VR agency in the development of the Three Year State Independent Living Plan.
- 1993 to 1994 Montana Management Program Initiative - Program designed to review Montana VR practices and implement changes resulting from the 1992 Amendments to the Rehabilitation Act.
- 1997 Montana Legislature supplants Workers' Compensation funding for federal match with state general fund. Montana no longer relies on anything but state and federal funding to run its VR program with a funding mix of 78.7% federal funds and 21.3% state general fund.
- 1998 Congress reauthorizes the Rehabilitation Act as Title IV of the Workforce Investment Act. Emphasis on consumer choice, due process, Individuals Plans for Employment, use of existing information and data, transitions, and full integration of Vocational Rehabilitation programs within a larger workforce system.
- 2014 Reauthorization of Workforce Innovation and Opportunity Act which amends the Rehabilitation Act. Emphasis is placed on services to youth (especially high school students) and employers and collaboration with workforce partners (Department of Labor and Adult Basic Education). The new law also emphasizes competitive integrated employment.

# Current Issues

## Vocational Rehabilitation and Blind Services

**Workforce Innovation and Opportunity Act**—In 2014 Congress reauthorized the Rehabilitation Act as part of the Workforce Innovation and Opportunity Act. New federal regulations regarding the Act will be out this summer.

- Pre-Employment Transitions Services—The new act requires that states set aside 15% of their federal grant to provide services to high school students with disabilities. VRBS is contracting with each school district to provide these services in addition to providing programs such as Movin' On and Montana Youth Leadership Forum.
- Competitive Integrated Employment—The new act emphasizes competitive integrated employment and discourages subminimum wage jobs. VRBS will need to annually meet with every person with a subminimum wage job annually to give them a choice of competitive integrated employment. VRBS estimates that over 1,200 people with disabilities in Montana are employed in subminimum wage jobs.
- Employer Services—The new law also emphasizes services to businesses and employers. VRBS has established an Employer Services Team to address this.
- Collaboration with Workforce Partners—The new law requires VRBS to collaborate more with Department of Labor and with Adult Basic Education, our workforce partners. The 2017 State Plan, effective July 1, 2016, is a combined plan with these other agencies.

**Order of Selection**---If VRBS does not have enough money to serve all eligible consumers, then it must prioritize who will receive services. Federal rules say that people with the most significant disabilities will be served first. About half of the state VR agencies across the country, including Montana, are in Order of Selection.

**Transitions**—Transitioning from school to work is both a state and a national priority. VRBS has established a Youth Services team to oversee transitions activities, and has contracted with the University of Montana to provide technical assistance. In addition, VRBS has offered contracts to each Montana school district to provide transition services to high school students with disabilities.

**New Case Management System**—Switching to a new case management system for data collection has been plagued with problems. The system went live in July 2015, and as of April 2016, it is still not functioning well. In addition, the federal government is requiring a number of changes to put it more in sync with the data collection from other partners.

**Transportation**—Transportation is one of the highest needs for people with disabilities. VR has a transportation coordinator who is working to improve transportation options across the state.

**Montana State Rehabilitation Council**  
**Meeting Minutes**  
**March 3, 2016**

**Montana State Rehabilitation Council**  
**March 3, 2016**  
**Disability Rights Montana Conference Room**

**Members present:** Rick Heitz, Anna Gibbs, John Senn, Linda Zermeno, Tom Osborn, Jim Marks, Michelle Pickell (phone), Coreen Faulkner, Donna Marie Robnett, Tiffany Costa, Mike Woods

**Members absent:** Robin Haux, Frank Podobnik, Amy Capalupo (excused)

**Staff and visitors present:** Peggy Williams, Chanda Hermanson-Dudley, Bronwyn Troutman, Mark Mahnke (phone), Mike Hermanson, Tammy Hogan, Barb Schiedermayer, Dalayna Hillis, Kathy Hampton

Rick Heitz opened the meeting and the minutes from November were approved. There was no public comment.

#### **State and Federal Update**

Jim Marks updated the Council on the state and national happenings. Regarding the upcoming Legislature (2017) which we are starting to prepare for, we are hearing it will be a “stay-even” session. Oil prices have crashed, coal is losing to natural gas, and farm commodities are down. However, if there are any needs for new money, we want to ask for them. Already we are thinking of more money for staff—the 2015 Legislature cut some positions, so we’ve been double filling other positions to make up for it—and additional funding for long term supported employment.

At the federal level, there is a lot of doom and gloom talk: How should VR be in the future? Traditionally VR has had individual services, and now VR is shifting to “one-stop” including more partnerships, services to groups, systems change services, and services to groups.

Order of Selection requires that people with the most significant disabilities be served first. Last fall, VRBS closed category 3, people without significant disabilities. This means that new people applying to VRBS will not be served if they fall into category 3. Jim stated that VRBS is looking at closing category 2, people with significant disabilities, on July 1. This means that the only new people to be served will be those with the most significant disabilities (category 1). However, anyone who is currently on the caseload will continue to be served. The reason for the budget shortfall is that the new Workforce Innovation and Opportunity Act (WIOA) requires that 15% of the grant be spent on high school students with disabilities. This means that only 85% of the grant can be spent on the people we have traditionally served.

Section 511 of WIOA will bring more people with the most significant disabilities to our door, and these people will likely require higher cost services. Section 511 is civil rights legislation that makes sure people previously pipelined into subminimum segregated employment can have a choice. It says that people under age 24 cannot be placed in a subminimum segregated job unless they received pre-employment transitions services and work experience. VRBS is not the enforcement agency, but must review all people in subminimum jobs once per year and ask them if they want to move out. VRBS plans to contract with the independent living centers to perform the review.

VRBS recently reorganized and eliminated the regional structure. The current regional administrators were converted to program specialists in three priority areas: youth services, employer services, and quality services. These team leaders reported to the SRC later in the day.

Jim also reported that the case management system (MACS) still is not working well.

### **Field Services Update**

Chanda Hermanson-Dudley stated that VRBS has received three requests for fair hearings, all of which were resolved at the administrative review level. Two of the hearings involved the work goal and the third involved communication and counselor change.

Chanda also mentioned that VRBS has filled many positions recently and has updated the learning disabilities procedure. In the area of order of selection, Chanda said VRBS is trying out the exception to the order that allows state to serve people from closed categories to maintain employment if they only need one service. So far, VRBS has done that for three cataract surgeries and one person who needed hearing aids.

### **Blind and Low Vision Update**

Dalayna Hillis, Blind and Low Vision supervisor in Missoula, updated the Council on BLVS activities. BLVS has a Pre-Employment Transitions Services contract with Montana School for the Deaf and Blind. Dalayna also talked about the Older Blind Program. To be eligible for this program, clients must be 55 or older and have a severe visual impairment. The Visual Medical Program, which pays visual related medical bills, has been dropped. In its place is a program to serve children with visual instructional needs. In addition, BLVS serves people in the work program, similar to the VR program.

### **Movin On**

Bronwyn Troutman talked about this four day campus experience. Last year 20 students participated at the University of Montana. Next year (2017) the program will move to MSU-Billings. The program will be June 27-30 and they are doing a lot of recruiting in Missoula. They also hope to get people from other areas of the state.

### **Election of Officers**

Rick Heitz was elected Chair, and Mike Woods was elected vice-chair.

### **Meeting Dates**

- June 9-10
- September 8-9
- November 3-4

In addition, SRC members will be invited to the VRBS All Staff meeting which will concentrate on implementation of the Workforce Innovation and Opportunity Act. This training will likely be held in late September or early October.

### **VRBS Teams**

SRC members were invited to join one of the VRBS teams: Quality Services, Youth Services, Employer Services, and Assistive Technology. Contact Peggy to become involved.

## Transitions/Training Update

Mark Mahnke talked about upcoming training events. On the March 17 webinar, Christy Robbins from Department of Labor will talk about the Work Opportunity Tax Credit benefit for employers. In the May webinar, Kathy West-Evans, the CSAVR expert on employers, will be the guest speaker. Mark mentioned that on the staff needs assessment, assistive technology training was a high need, and he is working with the Rural Institute to provide training on this. In addition, there will be statewide staff training on the Workforce Innovation and Opportunity Act in late September or early October. The SRC members will be invited to each of these trainings.

Mark also talked about transitions. The school contracts are moving along, we have a technical assistance contract with the Rural Institute, and we are working on an information packet for schools.

Mark mentioned that the old webinars are archived; if you are interested in seeing one, please contact Mark at [mmahnke@mt.gov](mailto:mmahnke@mt.gov) and he will send it to you.

## Team Updates

Youth Services—Tammy Hogan, Youth Services Team Leader, reported that she is working with Mark Mahnke and Clay Calton on the Pre-Employment Transitions Services (Pre-ETS) contracts with schools. For FY2015, VRBS spent \$473,000 on Pre-ETS services, of which \$248,000 was through contracts with schools. So far in FY2016, VRBS has spent \$272,000 in Pre-ETS services, of which \$175,000 is through contracts with schools. The focus thus far has been on public schools, and some private schools have been interested also. The team is also looking at contracting with tribes. The team will participate in a meeting to provide services to Native American youth NOT on or near reservations. Recently OPI has asked to be included in some of the planning activities. Michelle Pickell volunteered to serve on the Youth Services team.

Quality Services—Barb Schiedermayer is working on recruiting, hiring and training quality employees. She has developed foundations training for new staff. She reviewed the importance of understanding eligibility; evolving/incremental goals; work experience; advanced degrees if needed; supported employment when needed. She also talked about VRBS guiding principles: disability is a natural part of life; high expectations; work and contribution; informed choice; right to fail; self advocacy; competitive integrated employment; innovation and opportunity; and partnership. Team members have not yet been chosen. Donna Marie Robnett asked to join the team when it is time.

Assistive Technology Team—Dalayna Hillis reported for Bev Berg, the team leader. Currently this team has four members. They are looking at assistive technology at the beginning of the rehabilitation process. They are doing an assessment of what we need, searching nationally for best practices, and recommending changes.

Employer Services—Chanda Hermanson-Dudley reported for Sally Sjaastad. This committee is working on developing a service delivery model that includes the employer as a customer. They are looking at Windmills training that VRBS staff could be trained as trainers and then implement the training to employers across Montana. The training has many modules. Sally is also checking with Department of Labor to see if they would like to be part of this. The committee is also looking at the Talent Acquisition Portal, a website for people with disabilities to be matched to jobs. They are developing a newsletter and requesting a VISTA volunteer to help with marketing. They are talking about having a pilot internship for a client to work in one of our offices. Michelle Pickell requested to be on this team.

## Strategic Plan and Comprehensive Needs Assessment

Mike Hermanson talked about the Strategic Plan Summary for fiscal years 2014 and 2015. The strategic plan covers three years, and we are currently in the third year. He also mentioned the first quarter (October through December 2015) evaluation. Then he reviewed the comprehensive needs assessment which feeds into the strategic plan for next year. Mike also reviewed the public comments that were received on the VRBS portion of the state plan. The comments were from Disability Rights Montana, Respectability, and the Statewide Independent Living Council.

For the new strategic plan, there is one goal: “Modernize the VRBS service delivery system to be consistent with WIOA requirements.” Under the goal are three priorities:

1. VRBS will be a leader in services to youth with disabilities across the state of Montana, primarily through providing a strong base of Pre-Employment Transitions Services from Montana students with disabilities.
2. Increase alignment with WIOA partners, with an emphasis on developing and enhancing services for employers.
3. Build and maintain the capacity necessary to provide persons with disabilities employed in sub-minimum/segregated wage jobs opportunities to choose and achieve competitive, integrated employment. (Section 511 of WIOA)

The meeting was adjourned.

*The next meeting will be June 9 and 10 in Helena.*

**Montana State Rehabilitation Council**  
**Meeting Minutes**  
**May 7-8, 2015**

**Montana State Rehabilitation Council**  
**May 7-8, 2015**  
**Disability Rights Montana Conference Room**

**Members present:** Rick Heitz, Chanda Hermanson, Anna Gibbs, Char Harasymczuk, John Senn, Linda Zermeno, Tom Osborn (Thursday), Jim Marks, Mona Amundson, Mike Woods

**Members absent:** Robin Haux, Michelle Pickell (excused), Amy Capalupo (excused), Dale Mahugh (excused), Frank Podobnik (excused), Quentin Schroeder

**Staff and visitors present:** Peggy Williams, Mike Hermanson, Shawn Tulloch, Bill Harant

**Thursday, May 7, 2015**

During the morning, the Council met jointly with the Special Education Advisory Council for their Annual Joint CSPD Partnership meeting. Stakeholders in special education gathered from across Montana to network, collaborate, and provide suggestions regarding Phase 2 of the State Systemic Improvement Plan.

After lunch, Rick Heitz called the State Rehabilitation Council meeting to order, and the February meeting minutes were approved. There was no public comment.

**Update from the Spring NCSRC and CSAVR meetings—Rick Heitz**

Rick recently attended the National Coalition of State Rehabilitation Councils (NCSRC), Council of State Administrators of Vocational Rehabilitation (CSAVR), and National Council of State Administrators for the Blind (NCSAB) conferences in Washington DC. There was a lot of discussion on transitions and it was noted that youth rarely know what is available in adult services. VR needs a good relationship with teachers. Family members are sometimes a barrier, because they don't think the student can get a job. Students who attend summer programs and internships are twice as likely to get a job after high school. By 2020, 60% of the workforce will work out of the home in jobs that are not traditional today. Social media is also changing the job market. People need jobs now, not in six months. They also want more counselor contact. Jim wants VRBS to take its rightful place as a service provider rather than contracting out job development and job search. Rick mentioned that conference attendees were very disappointed that our federal partner, Rehabilitation Services Administration (RSA), was being silent on the proposed regulations for WIOA. During their presentation, RSA just read the regulations and did not offer opinions. Official comments may be made to the proposed regulations by June 16, 2015.

**VRBS Spring Staff Meeting—Char Harasymczuk**

Char and Michelle attended the VRBS Spring Staff Meeting as a representative of the Council. Char stated she enjoyed talking to the VR counselors and was impressed with how hard they worked. She was surprised at how many cases that the counselors work and with the amount of paperwork they are required to do. She also enjoyed speakers on resilience, Montana Youth Transitions and Montana Youth Leadership Forum.

## **State and Federal Update—Jim Marks**

Jim mentioned that the legislature has gone home, and they passed some bills affecting people with disabilities. The Montana Developmental Center will be closed in the next biennium, and clients will be moved to community homes. Another bill that was passed was the Medicaid expansion bill which will require that participants be counseled to go to work and also will require a small premium for most people. The legislature also passed a bill that would require VRBS and other agencies to verify income and resources, but the governor did not sign it. VRBS providers received a 2% increase per year and My Transitions received an additional \$50,000 in funding.

Jim also talked about the proposed regulations for the Workforce Innovation and Opportunity Act (WIOA). He ran some of his ideas for comments on the regulations past the Council:

- PETS definitions are too restrictive to Montana. The intent to provide young people with competitive integrated employment needs to also deal with youth not in high school. Montana high schools only serve students under age 19, while other states (with maybe one exception) serve people through age 21. Montanans aged 19-21 still need PETS services. The regulations do not address home schoolers, dropouts or students in juvenile facilities. The Council agreed.
- Competitive integrated employment is good. People under age 24 may no longer go into subminimum or segregated employment until they have been provided VR services. The Council agreed.
- Counselor requirements should not be dumbed down. Instead of requiring a masters degree in rehabilitation counseling, the new regs/law require only a bachelors degree, and the degree does not need to be in a disability field. We would like to stick to the higher standards.
- Homemaker closures should be preserved as a valid outcome. Not all Council members agreed with this, but Council members did state that if homemaker closures are allowed, they should be allowed for all disabilities, not just visual disabilities.

## **Followup on previous issues**

Bylaw change (Council name, housekeeping)—the Council voted to change the name of the Council in the bylaws from Montana Vocational Rehabilitation Council to Montana State Rehabilitation Council. Another housekeeping change was to change references in the bylaws from MVR (Montana Vocational Rehabilitation) to VRBS (Vocational Rehabilitation and Blind Services).

## **ASPIRE Update—Mary Taylor**

Mary updated the Council on the ASPIRE project. This is a study of 14-16 year old high school students with disabilities who are on Supplemental Security Income (SSI). The study will compare the outcomes of students who are provided more supports, including case management, with students who just receive regular services. Montana will sign up 130 students, half in each group. Recruitment has just started, and 33 letters inviting participation were sent out in the Helena area. So far ten people have enrolled. The next batch of invitations will be sent to Missoula and Cascade counties.

**Friday, May 8, 2015**

## **Consumer Satisfaction Surveys and Town Hall Meeting—Mike Hermanson**

**Surveys**—Mike reviewed the calendar year 2014 consumer satisfaction survey. Clients who had a plan and received services on that plan were surveyed after their cases closed (both successful and unsuccessful). Overall, 1,917 surveys were mailed out and not returned as undeliverable and 254 surveys were completed, giving a return rate of 13.3%. The return rate for Blind and Low Vision was a little higher than the rate for the general program. Here are some of the results (combined general and Blind/Low Vision):

- I feel my counselor understands my disability and what it means in my life. 86.0% positive responses
- I was involved in choosing my goals and services. 91.9% positive responses
- My relationship with my counselor has been helpful, timely, and productive. 84.3% positive responses
- Overall I am satisfied with the services I received. 85.4% positive responses
- I believe the program has met most of my needs. 84.5% positive responses

In general, responses from the Blind and Low Vision program were a little higher than from the general program. This could be because there are more staff in Blind and Low Vision and the staff gets to spend more time with the client. The BLV client often sees the Vision Rehab Therapist, the Orientation and Mobility Specialist, and the counselor. The general client generally sees just the counselor and other services (job search, etc) are contracted out to another entity. Also BLV clients are generally older, often over 60. The current survey just looks at satisfaction when the case is closed. Some states survey clients when the case is still open. The Council also discussed other means for doing the survey to get a better response rate including email. Currently the survey may be completed online, but very few people take advantage of that.

Town hall meeting--Comments at the town hall meeting involved deaf services, subminimum wage, and PETS services. Mike will be writing up the comments and the agency responses in the next few weeks. There was some discussion on the location and potential parking issues. Mike will check with the regional administrators regarding printable parking passes when the site is on a college campus.

### Field Services Update

Peggy reported for Tammy on four areas:

- Networking with Developmental Disabilities and other agencies—Activities included providing training to DD case managers on VR services and PETS, participating in the State Employment Leadership Network, a collaboration between DD, DD providers, VR and other disability service stakeholders; and participating in the monthly Employment and Transition Taskforce, a collaboration with the Independent Living Centers.
- Employer/Business outreach—Activities included participating in a veterans job fair; having an employer present at a weekly staff meeting; having counselors talk to businesses; and presenting to a local SHRM meeting to build relationships with employers and to pitch VR as an HR resource for employers.
- Transitions activities—Activities included participating in career fairs; participating in “real life” fairs; working on getting the local transitions group active again; working on job shadowing activities for high school students; and teaching weekly job readiness classes at a high school;
- Pre-employment Transitions Services (PETS) activities—In addition to the activities listed under transitions, PETS activities include working with schools and centers for independent living to explain PETS; setting up summer employment activities; providing weekly classroom activities by teaching soft skills and doing career exploration activities at Custer County High School; setting up an e-mentoring project to provide mentoring to eight rural high school students with disabilities; setting up a four day on-campus experience this summer for high school students who might want to attend college; and surveying Missoula area schools to determine their current activities and how VRBS could help them.

### Blind and Low Vision Update

Beverly will be moving to Great Falls in May and will be located in that office. She will still be considered part of the Central Office. Blind and Low Vision Services will be offering training on WindowEyes, a screen reading program that is offered free with Microsoft Office. The cost is \$650 per person. For transitions, the

counselors are working with MSDB outreach staff. There are only a few students statewide. There has been some trouble getting information on some of the students in certain regions.

### **Deaf Update—Shawn Tulloch**

Shawn meets regularly with the VRBS staff who have deaf or hard of hearing clients on their caseloads. Recently they discussed sending a text message from email (you type the 10-digit phone number, @ the name of wireless carrier domain). This is a handy feature for counselors. A challenge for counselors is finding a psychologist who is a fluent signer and is aware and understands Deaf Culture. Shawn did find a psychologist in Washington (Dr. Jaime A.B. Wilson – website [www.wilsonclinical.com](http://www.wilsonclinical.com) ; his email is listed there as well), and he is willing to use a video phone to do the psychological evaluation. One VR counselor in Great Falls hired him – her client and Dr. Wilson arranged to meet over the video phone and Shawn noted that his report was very thorough. She got a copy of his report (with the client’s name blackened out) and showed it to other VR counselors (carrying deaf cases) and regional administrators – they were impressed too. Shawn also mentioned the Disabled Access Credit which is a tax benefits for small businesses that have employees with disabilities. VR counselors can explain this to employers who may have complained about having to pay for sign language interpreters for their deaf employees. Employers can fill out Form 8826. The business must have revenues less than \$1 million and have less than 30 employees.

### **Transitions and Training update**

Peggy reported out for Mark who was out of town at a meeting in North Carolina. Recent training events were a webinar by Ellen Condon from the Rural Institute on customized employment. The VRBS spring staff training in March featured Steve Wooderson, CEO of CSAVR, speakers from the IL centers, Montana Youth Transitions/MYLF, Mike Woods on history of disability, labor market information and the IEP process in schools. The next bimonthly webinar will be in May and will include a tour of the new client case management system (almost complete). Mark is participating in the Capacity Building Institute as part of a team from Montana with representatives from VR, OPI, Department of Labor, MSU-Billings, and a teacher.

### **Other discussion and wrap up**

Closing clients unsuccessful because they are too severe—This issue was brought up at the last Council meeting, and staff has looked into it. Since October of 2011, 92 cases have been closed with a reason of “too severe” as follows: FY2012-27; FY2013-40; FY2014-13; and FY2015-12. Looking at the type of disability, the most common disabilities were mobility/orthopedic (30); visual (17); psycho/social (16); and physical debilitation/other physical (16). In March, regional administrators were reminded that there needs to be clear and compelling evidence before a client’s case can be closed because they are too significantly disabled. The regional administrators have shared this information with staff. CAP offered to review all these cases or to put a letter in the handouts or request the clients sign a release so CAP can contact them. Jim will talk to VRBS leadership on this.

Closing a case too quickly out of eligibility without trying to gather more medical information—This issue was also brought up at the last Council meeting. The regional administrators mentioned that they don’t observe this happening often. They have talked to their staff about the importance of gathering more information and completing an extension if needed.

NCSRC Proposed Bylaws--The Council did not have concerns regarding the NCSRC proposed bylaws, so Rick will send in his vote.

Summer Campus Experience (University of Montana)—Peggy reported for Amy that they now have 20 applications, but people can still apply. The application deadline is May 15. The four day on-campus experience in July will give high school students an opportunity to participate in seminars, a campus tour, and community activities. Topics for the seminars include an introduction to college life, self-advocacy skills, possible careers, disability modifications, etc.

September meeting location—The agency looked into ideas for a location for the meeting that were presented last time including Bozeman—Project Search and Fort Peck (Native American Reservation). Those didn't work out, so other ideas were discussed including Summit Independent Living Center, Butte, MonTech, Lake County JSEC, Boulder (MDC closure), Migrant programs. Peggy will continue to look into these.

The next meeting will be in September at a location to be determined.

The meeting was adjourned.

**Montana State Rehabilitation Council**  
**Meeting Minutes**  
**September 10 - 11, 2015**

**Montana State Rehabilitation Council**  
**September 10-11, 2015**  
**VRBS Conference Room, Billings**

**Members present:** Rick Heitz, Anna Gibbs, Char Harasymczuk, John Senn, Linda Zermeno, Tom Osborn, Jim Marks, Mona Amundson, Michelle Pickell, Amy Capalupo, Dale Mahugh, Quentin Schroeder, Coreen Faulkner, Donna Marie Robnett

**Members absent:** Robin Haux, Frank Podobnik (excused), Tiffany Costa (excused), Mike Woods (excused)

**Staff and visitors present:** Peggy Williams, Chanda Hermanson-Dudley, Sally Sjaastad

**Thursday, September 10, 2015**

**Billings Welcome—Sally Sjaastad**

Sally, the Billings VRBS Regional Manager, welcomed the Council to Billings. The Billings region serves the largest metro area in Montana in addition to some very rural counties. They serve about 1500 people a year, and have two offices, one in Billings and one in Miles City. They are working on a number of projects with the schools: (1) an e-mentoring project where students with disabilities at MSU-Billings are paired with high school students with disabilities; (2) counselors are working in some rural schools teaching soft skills and working with the Montana Career Information System; (3) transitions meetings with the independent living center to get more Pre-Employment and Transitions Services in the schools.

**State and Federal Update—Jim Marks**

Jim mentioned that the state's Labor Day Report shows that there will be more jobs than job seekers in ten years. The unemployment rate will decrease. This might mean that VRBS will have smaller caseloads.

VRBS is hitting a rough patch. The new federal law, WIOA (Workforce Innovation and Opportunity Act) has about 100 changes that affect us. The new emphasis is on services to youth, competitive integrated employment, and alignment of VR with workforce development. The state plan for VRBS will now have two parts, one a combined plan with Department of Labor and Adult Basic Education, and secondly a plan just for VRBS. In August, the partners had a large meeting to kick-off the relationship, and a meeting on writing the plan is scheduled for later in September.

Jim also talked about his personal philosophy. He is a change agent and believes the most important thing is informed choice, not a paternalistic medical model. Budgets are not the most important aspect of the program. They can be modified to adjust the highest priority. We must deliver quality services and not deny services based on budget if the services are reasonable and necessary.

We have a huge problem with our new case management system, MACS. It seemed to work in the test environment, but sometimes things are mysteriously added or deleted; a job that previously took 5 minutes can now take 3 hours (no exaggeration); promised reports are not available or are inaccurate; and many functions from the old system are still not available. We are working with the vendor to get these things corrected.

Another issue is that WIOA requires that 15% of our federal grant must be set aside for Pre-Employment Transitions Services (PETS) for high school students. This amounts to being able to spend only 85% of the grant on the people we used to serve—and the grant did not increase. We may need to go to Order of Selection (waiting list) to solve this.

Jim talked about the VRBS mission statement—it has been changed to more accurately reflect the wording in WIOA. In the past we've always done grass roots development of the mission. Now days, WIOA is top down. Our mission is about maximizing employment for people with disabilities, not just equalizing the playing field. This is a civil right for people with disabilities. Chanda suggested adding "Real jobs with real wages". [this was added later]

### **Movin' On Report—Amy Capalupo**

Nineteen students attended the four day workshop at the University of Montana. Disabilities included 3 people who were hard of hearing, 3 students with vision impairments, 3 students with mobility impairments, and others who were LD, ADHD, ASD, chronic health impairment, and psychiatric disability. Students stayed on campus, and attended presentations on disability rights, history and culture, how to request reasonable modifications and assistive technology. They also attended two college classes, used public transportation, and participated in fun activities on campus.

### **Brochure Draft and Community Rehabilitation Program—Michelle Pickell**

Michelle presented an employer brochure she had been working on and got feedback from the Council. The brochure could be given to an employer in conjunction with a verbal message. Council ideas (none voted on) included leave out assessment, but put in more on accommodations; maybe use 8 ½ X 11 paper to make it easier to file; keep it simple; put it on line; use real photographs; may be too busy looking. Everyone agreed it was a great start and appreciated Michelle's initiative on this. Chanda agreed to work with Michelle on this.

Michelle also suggested sending out a survey to the Community Rehabilitation Providers (CRPs) to help cement the relationship between VRBS and the providers. Michelle agreed to help put this together. Tom mentioned that the SILC is doing a survey mostly on subminimum wages. Jim mentioned that in the future (maybe next summer) VRBS will no longer contract with CRPs that are 14c (subminimum wage) providers. Schools are not allowed to contract with 14c providers for services to students.

### **ASPIRE Update—Mary Taylor**

ASPIRE is a federally funded research study of 14-16 year old students who are on SSI. Montana is part of a six state consortium participating in the study. Montana must enroll 130 students, half for the control group and half for the services group. Fifty students are enrolled so far. There are 3 case managers working on the enrollment. The project has signed contracts for parent training (PLUK), financial training (Rural Dynamics), self-determination training (centers for independent living) and benefits counseling (centers for independent living and MSU-Billings). If someone knows of a student who is on SSI and between the ages of 14 and 16 who might want to participate, they can contact Mary.

### **Parents Let's Unite for Kids (PLUK)**

In the afternoon, the Council went to the PLUK office where Roger Holt, PLUK director, and some of his staff presented on the services PLUK provides. PLUK offers peer to peer services, facilitator services, and coaching services. Staff are located in all major Montana communities, and anyone can call PLUK about anything.

Friday, September 11, 2015

### **Training, Transitions, and ACES—Mark Mahnke**

Mark reported on the agency training activities. There will be a webinar on September 16 on the Pre-Employment Transitions Services which will focus on services to schools and how VRBS staff will be involved. The November webinar will be about ACES (Adverse Childhood Experiences). The department's goal is that we will become a trauma informed agency. Mark is the facilitator for VRBS.

### **Governor's Report Recommendations, Personal Adjustment RFP—Peggy Williams**

Mike was unable to attend the meeting, so Peggy facilitated the discussion:

#### **RECOMMENDATIONS**

##### **INTERNAL CONTINUOUS IMPROVEMENT**

- Review VRBS quality assurance procedures. The procedures should focus on measuring results.
- Reduce staff overload. Review staffing to see if assignments can be adjusted to be more efficient. While adding new staff does not seem to be an option in the near future, perhaps there should be a review of potential staffing needs, so the agency is ready to act should the opportunity for new staff positions arise. Review the potential for temporary services options in staff overload areas.
- Make the problems related to the new case management system (MACS) a short term emergency priority and develop an action plan to alleviate impact on staff as much as possible.

##### **PROVIDE 21<sup>st</sup> CENTURY QUALITY SERVICE**

- Make sure consumers can financially benefit from going to work. Assist consumers in understanding the ramifications that working has on their various benefits in order for them to make an informed choice on whether to work and how much to work.
- Improve the VRBS image in electronic media. Consider quick reference codes and hash tags. Consider developing an app and utilizing social media networks. The agency should contract with someone with significant web development and social media experience to assist with the update.
- WIOA is a significant change in direction for VR nationally. VRBS needs to develop a clear set of statements on VRBS's plans related to the primary changes. The messages developed needs to be used consistently in communication with the public and stakeholders. The messages should be made available on the agency website.

##### **NETWORK WITH OTHER AGENCIES AND EMPLOYERS**

- If VRBS again closes categories of service due to Order of Selection, consumers should be given as much direction as possible on what other agencies may be able to assist them.
- VRBS should partner more with education.
- Complete a brochure targeting employers in order to make them aware of employer services available to them through VRBS.

## **ACCOMPLISHMENTS**

- The Council was renamed the Montana State Rehabilitation Council to align more closely with language in WIOA.
- The Council developed a new mission statement was developed and approved to align more closely with WIOA.
- The Council held a meeting at the Parent Training Center, Parents Let's Unite for Kids.
- The Council held a joint meeting with the Special Education Advisory Council.
- The Council had more interaction with other agencies and stakeholders such as the Developmental Disabilities Program and Society for Human Resources Management (SHRM).
- The Council assisted with plans for more presence in the schools.
- A Council representative attended the Council of State Administrators of Vocational Rehabilitation (CSAVR) and the National Coalition of State Rehabilitation Councils (NCSRC) national meetings.

## **PERSONAL ADJUSTMENT RFP**

VRBS is planning to issue a Request for Proposals (RFP) to provide PETS-type services to young people aged 14-21 who are not enrolled in high school and who have the most significant disabilities. Services to be provided would include job exploration counseling, work based learning experiences, counseling on opportunities for enrollment in post-secondary education, work place readiness training, and self advocacy training. The plan would be for one contract per region to be awarded.

## **Blind and Low Vision Lab—Shannon Payne and Stacy Ferguson**

Shannon and Stacy demonstrated some of the low vision supplies and equipment that are used with blind and low vision consumers.

## **Field Services Report—Chanda Hermanson**

Chanda talked about the 3 appeals since she started: (1) a client requested his case be closed and changed his mind the next day—case was settled; (2) eligibility decision—overturned at an administrative review; (3) HIPAA violation—dismissed because it was the wrong venue.

She also mentioned morale (bad because of the problems with the new case management system; case reviews (coming up in September); policy manual (language update-but no changes-by the Futures Group—not published yet); and local town hall meetings (4 meetings) to discuss WIOA changes (this will be a dialog).

## **Miscellaneous**

- Michelle Pickell was selected to represent the Council at the NCSRC, CSAVR, and NCSAB meetings in Seattle in November.
- Next meeting will be November 12—all day, in person, in Helena.

The meeting was adjourned.

**Montana State Rehabilitation Council**  
**Meeting Minutes**  
**November 12, 2015**

**Montana State Rehabilitation Council**  
**November 12, 2015**  
**Disability Rights Montana Conference Room**

**Members present:** Rick Heitz, Anna Gibbs, John Senn, Linda Zermeno, Tom Osborn, Jim Marks, Michelle Pickell, Amy Capalupo, Coreen Faulkner, Donna Marie Robnett, Tiffany Costa, Mike Woods, Frank Podobnik

**Members absent:** Robin Haux

**Staff and visitors present:** Peggy Williams, Chanda Hermanson-Dudley, Ellen Condon, Beverly Berg, Mark Mahnke, Shawn Tulloch, Mike Hermanson

Rick Heitz opened the meeting and the minutes from September were approved. There was no public comment.

### **National Conferences Report**

Michelle Pickell attended the National Coalition of State Rehabilitation Councils (NCSRC), Council of State Administrators of Vocational Rehabilitation (CSAVR), and National Council of State Agencies of the Blind (NCSAB) in Seattle, and reported on them. She stated that the main job of the SRC is to review, analyze, and advise. It is important that the client voice is heard. They talked about strategic planning and “SMART” goals. Many SRC’s have committees such as Business Relations, Quality Assurance, WIOA Implementation, and Membership. Many states have a business relations person on staff. We need to rethink rehabilitation strategies and increase employer relationships. All states are struggling with being able to spend their Pre-Employment Transitions (Pre-ETS) funding set aside.

### **State and Federal Update**

Jim Marks stated that the state plan draft is due on December 10 even though the final regulations are not yet out.

Because there is not enough money in the budget, VRBS is implementing the Order of Selection (OOS). By federal mandate, VRBS must serve people with the most significant disabilities first, and VRBS assigns a “disability level order” to each client. As of October 19, VRBS is not serving new clients in category 3, the least significant disability category. These clients are being put on a waiting list and also referred to other agencies which might serve them. The funding issue stems from the federal Pre-ETS set-aside requirement that VRBS must spend 15% of the budget on high school students with disabilities. This leaves only 85% of the budget for the other clients we need to serve.

VRBS is working on reorganizing staff. Former Regional Administrators will lead statewide teams in areas such as youth services and employer relations.

Jim also discussed the case management system, MACS, which is still causing problems and affecting employee morale.

### **Technical Assistance Contract with Rural Institute**

Ellen Condon from the Rural Institute at the University of Montana talked about the technical assistance contract between VRBS and the Rural Institute. They are bringing in staff from across the state and Seattle and British Columbia. At the VRBS' counselor request, they will make contact with schools and they can provide different levels of service: (1) webinars and conferences for everyone, and (2) targeted intensive assistance as needed. They are also available on an as-needed basis to consult with staff.

### **State Plan**

Mike Hermanson talked about the state plan and how things are changing. We are now submitting a combined state plan with Department of Labor and Office of Public Instruction. VRBS is conducting town hall meetings across the state. These will be in a different format than previous years. Now the meeting will be more of a dialog. The meetings will be held in four cities: Helena, Great Falls, Missoula and Billings.

Mike also discussed the Governor's Report. The Council recommending including the terms "review, analyze and advise" that Michelle had mentioned earlier.

The consumer satisfaction survey is on hold because we can't get information from the case management system (MACS) yet. We may change this to a July through June program year instead of using the calendar year.

### **Field Services Update**

Chanda Hermanson-Dudley asked that people spell out W-I-O-A rather than pronouncing it as one word, because the word is offensive to Native Americans. Also, VRBS is calling the Pre-Employment Transitions Services, Pre-ETS, rather than PETS.

Chanda talked about Section 511 of WIOA, which addresses subminimum wages and employers or facilities that have exemptions from paying minimum wages for people with disabilities who do not meet minimum job performance standards.

Working with the Department of Labor on the state plan, Sally and Barb are on the employer committee; Tammy is on the youth committee; Chanda is on the barriers committee; and Peggy and Mike are working on the data performance committee.

VRBS will be moving a counselor position from Billings to Havre because of the caseload growth in Havre and Glasgow.

Chanda also mentioned that VRBS may need to close Category 2 under Order of Selection.

### **Blind and Low Vision Update**

Beverly Berg mentioned that the Older Blind program had overspent its budget in 2015 and had to stop services to people who are driving and only giving out items that are in stock.

Under the Business Enterprise Program (vending machines), one vendor is doing well, but the other two vendors' income is going down. There is an emphasis on healthy vending and vendors will put labels on machines with the nutritional information. One state is putting blind vendors in prisons.

### **Transitions Update**

Mark Mahnke talked about VRBS contracting with schools (we can use the Pre-ETS money and serve students with group activities rather than individual case services). So far 15 schools have signed contracts. Mark is making presentations to Special Education, Superintendents, Transitions Conference, CEC, Special Education Co-ops. Mark helped with the Disability Awareness conference in Billings which was focused on employer engagement.

### **Deaf Services Update**

Shawn Tulloch talked about people who are hard of hearing. It generally takes about 7 years for a person to accept a hearing loss. Three things that affect their hearing are: (1) distance between two people (come closer); (2) background noise affects people; (3) echos off the wall affect people.

Next Meeting Date

March 3-4 in Helena