

Department of Human Services
Division of Rehabilitation Services
Division of Service to the Blind and Visually Impaired

Program Guide
DRS/DSBVI 2024-01
February 1, 2024

TO: ALL DRS/SBVI Staff

FROM: Gaye Mattke, SBVI Director
Eric Weiss, DRS Director

SUBJECT: VR Applicants and Individuals being Served by Multiple State Public VR Agencies.

This Program Guide replaces DRS/DSBVI 2008-01 and is effective immediately. This program guide has been revised to provide guidance on multiple state public vocational rehabilitation programs serving one individual. Included in this policy is the requirement that applicants of vocational rehabilitation are to be authorized to work legally in the United States.

Individuals Receiving Services from Multiple State Public Vocational Rehabilitation Programs

In certain instances, individuals with disabilities can receive joint services between DRS, SBVI or another State VR agency. Joint provision of services with another State VR agency may enhance the effectiveness and/or efficiency with which one or more employment barriers could be addressed regarding a singular or co-occurring disability. The service provision by the respective VR agencies should be coordinated to the extent feasible, ensuring no duplication of services; services provided are based upon informed choice consistent with the individual's VR needs, and the services provided are identified in the respective agencies' individualized plan for employment (IPE).

The designated State unit may not require the applicant to demonstrate a presence in the State through the production of any documentation that under State or local law, or practical circumstances, results in a de facto duration of residence requirement. As such, VR agencies are prohibited from requiring that an individual be a resident of a State to receive services. Therefore, an individual may reside in one State and receive services from another State if he or she is present and available for services.

If a VR agency contracts with another VR agency, whether in the same state or in a different state, to provide specific VR services to an individual pursuant to an IPE, only the VR agency that developed the IPE should report the case closure on its RSA-911 when the individual exits the program.

Individuals Receiving Services from 121 Native American VR Projects

Individuals with disabilities may have an open case jointly with a 121 Native American VR Program and either DRS or SBVI.

Out of State Services

VR agencies may not impose a duration of residency requirement with respect to the eligibility of any individual who is present in the state (Section 101(a)(12) of the Rehabilitation Act; 34 CFR 361.42(c)(1)). As a result, a VR agency may not establish policies that prohibit the provision of out-of-state services to eligible individuals and cannot prohibit paying for services when they are out-of-state.

As stipulated in 34 CFR 361.50(b)(2):

(b) Out-of-State services.

(1) The State unit may establish a preference for in-State services, provided that the preference does not effectively deny an individual a necessary service. If the individual chooses an out-of-State service at a higher cost than an in-State service, if either service would meet the individual's rehabilitation needs, the designated State unit is not responsible for those costs in excess of the cost of the in-State service.

(2) The State unit may not establish policies that effectively prohibit the provision of out-of-State services.

RSA encourages collaboration and cooperation between VR agencies when serving individuals whose disability and employment needs are more effectively and efficiently addressed in more than one state. This form of collaboration is intended to enhance the effective and efficient delivery of services that will best enable the individual to achieve an employment outcome. For example, the need for such collaboration can arise when an individual receives financial assistance from the VR agency in the state where he or she resides to attend a postsecondary education institution in another state. While attending the college or university, the individual may require other services, including, but not limited to, orientation and mobility training, assistive technology devices and training in their use, reader or interpreter services, and personal assistance services. In cases where such additional services are necessary, the VR agency located in the state where the individual is attending college is often in closest proximity to the individual and possesses the knowledge of the sources available in the state to provide such services. Thus, it is this agency that is in the best position to deliver the effective and timely services that will enhance the individual's educational experience, better enabling him or her to achieve an employment outcome.

Eventually, each State VR agency should claim a successful outcome for the client served; if the agency provided VR services, identified in their respective IPE, that substantially contributed to "full time employment, or, if appropriate, part time employment." Likewise, each agency must claim an unsuccessful outcome if that is the result.

Individuals Who Are Unauthorized to Work in the United States

Applicants who apply for vocational rehabilitation services will be found ineligible if they are unable to be authorized to work in the United States, as this means that they will be unable to benefit in terms of an employment outcome from vocational rehabilitation services. To be

authorized to work in the United States, an individual must meet the requirements outlined in the US Citizenship and Immigration Services I-9 "Employment Eligibility Verification" form.

Exceptions and Handling These Cases

Individuals interested and applying for vocational rehabilitation services cannot be denied an application. If the individual is not "present and available" the case should be closed from application as "All Other Reasons".

If a unique situation arises when applying this policy to an individual's situation, clarification and requests for approval would be submitted to the DRS or SBVI Assistant Director.

If you have any questions on the content of this policy, please contact the State Office.