

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

**Program Guide
DRS/SBVI 2026-09
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**From: Eric Weiss, DRS Director
Ronda Williams, SBVI Director
To: All DRS and SBVI staff
Subject: Provision of Services for Individuals with Disabilities**

In accordance with 34 C.F.R. §§ 361.50 and 361.52, Division of Rehabilitation Services (DRS) and Service to the Blind and Visually Impaired (SBVI) will provide vocational rehabilitation services based on the individual's documented rehabilitation needs, informed choice, and Individualized Plan for Employment (IPE). DRS and SBVI maintain a preference for appropriate services available within South Dakota when those services adequately meet the individual's rehabilitation needs and support achievement of the individual's employment outcome. This preference does not prohibit or prevent an individual from receiving a necessary vocational rehabilitation service outside South Dakota.

When an individual requests a service or provider outside South Dakota, the counselor must first document the specific disability-related rehabilitation need the service will address and how the service supports the individual's employment goal and IPE. The counselor must determine whether an appropriate service or provider is available in South Dakota and, when one is available, determine whether the in-state service adequately meets the individual's documented rehabilitation needs. The availability of an in-state service alone does not establish that the service is appropriate for the individual.

The counselor must consider informed choice by providing the individual with sufficient information regarding available in-state and out-of-state services or providers. This includes information about differences in services, costs, and any potential financial responsibility. An individual's preference for a specific out-of-state provider, by itself, does not establish that the out-of-state service is necessary or appropriate.

When comparable services are available, the counselor must consider the cost to DRS or SBVI when determining the appropriate service. The cost comparison may include tuition and fees, transportation, maintenance, room and board or lodging when applicable, required equipment or supplies, and other authorized costs associated with the service. Cost is a factor in determining the appropriate service but does not replace the requirement to determine whether the service adequately meets the individual's rehabilitation needs.

An out-of-state service may be authorized when the necessary service is not available in South Dakota, an available in-state service does not adequately meet the individual's documented rehabilitation needs, the individual's disability-related needs require a specialized service or

provider that is not available in South Dakota, or the out-of-state service represents the appropriate least-cost option. An out-of-state service may also be approved when the Assistant Division Director or Director determines that an exception is warranted based on the individual's documented rehabilitation needs and applicable federal and state requirements.

When an appropriate in-state service adequately meets the individual's rehabilitation needs, DRS or SBVI may generally limit its financial responsibility to the established or approved rate for the comparable in-state service, such as the applicable PSAR or Medicaid-approved rate, consistent with applicable federal and state requirements. Approval from the Assistant Division Director or Director is required when the cost of the out-of-state service exceeds the applicable established or approved rate. The approval must be obtained before the higher rate is authorized.

The case record must document the individual's rehabilitation need, the in-state and out-of-state options considered, the basis for determining the appropriate service, and the cost comparison when applicable. The Assistant Division Director or Director may approve exceptions to the in-state preference when the exception is supported by the individual's documented rehabilitation needs and is consistent with applicable federal and state requirements.

The in-state preference does not constitute an absolute prohibition on out-of-state services. DRS and SBVI must consider the individual's specific rehabilitation needs and may not deny a necessary service solely because the service or provider is located outside South Dakota. Assistant Division Director or Director approval is required only when the authorized cost exceeds the applicable established or approved rate.