

## 6800 DEFINITIONS

**504 Plan:** The term “504 Plan” refers to Section 504 of the *Rehabilitation Act* and the Americans with Disabilities Act, which specify that no one with a disability can be excluded from participating in federally-funded programs or activities, including elementary, secondary or post-secondary schooling. In this context, “disability” refers to a “physical or mental impairment which substantially limits one or more major life activities.” This can include impairments; illnesses or injuries; communicable diseases; chronic conditions like asthma, allergies and diabetes; and learning problems. A 504 Plan spells out the modifications and accommodations that will be needed for these students to have an opportunity to perform at that same level as their peers.

**Age of Majority:** IDEA 2004 states that you must be informed about decisions and choices regarding becoming your own educational guardian no later than one year before you reach the age of majority or legal age for your state. In West Virginia the legal age is 18 (unless you have been determined to be a protected person under state law). This means you become responsible for making your own decisions about school unless you have a court-appointed legal guardian or court-appointed surrogate parent.

**American Indian:** An individual who is a member of an Indian tribe.

**Appeal Hearing:** The procedure, at the level of the Division Director, to review determinations made by a Rehabilitation Counselor upon the request of an applicant for or recipient of rehabilitation services.

**Applicant:** An individual who submits an application for rehabilitation services. An individual is considered to have submitted an application when the individual or the individual’s representative, as appropriate, has completed and signed an *Application for Rehabilitation Services*, or has otherwise requested services, provided information necessary to initiate an assessment to determine eligibility and priority for services, and is available to complete the assessment process.

**Appropriate Modes of Communication:** Specialized aids and supports that enable an individual with a disability to comprehend and respond to information that is being communicated. Appropriate modes of

communication include, but are not limited to, the use of interpreters, open and closed-captioned videos, specialized telecommunications services and audio recordings, Brailled and large print materials, materials in electronic formats, augmentative communication devices, graphic presentations, and simple language materials.

**Assessment for Determining Eligibility and Priority for Services:** A review of existing data to determine whether an individual is eligible for rehabilitation services and to assign a priority under an order of selection, when appropriate.

**Assistive Technology Device:** Any item, piece of equipment or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

**Assistive Technology Service:** Any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device, including:

1. The evaluation of the needs of an individual with a disability, including a functional evaluation of the individual in his/her customary environment;
2. Purchasing, leasing or otherwise providing for the acquisition by an individual with a disability of an assistive technology device;
3. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
4. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
5. Training or technical assistance for an individual with a disability or, if appropriate, the family members, guardians, advocates, or authorized representatives of the individual; and,
6. Training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or others who

provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities, to the extent that training or technical assistance is necessary to the achievement of an employment outcome by an individual with a disability.

**Bioptic Low Vision Driving Program Coordinator(s):** Individual(s) responsible for coordinating referrals, screening, scheduling, and training services. These individual(s) may also act as liaison(s) to internal and external entities in matters related to operation of the Low Vision Driving Program.

**Bioptic telescopic device:** A two focus optical system used to magnify distant objects by including a small telescope that is mounted on or above a spectacle lens to allow an unobstructed view of the horizontal visual field through normal distance corrective lenses.

**Center for Independent Living:** A consumer controlled, community based, cross disability, non-residential, private non-profit agency that is designed and operated within a local community by individuals with disabilities and provides an array of independent living (IL) services.

**Class G Driver's License:** A driver's license granted to a bioptic user who successfully completes an approved Low Vision Driving Program and who meets all requirements established by the West Virginia Division of Motor Vehicles for issuance of such license.

**Clear and Convincing Evidence:** The state agency shall have a high degree of certainty before it can conclude that an individual is incapable of benefiting from services in terms of an employment outcome. The "clear and convincing" standard constitutes the highest standard used in our civil system of law and is to be individually applied on a case-by-case basis. The term "clear" means unequivocal. Given these requirements, a review of existing information generally would not provide clear and convincing evidence. For example, the use of an intelligence test result alone would not constitute clear and convincing evidence. Clear and convincing evidence might include a description of assessments, including situational assessments and supported employment assessments, from service providers who have concluded that they would be unable to meet the individual's needs due to the severity of the individual's disability. The

demonstration of “clear and convincing evidence” must include, if appropriate, a functional assessment of skill development (including assistive technology) in real life settings.

**Client Assistance Program (CAP):** Program administered by the Disability Rights West Virginia, to provide assistance in informing and advising all applicants for, and recipients of, Division services about all available benefits under the Rehabilitation Act, and, upon request, to assist and advocate for individuals in their relationships with projects, programs, and facilities providing services to them under the Act. This includes assistance and advocacy in pursuing legal, administrative, or other appropriate remedies to ensure the protections of the rights of individuals with disabilities receiving services under the Act and to facilitate access to the services funded under this Act through individual and systemic advocacy. CAP provides information on Title I of the Americans with Disabilities Act and may provide assistance and advocacy with respect to services that are directly related to facilitating the employment of an individual with a disability.

**Community Rehabilitation Program (CRP):** Program that provides directly or facilitates the provision of one or more of the following vocational rehabilitation services to individuals with disabilities to enable those individuals to maximize their opportunities for employment, including career advancement:

1. Medical, psychiatric, psychological, social, and vocational services that are provided under one management;
2. Testing, fitting, or training in the use of prosthetic and orthotic devices;
3. Recreational therapy;
4. Physical and occupational therapy;
5. Speech, language, and hearing therapy;
6. Psychiatric, psychological, and social services, including positive behavior management;

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7. Assessment for determining eligibility and vocational rehabilitation needs;
8. Rehabilitation technology;
9. Job development, placement, and retention services;
10. Evaluation or control of specific disabilities;
11. Orientation and mobility services for individuals who are blind;
12. Extended employment;
13. Psychosocial rehabilitation services;
14. Supported employment and extended services;
15. Customized Employment
16. Services to family members, if necessary, to enable the applicant or eligible individual to achieve an employment outcome;
17. Personal assistance services; and,
17. Services similar to 1 through 17, above.

**Comparable Services and Benefits:** Services and benefits that are provided or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits. These benefits and services must be available to the individual at the time needed to achieve the intermediate rehabilitation objectives in the individual's *Individualized Plan for Employment (IPE)*. These benefits and services must be commensurate to the services that the individual would otherwise receive from the vocational rehabilitation agency.

**Competitive Integrated Employment:** Work that is:

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1. Performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that:
  - a. Is not less than the higher of the rate of the Fair Labor Standards Act of 1938 or the rate required under the applicable State or local minimum wage law for the place of employment;
  - b. Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and
  - c. In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and
  - d. Eligible for the level of benefits provided to other employees; and
2. Is at a location typically found in the community: and
  - a. Performing the duties of the position with other employees within the particular work unit and the entire work site, and interacting with other persons (*e.g.*, customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and
  - b. Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

**Core Services:** For the purpose of the order of selection, the term “core services” is defined to include physical restoration, mental health services, rehabilitation training, counseling, placement, rehabilitation technology, and assessment.

**Customized Employment:** A specialized method of seeking integrated community employment, based on a negotiated relationship between job

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seekers and employers in ways that meet the needs of both, and determined on a discovery process that explores the interest and skill of the client and needs of the employer.

**Disability:** A physical or mental impairment that constitutes or results in a substantial impediment to employment.

**Disability Determination Services (DDS):** Organizational unit of the Division which is contracted by the Social Security Administration to make disability determinations in Social Security Disability Insurance (Title II of the Social Security Act) and Supplemental Security Income (Title XVI of the Social Security Act) disability claims in West Virginia.

**Division of Rehabilitation Services:** State agency designated to administer the Title I Vocational Rehabilitation Program, Title VI-C Supported Employment Program, and Title VII Independent Living Program authorized by the Rehabilitation Act of 1973, as amended. This is also referred to as the “Division” or “Agency.”

**Driver Educator/Driver Rehabilitation Specialist:** Individual(s) who may be responsible for screening and training services related to the clinical, classroom, and behind-the-wheel instruction to include serving as the front seat driver evaluator during student on-road Driver Performance Measurement assessments. These individuals may also be responsible for screening and training related to pre-driver readiness skills, passenger-in-car skills with bioptic lens and second in-car evaluator during student on-road Driver Performance Measurement assessments.

**Durable Medical Equipment:** Those items purchased by the Division for eligible individuals including items such as canes, crutches, walkers, raised toilet seats, bathtub rails, wheelchair pads, dressing aids, catheters, suppository tools, etc.

**Economic Need:** Evaluation of whether an individual will be required to participate financially in the cost of extended evaluation or rehabilitation services provided or sponsored by the Division under an IPE.

**Eligible Individual:** An applicant for vocational rehabilitation services who meets the following requirements:

1. It has been determined that the applicant has a physical or mental impairment;
2. It has been determined that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment;
  1. It can be presumed that the applicant can benefit in terms of an employment outcome from the provision of vocational rehabilitation services; and,
4. It has been determined that the applicant requires vocational rehabilitation services to prepare for, enter into, engage in, or retain gainful employment consistent with the applicant's strengths, abilities, capabilities, and informed choice.

**Employment Outcome:** With respect to an individual, entering, advancing in, or retaining full-time or, if appropriate, part-time competitive integrated employment (including customized employment, self-employment, telecommuting, or business ownership), or supported employment, that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

**Extended Employment:** Work in a non-integrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act.

**Extended Services:** Ongoing support and other appropriate services needed to support and maintain an individual with a most significant disability in supported employment after time-limited services have been provided by the Division.

**Extreme Medical Risk:** Risk of substantially increasing functional impairment or risk of death if medical services (including mental health services) are not provided expeditiously.

**Functional Capacities:** In general, functional capacities (*ability to do*) include, but are not limited to, mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, work skills, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, and thinking. The determination of whether an impairment substantially limits a functional capacity should be made without regard to the effects of mitigating measures.

**Hearing Officer:** Impartial individual who:

1. Is not a Division employee;
2. Has not been involved in any previous decision regarding the furnishing or denial of rehabilitation services to the individual;
3. Has knowledge of the delivery of rehabilitation services;
4. Has no personal or financial interest that would be in conflict with his/her objectivity;
5. Is not a member of the State Rehabilitation Council;
6. Is selected from among a pool of qualified persons, identified jointly by the designated State unit and members of the State Rehabilitation Council; and,
7. Has received training to carry out these duties.

**Illegal Use of Drugs:** The use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act. The term does not include the use of prescribed drugs taken under supervision of a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of federal law.

**Independent Living Services:** Any appropriate rehabilitation service (as defined under Section 7 (30) of the Rehabilitation Act) and any other service that will enhance the ability of an individual with disabilities to live independently and function within the family and community and, if appropriate, secure and maintain appropriate employment.

**Indian Tribe:** Any federal or state Indian tribe, band, ranchero, pueblo, colony, or community, including any Alaskan native village or regional village corporation.

**Individual's Representative:** Any representative chosen by an applicant or eligible individual, including a parent, guardian, other family member, or advocate, unless a representative has been appointed by a court to represent the individual, in which case the court-appointed representative is the individual's representative.

**Individual with a Disability:** An individual:

1. Who has a physical or mental impairment;
2. Whose impairment constitutes or results in a substantial impediment to employment; and,
3. Who can benefit in terms of an employment outcome from the provision of rehabilitation services.

**Individual with a Disability (for Requirements for a State Rehabilitation Council):** An individual who:

1. Has a physical or mental impairment that substantially limits one or more major life activities;
2. Has a record of such an impairment; or,
3. Is regarded as having such an impairment.

**Individual with Most Significant Disability:** An individual who:

1. Has a permanent physical or mental impairment which seriously limits *three or more* functional capacities (mobility, communication, self-care, self-direction, interpersonal skills, work tolerances, or work skills) in terms of an employment outcome; and,

2. Will require *two or more* vocational rehabilitation services in addition to assessment; and,
3. Completion of the needed services will require *more than twelve months*.

**Individual with Non-Significant Disability:**

1. An individual with a non-permanent disability will be determined as having a non-significant disability, regardless of time in service.
2. An individual with a permanent disability will be determined as having a non-significant disability when completion of the needed services will require *less than nine months*.

**Individual with Significant Disability:** An individual who:

1. Has a permanent physical or mental impairment which seriously limits *one or more* functional capacities (mobility, communication, self-care, self-direction, interpersonal skills, work tolerances, or work skills) in terms of an employment outcome; and,
2. Will require *one or more* vocational rehabilitation services in addition to assessment; and,
3. Completion of the needed services will require *nine months or more*; or,
5. Is a Supplemental Security Income (SSI) recipient; or,
4. Is a Social Security Disability Income (SSDI) beneficiary.

**Individual with Disabilities Education Act (IDEA):** The Individuals with Disabilities Education Act, assures that all children, 0-21 years of age, with disabilities have available to them, a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of children with disabilities and their parents or guardians are protected, to assist states and localities to provide for the education of all children with disabilities, and to assess and assure the effectiveness of efforts to educate children with disabilities.

**Individual Education Plan (IEP):** That plan developed by the Department of Education that outlines all of the services and accommodations to which students are entitled.

**Informed Choice:** The outcome of a process that occurs within a partnership where the partners identify and explore together the various options at each decision point in the consumer's rehabilitation, where the positive and negative implications from the consumer's perspective are identified, and where the Counselor provides support as needed for the consumer to make the informed choices that will result in a meaningful career outcome.

**Institution of Higher Education:** University, college, community/ junior college, vocational school, technical institute, or hospital school of nursing.

**Integrated Setting:**

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

**Integrated Work Setting:** Job sites where:

1. Most employees are not disabled; and,
  - a. An individual with a significant disability interacts on a regular basis, in the performance of job duties, with employees who are not disabled; and,
  - b. If an individual with a significant disability is part of a distinct work group of only individuals with disabilities, the work group consists of no more than eight individuals; or,

2. If there are no other employees or the only other employees are individuals who are part of a work group of only individuals with disabilities, the individual with a significant disability interacts on a regular basis, in the performance of job duties, with the individuals who are not disabled, including members of the general public.

Interaction requirements are not satisfied by contact between an individual with a significant disability and individuals who provide ongoing support services at the job site.

**Intercurrent Illness:** Acute illness or injury occurring during the course of an individual's rehabilitation or extended evaluation program and which, if not cared for, would complicate or delay the individual's program.

**Job Coaching (for Titles I and VI-C):** Provision of community-based services needed to assist an individual with a disability in maintaining employment such as job skills training, monitoring, follow along, and case management.

**Job Skills Training:** Provision of a set of specific activities enabling an individual with a disability to become proficient on the job. Job skills training when needed to maintain the employment may be provided by a job coach, skilled job trainers, co-workers and other qualified individuals. Job skills training must be provided at the job site.

**Local Education Agency (LEA):** a public board of education responsible for the administrative control or direction of the public elementary or secondary schools in a city, county, township, or school district, or for a combination of school districts or counties as are recognized in a State.

**Local Workforce Investment Board (LWIB):** A board established in each local workforce area and certified by the Governor that includes Local Elected Officials, representatives of business, education, labor, community-based organizations (including organizations representing individuals with disabilities and veterans), economic development agencies, and representatives of one stop partners. The LWIB sets policies, develops local plans, certifies one-stop operators, and identifies eligible providers of training and intensive services provided under Title I of the Workforce Investment Act.

**Maintenance:** Monetary support provided to an eligible individual or an individual participating in a trial work experience for those expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the individual and that are necessitated by the individual's participation in a program of rehabilitation services.

**Natural Supports:** Supports that already exist, not artificial; formal or informal mechanism that provides temporary or permanent assistance and whose usage depends upon the individual and the situation.

**Nonprofit:** With respect to a community rehabilitation program, means a community rehabilitation program carried out by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under section 501c(3) of the Internal Revenue Code of 1954.

**One-Stop Service Delivery:** The mechanism in local workforce areas to provide employment and training activities for adults and dislocated workers that include core services and access to intensive training services. Core services include eligibility determinations, outreach, intake, orientation, initial assessment of skill levels, aptitudes, abilities and supportive service needs, job search and placement assistance, employment statistics that include job vacancy listings and demand occupations, performance and cost information on eligible training providers, information about adult education, vocational education, youth programs, providers of vocational rehabilitation activities and welfare to work activities, information on supportive services such as child care and transportation, and how to file unemployment compensation claims. One-stop service delivery in our state is found at Workforce West Virginia:

**Ongoing Support Services:** As used in the definition of "supported employment":

1. Means services that are:

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a. Needed to support and maintain an individual with the most significant disability, including a youth with a most significant disability, in supported employment;

b. Identified based on a determination of the individual's needs as specified in an IPE; and,

c. Furnished by the Division from the time of job placement until transition to extended services, unless post-employment services are provided following transition, and thereafter by one or more extended services providers throughout the individual's term of employment in a particular job placement or multiple placements, if those placements are being provided under a program of transitional employment;

2. Must include an assessment of employment stability and provision of specific services or the coordination of services at or away from the work site that are needed to maintain stability based on:

a. At a minimum, twice monthly monitoring at the work site of each individual in supported employment; or,

b. If, under special circumstances, especially at the request of the individual, the IPE provides for off-site monitoring, twice monthly meetings with individual.

**Orientation and Mobility Specialist / Teacher of the Visually Impaired:**

Individual(s) who may be responsible for screening and training related to pre-driver readiness skills, passenger-in-car skills with bioptic lens and second in-car evaluator during student on-road Driver Performance Measurement assessments.

**Permanent Functional Limitation:** An impairment of physical or mental activities or functions which either is not amenable to or is not likely to be eliminated through the provision of surgical or other medical services. This use of the term seeks to differentiate between those physical or mental conditions that usually are remedied through the provision of physical or mental health services and those other conditions that impose, or are likely

to impose, a permanent loss or substantial reduction in activities or functions regardless of medical intervention. Sometimes, of course, it is not possible to ascertain the probable result(s) of future medical intervention(s). Therefore, an impairment should be considered as being permanent whenever the Rehabilitation Counselor determines that there is substantial doubt about whether or not the impairment is amenable to and/or likely to be eliminated through medical intervention. Examples of permanent functional limitations might include those resulting from amputations of body extremities, most significant visual disorders, and intellectual disabilities. Examples of conditions resulting in functional limitations which, with medical treatment, usually are not permanent might include simple myopia, inguinal hernia, and gall stones.

**Physical Rehabilitation (for IL):** The Division will authorize only two types of medical services. Therapy services such as physical, occupational, speech, or psychotherapy may be provided. Also included are orthotics, prosthetics, and other aids and devices including hearing aids and durable goods that may assist in increasing the individual's level of IL.

**Physical and Mental Health Services:**

1. Corrective surgery or therapeutic treatment that is likely, within a reasonable period of time, to correct or modify substantially a physical or mental impairment that constitutes a substantial impediment to employment;
2. Diagnosis of, and treatment for, mental emotional disorders by qualified personnel in accordance with state licensure laws;
3. Dentistry;
4. Nursing services;
5. Necessary hospitalization (either inpatient or outpatient) in connection with surgery or treatment and clinic services;
6. Drugs and supplies;
7. Prosthetic, orthotic, or other assistive devices, including hearing aids;

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8. Eyeglasses and visual services, including visual training, and examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids prescribed by personnel who are qualified in accordance with state licensure laws;
9. Podiatry;
10. Physical therapy;
11. Occupational therapy;
12. Speech or hearing therapy;
13. Mental health services;
14. Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical and mental health services, or that are inherent in the condition under treatment;
15. Special services for treatment of individuals with end-stage renal disease, including transplantation, dialysis, artificial kidneys, and supplies; and,
16. Other medical or medically related rehabilitation services.

**Physical or Mental Impairment:** Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculo-skeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities. An impairment that is episodic remains an impairment if it would substantially limit a functional capacity when active.

**Plan for Employment:** The Division utilizes three options for developing the *Plan for Employment*.

1. The *Individualized Plan for Employment–Transition* (IPE-PT) is used for transition students who are in high school, have a general vocational goal based on their chosen Career Cluster and will need Pre-Employment Transition Services (PETS) to assist them in developing a specific vocational goal before high school graduation/exit.
2. The *Individualized Plan for Employment-High School* (IPE-HS) is used for transition students who are in high school and have determined a specific vocational goal. PETS will continue to be provided under the IPE–HS until the graduate/exit date to facilitate the transition student post-secondary planning.
3. The *Individualized Plan for Employment* (IPE) is used for all individuals served in a General territory, individuals served in a Transition territory who require a post-secondary Plan amendment, or all other Plan amendments.

**Placement and Relocation Expenses:** Costs associated with relocation such as food, housing, travel, moving expenses, utilities, and rent. An individual who must relocate in order to accept employment may be eligible to receive an allotment to assist in defraying costs of such move.

**Post-Employment Services:** One or more services that are provided subsequent to the achievement of an employment outcome and that are necessary for an individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice. Post-employment services are intended to ensure that the employment outcome remains consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice. These services are available to meet rehabilitation needs that do not require a complex and comprehensive provision of services and, thus, should be limited in scope and duration. If more comprehensive services are required, a new rehabilitation effort should be considered. Post-employment services are to be provided under an amended IPE; thus, a redetermination of eligibility is not required. The provision of post-employment services is subject to the same requirements as provision of any other vocational rehabilitation service. Post-

employment services are available to assist an individual to maintain employment (the individual's employment is jeopardized because of conflicts with supervisors or co-workers and the individual needs mental health services and counseling to maintain the employment); to regain employment (the individual's job is eliminated through reorganization and new placement services are needed); and to advance in employment (the employment is no longer consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice).

**Pre-Employment Transition Services (Pre-ETS):** Pre-Employment Transition Services are provided to transition students with disabilities in conjunction with and complimentary to their educational program to access education, employment, job driven training, and support services in vocational goal decision making. Such services may include but are not limited to: job exploration counseling; work-based learning experiences, which may include in-school or after school opportunities or experience outside the traditional school setting (including internships), that are provided in an integrated environment to the maximum extent possible; counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institution of higher education; workplace readiness training to develop social skills and independent living; and/or instruction in self-advocacy, which may include peer mentoring.

**Record of Services:** Official record of information held by the Division pertaining to an applicant for, or recipient of, rehabilitation services. Also referred to as "case" or "record."

**Rehabilitation Counselor:** Division employee responsible for determining eligibility and providing or arranging rehabilitation services for applicants or recipients of these services.

**Rehabilitation Engineering:** Systematic application of engineering sciences to design, develop, adapt, test, evaluate, apply, and substitute technological solutions to problems confronted by individuals with disabilities in functional areas, such as mobility, communication, hearing, vision, and cognition, and in activities associated with employment, independent living, education, and integration into the community.

**Rehabilitation Services:** Vocational rehabilitation services and independent living rehabilitation services.

**Rehabilitation Technology:** Systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address barriers confronted by, individuals with disabilities in areas which include education, rehabilitation, employment, transportation, independent living, and recreation. It includes rehabilitation engineering, assistive technology devices, and assistive technology services.

**Self Determination:** Key to making an informed choice and achieving goals. Components include: self-awareness; self-advocacy; self-efficacy (self-confidence); decision making; independent performance; self-evaluation; and adjustment.

**Social Security Disability Insurance (SSDI):** Insurance program often referred to as Disability Insurance Program (DIP). It is supported by Social Security contributions that are made by most workers in the United States. It is designed to replace earnings lost because of disability or blindness. During the working years, employers and employees contribute to the Social Security Trust Fund. These funds can be used to pay monthly cash benefits to replace partial earnings. SSDI benefits are work related. A recipient is called a “beneficiary.”

**State Education Agency (SEA):** the State board of education or other agency or officer primarily responsible for the State supervision of public elementary schools and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

**State Plan under WIOA:** Under the Workforce Innovation and Opportunity Act (WIOA), the Governor of each State must submit a Unified or Combined State Plan to the U.S. Secretary of Labor that outlines a four-year workforce development strategy for the State’s workforce development system. The publicly-funded workforce system is a national network of Federal, State, regional, and local agencies and organizations that provide a range of employment, education, training, and related services and supports to help all jobseekers secure good jobs while providing businesses with the skilled workers they need to compete in the global economy. States must have approved Unified or Combined State Plans in place to receive funding for

core programs including WorkForce WV, Vocational Rehabilitation (WVDRS), and Adult Education and Literacy Programs.

**State Workforce Investment Board (SWIB):** A state board established by the Governor that includes members of the State Legislature, business owners, chief elected officials representing cities and counties, labor organizations, organizations that have experience with youth activities, and lead State agency officials and organizations that have experience and expertise in the delivery of workforce investment activities. The SWIB develops the Unified Workforce Plan that describes the system of workforce activities that are provided through a one stop delivery system, ensures linkages and coordination, ensures non-duplication, reviews LWIB plans, develops continuous improvement and state performance measures, and reports annually to the Governor.

**Substantial Impediment to Employment:** Physical or mental impairment (in light of medical, psychological, vocational, educational, and other related factors) which hinders an individual from preparing for, entering into, engaging in, or retaining employment consistent with the individual's abilities and capabilities.

**Substantial Vocational Rehabilitation Services:** Substantial vocational rehabilitation services are those services, which provided in the context of the counseling relationship, contribute in an identifiably positive way to the achievement of an employment outcome consistent with the informed choice of the individual.

**Supplemental Security Insurance (SSI):** Program which provides a minimum income for individuals who are aged, blind, or disabled who do not have enough income or resources to maintain a minimum standard of living. This program is funded by general funds from the Treasury.

**Supported Employment:**

1. Competitive integrated employment, including customized employment, or employment in an integrated work setting in which an individual with a most significant disability, including a youth with a most significant disability, is working on a short-term basis toward competitive integrated employment that is individualized, and customized, consistent with the unique strengths, abilities, interests, and informed choice of the individual,

including with ongoing support services for individuals with the most significant disabilities.

- a. For whom competitive integrated employment has not historically occurred, or for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability and,
- b. Who, because of the nature and severity of their disabilities, need intensive supported employment services and extended services after the transition from support provided by the designated State unit, in order to perform this work.

2. Short-term exception. For an individual with a most significant disability, whose supported employment in an integrated setting does not satisfy the criteria of competitive integrated employment is considered to be working on a short-term basis toward competitive integrated employment so long as the individual can reasonably anticipate achieving competitive integrated employment.

- a. Within six months of achieving a supported employment outcome;  
or
- b. In limited circumstances, within a period not to exceed 12 months from the achievement of the supported employment outcome, if a longer period is necessary based on the needs of the individual, and the individual has demonstrated progress toward competitive earnings based on information contained in the service record.

**Supported Employment Services:** Ongoing support services, including customized employment, and other appropriate services needed to support and maintain an individual with a most significant disability, including a youth with a most significant disability, in supported employment that are:

1. Organized and made available, singly or in combination, in such a way as to assist an eligible individual to achieve competitive integrated employment;

2. Based on a determination of the needs of an eligible individual, as specified in an individualized plan for employment;
3. Provided for a period of time not to exceed 24 months, unless under special circumstances the eligible individual and the rehabilitation counselor jointly agree to extend the time to achieve the employment outcome identified in the individualized plan for employment; and
4. Following transition, as post-employment services that are unavailable from an extended services provider and that are necessary to maintain or regain the job placement or advance in employment.

**Telecommunications and Sensory Aids:** Aids characterized by electronic, electrical, magnetic, or mechanical capabilities for the active detection, passive reception, transmission or emission of light, sound, or tactile stimuli. Sensory aids augment or substitute for one or more of the human senses. Telecommunications aids permit instantaneous communication of information over an intervening distance through the use of electromagnetic technology. Hearing aids, low vision aids, and canes for mobility purposes are sensory aids, while telecommunication devices for the Deaf (TDDs) are telecommunication aids.

**Time In Service:** For the purpose of determining significance of disability, “time in service” is considered to begin upon implementation of the *Individualized Plan for Employment* (entering Status 14, 16, 18 or 20) and end upon entering Status 22.

**Title I Vocational Rehabilitation Program:** Section in the Rehabilitation Act that includes authority for the Vocational Rehabilitation Program, State Rehabilitation Council, and the Client Assistance Program.

**Title VI Employment Opportunities for Individuals with Disabilities:** Section in the Rehabilitation Act that includes authority for Projects with Industry and the Supported Employment Program.

**Title VII Independent Living Services and Centers for Independent Living:**

Section in the Rehabilitation Act that includes authority for the Statewide Independent Living Council, Independent Living Services, Centers for Independent Living, and Independent Living Services for Older Individuals Who are Blind.

**Transition Services:** Coordinated set of activities for a student designed within an outcome-oriented process that promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, IL, or community participation. The coordinated set of activities must be based upon the individual student's needs, taking into account the student's preferences and interests, and must include instruction, community experiences, development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services must promote or facilitate the accomplishment of long-term rehabilitation goals and intermediate rehabilitation objectives identified in the student's IPE.

**Transportation:** Travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a rehabilitation service. Following are examples of expenses that would meet the definition of transportation. The examples are purely illustrative, do not address all possible circumstances, and are not intended to substitute for individual Rehabilitation Counselor judgment.

Example 1: Travel and related expenses for a personal care attendant or aide if the services of that person are necessary to enable the applicant or eligible individual to travel to participate in any rehabilitation service.

Example 2: Short-term travel-related expenses, such as food and shelter, incurred by an applicant participating in evaluation or assessment services, including a trial work experience, that necessitates travel.

Example 3: Relocation expenses incurred by an eligible individual in connection with a job placement that is a significant distance from the eligible individual's current residence.

**Trial Work Experience:** Vocational exploration and assessment services conducted in integrated work settings for the purpose of evaluating the individual's abilities, capabilities, and capacities to perform in work situations.

**Tutorial Services:** Instruction presented to the individual by a tutor (person who is knowledgeable in the particular subject). It is conducted independent of a training institution, usually in the individual's home or tutor's office or home on a "one-on-one" basis, with the tutor and the individual only as a class of one.

**Worker's Compensation Claimant:** Individual who has sustained a compensable injury or occupational disease and filed a claim for worker's compensation benefits.

**Workforce Innovation and Opportunity Act (WIOA):** The Workforce Innovation and Opportunity Act (WIOA) replaces the Workforce Investment Act of 1998 (WIA) and amends the Rehabilitation Act of 1973 (Rehabilitation Act). This new law represents a renewed commitment to workforce development with an eye to the future through innovation and support for individual and national economic growth. It is aimed at increasing opportunities, particularly for those individuals with disabilities who face barriers to employment and invests in the important connection between education and career preparation. Changes made to the Rehabilitation Act by Title IV of WIOA include:

1. Increasing services to youth with disabilities;
2. Supporting employer engagement;
3. Emphasizing competitive integrated employment;
4. Enhancing accountability; and,
5. Promoting collaboration and efficiency.

Please see the following link for additional information:

<https://www2.ed.gov/about/offices/list/osers/rsa/publications/wioa-changes-to-rehab-act.pdf>

**Workforce Investment System:** Statewide and local workforce activities that increase the employment, retention, and earnings of participants, increases occupational skill attainment and improves the quality of the workforce,

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reduces welfare dependency, and enhances the productivity and competitiveness of the nation.

**Workforce West Virginia:** Name of the State workforce development system with one-stop locations throughout West Virginia that deliver employment and training services provided by the Workforce Investment Act (WIA). At least one comprehensive center, affiliate sites, and self-service access points comprise the one-stop service delivery system.