

- 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-115.
- 67-25-030 Eligibility—Criteria. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-030, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-030, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. WSR 91-20-010, § 67-25-030, filed 9/20/91, effective 10/21/91. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-030, filed 12/15/83. Formerly WAC 67-20-030.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-125.
- 67-25-050 Eligibility—Certification for decision of eligibility. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-050, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-050, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-050, filed 12/15/83. Formerly WAC 67-20-050.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-160.
- 67-25-055 Eligibility determination—Notice to applicant. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-055, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-055, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-055, filed 12/15/83. Formerly WAC 67-20-055.] Repealed by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361.
- 67-25-056 VR program exit—Ineligibility determination or lack of participation. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-056, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-056, filed 2/28/95, effective 3/31/95.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-575.
- 67-25-060 Eligibility—Criteria for categorization of significance of disability. [Statutory Authority: Code of Federal Regulations, The Rehabilitation Act, and Washington State Constitution. WSR 10-11-007, § 67-25-060, filed 5/6/10, effective 6/6/10. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-060, filed 4/4/05, effective 5/5/05. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-060, filed 12/15/83. Formerly WAC 67-20-060.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-183.
- 67-25-065 Eligibility—Trial work experience. [Statutory Authority: 34 C.F.R. 361.42, the Rehabilitation Act and Washington state Constitution. WSR 08-19-068, § 67-25-065, filed 9/15/08, effective 10/16/08. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-065, filed 4/4/05, effective 5/5/05.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-140.
- 67-25-070 Extended evaluation. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-070, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-070, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-070, filed 12/15/83. Formerly WAC 67-20-070.] Repealed by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361.
- 67-25-075 Extended evaluation—Eligibility criteria. [Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-075, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-075, filed 12/15/83. Formerly WAC 67-20-075.] Repealed by WSR 05-08-097, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.18 RCW.
- 67-25-077 Certification of trial work experience or extended evaluation. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-077, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-077, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-077, filed 12/15/83. Formerly WAC 67-20-077.] Repealed by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361.
- 67-25-080 Extended evaluation—Individualized written rehabilitation program. [Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-080, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-080, filed 12/15/83. Formerly WAC 67-20-080.] Repealed by WSR 05-08-097, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.18 RCW.
- 67-25-085 Extended evaluation—Services provided. [Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-085, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-085, filed 12/15/83. Formerly WAC 67-20-085.] Repealed by WSR 05-08-097, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.18 RCW.
- 67-25-090 Extended evaluation—Services not provided. [Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-090, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-090, filed 12/15/83. Formerly WAC 67-20-090.] Repealed by WSR 05-08-097, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.18 RCW.
- 67-25-095 Extended evaluation—Duration of services. [Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-095, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-095, filed 12/15/83. Formerly WAC 67-20-095.] Repealed by WSR 05-08-097, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.18 RCW.
- 67-25-100 Extended evaluation—Assessment. [Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-100, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-100, filed 12/15/83. Formerly WAC 67-20-100.] Repealed by WSR 05-08-097, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.18 RCW.
- 67-25-105 Extended evaluation—Revision of program. [Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-105, filed 12/15/83. Formerly WAC 67-20-105.] Repealed by WSR 95-06-057, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.15 RCW.
- 67-25-110 Extended evaluation—Termination. [Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-110, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-110, filed 12/15/83. Formerly WAC 67-20-110.] Repealed by WSR 05-08-097, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.18 RCW.
- 67-25-120 Certification of termination of extended evaluation and notice. [Statutory Authority: Chapter 74.18 RCW. WSR 88-09-006 (Order 88-1), § 67-25-120, filed 4/11/88. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-120, filed 12/15/83. Formerly WAC 67-20-120.] Repealed by WSR 95-06-057, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.15 RCW.
- 67-25-180 Economic need. [Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-180, filed 12/15/83. Formerly WAC 67-20-180.] Repealed by WSR 85-18-046 (Order 85-10), filed 8/30/85. Statutory Authority: Chapter 74.18 RCW.
- 67-25-185 Economic need—Financial statement required. [Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-185, filed 12/15/83. Formerly WAC 67-20-185.] Repealed by WSR 85-18-046 (Order 85-10), filed 8/30/85. Statutory Authority: Chapter 74.18 RCW.
- 67-25-190 Economic need—Standards for determining. [Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-190, filed 12/15/83. Formerly WAC 67-20-190.] Repealed by WSR 85-18-046 (Order 85-10), filed 8/30/85. Statutory Authority: Chapter 74.18 RCW.
- 67-25-200 Economic need—Notification of decision. [Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-200, filed 12/15/83. Formerly WAC 67-20-200.] Repealed by WSR 85-18-046 (Order 85-10), filed 8/30/85. Statutory Authority: Chapter 74.18 RCW.

67-25-255	Assessment—Comprehensive. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-255, filed 4/4/05, effective 5/5/05; WSR 98-23-078, § 67-25-255, filed 11/17/98, effective 12/18/98. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-255, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-255, filed 12/15/83. Formerly WAC 67-20-255.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-205.	filed 11/17/98, effective 12/18/98. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-288, filed 2/28/95, effective 3/31/95.] Repealed by WSR 05-08-097, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.18 RCW.
67-25-257	Assessment—Adaptive skills of blindness. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-257, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-257, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. WSR 85-06-030 (Order 85-02), § 67-25-257, filed 3/1/85.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-210.	67-25-300 Purpose of vocational rehabilitation. [Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-300, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-300, filed 12/15/83. Formerly WAC 67-20-300.] Repealed by WSR 05-08-097, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.18 RCW.
67-25-260	Individualized plan for employment—Timeline and criteria. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-260, filed 4/4/05, effective 5/5/05; WSR 98-23-078, § 67-25-260, filed 11/17/98, effective 12/18/98. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-260, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-260, filed 12/15/83. Formerly WAC 67-20-260.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-230.	67-25-325 Services available from other agencies. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-325, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-325, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-19-003 (Order 84-04), § 67-25-325, filed 9/6/84; WSR 84-01-042 (Order 83-08), § 67-25-325, filed 12/15/83. Formerly WAC 67-20-325.] Repealed by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361.
67-25-270	Individualized plan for employment—Participation of the eligible individual. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-270, filed 4/4/05, effective 5/5/05; WSR 98-23-078, § 67-25-270, filed 11/17/98, effective 12/18/98. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-270, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-270, filed 12/15/83. Formerly WAC 67-20-270.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-240.	67-25-326 Services to special groups of individuals with disabilities. [Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-326, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-326, filed 12/15/83. Formerly WAC 67-20-326.] Repealed by WSR 05-08-097, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.18 RCW.
67-25-275	Individualized plan for employment—Amendments and annual reviews. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-275, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-275, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-275, filed 12/15/83. Formerly WAC 67-20-275.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-250.	67-25-350 Vocational rehabilitation services—Nature and scope. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-350, filed 4/4/05, effective 5/5/05; WSR 98-23-078, § 67-25-350, filed 11/17/98, effective 12/18/98. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-350, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-350, filed 12/15/83. Formerly WAC 67-20-350.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-265.
67-25-280	Individualized plan for employment—Termination due to ineligibility. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-280, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-280, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-280, filed 12/15/83. Formerly WAC 67-20-280.] Repealed by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361.	67-25-360 Vocational rehabilitation services—Comparable services. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-360, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-360, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. WSR 85-18-046 (Order 85-10), § 67-25-360, filed 8/30/85. Statutory Authority: 1983 c 194 § 18. WSR 84-19-003 (Order 84-04), § 67-25-360, filed 9/6/84.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-283.
67-25-281	Vocational rehabilitation program—Notification of rights. [Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-281, filed 12/15/83. Formerly WAC 67-20-281.] Repealed by WSR 95-06-057, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.15 RCW.	67-25-380 Vocational rehabilitation services—Counseling and guidance. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-380, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-380, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-380, filed 12/15/83. Formerly WAC 67-20-380.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-273.
67-25-284	VR program exit—Other reasons. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-284, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-284, filed 2/28/95, effective 3/31/95.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-580.	67-25-384 Vocational rehabilitation services—Physical and mental restoration. [Statutory Authority: 34 C.F.R. 361.42, the Rehabilitation Act and Washington state Constitution. WSR 08-19-068, § 67-25-384, filed 9/15/08, effective 10/16/08. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-384, filed 4/4/05, effective 5/5/05; WSR 98-23-078, § 67-25-384, filed 11/17/98, effective 12/18/98. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-384, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-384, filed 12/15/83. Formerly WAC 67-20-384.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-310.
67-25-288	Individualized written rehabilitation program—Termination—Notification of rights. [Statutory Authority: Chapter 74.18 RCW. WSR 98-23-078, § 67-25-288,	67-25-385 Vocational rehabilitation services—Physical and mental restoration. [Statutory Authority: 1983 c 194 § 18. WSR 84-19-003 (Order 84-04), § 67-25-385, filed 9/6/84;

- WSR 84-01-042 (Order 83-08), § 67-25-385, filed 12/15/83. Formerly WAC 67-20-385.] Repealed by WSR 95-06-057, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.15 RCW.
- 67-25-388 Vocational rehabilitation services—General training provisions. [Statutory Authority: 34 C.F.R. 361.42, the Rehabilitation Act and Washington state Constitution. WSR 08-19-068, § 67-25-388, filed 9/15/08, effective 10/16/08. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-388, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-388, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-19-003 (Order 84-04), § 67-25-388, filed 9/6/84; WSR 84-01-042 (Order 83-08), § 67-25-388, filed 12/15/83. Formerly WAC 67-20-388.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-320.
- 67-25-390 Vocational rehabilitation services—Post-secondary training. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-390, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-390, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-19-003 (Order 84-04), § 67-25-390, filed 9/6/84; WSR 84-01-042 (Order 83-08), § 67-25-390, filed 12/15/83. Formerly WAC 67-20-390.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-330.
- 67-25-392 Vocational rehabilitation services provided—Training—Trade schools. [Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-392, filed 12/15/83. Formerly WAC 67-20-392.] Repealed by WSR 95-06-057, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.15 RCW.
- 67-25-394 Vocational rehabilitation services—On-the-job training. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-394, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-394, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-394, filed 12/15/83. Formerly WAC 67-20-394.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-340.
- 67-25-395 Vocational rehabilitation services—Training—College and trade school. [Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-395, filed 12/15/83. Formerly WAC 67-20-395.] Repealed by WSR 05-08-097, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.18 RCW.
- 67-25-396 Vocational rehabilitation services—Work readiness skills. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-396, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-396, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-396, filed 12/15/83. Formerly WAC 67-20-396.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-355.
- 67-25-398 Vocational rehabilitation services—Adaptive skills of blindness. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-398, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-398, filed 2/28/95, effective 3/31/95.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-365.
- 67-25-399 Vocational rehabilitation services—Transition for youth. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-399, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-399, filed 2/28/95, effective 3/31/95.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-305.
- 67-25-400 Vocational rehabilitation services—Maintenance. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-400, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-400, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. WSR 88-09-006 (Order 88-1), § 67-25-400, filed 4/11/88. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-400, filed 12/15/83. Formerly WAC 67-20-400.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-370.
- 67-25-404 Vocational rehabilitation services—Transportation. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-404, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-404, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. WSR 88-09-006 (Order 88-1), § 67-25-404, filed 4/11/88. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-404, filed 12/15/83. Formerly WAC 67-20-404.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-383.
- 67-25-408 Vocational rehabilitation services—To family members. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-408, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-408, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-408, filed 12/15/83. Formerly WAC 67-20-408.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-485.
- 67-25-412 Vocational rehabilitation services—Interpreter and translation. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-412, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-412, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-412, filed 12/15/83. Formerly WAC 67-20-412.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-393.
- 67-25-416 Vocational rehabilitation services—Reader. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-416, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-416, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-416, filed 12/15/83. Formerly WAC 67-20-416.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-403.
- 67-25-418 Vocational rehabilitation services—Personal assistance. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-418, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-418, filed 2/28/95, effective 3/31/95.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-410.
- 67-25-420 Vocational rehabilitation services—Rehabilitation teaching services. [Statutory Authority: Chapter 74.18 RCW. WSR 85-06-030 (Order 85-02), § 67-25-420, filed 3/1/85. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-420, filed 12/15/83. Formerly WAC 67-20-420.] Repealed by WSR 95-06-057, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.15 RCW.
- 67-25-428 Vocational rehabilitation services—Orientation and mobility services. [Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-428, filed 12/15/83. Formerly WAC 67-20-428.] Repealed by WSR 95-06-057, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.15 RCW.
- 67-25-432 Vocational rehabilitation services—Rehabilitation technology. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-432, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-432, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-432, filed 12/15/83. Formerly WAC 67-20-432.] Amended and decodified by

- 67-25-560 filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-550, filed 12/15/83. Formerly WAC 67-20-550.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-051.
- Administrative review. [Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-560, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. WSR 90-11-047, § 67-25-560, filed 5/11/90, effective 6/11/90. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-560, filed 12/15/83. Formerly WAC 67-20-560.] Repealed by WSR 05-08-097, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.18 RCW.
- 67-25-570 Resolving a disagreement about vocational rehabilitation services. [Statutory Authority: 34 C.F.R. 361.42, the Rehabilitation Act and Washington state Constitution. WSR 08-19-068, § 67-25-570, filed 9/15/08, effective 10/16/08. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-570, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-570, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. WSR 90-11-047, § 67-25-570, filed 5/11/90, effective 6/11/90; WSR 88-09-006 (Order 88-1), § 67-25-570, filed 4/11/88. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-570, filed 12/15/83. Formerly WAC 67-20-570.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-600.
- 67-25-590 Vocational rehabilitation—Case service records. [Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-590, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-590, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-590, filed 12/15/83. Formerly WAC 67-20-590.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-073.
- 67-25-595 Assessment—Work skills. [Statutory Authority: 34 C.F.R. 361.42, the Rehabilitation Act and Washington state Constitution. WSR 08-19-068, § 67-25-595, filed 9/15/08, effective 10/16/08.] Amended and decodified by WSR 18-14-101, filed 7/3/18, effective 8/3/18. Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. Recodified as § 67-25-220.

WAC 67-25-009 Definitions. (1) "Act" or "the law," except when context indicates otherwise, means the Rehabilitation Act of 1973 (29 U.S.C. Section 701 et seq.), as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA) of 2014.

(2) "Administrative costs" under the vocational rehabilitation services portion of the unified or combined state plan means expenditures incurred in the performance of administrative functions under the vocational rehabilitation program, including expenses related to program planning, development, monitoring, and evaluation including, but not limited to, expenses for:

- (a) Quality assurance;
- (b) Budgeting, accounting, financial management, information systems, and related data processing;
- (c) Providing information about the program to the public;
- (d) Technical assistance and support services to other state agencies, private nonprofit organizations, and businesses and industries, except for technical assistance and support services described in C.F.R. Sec. 361.49(a)(4);
- (e) The state rehabilitation council and other advisory committees;

(f) Professional organization membership dues for designated state unit employees;

(g) The removal of architectural barriers in state vocational rehabilitation agency offices and state-operated rehabilitation facilities;

(h) Operating and maintaining designated state unit facilities, equipment, and grounds, as well as the infrastructure of the one-stop system;

(i) Supplies;

(j) Administration of the comprehensive system of personnel development personnel administration, administration of affirmative action plans, and training and staff development;

(k) Administrative salaries, including clerical and other support staff salaries, in support of these administrative functions;

(l) Travel costs related to carrying out the program, other than travel costs related to the provision of services;

(m) Costs incurred in conducting reviews of determinations made by personnel of the designated state unit, including costs associated with mediation and impartial due process hearings; and

(n) Legal expenses required in the administration of the program.

(3) "Applicant" means an individual who has submitted to the department an application or letter requesting vocational rehabilitation services in accordance with WAC 67-25-093.

(4) "Appropriate modes of communication" means 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.

(5) "Assessment" means a review of existing or additional data for one or more of the following (as appropriate in each case):

(a) An assessment to determine eligibility of an individual with a disability for vocational rehabilitation services in accordance with WAC 67-25-130;

(b) A comprehensive assessment to determine with the individual the employment outcome to be achieved and a detailed plan of services needed to obtain the employment outcome, in accordance with WAC 67-25-205;

(c) An assessment for assignment for an order of selection if the department is unable to serve all eligible individuals, in accordance with WAC 67-25-193;

(d) An assessment through a trial work experience or work skills assessment, if there is a question about the applicant's ability to benefit in terms of an employment outcome from vocational rehabilitation services due to the significance of his or her disability, in accordance with WAC 67-25-140 and 67-25-220.

(6) "Assistive technology" is defined in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002) as an assistive technology device or assistive technology service:

(a) An assistive technology device is any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities;

(b) An assistive technology service is any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device, including:

(i) The evaluation of the assistive technology needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in the customary environment of the individual;

(ii) A service consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

(iii) A service consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, replacing, or donating assistive technology devices;

(iv) Coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs;

(v) Training or technical assistance for an individual with a disability or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual;

(vi) Training or technical assistance for professionals (including individuals providing education and rehabilitation services and entities that manufacture or sell assistive technology devices), employers, providers of employment and training services, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities; and

(vii) A service consisting of expanding the availability of access to technology, including electronic and information technology, to individuals with disabilities.

(7) "Clear and convincing evidence" means that the department has 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."

(8) "Client assistance program (CAP)" means a program, authorized under the act, which assists individuals with disabilities to receive those services for which they are eligible under the act by providing information and advocacy.

(9) "Community rehabilitation program (CRP)" means an agency, organization or institution (or unit thereof) that provides directly or facilitates the provision of vocational rehabilitation services to individuals with disabilities as one of its major functions to enable those individuals to maximize their opportunities for employment, including career advancement. These services may include:

(a) Medical, psychiatric, psychological, social, and vocational services that are provided under one management;

(b) Testing, fitting, or training in the use of prosthetic and orthotic devices;

(c) Recreational therapy;

(d) Physical and occupational therapy;

(e) Speech, language, and hearing therapy;

(f) Psychiatric, psychological, and social services, including positive behavior management;

(g) Assessment for determining eligibility and vocational rehabilitation needs;

(h) Rehabilitation technology;

(i) Job development, placement, and retention services;

(j) Evaluation or control of specific disabilities;

(k) Orientation and mobility services for individuals who are blind;

(l) Extended employment;

(m) Psychosocial rehabilitation services;

(n) Supported employment services and extended services;

(o) Customized employment;

(p) Services to family members if necessary to enable the applicant or eligible individual to achieve an employment outcome;

(q) Personal assistance services; and

(r) Services similar to the services described in (a) through (q) of this subsection.

(10) "Comparable benefits" means services and benefits, including accommodations and auxiliary aids and services, that are:

(a) Provided or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits;

(b) Available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment in accordance with WAC 67-25-230; and

(c) Commensurate to the services that the individual would otherwise receive from the designated state vocational rehabilitation agency.

For the purposes of this definition, comparable services and benefits do not include awards and scholarships based on merit.

(11) "Competitive and integrated employment" means work that:

(a) Is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that:

(i) Is not less than the rate required under the applicable federal, state or local minimum wage law for the place of employment;

(ii) 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

(iii) 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

(iv) Is eligible for the level of benefits provided to other employees; and

(b) Is at a location:

(i) Typically found in the community; and

(ii) Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire worksite; and

(iii) As appropriate to the work performed, the individual interacts with other persons such as participants 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

(c) 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.

(12) Customized employment means competitive integrated employment, for an individual with a significant disability, that is:

(a) Based on an individualized determination of the unique strengths, needs, and interests of the individual with a significant disability;

(b) Designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer; and

(c) Carried out through flexible strategies, such as:

(i) Job exploration by the individual; and

(ii) Working with an employer to facilitate placement, including:

(A) Customizing a job description based on current employer needs or on previously unidentified and unmet employer needs;

(B) Developing a set of job duties, a work schedule and job arrangement, and specifics of supervision (including performance evaluation and review), and determining a job location;

(C) Using a professional representative chosen by the individual, or if elected self-representation, to work with an employer to facilitate placement; and

(D) Providing services and supports at the job location.

(d) Customized employment may be provided as part of a job placement service in accordance with WAC 67-25-440.

(13) "Department" means the Washington state department of services for the blind.

(14) "Designated state agency (DSA)" and "designated state unit (DSU)" mean the sole state agency (DSA) and division (DSU), designated to administer or supervise the local administration of the vocational rehabilitation services portion of the combined state plan. In Washington state, both the DSA and DSU entities for vocational rehabilitation services for individuals who are blind refer to the department of services for the blind.

(15) "Director," except when the context indicates otherwise, means the executive director of the department of services for the blind.

(16) "Eligible individual" means an applicant for vocational rehabilitation services who meets eligibility requirements in accordance with WAC 67-25-125.

(17) "Employment outcome" means, 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 (in accordance with WAC 67-25-430), that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(18) "Extended employment" means work in a nonintegrated or sheltered setting for a public or private agency or organization that provides compensation in accordance with the Fair Labor Standards Act. The department does not provide supports for extended employment goals or outcomes.

(19) "Extended services" means ongoing support services and other appropriate services that are:

(a) Needed to support and maintain an individual with a most significant disability including a youth with a most significant disability, in competitive and integrated employment with long-term supports;

(b) Organized or made available, singly or in combination, in such a way as to assist an eligible individual in maintaining supported employment in a competitive and integrated workplace;

(c) Based on the needs of an eligible individual, as specified in an individualized plan for employment; and

(d) Provided by a state agency, a private nonprofit organization, employer, or any other appropriate resource, after an individual has made the transition from support from the department.

The department may not provide extended services to an individual who is not a youth with a most significant disability;

Limits for the department providing extended services to youth are described in WAC 67-25-565.

(20) "Extreme medical risk" means a probability of substantially increasing functional impairment or death if medical services, including mental health services, are not provided expeditiously.

(21) "Fair hearing board" means a committee, body, or group of persons established by a state prior to January 1, 1985, that:

(a) Is authorized under state law to review determinations made by personnel of the department that affect the provision of vocational rehabilitation services; and

(b) Carries out the responsibilities of the impartial hearing officer (see subsection (23) of this section).

(22) "Family member" for purposes of receiving vocational rehabilitation services in accordance with WAC 67-25-230 and 67-25-485 means an individual:

(a) Who either is a relative or guardian of an applicant or eligible individual; or lives in the same household as an applicant or eligible individual;

(b) Who has a substantial interest in the well-being of that individual; and

(c) Whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible individual to achieve an employment outcome.

(23) "Impartial hearing officer" means an individual who:

(a) Is not an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education);

(b) Is not a member of the state rehabilitation council for the department;

(c) Has not been involved previously in the vocational rehabilitation of the applicant or recipient of services;

(d) Has knowledge of the delivery of vocational rehabilitation services, the vocational rehabilitation services portion of the combined state plan, and the federal and state regulations governing the provision of services;

(e) Has received training with respect to the performance of official duties; and

(f) Has no personal, professional, or financial interest that could affect the objectivity of the individual.

An individual is not considered to be an employee of a public agency for the purposes of this definition solely because the individual is paid by the agency to serve as a hearing officer.

(24) "Individual who is blind" means a person who:

(a) Has no vision or whose vision with corrective lenses is so limited that the individual requires alternative methods or skills to do efficiently those things that are ordinarily done with sight;

(b) Has an eye condition of a progressive nature which may lead to blindness; or

(c) Is blind for purposes of the business enterprise program in accordance with RCW 74.18.200.

(25) "Individual with a disability" for purposes of this chapter means an individual who:

(a) Has a physical or mental impairment which results in a substantial impediment to employment; and

(b) Can benefit in terms of an employment outcome from vocational rehabilitation services.

(26) "Individual with a most significant disability" means an individual who meets the department's criteria for an individual with a most significant disability:

(a) Has a severe physical or mental impairment that seriously limits three or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; and

(b) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time.

(27) "Individual with a significant disability" means an individual who meets the department's criteria for an individual with a significant disability:

(a) Has a severe physical or mental impairment that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; and

(b) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time.

(28) "Individual's representative" means any representative chosen by an applicant or eligible individual, as appropriate, 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.

(29) "Informed choice" means the process by which an individual receiving vocational rehabilitation services from

the department makes decisions about rehabilitation goals and the services and service providers necessary to reach those goals. Informed choice places primary responsibility for action and decision making with the individual, with support of a vocational rehabilitation counselor. Individuals have a right to make informed choices relating to:

(a) Assessment services in accordance with WAC 67-25-130, 67-25-205, and 67-25-220;

(b) Options for developing the individualized plan for employment in accordance with WAC 67-25-230;

(c) Vocational rehabilitation services and service providers in accordance with WAC 67-25-265; and

(d) Employment outcome and work setting in accordance with WAC 67-25-553.

(30) "Integrated setting" means:

(a) With respect to the provision of services, a setting typically found in the community in which applicants or eligible individuals interact with nondisabled individuals other than nondisabled individuals who are providing services to those applicants or eligible individuals; and

(b) With respect to an employment outcome, means a setting:

(i) Typically found in the community; and

(ii) Where the employee with a disability interacts, for the purpose of performing the duties of the position, with other employees within the particular work unit and the entire worksite; and

(iii) As appropriate to the work performed, the individual interacts with other persons such as participants 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.

(31) "Maintenance" means monetary support provided to an individual for 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 an assessment for determining eligibility and vocational rehabilitation needs or the individual's receipt of vocational rehabilitation services under an individualized plan for employment.

(32) "Native American; American Indian tribe; American Indian; reservation."

(a) "Native American" and "American Indian" refer to an individual who is a member of an Indian tribe, a native or a descendant of a native, as such terms are defined in subsections (b) and (r) of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(b) "American Indian tribe" is any federal or state American Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaska native village or regional village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act) and a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(b)(l));

(c) "Reservation" is a federal or state Indian reservation, a public domain Indian allotment, a former Indian reservation in Oklahoma, and land held by incorporated native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act (43

U.S.C. 1601 et seq.); or a defined area of land recognized by a state or the federal government where there is a concentration of tribal members and on which the tribal government is providing structured activities and services.

(33) "One-stop delivery system" or "workforce development system" is the system that brings together workforce development, educational, and other human resource services in a seamless customer-focused service delivery network that enhances access to the programs' services and improves long-term employment outcomes for individuals receiving assistance. One-stop partners administer separately funded programs as a set of integrated streamlined services to customers.

(34) "Participant" means any individual with a disability:

- (a) Who has been found eligible for vocational rehabilitation services from the department; and
- (b) For whom services have not been denied or terminated by the department; or
- (c) Is potentially eligible and actively engaged in the department's preemployment transition services.

(35) "Physical or mental impairment" means:

- (a) 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
- (b) Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(36) "Rehabilitation engineering" means the systematic application of engineering sciences to design, develop, adapt, test, evaluate, apply, and distribute technological solutions to problems confronted by individuals with disabilities in functional areas, such as mobility, communications, hearing, vision, and cognition, and in activities associated with employment, independent living, education, and integration into the community.

(37) "Rehabilitation technology" means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. The term "rehabilitation technology" is broadly inclusive of the terms "rehabilitation engineering," "assistive technology devices," and "assistive technology services."

(38) "Special wage certificate" means a certificate issued to an employer under section 14(c) of the Fair Labor Standards Act (29 U.S.C. 214(c)) and 29 C.F.R. Part 525 that authorizes payment of subminimum wages, wages less than the statutory minimum wage.

Special wage certificate entity means an employer, or a contractor or subcontractor of that employer, that holds a special wage certificate

(39) "Statewide workforce development system" means a workforce development system, as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102). The department is designated as a Title IV core partner within the workforce development system, and has shared responsibilities in combined state planning, common perfor-

mance measures, and leveraging resources and services through the American job centers.

(40) "Student with a disability" means, for the vocational rehabilitation program, an individual with a disability in a secondary, postsecondary, or other recognized education program who:

- (a) Is not older than twenty-one years old; and
- (b) Is eligible for, and receiving, special education or related services under Part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); or is an individual with a disability for purposes of section 504 of The Rehabilitation Act of 1973.

(41) "Substantial impediment to employment" means that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, communication and other related factors) hinders an individual from preparing for, entering into, engaging in, advancing in, or retaining employment consistent with the individual's abilities and capabilities.

(42) "Supported employment" means 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.

(43) "Transportation" means travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service, including expenses for training in the use of public transportation vehicles and systems.

(44) "Vocational rehabilitation (VR) counselor" means a qualified employee of the department who has direct responsibility for providing or supervising the provision of all rehabilitation services to participants.

(45) "Vocational rehabilitation services" means any goods or services necessary for a participant to achieve an employment outcome provided in accordance with WAC 67-25-265.

(46) "Youth with a disability," for purposes of the vocational rehabilitation program, means an individual with a disability who is not older than twenty-four years of age.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-009, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-005, filed 4/4/05, effective 5/5/05; WSR 98-23-078, § 67-25-005, filed 11/17/98, effective 12/18/98. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-005, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. WSR 91-20-010, § 67-25-005, filed 9/20/91, effective 10/21/91; WSR 85-06-030 (Order 85-02), § 67-25-005, filed 3/1/85. Statutory Authority: 1983 c 194 § 18. WSR 84-19-003 (Order 84-04), § 67-25-

005, filed 9/6/84; WSR 84-01-042 (Order 83-08), § 67-25-005, filed 12/15/83. Formerly WAC 67-20-005.]

WAC 67-25-021 Vocational rehabilitation grant—

Purpose. Under the U.S. Department of Education's state vocational rehabilitation services program, the Washington state department of services for the blind is provided a grant to assist in operating a statewide comprehensive, coordinated, effective, efficient, and accountable vocational rehabilitation program for individuals with visual disabilities, which is:

- (1) An integral part of a statewide workforce development system; and
- (2) Designed to assess, plan, develop, and provide vocational rehabilitation services for individuals with visual and other disabilities, consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice so that they may prepare for and engage in competitive integrated employment and achieve economic self-sufficiency.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, § 67-25-021, filed 7/3/18, effective 8/3/18.]

WAC 67-25-035 Vocational rehabilitation grant—

Requirements of department. To fulfill the requirements of the VR grant, the department must:

- (1) Establish a state rehabilitation council to jointly develop, agree to, and review department goals and priorities and to consult with regarding department policy and procedure;
- (2) Take affirmative action to employ and advance in employment qualified individuals with disabilities covered under and on the same terms and conditions as stated in section 503 of The Rehabilitation Act of 1973;
- (3) Be primarily concerned with vocational rehabilitation;
- (4) Have a full-time director responsible for day-to-day operations;
- (5) Have ninety percent of staff employed full time on rehabilitation work;
- (6) Have sole authority and responsibility to expend funds made available in The Rehabilitation Act of 1973 (as amended), in a manner consistent with the act;
- (7) Have the responsibility for all decisions affecting:
 - (a) Eligibility for VR services, the nature and scope of available services, and the provision of these services;
 - (b) The determination to close the record of services of an individual who has achieved an employment outcome, in accordance with WAC 67-25-051;
 - (c) Policy formation and implementation;
 - (d) Allocation and expenditure of VR funds; and
 - (e) Participation as a partner in the one-stop service delivery.

The responsibility for the functions described in subsections (6) and (7) of this section may not be delegated to any other department or individual.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, § 67-25-035, filed 7/3/18, effective 8/3/18.]

(7/3/18)

WAC 67-25-040 Workforce development system—Requirements of department. (1) Under WIOA, the department is identified as a required partner within the one-stop delivery system.

(2)(a) Access to the department's programs and activities is required through the state's comprehensive one-stop centers.

(b) Access to the department's programs and activities may mean:

(i) Having a program staff physically present at the one-stop center;

(ii) Having a staff member from a different partner program physically present at the one-stop center appropriately trained to provide information to customers about the programs, services, and activities available through the department; or

(iii) Making available a "direct linkage" through technology to program staff who can provide meaningful information or services:

(A) A "direct linkage" means providing direct connection at the one-stop center, within a reasonable time, by phone or through a real-time web-based communication to a program staff member who can provide program information and/or services to the customer;

(B) A "direct linkage" cannot exclusively be providing a phone number or computer web site or providing information, pamphlets or materials.

(3) The department must use a portion of funds (to the extent consistent with WIOA and with federal cost principles in 2 C.F.R. Parts 200 and 3474, requiring, among other things, that costs are allowable, reasonable, necessary, allocable, and proportionally beneficial to the department) to:

(a) Provide applicable career services; and

(b) Work collaboratively with the state and local workforce development boards to establish and maintain the one-stop delivery system. This includes jointly funding the one-stop infrastructure costs (as defined in 34 C.F.R. section 361.700) through partner contributions that are based upon:

(i) A reasonable cost allocation methodology by which infrastructure costs are charged to each partner program based on proportionate use and relative benefit received;

(ii) Federal cost principles; and

(iii) Any local administrative cost requirements within the federal VR grant.

(4) The department must enter into an MOU with the local workforce development boards relating to the operation of the one-stop delivery system to include elements described in 34 C.F.R. 361.500 and 361.755.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, § 67-25-040, filed 7/3/18, effective 8/3/18.]

WAC 67-25-051 Vocational rehabilitation—Confidential information—Protection and use. (1) Confidential information refers to all documented and undocumented personal information, including lists of names and photographs,

about any past or present applicant or customer in the vocational rehabilitation program, given or made available to the department, its representatives, or its agents in the course of the administration of the program.

(2) Customers, their representatives as appropriate, service providers, cooperating agencies, and interested persons

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shall be informed of the confidentiality of personal information and policies governing its use. This information shall be provided to the applicant or customer, and to the individual's representative in the individual's primary language if necessary, using appropriate modes of communication, and shall include:

(a) Identification of the authority under which information is collected;

(b) Explanation of the principal purposes for which the department intends to use or release information;

(c) Explanation of whether providing requested information is mandatory or voluntary and the effects of not providing requested information;

(d) Identification of those situations where the department requires or does not require informed written consent of the individual before information may be released; and

(e) Identification of other agencies to which information is routinely released.

(3) All personal information must be used only for purposes directly connected with the administration of the vocational rehabilitation program. Personal information shall not be shared with an organization, agency or individual not having official responsibility for administration of the program, except as provided for in subsection (6) of this section.

(4) Except as provided in (a) and (b) of this subsection, the department shall, upon receipt of a written request by a customer, release all information in that individual's record, to the individual or the individual's representative within fifteen working days.

(a) Medical, psychological, or other information that the department determines may be harmful to the individual may not be released directly to the individual, but must be provided to the individual's representative or to a qualified medical or psychological professional or to a person appointed by the court to act as that individual's representative.

(b) Personal information obtained from service providers and cooperating agencies under assurances that the information shall not be further divulged may be released only under conditions established by the other agency or organization except as provided in subsections (5) and (6) of this section.

(5) The customer may request that misleading or inaccurate information in his or her record of services be amended and that such request for amendment be documented in the individual's record.

(6) Personal information may be released to an organization, agency, or individual for purposes of audit, evaluation, or research directly connected with administration of the vocational rehabilitation program, such as the department's rehabilitation council or for purposes that would significantly improve the quality of life for customers, and only if the organization, agency, or individual assures that:

(a) Information shall be used only for the purposes for which it is being provided;

(b) Information shall be released only to persons officially connected with the audit, evaluation, or research;

(c) Information shall not be released to the customer;

(d) Information shall be managed in a manner to safeguard confidentiality; and

(e) The final product shall not reveal any personal identifying information without the informed written consent of the customer or the individual's representative.

(7) The department may release personal information to other agencies and programs under the following conditions:

(a) Upon receiving the informed written consent of the customer, or, the individual's representative if appropriate, the department may release personal information to another agency or organization only to the extent that the information may be released to the customer, and only to the extent that the agency or organization demonstrates that the information requested is necessary for its program.

However, medical or psychological information that the department determines may be harmful to the individual may be released if the agency or organization assures the department that information shall be used only for the purpose for which it is being provided and shall not be released to the customer.

(b) The department shall release personal information if required by federal law or regulation.

(c) The department shall release personal information in response to investigations in connection with law enforcement, fraud, or abuse, unless expressly prohibited by federal or state laws or regulations, or in response to judicial order.

(d) The department may release personal information to protect the participant or others if the individual poses a threat to his or her safety or to the safety of others.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-051, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-550, filed 4/4/05, effective 5/5/05; WSR 98-23-078, § 67-25-550, filed 11/17/98, effective 12/18/98. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-550, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-550, filed 12/15/83. Formerly WAC 67-20-550.]

WAC 67-25-061 Vocational rehabilitation—Informed choice. Applicants and recipients of services (or, as appropriate, their representatives) are provided information and support services to assist the individual in exercising informed choice throughout the rehabilitation process consistent with the following provisions:

(1) Inform each applicant and recipient of services (including students and youth with disabilities), through appropriate modes of communication, about the availability of and opportunities to exercise informed choice, including the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice throughout the vocational rehabilitation process;

(2) Assist applicants and recipients of services in exercising informed choice in decisions related to the provision of assessment services;

(3) Develop and implement flexible procurement policies and methods that facilitate the provision of vocational rehabilitation services and that afford recipients of services meaningful choices among the methods used to procure vocational rehabilitation services;

(4) Assist eligible individuals (or, as appropriate, the individuals' representatives) in acquiring information that enables them to exercise informed choice in the development of their individualized plans for employment with respect to the selection of the:

(a) Employment outcome;

(b) Specific vocational rehabilitation services needed to achieve the employment outcome;

(c) Entity that will provide the services;

(d) Employment setting and the settings in which the services will be provided;

(e) Methods available for procuring the services; and

(f) Ensure that the availability and scope of informed choice is consistent with the obligations of the department under this section.

(5) The department must provide the individual or the individual's representative, or assist the individual or the individual's representative in acquiring, information necessary to make an informed choice about the specific vocational rehabilitation services, including the providers of those services, that are needed to achieve the individual's employment outcome. This information must include, at a minimum, information relating to the:

(a) Cost, accessibility, and duration of potential services;

(b) Participant satisfaction with those services to the extent that information relating to participant satisfaction is available;

(c) Qualifications of potential service providers;

(d) Types of services offered by the potential providers; and

(e) Outcomes achieved by individuals working with service providers, to the extent that such information is available.

(6) In providing or assisting the individual or the individual's representative in acquiring the information required, the department may use, but is not limited to, the following methods or sources of information:

(a) Lists of services and service providers;

(b) Periodic participant satisfaction surveys and reports;

(c) Referrals to other consumers, consumer groups, or disability advisory councils qualified to discuss the services or service providers;

(d) Relevant accreditation, certification, or other information relating to the qualifications of service providers;

(e) Opportunities for individuals to visit or experience various work and service provider settings.

(7) The department must provide information to an eligible individual or participant who is interested in becoming employed, but is uncertain of the impact work income may have on any disability benefits and entitlements being received, and/or is not aware of benefits, such as access to health care, that might be available to support employment efforts.

(a) This typically involves an analysis of an individual's current benefits, such as SSDI and SSI, the individual's financial situation, and the effect different income levels from work will have on the individual's future financial situation. This assistance is intended to provide the individual an opportunity to make an informed choice regarding the pursuit of employment;

(b) Ongoing assistance may also be provided as the individual decides on employment goals, searches for jobs, and becomes employed.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, § 67-25-061, filed 7/3/18, effective 8/3/18.]

(7/3/18)

WAC 67-25-073 Vocational rehabilitation—Case service records. The department shall maintain for each applicant or eligible individual a record of services that includes, to the extent pertinent, the following documentation:

(1) When an applicant's eligibility has been determined:

(a) A written and dated statement of eligibility determination signed by the vocational rehabilitation counselor; and

(b) Supporting rationale for the determination, including documentation from the assessment for determining eligibility, in accordance with WAC 67-25-130.

(2) If it is determined that a trial work experience for an individual with a significant disability is necessary to make an eligibility determination in accordance with WAC 67-25-140:

(a) A written and dated statement of this determination signed by the vocational rehabilitation counselor;

(b) Supporting documentation, including the determination that the individual is an individual with a significant disability; and

(c) Documentation of periodic assessments in accordance with WAC 67-25-140.

(3) If an applicant has been determined ineligible:

(a) Documentation specifying reasons for the ineligibility determination; and

(b) Documentation of a review of the determination in twelve months after the determination was made, except as provided in WAC 67-25-575 and 67-25-580.

(4) The individualized plan for employment for the participant in accordance with WAC 67-25-230.

(5) Documentation from the assessment for determining vocational rehabilitation needs in accordance with WAC 67-25-205 and 67-25-210 to support:

(a) The determination of the employment outcome and rehabilitation objectives for the individual; and

(b) The nature and scope of services needed to achieve the objectives and employment outcome.

(6) Documentation of how the participant was provided information necessary to make informed choices in selecting the competitive and integrated employment outcome, rehabilitation objectives, rehabilitation services, and providers of services identified in the individualized plan for employment.

(7) If physical and mental restoration services were provided, in accordance with WAC 67-25-310, documentation supporting the determination that the clinical status of the customer was stable or slowly progressive.

(8) Documentation supporting any decision to provide services to family members in accordance with WAC 67-25-485.

(9) Documentation of the individual's participation in the cost of any vocational rehabilitation services.

(10) Documentation of the individual's eligibility for and use of any comparable services and benefits in accordance with WAC 67-25-283.

(11) Documentation that the individual has been advised of the confidentiality of all personal information, and that any information about the individual has been released with the individual's informed written consent, in accordance with WAC 67-25-051.

(12) Documentation of the reason for exit from services, in accordance with WAC 67-25-575 and 67-25-580, and, if

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the participant was exited for having achieved a competitive and integrated employment outcome, the basis for that determination in accordance with WAC 67-25-553.

(13) Documentation of any plans to provide post-employment services after the competitive and integrated employment outcome has been achieved, the basis on which these plans were developed, and a description of services provided and outcomes achieved in accordance with WAC 67-25-450.

(14) Documentation concerning any action and decision resulting from a request for a fair hearing in accordance with WAC 67-25-600.

(15) If a participant has been provided vocational rehabilitation services under an individualized plan for employment, but after the initiation of these services he or she has been determined no longer capable of achieving an employment outcome, documentation of any reviews of this determination in accordance with WAC 67-25-220 and 67-25-575.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-073, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-590, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-590, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-590, filed 12/15/83. Formerly WAC 67-20-590.]

WAC 67-25-083 Vocational rehabilitation—Information and referral services. The department will implement an information and referral system, using appropriate modes of communication, adequate to ensure that an individual with disabilities is provided with information and referral services that may assist the individual in securing services and benefits that he or she might qualify for and/or benefit from.

(1) Information and referral services are available to any individual who is an applicant for agency services; is potentially eligible, eligible, or ineligible for services; and/or is an active participant of agency services. This also includes any individual who is awaiting services if the department is operating under an order of selection, in accordance with WAC 67-25-193.

(2) The department will refer an individual with disabilities to other appropriate federal, state and/or community programs, including the client assistance program (CAP) and other components of the statewide workforce development system.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, § 67-25-083, filed 7/3/18, effective 8/3/18.]

WAC 67-25-093 Application for services. (1) Any individual who is blind, as defined in WAC 67-25-009, may apply for vocational rehabilitation services, including any individual who has previously applied for, has previously received, or has previously been denied such services.

(2) Any individual who is blind seeking to obtain vocational rehabilitation services from the department shall submit a written letter or application for services to the department, or shall request vocational rehabilitation services through common intake procedures in one-stop centers under section 121 of the Workforce Innovation and Opportunity Act.

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(3) The written letter or application for services shall be signed and dated by the individual requesting services or, if appropriate, by the individual's representative, and shall include:

- (a) The applicant's name;
 - (b) The applicant's contact and address information; and
 - (c) The applicant's disability;
 - (d) The applicant's Social Security number is preferred.
- (4) The applicant must be available to complete the assessment process;

(5) The department shall not provide vocational rehabilitation services to any individual who has failed to meet the above application criteria.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-093, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-010, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-010, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-010, filed 12/15/83. Formerly WAC 67-20-010.]

WAC 67-25-103 Intake—Initial interview. (1) An applicant for vocational rehabilitation services shall be interviewed personally by a vocational rehabilitation professional or paraprofessional within ten working days upon receipt of an application by the department.

(2) The interviewer shall:

(a) Explain to the applicant the nature and operation of the vocational rehabilitation program as it relates to the applicant;

(b) Specifically inform the applicant of the right to appeal any eligibility decision made by the department on his or her behalf through mediation and fair hearing in accordance with WAC 67-25-600;

(c) Inform the applicant of his or her right of confidentiality of information possessed by the department and conditions for its release in accordance with WAC 67-25-051;

(d) Inform the applicant of the vocational rehabilitation concept of informed choice, and how it relates to the individual's rehabilitation process in accordance with WAC 67-25-061;

(e) Provide to the applicant a description of client assistance program services; and

(f) Obtain information from the applicant necessary to determine his or her eligibility for vocational rehabilitation services in accordance with WAC 67-25-125 and 67-25-130.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-103, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-015, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-015, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-015, filed 12/15/83. Formerly WAC 67-20-015.]

WAC 67-25-115 Eligibility—Timeline. Once an individual has submitted an application for vocational rehabilitation services, including applications made through common intake procedures in one-stop centers under section 121 of the Workforce Innovation and Opportunity Act (WIOA), an eligibility determination must be made within sixty days, unless:

(1) Exceptional and unforeseen circumstances beyond the control of the department preclude making an eligibility

determination in sixty days and the department and the individual agree to a specific extension of time; or

(2) An exploration of the individual's abilities, capabilities, and capacity to perform in work situations is carried out in a trial work assessment in accordance with WAC 67-25-140.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-115, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-025, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-025, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-025, filed 12/15/83. Formerly WAC 67-20-025.]

WAC 67-25-125 Eligibility—Criteria. (1) Eligibility shall be based only upon determination by a vocational rehabilitation counselor that:

(a) The individual is blind, as defined in WAC 67-25-009;

(b) The blindness alone or combined with other disabilities constitutes or results in a substantial impediment to competitive and integrated employment; and

(c) Vocational rehabilitation services are required for the individual to prepare for, enter, engage in, advance in, or retain a competitive and integrated employment outcome consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Any eligible individual must intend to achieve a competitive and integrated employment outcome that is consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(2) Any applicant who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act and is blind (as defined in WAC 67-25-009) is presumed eligible for vocational rehabilitation services and is considered to be an individual with a significant disability as defined in WAC 67-25-193.

If an applicant is unable to provide appropriate evidence, the department will verify the applicant's eligibility under Title II or XVI of the Social Security Act by contacting the Social Security Administration within a reasonable period of time to determine the applicant's eligibility for vocational rehabilitation services.

(3) If the individual's visual disability results in a substantial impediment to employment, it shall be presumed that the individual can benefit in terms of an employment outcome from vocational rehabilitation services, unless, the department can demonstrate by clear and convincing evidence, in accordance with WAC 67-25-140, that the individual is incapable of benefiting in terms of a competitive and integrated employment outcome from vocational rehabilitation services due to the significance of his or her disability.

(4) No applicant or group of applicants is excluded or found ineligible solely on the basis of:

(a) Type of disability;

(b) Age, gender, race, color, national origin, sexual orientation, or sexual identity of the applicant;

(c) Type of expected competitive and integrated employment outcome;

(d) Source of referral for vocational rehabilitation services;

(e) Particular service needs or anticipated cost of services required by an applicant or the income level of an applicant or applicant's family;

(f) Applicants' employment history or current employment status;

(g) Applicants' educational status or current educational credential;

(h) Duration of residence for any applicant who is present in the state; and

(i) Lack of U.S. citizenship.

(5)(a) The department will provide services, including assessment services, only to applicants who present documentation demonstrating a legal eligibility to work in the United States; and

(b) Before the department will pay for vocational rehabilitation services, including assessment services, the applicant must provide copies of documents requested by the department that verify his or her immigration and naturalization status, and verify his or her identity. If the applicant is not a United States citizen, his or her legal work status must also be verified.

(6) An individual who is blind or who has a visual disability which does not result in an impediment to employment, but who may have other disabilities which might result in impediments to competitive and integrated employment, may be referred to other service providers or may be provided services through a cooperative plan with other service providers, such as the division of vocational rehabilitation, division of developmental disabilities, and the American job centers established under the statewide workforce development system.

(7) Nothing in this section is to be construed to create an entitlement to any vocational rehabilitation service.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-125, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-030, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-030, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. WSR 91-20-010, § 67-25-030, filed 9/20/91, effective 10/21/91. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-030, filed 12/15/83. Formerly WAC 67-20-030.]

WAC 67-25-130 Eligibility—Assessment for eligibility determination. (1) An assessment shall be conducted for each applicant to determine whether:

(a) The individual is blind as defined in WAC 67-25-009, which alone or combined with other disabilities results in a substantial impediment to employment; and

(b) Vocational rehabilitation services are required for the applicant to prepare for, enter, engage in, advance in or retain an employment outcome consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

The assessment must include an appraisal of the current visual condition and prognosis of the applicant based on ophthalmological or optometric findings.

(2) If the department is operating under an order of selection, in accordance with WAC 67-25-193, the assessment must also include information to be used for determination of

priority categorization for services in accordance with WAC 67-25-183.

(3) The assessment shall, to the maximum extent possible, be based on a review of existing data in accordance with confidentiality requirements in WAC 67-25-051. The assessment shall, where appropriate, include information provided by the applicant or the applicant's family, education records, information used by the Social Security Administration, determinations made by other agencies, and observations of the vocational rehabilitation counselor and other appropriate staff members.

(4) To the extent existing data do not describe the current functioning of the individual or are unavailable, insufficient, or inappropriate to make an eligibility determination, the assessment may include provision of vocational rehabilitation services necessary to determine whether the applicant is eligible.

Services provided for this purpose may include trial work experience in accordance with WAC 67-25-140. The department will provide assistance to the applicant, if necessary, to assure that the applicant is prepared to make an informed choice in the selection of services needed to make an eligibility decision.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-130, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-020, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-020, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-020, filed 12/15/83. Formerly WAC 67-20-020.]

WAC 67-25-140 Eligibility—Trial work experience.

(1) Trial work experience is a process of providing assessment and related vocational rehabilitation services to an applicant with significant disabilities, for the limited purpose of collecting information necessary to make an eligibility determination, if there is concern that the individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the significance of his or her disability.

(2) Trial work experience allows the individual to explore his or her abilities, capabilities, and capacities to perform in a realistic work situation, while addressing identified barriers to employment through the provision of appropriate vocational rehabilitation services, including supported employment, on-the-job training, rehabilitation technology and personal assistance services in order to accommodate the rehabilitation needs of the individual during the trial work experience.

(3) Prior to any determination that an individual with a disability is unable to benefit from vocational rehabilitation services in terms of an employment outcome because of the severity of that individual's disability or that the individual is ineligible for vocational rehabilitation services, the department must conduct an exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations.

(a) The department must develop a written plan, to assess the individual's abilities, capabilities, and capacity to perform in competitive and integrated work situations through the use of trial work experiences, which must be provided in competitive integrated employment settings to the maximum extent

possible, consistent with the informed choice and rehabilitation needs of the individual.

(b) Trial work experiences include supported employment, on-the-job training, and other experiences using realistic integrated work settings.

(c) Trial work experiences must be of sufficient variety and over a sufficient period of time for the department to determine that:

(i) There is sufficient evidence to conclude that the individual can benefit from the provision of vocational rehabilitation services in terms of an employment outcome; or

(ii) There is clear and convincing evidence that due to the severity of the individual's disability, the individual is incapable of benefiting from the provision of vocational rehabilitation services in terms of an employment outcome.

(d) The department must provide appropriate supports including, but not limited to, assistive technology devices and services and personal assistance services, to accommodate the rehabilitation needs of the individual during the trial work experiences.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-140, filed 7/3/18, effective 8/3/18. Statutory Authority: 34 C.F.R. 361.42, the Rehabilitation Act and Washington state Constitution. WSR 08-19-068, § 67-25-065, filed 9/15/08, effective 10/16/08. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-065, filed 4/4/05, effective 5/5/05.]

WAC 67-25-160 Eligibility—Certification and notification for decision of eligibility.

(1) There shall be a certification of eligibility if the applicant meets the requirements specified in WAC 67-25-125. The certification shall be dated and signed by a vocational rehabilitation counselor.

(2) If an applicant is offered an opportunity for trial work experience in accordance with WAC 67-25-140, there shall be a certification of eligibility for the services specified. The certification shall be dated and signed by a vocational rehabilitation counselor:

(a) The applicant shall be notified in writing, using appropriate modes of communication, and in the individual's native language if necessary, of the action taken on eligibility or ineligibility;

(b) The applicant shall be advised of the right to appeal any eligibility decision made by the department concerning the applicant including: The procedure to request mediation and fair hearing in accordance with WAC 67-25-600; and a description of client assistance program services;

(c) If an applicant is determined ineligible for vocational rehabilitation services, the notice shall clearly specify how he or she failed to meet the eligibility criteria set forth in WAC 67-25-125;

(d) If the applicant is determined eligible for vocational rehabilitation services, the notice shall clearly specify the date of eligibility certification;

(e) If the vocational rehabilitation counselor determines that an applicant is not eligible for vocational rehabilitation services, the rehabilitation counselor will provide the individual with information and referral to other agencies or organizations that may provide services to meet the individual's employment related needs.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-160, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-050, filed

4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-050, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-050, filed 12/15/83. Formerly WAC 67-20-050.]

WAC 67-25-183 Eligibility—Criteria for categorization of significance of disability. (1) An individual with a most significant disability is an individual who:

(a) Has a severe physical or mental impairment that seriously limits three or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; and

(b) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time.

(2) An individual with a significant disability is an individual who:

(a) Has a severe physical or mental impairment that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; and

(b) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-183, filed 7/3/18, effective 8/3/18. Statutory Authority: Code of Federal Regulations, The Rehabilitation Act, and Washington State Constitution. WSR 10-11-007, § 67-25-060, filed 5/6/10, effective 6/6/10. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-060, filed 4/4/05, effective 5/5/05. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-060, filed 12/15/83. Formerly WAC 67-20-060.]

WAC 67-25-193 Eligibility—Order of selection. (1) The purpose of an order of selection is to establish an equitable and organized system which, when resources are not sufficient to meet the demand for services, gives priority to those eligible vocational rehabilitation individuals who are most in need of services.

(2) When the order of selection is in effect, eligible individuals will be assigned to one of three priority categories:

(a) Immediate priority: New applicants who meet eligibility criteria of at least significant disability, and who require immediate services or tools to maintain a current job;

(i) Only the immediate services or tools required to maintain the current job can be provided under this immediate priority;

(ii) Once the immediate services or tools are provided and the job is stable, any further service provision requires being placed on the wait list and served in the priority and order for the significance of disability category that the individual qualifies for;

(b) First priority: New applicants who meet eligibility criteria of most significantly disabled, per WAC 67-25-183.

(c) Second priority: New applicants who do not meet the definition of most significantly disabled, per WAC 67-25-183.

(3) The department's executive director shall decide when to implement an order of selection, if necessary, and will determine which priority categories will be open or closed for the development of new individualized plans for

employment. In the event sufficient funds or other resources become available to serve all eligible individuals, the order of selection will be revoked by the director.

(4) Eligible individuals can develop and carry out an individualized plan for employment based on:

(a) The priority of the category to which they are assigned;

(b) Whether or not that category is open for development of new plans; and

(c) The order in which they applied for vocational rehabilitation services as indicated by the date of application.

(5) Eligible individuals will be placed in the highest priority category for which they are qualified. The date of application will be used whenever it is determined that a waiting list is required for a category.

(6) Eligible individuals will be notified in writing of their category status when they are notified of their eligibility, as well as of the conditions pertaining to that category:

(a) Whether the category is currently open or closed.

(b) The current status of an existing waiting list within that category.

(7)(a) The only services to individuals in a closed order of priority category will be information and referral services. These individuals will not receive counseling and guidance, assessment and training, job placement, or other vocational rehabilitation services until their category is reopened, they come off the waiting list and they complete an individualized plan for employment with an agency vocational rehabilitation counselor.

(b) Preemployment transition services as described in WAC 67-25-290 may be available to qualified students with a disability without consideration for priority categories or wait lists for the duration of an order of selection for the department.

(8) Eligible individuals will be notified of the right to appeal the category decision, in accordance with WAC 67-25-600, and of their responsibility to notify the department if their situation changes in a way that may affect their priority category placement.

(9) Participants who are receiving services under an individualized plan for employment at the time an order of selection is implemented will continue to receive services as planned. They are not subject to the order of selection and are not a category within that order.

(10) The order of selection will not affect the provision of services needed to determine eligibility for vocational rehabilitation services, in accordance with WAC 67-25-125.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-193, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-460, filed 4/4/05, effective 5/5/05. Statutory Authority: Federal Regulatory Authority for Order of Selection Rehabilitation Act of 1973, as amended, Section 101 (a)(5). 34 Code of Federal Regulations Part 361 Sec. 361.36 Ability to serve all eligible individuals; order of selection for services. Regulatory Authority for Information and Referral Services Rehabilitation Act of 1973, as amended, Section 101 (a)(20) Information and Referral services. 34 Code of Federal Regulations Part 361 Sec. 361.37 Information and referral services. The Rehabilitation Act of 1973, As Amended, Title I - Vocational Rehabilitation Services, Part A - General Provisions, Section 100 - Declaration of Policy. WSR 01-21-073, § 67-25-460, filed 10/18/01, effective 11/18/01.]

WAC 67-25-205 Assessment—Comprehensive. (1)

The department must conduct an assessment for determining vocational rehabilitation needs, if appropriate, for each eligible individual, or if the department is operating under an order of selection, for each eligible individual to whom the department is able to provide services.

(2) The purpose of this assessment is to determine the employment outcome, and the nature and scope of vocational rehabilitation services to be included in the individualized plan for employment, in accordance with WAC 67-25-230.

(3) To the extent possible, current data is to be used for the comprehensive assessment, including:

(a) Data provided by the eligible individual and his or her family;

(b) Information available from other programs and providers such as schools and the Social Security Administration;

(c) Information utilized for the determination of eligibility.

(4) When additional data is necessary, the comprehensive assessment must consider the unique strengths, resources, priorities, concerns, abilities, capacities, interests, informed choice, and the need for supported employment services of the eligible individual.

(a) Any activities, if necessary, utilized to provide comprehensive assessment data must be conducted in the most integrated setting possible.

(b) The comprehensive assessment must be limited to information necessary to identify the rehabilitation needs and develop the individualized plan for employment with the eligible individual, and, as necessary, may include:

(i) A comprehensive analysis of pertinent medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors affecting the employment and rehabilitation needs of the individual;

(ii) An analysis of the individual's personality, interests, interpersonal skills, intelligence and related functions, educational achievements, work experience, vocational aptitudes, personal, cultural, environmental, and recreational adjustments, and employment opportunities;

(iii) Work in a real job situation or use of other available data to evaluate or develop work behaviors and capacities necessary to achieve a competitive and integrated employment outcome. This includes an appraisal of the eligible individual's pattern of work behaviors and identification of services needed to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance;

(iv) Assessment of the need for the provision of rehabilitation technology to develop the capacities of the individual to perform in a competitive and integrated work environment, consistent with the individual's informed choice.

(5)(a) Information pertaining to conditions or circumstances, such as criminal record, INS identity and work status that restricts the type of employment the customer can legally perform must be disclosed to the department prior to development of the individualized plan for employment.

(b) Background checks may be secured as a vocational rehabilitation assessment service for a participant who is seeking employment in a field that customarily requires a

background check as a condition of employment. The department may obtain a federal criminal history background check verifying that the participant is not excluded from employment in the field or specific job as part of the eligible individual's informed choice in exploring or selecting an employment goal.

(6) If the department becomes aware of a condition or circumstance that may affect the customer's ability to achieve a competitive and integrated employment outcome after the individualized plan for employment has been developed, the vocational rehabilitation counselor will conduct necessary assessment services, including a work skills assessment, in accordance with WAC 67-25-220, to determine whether the individual is capable of achieving the employment outcome identified in the individualized plan for employment.

(7) If an eligible individual declines to authorize the release of information or to participate in vocational rehabilitation services necessary to collect pertinent information for development of an appropriate individualized plan for employment, the vocational rehabilitation counselor will close the case service record in accordance with WAC 67-25-575 and 67-25-593.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-205, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-255, filed 4/4/05, effective 5/5/05; WSR 98-23-078, § 67-25-255, filed 11/17/98, effective 12/18/98. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-255, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-255, filed 12/15/83. Formerly WAC 67-20-255.]

WAC 67-25-210 Assessment—Adaptive skills of

blindness. (1) As a part of the assessment to determine vocational rehabilitation service needs, there must be a determination of each individual's use of and ability to benefit from adaptive skills of blindness. Rehabilitation objectives and service needs identified with the eligible individual during this assessment process shall be incorporated into the individualized plan for employment.

(2) Adaptive skills of blindness assessment include, as appropriate in each case:

- (a) Communications, including braille and keyboarding;
- (b) Personal management;
- (c) Orientation and mobility;
- (d) Home management;
- (e) Activities of daily living;
- (f) Personal adjustment to blindness, and if applicable, adjustment to other disabilities;
- (g) Ability to benefit from rehabilitation technology; and
- (h) Use of residual vision and ability to benefit from low vision devices and related training.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-210, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-257, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-257, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. WSR 85-06-030 (Order 85-02), § 67-25-257, filed 3/1/85.]

WAC 67-25-220 Assessment—Work skills. (1)(a) A work skills assessment is a process of providing assessment and related vocational rehabilitation services, after eligibility, to a participant with significant disabilities, for the purpose of

collecting information necessary to assess his or her capability to continue benefiting, in terms of a competitive and integrated employment outcome, from vocational rehabilitation services due to the significance of his or her disability.

(b) The individualized plan for employment, developed in accordance with WAC 67-25-230, must be inactivated while the participant is involved in the work skills assessment.

(2) A work skills assessment plan will be created by the VR counselor and the VR participant and include:

(a) Intermediate objectives that outline steps or activities that will determine what barriers are preventing the participant from making successful progress in their individual plan for employment;

(b) Responsibilities of the participant and VR counselor for the achievement of each individual objective;

(c) Methods for evaluating progress;

(d) Vocational services which support the achievement of each intermediate objective;

(e) Timelines for the overall work skills assessment plan and each service;

(f) Cost for each service with consideration of comparable benefits per WAC 67-25-283;

(g) Comments from the participant regarding the objectives, services and service providers;

(h) A statement that the individualized plan for employment can be amended at any time during the life of the individualized plan for employment; and

(i) Signatures of both the participant and VR counselor. The signature date will reflect the date the work skills assessment plan is signed.

(3) A work skills assessment may take place more than once and may extend as long as necessary to determine that:

(a) There is sufficient evidence that the participant can benefit from vocational rehabilitation services and achieve a competitive and integrated employment outcome and is to continue to receive vocational rehabilitation services; or

(b) There is clear and convincing evidence based on functional and situational assessments that the participant cannot benefit from vocational rehabilitation services and achieve a competitive and integrated employment outcome, due to the significance of his or her disability, and is no longer eligible for vocational rehabilitation services, and the case is closed in accordance with WAC 67-25-575 and 67-25-593.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-220, filed 7/3/18, effective 8/3/18. Statutory Authority: 34 C.F.R. 361.42, the Rehabilitation Act and Washington state Constitution. WSR 08-19-068, § 67-25-595, filed 9/15/08, effective 10/16/08.]

WAC 67-25-230 Individualized plan for employment—Timeline and criteria. (1) The individualized plan for employment is a written agreement that documents important decisions made between the participant and a vocational rehabilitation counselor concerning activities towards achievement of the participant's competitive and integrated employment goal including responsibilities agreed upon by the department and the participant, and vocational rehabilitation services to be provided.

(7/3/18)

(2) The individualized plan for employment is developed and implemented in a timely manner for each eligible individual, and no later than ninety days after eligibility except:

(a) When the department is operating under an order of selection, in accordance with WAC 67-25-193; or

(b) The eligible individual and VR counselor agree to a delayed plan completion, with specific expected date of completion documented.

(3) The participant must be actively involved in developing the individualized plan for employment including making meaningful and informed choices about the selection of the employment outcome, objectives, vocational rehabilitation services, service providers, and methods of procuring services.

(4) The competitive and integrated employment outcome the participant chooses must be consistent with the information and results of the assessment of the individual's vocational rehabilitation needs.

(5) The department supports participants to achieve a competitive and integrated employment outcome as defined in WAC 67-25-009. If a participant chooses another type of employment outcome, the department will, to the extent possible, refer the participant to other programs or organizations that may offer the type of employment that the participant desires.

(6) The individualized plan for employment must be agreed upon and signed by the participant, or as appropriate, the participant's representative, and a vocational rehabilitation counselor.

(7) The individualized plan for employment shall be designed to achieve the competitive and integrated employment outcome of the participant consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, and interests and informed choice of the participant.

(8) The plan shall include:

(a) The participant's long-term competitive and integrated employment outcome, based on the assessment for determining vocational rehabilitation needs and the career interests of the individual in accordance with WAC 67-25-205 and 67-25-210;

(b) Specific and measurable rehabilitation objectives to achieve the competitive and integrated employment outcome, based on the assessment for determining vocational rehabilitation needs;

(c) Vocational rehabilitation services to be provided to achieve the rehabilitation objectives;

(d) Projected initiation dates and the anticipated duration of each service;

(e) Objective criteria, and an evaluation procedure and schedule to determine whether goals and objectives are being achieved;

(f) The views of the participant in their own words or, as appropriate, in the words of the individual's representative, describing how he or she was informed about and involved in choosing among alternative goals, objectives, services, providers, and methods used to procure or provide services;

(g) How, to the maximum extent possible, information will be provided to the participant, or if appropriate, to the participant's representative, in his or her native language if necessary, and using appropriate modes of communication;

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(h) Terms and conditions for the ongoing provision of vocational rehabilitation services, including:

(i) Responsibilities the participant has agreed to, including steps the participant will take to achieve the competitive and integrated employment outcome, and services the participant agrees to apply for and use that are available at no cost from another program;

(ii) Ongoing exploration for comparable services and benefits, in accordance with WAC 67-25-283, that may be available to the participant under any other program;

(iii) Participant's active involvement through informed choice in selection of the entity or entities that will provide services and the process to provide or procure services;

(iv) Information regarding the right to appeal any decision made by the department on behalf of the participant including the procedure for mediation, fair hearing, and judicial review, in accordance with WAC 67-25-600;

(v) A description of client assistance program services; and

(vi) The basis on which the participant is determined to have achieved a competitive and integrated employment outcome.

(9) An individualized plan for employment that includes a supported employment outcome, in accordance with WAC 67-25-430 must also document:

(a) The supported employment services to be provided by the department;

(b) Extended services or natural supports that are likely to be needed;

(c) The source of extended services or, to the extent that it is not possible to identify the source of extended services when the plan is developed, a description of the basis for concluding that there is a reasonable expectation that those sources will become available;

(d) A goal for the number of hours per week the participant is expected to work and a plan to monitor the participant's progress toward meeting that expectation;

(e) A description of how the services on the individualized plan for employment are to be coordinated with other individualized plans established under other federal or state services;

(f) If job skills training is provided, the individualized plan for employment must reflect that the training is provided on the job site; and

(g) Placement in a competitive and integrated setting for the maximum number of hours possible based on the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the participant.

(10) Transition youth who are determined eligible for vocational rehabilitation services must have an individualized plan for employment developed within the same timelines and criteria as any eligible individual. An individualized plan for employment for a transition youth who is receiving special education or accommodation services should be coordinated, to the extent possible, with the participant's school individualized education plan or 504 Accommodation Plan in terms of identified goals, objectives, and services.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-230, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-260, filed 4/4/05, effective 5/5/05; WSR 98-23-078, § 67-25-260, filed 11/17/98, effective 12/18/98. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-270, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-270, filed 12/15/83. Formerly WAC 67-20-270.]

tive 12/18/98. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-260, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-260, filed 12/15/83. Formerly WAC 67-20-260.]

WAC 67-25-240 Individualized plan for employment—Participation of the eligible individual. (1) An eligible individual or, as appropriate, the individual's representative may develop all or part of the individualized plan for employment:

(a) Independently, without any assistance from the department or another entity;

(b) With assistance from a vocational rehabilitation counselor employed by the department;

(c) With assistance from a vocational rehabilitation counselor who is not employed by the department but who meets the minimum qualifications for a vocational rehabilitation counselor as established by the department; and/or

(d) Other resources such as a representative, family member, advocate, or other individual.

(2) The department shall provide, as appropriate to each eligible individual, information to assist the individual or the individual's representative in developing the individualized plan for employment, including:

(a) Information describing the full range of components that must be included in an individualized plan for employment;

(b) Information on assistance available for completing required forms; and

(c) Additional information that the eligible individual requests or the department determines to be necessary for development of the individualized plan for employment.

(3)(a) The department will provide assistance to individuals who choose to develop their individualized plan for employment with someone other than a department vocational rehabilitation counselor, and will identify individuals, to the extent possible, who may be of help in that process.

(b) However, the department will not pay fees or other expenses associated with obtaining assistance from such individuals.

(4) Substantive changes to the individualized plan for employment must be jointly made and agreed upon by the participant and the department vocational rehabilitation counselor.

(5) A copy of the individualized plan for employment and copies of any revisions and amendments shall be provided, using appropriate modes of communication, to the participant or, as appropriate, to the individual's representative.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-240, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-270, filed 4/4/05, effective 5/5/05; WSR 98-23-078, § 67-25-270, filed 11/17/98, effective 12/18/98. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-270, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-270, filed 12/15/83. Formerly WAC 67-20-270.]

WAC 67-25-250 Individualized plan for employment—Amendments and annual reviews. (1) The individualized plan for employment shall be reviewed as necessary but at least annually. The participant, or if appropriate, the participant's representative, shall be given an opportunity to review the plan and jointly redevelop and agree to its terms.

(2) Services shall be modified as needed and incorporated into the plan. The addition of services as agreed to by participant and VR counselor does not require participant signature.

(3) If it is determined that the employment outcome of the participant will be changed, or that services will be deleted from the plan, the new plan shall not take effect until agreed upon and signed by the participant, or if appropriate, the individual's representative, and the vocational rehabilitation counselor.

(4) If a participant's vision is restored so that he or she is not blind, as defined in WAC 67-25-009, further services shall be limited to those identified in an assessment of vocational rehabilitation service needs in accordance with WAC 67-25-205.

(5) If the participant has other disabilities, which result in an impediment to employment, the individual will be referred to the appropriate organization(s) for assistance.

(6) The individualized plan for employment review may be conducted with a qualified vocational rehabilitation counselor who is not employed by the department.

(a) However, in such cases, the department vocational rehabilitation counselor shall have final signature authority on the review and any changes to the plan.

(b) The department will not pay fees or other expenses associated with obtaining assistance from such individuals.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-250, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-275, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-275, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-275, filed 12/15/83. Formerly WAC 67-20-275.]

WAC 67-25-265 Vocational rehabilitation services—Nature and scope. (1) The provision of the department's VR services is based on the rehabilitation needs of each individual as identified in that participant's individualized plan for employment and is consistent with the participant's informed choice.

(2) The department's policy on VR service provision does not establish any arbitrary limits on the nature and scope of vocational rehabilitation services to be provided to the individual to achieve a competitive and integrated employment outcome.

(3) The department's policy on VR service provision has been developed in accordance with the following provisions:

(a)(i) The department has established a preference for in-state services, provided that the preference does not effectively deny an individual a necessary service.

(ii) 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 department is not responsible for those costs in excess of the cost of the in-state service.

(b) The department maintains a fee schedule designed to ensure a reasonable cost to the program for each service, provided that the schedule established is:

(i) Not so low as to effectively deny an individual a necessary service; and

(ii) Not absolute and will permit exceptions so that individual needs can be addressed.

(c) The department may establish reasonable time period limits for the provision of services, provided that the time limits are:

(i) Not so short as to effectively deny an individual a necessary service; and

(ii) Not absolute and permit exceptions so that individual needs can be addressed.

(d) While an option through the federal regulations, the department will not apply a financial needs test, or require the financial participation of the individual, in order to receive services.

(e) The department must establish policies related to the timely authorization of services, including any conditions under which verbal authorization can be given.

(f) Substantive changes to department policy that directly impact the nature, scope, or delivery of the services provided to individuals with disabilities require a public participation process. The public input must be gathered:

(i) In an in-person meeting format (which might include face-to-face, phone, and/or remote access video or chat);

(ii) Be separate and distinct from the state rehabilitation council public input process.

(4) Preemployment transition services are made available statewide to all students with visual and other disabilities, regardless of whether the student has applied or been determined eligible for vocational rehabilitation services, in accordance with WAC 67-25-290.

(5) VR services are made available as appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's individualized plan for employment. The following vocational rehabilitation services are available to assist the individual with a disability in preparing for, securing, retaining, advancing in or regaining a competitive and integrated employment outcome that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice:

(a) Assessment for determining eligibility and/or priority for services in accordance with WAC 67-25-130 and 67-25-183;

(b) Assessment for determining vocational rehabilitation needs in accordance with WAC 67-25-205 and 67-25-210;

(c) Vocational rehabilitation counseling and guidance including information and support services to assist an individual in exercising informed choice in accordance with WAC 67-25-273;

(d) Referral and other services necessary to assist applicants and eligible individuals to secure needed services from other agencies or client assistance programs, including other components of the statewide workforce development system, in accordance with WAC 67-25-073.

(e) Physical and mental restoration services in accordance with WAC 67-25-310, to the extent that financial support is not readily available from a source other than the department (such as through health insurance or a comparable service or benefit as defined in WAC 67-25-283).

(f)(i) Vocational and other training services, including personal and vocational adjustment training, advanced training in, but not limited to, a field of science, technology, engineering, mathematics (including computer science, medicine, law, or business); books, tools, and other training materials in

accordance with WAC 67-25-320, 67-25-330, 67-25-340, 67-25-265, and 67-25-365.

(ii) No training or training services in an institution of higher education (universities, colleges, community or junior colleges, vocational schools, technical institutes, or hospital schools of nursing or any other postsecondary education institution) may be paid for with funds under this part unless maximum efforts have been made by the department and the individual to secure financial and grant assistance in whole or in part from other sources to pay for that training.

(g) Maintenance in connection to the provision of vocational rehabilitation services in accordance with WAC 67-25-370;

(h) Transportation in connection to the provision of a vocational rehabilitation service in accordance with WAC 67-25-383;

(i) Vocational rehabilitation services to family members as defined in WAC 67-25-485, if necessary to enable the applicant or eligible individual to achieve an employment outcome.

(j) Interpreter and translation services, including language translation services, sign language and oral interpreter services for individuals who are deaf or hard of hearing, and tactile interpreting services for individuals who are deaf-blind, provided by qualified personnel in accordance with WAC 67-25-393.

(k) Reader services, rehabilitation teaching services, and orientation and mobility services for individuals who are blind in accordance with WAC 67-25-365 and 67-25-403.

(l) Job-related services, including job search and placement assistance job retention services, follow-up services, and follow-along services in accordance with WAC 67-25-340, 67-25-355, and 67-25-440.

(m) Supported employment services in accordance with WAC 67-25-430;

(n) Personal assistance services in accordance with WAC 67-25-410;

(o) Post-employment services in accordance with WAC 67-25-450;

(p) Occupational licenses, tools, equipment, initial stocks, and supplies, and technical assistance and other consultation services to participants who are pursuing self-employment or establishing a small business operation as an employment outcome, in accordance with WAC 67-25-465;

(q) Rehabilitation technology services in accordance with WAC 67-25-425;

(r) Preemployment transition services that provide careers and work preparation exploration and experiences for students with disabilities, in accordance with WAC 67-25-290.

(s) Transition services for youth with disabilities to facilitate the transition from school to postsecondary life, such as entry into a post-secondary training program and/or achievement of an employment outcome in competitive integrated employment, in accordance with WAC 67-25-305.

(t) Customized employment in accordance with WAC 67-25-440.

(u) Other goods and services determined necessary for the individual with a disability to achieve a competitive and integrated employment outcome in accordance with WAC 67-25-475.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-265, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-350, filed 4/4/05, effective 5/5/05; WSR 98-23-078, § 67-25-350, filed 11/17/98, effective 12/18/98. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-350, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-350, filed 12/15/83. Formerly WAC 67-20-350.]

WAC 67-25-273 Vocational rehabilitation services—Counseling and guidance. (1) Counseling and guidance services, based on needs of the individual, shall be available throughout all phases of the rehabilitation process to assist the participant with:

(a) Adjustment to blindness and other disabilities; understanding the importance of developing and using adaptive skills of blindness; and, identifying strategies to overcome negative social attitudes regarding disability;

(b) Identifying the participant's unique strengths, resources, priorities, concerns, abilities, and capabilities related to planning for and achieving a competitive and integrated employment outcome;

(c) Identifying and overcoming potential barriers to achieving a competitive and integrated employment outcome, including disability-related, personal, and social factors;

(d) Selecting a competitive and integrated employment outcome consistent with the participant's abilities, capabilities, and interests;

(e) Obtaining and utilizing resource information to make meaningful and informed choices regarding selection of vocational rehabilitation goals, objectives, services, and providers;

(f) Overcoming potential barriers and achieving a competitive and integrated employment outcome through development of skills such as: Study and work habits; grooming; management of finances; preparation for job interviews and tests; self-advocacy; and effective interpersonal relationships.

(2) Counseling and guidance services may also be provided to:

(a) Assist family members to effectively participate in the rehabilitation process;

(b) Assist prospective employers to develop positive attitudes regarding hiring and accommodating individuals who are blind.

(3) Counseling and guidance shall be provided without consideration of comparable services and benefits in accordance with WAC 67-25-283.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-273, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-380, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-380, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-380, filed 12/15/83. Formerly WAC 67-20-380.]

WAC 67-25-283 Vocational rehabilitation services—Comparable services. (1) Consideration of comparable services and benefits is required by the Rehabilitation Act (as amended). Therefore, this section prevails over all other sections describing conditions under which vocational rehabilitation services shall be provided.

(2) Comparable services and benefits include any financial or other resource for which a participant is legally qualified, or entitled, or meets the criteria for obtaining without undue contingencies. The resource must be an organized, ongoing form of service provision or financial assistance, whether public or private. It must be free or may require a deductible, co-insurance feature, token payment or personal claim.

(3) Participants are required to apply for and accept comparable services and benefits which they are entitled to receive before vocational rehabilitation funds can be expended, except as provided in subsections (5) and (6) of this section.

(4) The vocational rehabilitation counselor has an obligation to inform participants of known sources for comparable services and benefits and shall assist with application for these services when necessary.

(5) The following services are provided without consideration of comparable services and benefits:

(a) Assessment in accordance with WAC 67-25-130, 67-25-160, 67-25-183, 67-25-205, 67-25-210, and 67-25-220;

(b) Counseling and guidance in accordance with WAC 67-25-273 including information and support services to assist an individual in exercising informed choice in accordance with WAC 67-25-073;

(c) Referral and other services to secure needed services from other agencies, including other components of the workforce development system, if those services are not available under this subsection, in accordance with WAC 67-25-061;

(d) Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services in accordance with WAC 67-25-340, 67-25-355, and 67-25-440;

(e) Rehabilitation technology services in accordance with WAC 67-25-425;

(f) Services listed in (a) through (e) of this subsection as post-employment services in accordance with WAC 67-25-450.

(6) Determination of comparable services and benefits shall not be required if:

(a) Utilization of such a service would delay provision of vocational rehabilitation services to an individual determined to be at extreme medical risk, based on medical evidence provided by a qualified medical professional, indicating a probability of substantially increasing functional impairment or death if medical services, including mental health services, are not provided expeditiously; or

(b) An immediate job placement would be lost due to a delay resulting from utilization of comparable services and benefits.

(7) The following services may be provided only after consideration of comparable services and benefits:

(a) Physical and mental restoration services in accordance with WAC 67-25-310;

(b) Maintenance in accordance with WAC 67-25-370;

(c) Transportation in accordance with WAC 67-25-383;

(d) Services to family members in accordance with WAC 67-25-485;

(e) Interpreter and translation services in accordance with WAC 67-25-393;

(f) Reader services in accordance with WAC 67-25-403;

(g) Training at institutions of higher education in accordance with WAC 67-25-320 and 67-25-330;

(h) Supported employment services in accordance with WAC 67-25-430;

(i) Personal assistance services in accordance with WAC 67-25-410;

(j) Post-employment services, in accordance with WAC 67-25-450, except as specified in subsection (5) of this section;

(k) Occupational licenses, tools, equipment, initial stocks and supplies in accordance with WAC 67-25-465;

(l) Transition services for youth in accordance with WAC 67-25-305;

(m) Other goods and services not specified in this section.

(8) Consideration of comparable services and benefits shall be documented in the customer's case services record and shall include sources of assistance considered, whether the customer applied, acceptable reasons for failure to apply, outcome of application, and basis for the decision to expend vocational rehabilitation funds for services described in subsection (7) of this section.

(9) Vocational rehabilitation funds shall not be expended to purchase services for a participant when another agency has primary responsibility for providing the needed service.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-283, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-360, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-360, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. WSR 85-18-046 (Order 85-10), § 67-25-360, filed 8/30/85. Statutory Authority: 1983 c 194 § 18. WSR 84-19-003 (Order 84-04), § 67-25-360, filed 9/6/84.]

WAC 67-25-290 Vocational rehabilitation services—Preemployment transition for students. (1) The department, in collaboration with the local educational agencies involved, must provide, or arrange for the provision of, pre-employment transition services for all students with visual disabilities not older than twenty-one years of age who are in need of such services, without regard to the type of visual disability. Reserved and available funds may be used for the required, authorized, and preemployment transition coordination activities.

(2) Preemployment transition services must be made available statewide to all students with visual disabilities, regardless of whether the student has applied or been determined eligible for vocational rehabilitation services.

(3) The department must provide the following required preemployment transition service activities:

(a) Job exploration counseling;

(b) Work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment in the community to the maximum extent possible;

(c) Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;

(d) Workplace readiness training to develop social skills and independent living; and

(e) Instruction in self-advocacy (including instruction in person-centered planning), which may include peer mentoring (including peer mentoring from individuals with disabilities working in competitive integrated employment).

(4) Each local office of the department must carry out preemployment transition coordination responsibilities consisting of:

(a) Attending individualized education program meetings for students with disabilities, when invited;

(b) Working with the local workforce development boards, one-stop centers, and employers to develop work opportunities for students with disabilities, including internships, summer employment and other employment opportunities available throughout the school year, and apprenticeships;

(c) Working with schools, including those carrying out activities under section 614(d) of the IDEA, to coordinate and ensure the provision of preemployment transition services under this section;

(d) When invited, attending person-centered planning meetings for individuals receiving services under Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(5) Funds available and remaining after the provision of the required activities described above may be used to improve the transition of students with visual disabilities from school to postsecondary education or an employment outcome by the following authorized activities:

(a) Implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces;

(b) Developing and improving strategies for individuals with intellectual disabilities and individuals with significant disabilities to live independently; participate in postsecondary education experiences; and obtain, advance in and retain competitive integrated employment;

(c) Providing instruction to vocational rehabilitation counselors, school transition personnel, and other persons supporting students with disabilities;

(d) Disseminating information about innovative, effective, and efficient approaches to achieve the goals of this section;

(e) Coordinating activities with transition services provided by local educational agencies under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

(f) Applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel, in order to better achieve the goals of this section;

(g) Developing model transition demonstration projects;

(h) Establishing or supporting multistate or regional partnerships involving states, local educational agencies, designated state units, developmental disability agencies, private businesses, or other participants to achieve the goals of this section; and

(i) Disseminating information and strategies to improve the transition to postsecondary activities of individuals who are members of traditionally unserved and underserved populations.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, § 67-25-290, filed 7/3/18, effective 8/3/18.]

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WAC 67-25-305 Vocational rehabilitation services—Transition for youth. (1) Transition services are a coordinated set of activities for a youth with a disability not older than twenty-four years of age, designed within an outcome-oriented process that promotes movement from school to post-school activities, including post-secondary education, work exploration and experience, vocational training, continuing and adult education, adult services, adaptive skills training and independent living, community participation, all leading to competitive and integrated employment (with or without long-term supports).

(a) Transition services are based upon the individual youth's needs, taking into account the youth's preferences and interests, and includes instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation;

(b) Promotes or facilitates the achievement of the employment outcome identified in the youth's individualized plan for employment and includes outreach to and engagement of the parents, or, as appropriate, the representative of such a youth with a disability.

(2)(a) Transition services are distinguished from pre-employment transition services because they are specific, individualized, and planned services for eligible VR participants.

(b) Preemployment transition services are more general and exploratory, and may be provided to individuals who are potentially eligible for VR services, and are not older than twenty-one years of age (WAC 67-25-290).

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-305, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-399, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-399, filed 2/28/95, effective 3/31/95.]

WAC 67-25-310 Vocational rehabilitation services—Physical and mental restoration. (1) Physical and mental restoration services shall be provided to a participant under an individualized plan for employment when the vocational rehabilitation counselor determines that such services are likely, within a reasonable period of time, to substantially correct or modify a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to competitive and integrated employment for the participant.

(2) All authorized physical and mental restoration services shall be provided by qualified personnel who meet state licensing requirements.

(3) When receiving physical and mental restoration services, the participant may choose the physician or other health professional and appropriate facilities. Service providers and facilities should, to the maximum extent appropriate, be selected from those who will accept reimbursement in accordance with the *Washington State Department of Labor and Industries Schedule of Maximum Allowances and Program Descriptions*.

(4) Physical and mental restoration services may be provided to an applicant or customer during trial work experience or work skills assessment, in accordance with WAC 67-25-140 and 67-25-220, if it is necessary to stabilize or halt

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progression of a chronic illness for purposes of determining eligibility or continued eligibility.

(5) Physical and mental restoration services include but are not limited to:

- (a) Surgical and therapeutic treatment;
- (b) Diagnosis and treatment for mental or emotional disorders;
- (c) Dental treatment;
- (d) Nursing services;
- (e) Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services;
- (f) Convalescent or nursing home care;
- (g) Drugs and supplies;
- (h) Prosthetic, orthopedic or other assistive devices;
- (i) Eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids prescribed by qualified medical practitioners;
- (j) Podiatry;
- (k) Physical therapy;
- (l) Occupational therapy;
- (m) Speech or hearing therapy;
- (n) Mental health services;
- (o) Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical and mental restoration services or that are inherent in the condition under treatment (34 C.F.R. 365.1(c)(39));

(p) Special services for the treatment of individuals with end-stage renal disease, including transplantation, dialysis, artificial kidneys, and supplies;

(q) Other medical or medically related rehabilitation services; and

(r) Medical care for acute conditions arising during rehabilitation and constituting a barrier to the achievement of an employment outcome.

(6) Physical and mental restoration services shall be provided only after consideration of comparable services and benefits except as specified in WAC 67-25-283.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-310, filed 7/3/18, effective 8/3/18. Statutory Authority: 34 C.F.R. 361.42, the Rehabilitation Act and Washington state Constitution. WSR 08-19-068, § 67-25-384, filed 9/15/08, effective 10/16/08. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-384, filed 4/4/05, effective 5/5/05; WSR 98-23-078, § 67-25-384, filed 11/17/98, effective 12/18/98. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-384, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-384, filed 12/15/83. Formerly WAC 67-20-384.]

WAC 67-25-320 Vocational rehabilitation services—General training provisions. (1) The individualized plan for employment may include any organized form of instruction providing the knowledge and skills necessary for a customer to perform to market expectations in an occupation or career field and achieve a competitive and integrated employment outcome. Knowledge and skills may be acquired through training in an institution, on the job, by correspondence or online technology, by tutors, or through a combination of

these methods. Training may be given for any occupation, except as prohibited in subsection (2) of this section.

(2) Article I, Subsection 11 of the Washington state Constitution forbids the use of public funds to support an individual in education or training for an employment goal that is religious in nature.

(3) Programs or schools used to provide training shall be limited to those which are accredited, licensed, or approved either by a legal authority, or are recognized as adequate by the professional or trade group with which they are associated.

(4) The department may provide tuition, fees, books, tools and other training materials and shall periodically establish guidelines for determining the provision of these services.

(5) Training services shall be provided only after consideration of comparable services and benefits as specified in WAC 67-25-283.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-320, filed 7/3/18, effective 8/3/18. Statutory Authority: 34 C.F.R. 361.42, the Rehabilitation Act and Washington state Constitution. WSR 08-19-068, § 67-25-388, filed 9/15/08, effective 10/16/08. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-388, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-388, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-19-003 (Order 84-04), § 67-25-388, filed 9/6/84; WSR 84-01-042 (Order 83-08), § 67-25-388, filed 12/15/83. Formerly WAC 67-20-388.]

WAC 67-25-330 Vocational rehabilitation services—Post-secondary training. (1) Training at a university, college, community college, vocational school, technical institute, school of nursing or other accredited training program may be provided if necessary to achieve the competitive and integrated employment outcome agreed upon by the participant and vocational rehabilitation counselor except as prohibited in accordance with WAC 67-25-320.

(2) No training or training services in institutions of higher education shall be paid for with vocational rehabilitation funds unless the participant has applied for financial aid and other grant assistance from other sources to pay for the training in whole or in part. If the participant has applied for financial aid and is waiting for the results, and denial of training funds by the department would result in interruption or delay of the progress of the participant toward achieving his or her employment outcome, the vocational rehabilitation counselor may pay training costs on an interim basis until the results of the financial aid application is known.

(3) A participant may attend private or out-of-state institutions of higher education in preparation for an employment outcome; however, financial assistance shall be limited to the tuition amount at the University of Washington or the actual cost, whichever is less. Exceptions may be made when required training is not available in the state, or if other significant factors preclude the participant from attending an available training program at a public institution of higher education in the state.

(4) The department may provide financial assistance to a participant wishing to obtain a postgraduate degree when the training is necessary to achieve the individual's employment outcome.

(5) A participant receiving training at an institution of post-secondary education must meet established scholastic standards required by the program. If the participant's grades fall below minimum standards, it shall be necessary, through assessment, counseling, and planning with the participant, to revise the individualized plan for employment including the possible selection of a new employment outcome.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-330, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-390, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-390, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-19-003 (Order 84-04), § 67-25-390, filed 9/6/84; WSR 84-01-042 (Order 83-08), § 67-25-390, filed 12/15/83. Formerly WAC 67-20-390.]

WAC 67-25-335 Vocational rehabilitation services—Other training. The department may support miscellaneous training programs that are necessary to the achievement of the participant's employment goal, such as:

(1) Basic academic remedial course work and literacy training that are needed to function on the job in the integrated and competitive labor market, including GED or secondary school training leading to a diploma.

(2) Training and course work to support small business ownership or preparation for the Randolph-Sheppard Act (20 U.S.C. Sec 107) opportunities.

(3) Courses taken at four-year, junior or community colleges not leading to a certificate or diploma that are needed to function on the job in the integrated and competitive labor market.

(4) A training program designed to meet the special requirements of an employer who has entered into an agreement with a service delivery area to hire individuals who are trained to the employer's specifications. The training may occur at the employer's site or provided by a training vendor able to meet the employer's requirements. Such training usually requires a commitment from the employer to hire a specified number of trainees who satisfactorily complete the training.

(5) A registered apprenticeship program.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, § 67-25-335, filed 7/3/18, effective 8/3/18.]

WAC 67-25-340 Vocational rehabilitation services—On-the-job training. (1) On-the-job training (OJT) is a training service provided in collaboration among the department, employer and participant, after the individual is placed in a job, to assist the participant to learn the skills needed to perform the work. On-the-job training may be provided as a vocational rehabilitation service to achieve the participant's competitive and integrated employment outcome.

(2) OJT services shall be provided as a program of organized training resulting in the competitive and integrated employment of the participant, giving the individual the opportunity to learn an occupation under actual conditions of commercial, industrial, or other on-the-job employment. The department will pay for training costs, and the employer is responsible for costs related to employment.

(3) OJT services shall be provided to a participant only when the vocational rehabilitation counselor establishes that the following conditions have been met:

(a) The training program has been prepared in advance and outlined in detail;

(b) The participant's training will follow a definite schedule of specified operations, instructions, and practices which will insure well-rounded preparation for the participant's selected occupation;

(c) A mutual understanding has been reached between the trainee/participant, the employer/training provider, and the vocational rehabilitation counselor regarding the participant's employment training plan including: Length of the training period; financial arrangements; and operations and skills to be learned;

(d) The employer agrees to closely supervise the participant's work and shall submit regular reports on the participant's progress and performance to the vocational rehabilitation counselor;

(e) The training program meets any requirements for licensing in the trade or occupation in which the participant is to be employed;

(f) The employment training program for the participant is acceptable to other employees of the training provider.

(4) A business or industrial establishment utilized by the department to provide OJT services shall:

(a) Have personnel qualified with appropriate knowledge, skills, and aptitude to provide instruction;

(b) Have sufficiently diversified operations and adequate, suitable materials and equipment to ensure the trainee thorough preparations and training within the scope and limits of his or her occupational objective;

(c) Ensure that training vocational rehabilitation participants is only incidental to the business activity of the facility;

(d) Ensure that the training program shall be consistent with the informed choice of the participant, and designed to assist him or her to achieve a competitive and integrated employment outcome.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-340, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-394, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-394, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-394, filed 12/15/83. Formerly WAC 67-20-394.]

WAC 67-25-355 Vocational rehabilitation services—Work readiness skills. (1) Work readiness skill building and related employment training services may be provided to a participant. This service may be appropriate if a participant has gaps in readiness for job-finding skills or workplace expectations within a competitive and integrated work environment.

(2) Work readiness skill building training may be provided to assist the participant with foundational work skills, such as:

(a) Understanding the meaning, value, and demands of work;

(b) Gaining skills in understanding and capability around the cultural expectations of the workplace;

(c) Developing appropriate attitudes, habits, and work behaviors, and organizational tools and systems;

(d) Job finding skills;

(e) Developing functional capacities necessary to achieve an optimum employment outcome; and

(f) Gaining effective workplace self-advocacy skills.

(3) Work readiness skills may be provided as part of job placement services.

(4) A paid or unpaid internship that allows a student or participant direct career experience may also be provided as a work readiness skills service. An internship is distinguished from an OJT in that there is no formal expectation that the employer will hire the participant after the period of work experience and training.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-355, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-396, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-396, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-396, filed 12/15/83. Formerly WAC 67-20-396.]

WAC 67-25-365 Vocational rehabilitation services—Adaptive skills of blindness. (1) Adaptive skills of blindness are those skills necessary for individuals who are blind to function independently, distinguished from the vocational skills necessary to perform a specific occupation. Adaptive skills include:

- (a) Communications, including Braille and keyboarding;
- (b) Personal management;
- (c) Orientation and mobility;
- (d) Adjustment to blindness;
- (e) Home management;
- (f) Activities of daily living;
- (g) Use of rehabilitation technology; and
- (h) Use of residual vision and related devices.

(2) Training in adaptive skills of blindness shall be provided to a participant in accordance with standards established by the department for instruction of the specific adaptive skill.

(3) Training in adaptive skills of blindness may be provided to a participant under an individualized plan for employment in accordance with WAC 67-25-230, or during the assessment to determine rehabilitation needs in accordance with WAC 67-25-210.

(4) The department may operate and maintain an orientation and training center as a structured setting to provide assessment and training in adaptive skills of blindness for participants who may benefit from intensive adaptive skills training.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-365, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-398, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-398, filed 2/28/95, effective 3/31/95.]

WAC 67-25-370 Vocational rehabilitation services—Maintenance. (1) Maintenance for living expenses may be provided only when these expenses are short-term in duration, in excess of the normal subsistence expenses of a participant, and only when necessary for the individual to participate in services under an individualized plan for employment. Maintenance includes monetary support for food, shelter, clothing and other subsistence items.

(2) Maintenance shall be provided only after consideration of comparable services and benefits in accordance with WAC 67-25-283.

(7/3/18)

(3) Individuals with emergency needs for shelter, food, financial support, etc. will be referred to community sources that may provide these services.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-370, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-400, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-400, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. WSR 88-09-006 (Order 88-1), § 67-25-400, filed 4/11/88. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-400, filed 12/15/83. Formerly WAC 67-20-400.]

WAC 67-25-383 Vocational rehabilitation services—Transportation. (1) Transportation services for travel and related expenses may be authorized if necessary for an applicant, eligible individual, or participant to receive any vocational rehabilitation service.

(2) Transportation may include:

- (a) Fares or travel costs associated with using public or private vehicle;
- (b) Food and lodging while in travel status;
- (c) Wages, travel, and related expenses for a driver, attendant or aide if the services of that person are necessary for the individual to travel;
- (d) Relocation and moving expenses, if necessary for securing a competitive and integrated employment outcome.

(3) Transportation services shall be provided only after consideration of comparable services and benefits in accordance with WAC 67-25-283.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-383, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-404, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-404, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. WSR 88-09-006 (Order 88-1), § 67-25-404, filed 4/11/88. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-404, filed 12/15/83. Formerly WAC 67-20-404.]

WAC 67-25-393 Vocational rehabilitation services—Interpreter and translation. (1) Interpreter services include sign language or oral interpretation services for individuals who are deaf or hard of hearing, and tactile interpretation services for individuals who are deaf-blind.

(a) Interpreter services must be provided by qualified personnel.

(b) Interpreter services shall be authorized, to the maximum extent possible, in accordance with the department of social and health services schedule of maximum allowances and program descriptions.

(2) Translation services are provided to non-English speaking individuals, and for the individual's representative if appropriate, during all phases of the rehabilitation process including mediation, fair hearing, and judicial review.

(a) Translation services include oral translation of English into the primary language of an individual.

(b) Upon request, the following written communication shall be translated into the primary language of an applicant or customer:

- (i) Application for services;
- (ii) Notification of eligibility or ineligibility;
- (iii) Individualized plan for employment;
- (iv) Notification of case closure;
- (v) Notification of annual review, if appropriate; and

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(vi) Any notice requiring a response or a signature from an individual to continue receiving services.

(c) The department shall translate the Washington Administrative Code (WAC) regarding VR services or service providers into the primary language of an applicant or customer upon his or her request.

(d) Translation services shall be authorized in accordance with procedures and fee schedules established by the department.

(3) Vocational rehabilitation expenditures for interpreter or translation services for applicants, eligible individuals and participants will be authorized only after consideration of comparable services and benefits in accordance with WAC 67-25-283.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-393, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-412, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-412, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-412, filed 12/15/83. Formerly WAC 67-20-412.]

WAC 67-25-403 Vocational rehabilitation services—

Reader. (1) Reader services may be provided to an applicant, eligible individual, or participant when necessary to the provision of other vocational rehabilitation services.

(2) Reader services consist of orally reading to the blind individual print material which is not available through other appropriate modes of communication.

(3) If reader services are necessary beyond the initial stages of employment, the department shall, if desired by the individual, assist him or her to negotiate with the employer for reader services as a reasonable accommodation.

(4) Reader services shall be purchased in accordance with the department's procedures and shall be provided only after consideration of comparable services and benefits in accordance with WAC 67-25-283.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-403, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-416, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-416, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-416, filed 12/15/83. Formerly WAC 67-20-416.]

WAC 67-25-410 Vocational rehabilitation services—

Personal assistance. (1) Personal assistance services include a range of services provided by at least one person to assist an individual with a disability to perform daily living activities, on or off the job, that the individual typically would perform if he or she did not have a disability, and will not be able to perform even after receiving adaptive skills training.

This includes personal attendant services, which are personal services that an attendant performs for an individual with a disability including, but not limited to, bathing, feeding, dressing, providing mobility and transportation.

(2) These services shall, to the extent appropriate and desired by the participant, include training in managing, supervising, and directing their personal assistance services.

(3) Personal assistance services may be provided, if necessary, for the participant to achieve a competitive and integrated employment outcome, and shall be provided only

while the participant is receiving other vocational rehabilitation services.

(4) The case service record must document how personal assistance services will be provided after the completion of vocational rehabilitation services or, to the extent that it is not possible to identify how personal assistance services will be provided when the individualized plan for employment is developed, there must be a description of the basis for concluding that there is a reasonable expectation that resources will become available.

(5) Personal assistance services are provided only after consideration of comparable services and benefits in accordance with WAC 67-25-283.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-410, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-418, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-418, filed 2/28/95, effective 3/31/95.]

WAC 67-25-425 Vocational rehabilitation services— Rehabilitation technology.

(1) Rehabilitation technology is the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address barriers that might be experienced by a participant in education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

(2) The department will provide, as appropriate, rehabilitation technology services throughout all phases of the vocational rehabilitation process for participants.

(3) Rehabilitation technology services may include:

(a) Assessment to determine rehabilitation technology needs;

(b) Job site and training site analysis including testing and research;

(c) Rehabilitation engineering services;

(d) Comprehensive training in the use of assistive technology devices;

(e) Procurement, installation and follow-up related to assistive technology devices.

(4) Any assistive technology device requiring an individualized prescription or fitting must be provided by a professional who meets any licensing or certification requirements to fill the prescription or to perform the fitting. Aids and devices not requiring individual fittings must meet engineering and safety standards recognized by experts in the field.

(5) Rehabilitation technologies and relay services for individuals who are deaf or hearing-impaired shall be utilized as necessary for service delivery.

(6) Rehabilitation technology services shall be provided without consideration of comparable services and benefits pursuant to WAC 67-25-283.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-425, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-432, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-432, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-432, filed 12/15/83. Formerly WAC 67-20-432.]

WAC 67-25-430 Vocational rehabilitation services—Supported employment. (1) Supported employment is competitive employment in an integrated setting, consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual, with ongoing support services for participants with the most significant disabilities who require intensive, ongoing support to perform in a work setting.

(2) An individual shall be eligible to receive supported employment services if:

(a) The individual is eligible for vocational rehabilitation services in accordance with WAC 67-25-130;

(b) The individual needs intensive supported employment services from the department and ongoing services from other resources to perform competitive and integrated work due to the nature and significance of his or her disabilities; and

(c) Supported employment is an appropriate employment outcome, with or without customized job tasks as defined in WAC 67-25-009, for the individual based on a comprehensive assessment of his or her rehabilitation needs in accordance with WAC 67-25-205.

(3) A participant with an employment outcome of supported employment may receive any vocational rehabilitation service described in WAC 67-25-265.

(4) Supported employment must occur in a competitive and integrated work setting (as defined in WAC 67-25-009) for the maximum number of hours possible, based on the unique strengths, resources, interests, concerns, abilities, and capabilities of the participant with significant disabilities.

(5) The determination to provide long-term supports must include:

(a) Ongoing assessment of the participant's employment situation to:

(i) Determine what is needed to maintain job stability; and

(ii) Coordinate services or provide specific intensive services that are needed at or away from the participant's worksite to assist the individual in maintaining job stability.

Under special circumstances and request of the participant, such an assessment might take place away from the worksite.

(b) Job development, job placement, and job retention services, with or without customization of job tasks;

(c) Intensive job skill training for the participant at the job site by qualified providers;

(d) Social skills training;

(e) Regular observations or supervision;

(f) Follow-up services, such as regular contacts with the participant's employer, the participant, or the participant's representative, and other appropriate individuals to help strengthen and stabilize the job placement;

(g) Facilitation of natural supports at the worksite;

(h) Other services similar to services described in (a) through (g) of this subsection; and

(i) Any other required vocational rehabilitation services.

(6) The participant shall transition to extended services after receiving supported employment services from the vocational rehabilitation program.

(a) Extended services are ongoing support services necessary to support and maintain the participant in competitive

and integrated employment, with or without customization of job tasks.

(b) Long-term funding for extended services may be provided through cooperative agreements with public agencies, nonprofit agencies or organizations; employers; natural supports; and any resource other than federal vocational rehabilitation funds.

(7) The department may provide intensive training and support services during the period which extended services from other resources are identified and implemented as follows:

(a) The department can provide intensive training and support services for up to twenty-four months to facilitate the participant's adjustment at the worksite while resources for extended services are being finalized;

(b) If the individual who requires long-term supports is a youth with a disability, the department may provide intensive training and support services for up to forty-eight months;

(c) If resources for extended services are not identified and implemented within those time frames, the department must close the case and exit the individual from department services per WAC 67-25-565.

(8) An individualized plan for employment with a competitive and integrated employment outcome with long-term supports must specify the expected extended services needed and, must identify the source, including natural supports, of extended services. If the source of extended services cannot be identified when the individualized plan for employment is developed, supported employment services shall be initiated while resources to provide extended services are sought per the limits described in this section.

(9) A participant with an employment outcome of supported employment may receive post-employment services in accordance with WAC 67-25-450 when the services to be provided are not the responsibility of the extended services provider.

(10) The department shall provide transitional employment services as supported employment services for a participant with a significant disability due to mental illness. Transitional employment is a series of temporary job placements in competitive and integrated work settings with ongoing support services. In transitional employment, ongoing support services must include continuing sequential job placements until job permanency is achieved.

(11) Supported employment services are provided only after consideration of comparable services and benefits in accordance with WAC 67-25-283.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-430, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-436, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-436, filed 2/28/95, effective 3/31/95.]

WAC 67-25-440 Vocational rehabilitation services—Job placement. (1) Job placement services shall be provided to a participant under an individualized plan for employment to assist the individual with obtaining and retaining appropriate competitive and integrated employment consistent with his or her employment goal.

(2) The department and participant shall be mutually responsible to find and secure suitable employment for the individual.

(a) The individualized plan for employment shall describe the nature and scope of job placement services to be provided by the department, and the participant's responsibility to actively and independently conduct job-seeking efforts.

(b) The individualized employment plan shall also describe if customized employment services, as defined in WAC 67-25-093, are expected to be a necessary job placement service.

(3) Job placement services include the following range of activities:

(a) Job-search skills training to prepare a participant for competitive and integrated employment;

(b) Communication and negotiation with a variety of employment resources and other community resources regarding employment of people who are blind;

(c) Job task analysis to determine how a person who is blind can be accommodated in a position and to identify if customization of the job is necessary for an individual;

(d) Work readiness skill building, counseling, and other follow-up and follow-along services to stabilize the participant in competitive and integrated employment until the employment outcome has been satisfactorily achieved;

(e) Job development and employer engagement (which may or may not be on behalf of a specific participant);

Employer engagement may include negotiation of a proposed job customization and integration of long-term supports, as necessary.

(4) Placement services may be provided using the following methods:

(a) Vocational rehabilitation counselors or staff employed by the department.

(b) An individual specializing in business engagement may provide placement services through communication and negotiation with a variety of employers and community resources, regarding employment of people who are blind.

(c) No-cost placement resources in the community such as WIOA partners in the American job centers, registered apprenticeship programs, and other entities shall be utilized whenever possible.

(d) Job placement services may be purchased when it is in the participant's vocational interests, when the department's services are not otherwise available, or when placement is offered by an employment service provider as part of a service package.

(5) Job placement services shall be terminated when the participant has been provided vocational rehabilitation services, in accordance with an individualized plan for employment, which have enabled the individual to obtain and retain employment in a competitive and integrated setting consistent with his or her capacities and abilities, with job stability achieved for at least ninety days.

(6) Job placement services shall be provided without consideration of comparable services and benefits in accordance with WAC 67-25-283.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, § 67-25-440, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-440, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-440,

filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-440, filed 12/15/83. Formerly WAC 67-20-440.]

WAC 67-25-450 Vocational rehabilitation services—Post-employment. (1) Post-employment services may be provided to a participant after achieving a competitive and integrated employment outcome, if they are necessary for the participant to maintain, regain, or advance in employment consistent with the individual's abilities, capabilities, and interests.

(2) Post-employment services are intended to provide short-term and discrete intervention related to the established competitive and integrated employment outcome.

(3) Post-employment services do not require a new determination of eligibility, and may be provided within three years of case closure.

(4) Post-employment services include all vocational rehabilitation services identified in WAC 67-25-265 and are subject to any conditions affecting provision of that vocational rehabilitation service.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-450, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-444, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-444, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-444, filed 12/15/83. Formerly WAC 67-20-444.]

WAC 67-25-465 Vocational rehabilitation services—Occupational licenses, tools, equipment, initial stocks and supplies and other technical assistance for self-employment. (1) Goods and services described in this section may be provided only under an individualized plan for employment when necessary for the participant to achieve an employment outcome or establish a small business, including:

(a) A participant to be bonded if the employment he or she is entering requires a bond and the participant supplies all necessary information to the bonding firm;

(b) Occupational licenses, permits, or certificates showing that the individual meets certain standards, has accomplished certain achievements, or has paid dues, fees, or has other written authority required by a state, city, or other government unit that qualifies the individual to engage in a business, specific trade, or other work;

(c) Occupational tools which are customarily required for a worker to perform efficiently on the job, and which workers in the same or similar trade or profession are normally provided. These may include specialized tools adapted to accommodate the individual's disability;

(d) Occupational equipment and occupational fixtures normally found in places of business. These include machinery, and appliances that are usually stationary during utilization. However, self-powered vehicles may also be provided as occupational equipment;

(e) Initial stocks such as the initial inventory of merchandise or goods necessary for a participant to enter self-employment. It may also include the initial purchase of livestock as a base stock, and stocks of seed, fertilizer, fuel, etc., for farming or agricultural self-employment;

(f) Initial supplies including expendable items necessary for the participant to carry out day-to-day business operations, and which are consumed on the premises in the course of the participant's self-employment business or in a business enterprise location;

(g) Technical assistance including consultation and other services provided to conduct market analyses, to develop business plans, and to provide resources to individuals in the pursuit of self-employment, telecommuting and small-business operations.

(2) Goods and services described in this section shall be provided only after consideration of comparable services and benefits in accordance with WAC 67-25-283.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-465, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-448, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-448, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-448, filed 12/15/83. Formerly WAC 67-20-448.]

WAC 67-25-475 Vocational rehabilitation services—

Other. (1) Other goods and services not described in this chapter may be provided to a participant when necessary to determine the individual's eligibility for services and rehabilitation needs, or when necessary for the individual to achieve an appropriate competitive and integrated employment outcome.

(2) Other goods and services, except those required for assessment of the individual, shall be provided only after consideration of comparable services and benefits in accordance with WAC 67-25-283.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-475, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-452, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-452, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-452, filed 12/15/83. Formerly WAC 67-20-452.]

WAC 67-25-485 Vocational rehabilitation services—

To family members. (1) A family member is an individual:

(a) Who is a relative or guardian of a customer, or who lives in the same household as a participant;

(b) Who is integrally involved in the vocational rehabilitation of the participant; and

(c) Whose receipt of vocational rehabilitation services would further the vocational rehabilitation of the participant.

(2) Services provided to family members may include any vocational rehabilitation services available to customers in accordance with WAC 67-25-265.

(a) The services must be directly related to the vocational rehabilitation of the participant.

(b) Family members of any age may be served.

(3) A vocational rehabilitation service provided to family members shall be terminated when it no longer substantially contributes to the vocational rehabilitation of the participant.

(4) Services to family members shall be provided only after consideration of comparable services and benefits in accordance with WAC 67-25-283.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-485, filed 7/3/18, effective 8/3/18. Stat-

(7/3/18)

utory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-408, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-408, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-408, filed 12/15/83. Formerly WAC 67-20-408.]

WAC 67-25-490 Vocational rehabilitation services—

To groups. (1) The department may provide the following vocational rehabilitation services to groups of individuals:

(a) Establishment, development, or improvement of a public or other nonprofit employment service provider providing services that promote integration and competitive employment;

(b) Development and implementation of services that enhance the use of modes of communication or telecommunications for individuals with disabilities;

(c) Technical assistance and support services, such as job site modification and other reasonable accommodations, for businesses not subject to Title I of the Americans with Disabilities Act of 1990 that are seeking to employ individuals with disabilities;

(d) Establishment of small business enterprises, operated by individuals with the most significant disabilities under supervision of the department, including, management services and supervision, and the acquisition of vending facilities, equipment, initial stocks, and supplies;

(e) Consultation services to assist educational agencies in transition of students with disabilities to post-school activities, including employment;

(f) Other services that promise to contribute substantially to the rehabilitation of a group of individuals, but that are not related directly to the individualized plan for employment of any one individual.

(2) Services to groups are provided in accordance with department procedures for the provision of these services.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-490, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 06-18-049, § 67-25-446, filed 8/30/06, effective 9/30/06; WSR 05-08-097, § 67-25-446, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-446, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. WSR 92-09-090, § 67-25-446, filed 4/17/92, effective 5/18/92. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-446, filed 12/15/83. Formerly WAC 67-20-446.]

WAC 67-25-503 Vocational rehabilitation services—

Limitations on use of subminimum wage. (1) Section 511 of WIOA Title IV limits the use of subminimum wage. Individuals age twenty-four or younger may not begin work that pays a subminimum wage (less than federal minimum wage) unless the following actions have been completed:

(a) The individual received preemployment transition services or transition services under IDEA; and

(b) The individual applied for VR services and has been found ineligible for services; or

(c) The individual has been determined eligible for VR services but has not been successful towards achieving a specific planned competitive integrated employment goal, with or without supports and/or customization, and client record of services closed; and

(d) The individual has been provided career counseling and information and referral to other resources designed to

assist the person in attaining competitive integrated employment in a manner that:

- (i) Is understandable to the individual with a disability;
- (ii) Facilitates independent decision making and informed choice as the individual makes decisions regarding opportunities for competitive integrated employment and career advancement, particularly with respect to supported employment, including customized employment (WAC 67-25-183);
- (iii) The career counseling and information and referral services provided under this section may include benefits counseling, particularly with regard to the interplay between earned income and income-based financial, medical, and other benefits.

(2) When an individual has refused to participate in an activity required by this section, documentation must be provided to the individual within ten calendar days of the individual's refusal to participate.

(a) Such documentation must, at a minimum, contain the:

- (i) Name of the individual;
- (ii) Description of the refusal and the reason for such refusal;
- (iii) Signature of the individual or, as applicable, the individual's representative;
- (iv) Signature of the department personnel documenting the individual's refusal;
- (v) Date of signatures; and
- (vi) Date and method (e.g., hand delivered, faxed, mailed, emailed, etc.) by which documentation was transmitted to the individual.

(b) The department must retain a copy of all documentation required by this part in a manner consistent with the department's case management system and the requirements of WAC 67-25-073.

(3) Upon a referral by an entity that has fewer than fifteen employees of an individual with a disability who is employed at a subminimum wage by that entity, DSB will also inform the individual within thirty calendar days of the referral by the entity, and of self-advocacy, self-determination, and peer mentoring training opportunities available in the community.

(4) Nothing in this section will be construed as requiring the department to provide the services required by this section directly. The department may contract with other entities, i.e., other public and private service providers, as appropriate, to fulfill the requirements of this section. The contractor providing the services on behalf of the designated state unit may not be an entity holding a special wage certificate under Section 14(c) of the Fair Labor Standards Act (29 U.S.C. 214(c)).

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, § 67-25-503, filed 7/3/18, effective 8/3/18.]

WAC 67-25-553 VR program exit—Employment outcome. (1) The record of services of an individual who has achieved a competitive and integrated employment outcome may be closed only if all of the following requirements are met:

(a) The individual has achieved the employment outcome that is described in the individual's individualized plan

for employment in accordance with WAC 67-25-240 and is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, and in a competitive and integrated employment setting.

(b) The individual has maintained the competitive and integrated employment outcome for an appropriate period of time, having achieved job stability not less than ninety days, and the individual no longer needs vocational rehabilitation services.

(c) At the end of the appropriate period under (b) of this subsection, the individual and the department's rehabilitation counselor consider the competitive and integrated employment outcome to be satisfactory and agree that the individual is performing well in the employment.

(d) The individual is informed through appropriate modes of communication of the availability of post-employment services in accordance with WAC 67-25-593 and 67-25-450.

(2) The individual shall be notified of the decision to exit services and appeal procedures in accordance with WAC 67-25-600.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-553, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-540, filed 4/4/05, effective 5/5/05; WSR 98-23-078, § 67-25-540, filed 11/17/98, effective 12/18/98. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-540, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-540, filed 12/15/83. Formerly WAC 67-20-540.]

WAC 67-25-565 VR program exit—Supported employment. (1) The service record of an individual with a most significant disability who has achieved a competitive and integrated employment outcome that requires long-term supports (with or without customization of job tasks) will be closed concurrently with the achievement of the employment outcome when the individual:

(a) Satisfies requirements for case closure, as set forth in WAC 67-25-051; and

(b) The department is not (or is no longer) providing extended services or any other vocational rehabilitation service to the individual.

(2) The service record of a youth with a most significant disability who is receiving extended services provided by the department will be closed when:

(a) The youth with a most significant disability achieves a competitive and integrated employment outcome with supports (with or without customization of job tasks); and

(b) Is no longer eligible to receive extended services provided by the department because the individual:

(i) No longer meets age requirements established in the definition of a youth with a disability in accordance with 67-25-093;

(ii) Has received extended services for a period of forty-eight months; or

(iii) Has transitioned to extended services provided with funds by an entity other than the department prior to meeting the age or time restrictions established under (b)(i) and (ii) of this subsection, respectively.

(c) The individual satisfies requirements for case closure, in accordance with WAC 67-25-051; and

(d) The individual is no longer receiving any other vocational rehabilitation service from the department.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, § 67-25-565, filed 7/3/18, effective 8/3/18.]

WAC 67-25-575 VR program exit—Ineligibility determination or lack of participation. (1) If the department finds that an applicant is ineligible for vocational rehabilitation services for the following reasons:

(a) Based on evidence in accordance with WAC 67-25-125;

(b) Based on clear and convincing evidence in accordance with WAC 67-25-140;

(c) Based on clear and convincing evidence and in accordance with WAC 67-25-220; or

(d) The individual makes an informed choice to not pursue a competitive and integrated employment outcome, as defined in WAC 67-25-093.

(2) The department then must:

(a) Make the determination only after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative;

(b) Inform the individual in writing, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual of:

(i) The ineligibility determination, including the reasons for that determination;

(ii) The requirements under this section; and

(iii) The means by which the individual may express and seek remedy for any dissatisfaction, including the procedures for review of department determinations in accordance with WAC 67-25-600.

(c) Provide the individual with a description of services available from a client assistance program established under 34 C.F.R. Part 370 and information on how to contact that program;

(d) Refer the individual:

(i) To other programs that are part of the workforce development service delivery system under the Workforce Innovation and Opportunity Act that can address the individual's training, employment-related and/or subsistence needs; or

(ii) To federal, state, or local programs or service providers, including, as appropriate, independent living programs and extended employment providers, best suited to meet their rehabilitation needs, if the ineligibility determination is based on a finding that the individual has chosen not to pursue, or is incapable of achieving, a competitive and integrated employment outcome as defined in WAC 67-25-093.

(e)(i) Review annually if requested by the individual or, if appropriate, by the individual's representative, any ineligibility determination that is based on a finding that the individual is incapable of achieving an employment outcome due to significance of disability;

(ii) This review need not be conducted in situations in which the individual has refused it, the individual is no longer present in the state, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal.

(f) The department may not close an applicant's record of services prior to making an eligibility determination unless

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the applicant declines to participate in, or is unavailable to complete, an assessment for determining eligibility and priority for services, and the department has made a reasonable number of attempts to contact the applicant or, if appropriate, the applicant's representative to encourage the applicant's participation.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-575, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-056, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-056, filed 2/28/95, effective 3/31/95.]

WAC 67-25-580 VR program exit—Other reasons.

(1) Vocational rehabilitation services provided under an individualized plan for employment shall be terminated prior to completion if a participant:

(a) Has died;

(b) Cannot be located by the department after reasonable efforts to do so;

(c) Has been institutionalized under circumstances which preclude provision of services for a substantial or indefinite period of time;

(d) Has moved to another jurisdiction and the department is unable to continue provision of services;

(e) Declines to accept or utilize vocational rehabilitation services after reasonable efforts have been made to encourage participation.

(2) A decision to terminate services for any reason described in subsection (1) of this section does not require a review and reconsideration after twelve months pursuant to WAC 67-25-575.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-575, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-284, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-284, filed 2/28/95, effective 3/31/95.]

WAC 67-25-593 VR program exit—Notification. (1)

The department shall provide written notification to every individual who has applied for services, in the individual's primary language if necessary, and using appropriate modes of communication, when a determination is made to exit the individual from the VR program and end further activity, in accordance with WAC 67-25-553, 67-25-565 and 67-25-575.

(2) The written notice shall specify in detail the reasons for the decision to end services and shall clearly inform the individual of the right to mediation and fair hearing in accordance with WAC 67-25-600. A description of client assistance program services shall also be provided.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-593, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-545, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-545, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-545, filed 12/15/83. Formerly WAC 67-20-545.]

WAC 67-25-600 Resolving a disagreement about vocational rehabilitation services. (1) If at any time during the vocational rehabilitation process the department makes a decision relating to the provision of vocational rehabilitation services that a participant does not agree with, the participant

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or the participant's representative has the right to use one or more of the following options to resolve the issue:

(a) Talk to the vocational rehabilitation counselor or to the counselor's supervisor to resolve the disagreement;

(b) Ask for help or information from the client assistance program;

(c) Request mediation; and/or

(d) Request a fair hearing.

(2) Efforts to reach agreement with the vocational rehabilitation counselor or supervisor will not be used to deny or delay mediation or a fair hearing.

(3) Mediation is voluntary and must be agreed to by both the participant and the department. Mediation is not used to deny or delay a fair hearing. A participant may request both mediation and a fair hearing at the same time if agreement is:

(a) Reached during mediation, the fair hearing is canceled.

(b) Not reached during mediation, the fair hearing is held as scheduled.

(4) Mediation is conducted by a trained mediator who knows the laws and rules about vocational rehabilitation services and who does not work for the department. The mediator does not make case service decisions.

(5) During mediation, the mediator:

(a) Allows each party to present information or evidence;

(b) Helps each party listen to and understand the other party's position;

(c) Reviews and explains any laws that apply; and

(d) Facilitates an agreement, if possible, between the parties.

(6) If agreement is reached during mediation, the department will provide a written statement of the agreement to the participant. Agreements made through mediation are not legally binding.

(7) The participant may choose to be represented by a family member, advocate or other individual at the mediation meeting.

(8) The department schedules mediation sessions in a timely manner at a convenient location to all parties.

(9) The department pays for costs related to mediation, except costs related to a representative or attorney engaged by the participant.

(10) The department will pay for vocational rehabilitation services necessary for the participant to engage in mediation, such as transportation or child care.

(11) Information discussed during mediation is kept confidential and may not be used in a later hearing or civil proceeding, if one is held. Before beginning a mediation session, all parties must sign a statement of confidentiality.

(12) A fair hearing is a proceeding as outlined under the Administrative Procedure Act, chapter 34.05 RCW and chapter 388-02 WAC. An administrative law judge who works for the office of administrative hearings holds a fair hearing.

(13) A participant who does not agree with a decision made by the department about eligibility or vocational rehabilitation services may ask for a fair hearing within forty-five calendar days of that decision.

(14) To ask for a fair hearing, the participant must send a written request to the office of administrative hearings. The written request must include:

(a) The participant's name, address, and telephone number;

(b) A written statement about the decision and the reasons for disagreement; and

(c) Any other information that supports the participant's position.

(15) The office of administrative hearings must hold a formal hearing within sixty days of receipt of written request for a hearing, unless:

(a) The participant or the department ask for a delay; and

(b) There is a reasonable cause for the delay.

(16) After the participant submits a request for a fair hearing, the department will offer the participant a prehearing meeting. The prehearing is optional for the participant and can be conducted in person, by telephone, or by another method agreeable to both parties. The purpose of the prehearing meeting is to:

(a) Clarify the decision with which the participant disagrees;

(b) Provide copies of laws, rules or other information to be presented in the fair hearing;

(c) Explain how the fair hearing is conducted; and

(d) Settle the disagreement, if possible.

(17) During the formal hearing, the participant and the department may present information, witnesses and/or documents to support their position.

(18) The participant may choose to be represented by an attorney, a relative, or someone else;

(19) The administrative law judge makes a decision after:

(a) Hearing all of the information presented;

(b) Reviewing any documents submitted; and

(c) Reviewing relevant federal and state laws and regulations.

(20) The office of administrative hearings sends a written report of the findings and decisions to the customer and to the department within thirty days of the formal hearing.

(21) The office of administrative hearings decision is final and the department must implement the decision.

(22) If a participant does not agree with the office of administrative hearings decision, the individual may pursue civil action through superior court to review that decision.

(23) The department will not suspend, reduce, or terminate services to a participant while waiting for a formal hearing decision, unless the department believes the participant:

(a) Provided false information to obtain vocational rehabilitation services; or

(b) Committed fraud or other criminal action to obtain vocational rehabilitation services.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-600, filed 7/3/18, effective 8/3/18. Statutory Authority: 34 C.F.R. 361.42, the Rehabilitation Act and Washington state Constitution. WSR 08-19-068, § 67-25-570, filed 9/15/08, effective 10/16/08. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-570, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-570, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. WSR 90-11-047, § 67-25-570, filed 5/11/90, effective 6/11/90; WSR 88-09-006 (Order 88-1), § 67-25-570, filed 4/11/88. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-570, filed 12/15/83. Formerly WAC 67-20-570.]