

WAC 388-891A-0527 What is a trial work experience? A trial work experience is an assessment DVR requires when a DVR counselor cannot presume that you are eligible for VR services or that VR services will enable you to benefit by achieving an employment outcome because of the severity of your disability. Through that assessment, DVR gathers information to determine that either:

(1) You can benefit from VR services to achieve an employment outcome and are eligible for VR services; or

(2) There is clear and convincing evidence that due to the severity of your disability, you are incapable of benefiting in terms of an employment outcome after receiving VR services and you are ineligible for VR services.

(a) The clear and convincing standard is the highest standard used in our civil system of law and is applied on a case-by-case basis.

(b) Clear and convincing evidence may include assessments that conclude service providers would be unable to meet the individual's needs due to the severity of the individual's disability.

(c) The demonstration of clear and convincing evidence may include, if appropriate, a functional assessment of skill development activities, with any necessary supports (including assistive technology), in real life settings.

[Statutory Authority: RCW 74.29.020(8) and 34 C.F.R., Parts 361, 363, 397. WSR 18-12-035, § 388-891A-0527, filed 5/29/18, effective 6/30/18.]