APPENDIX C

DEFINITIONS

Page

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DEFINITIONS

A

Accident, Injury, or Poisoning - A traumatic cause of hearing loss, including noise-induced loss. This cause would encompass, but not be limited to, ototoxic agents.

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

Applicant – an individual who submits an application for VR services; has signed an agency application form; or has completed a common intake application form in a One Stop center requesting VR services; or has other wise requested services from VR.

Appropriate modes of communication - specialized aids and supports that enable an individual with a disability to comprehend and respond to information that is being communicated. Appropriate modes of communication include, but are not limited to, the use of interpreters, open and closed captioned videos, specialized telecommunications services and audio recordings, Brailed and large print materials, materials in electronic formats, augmentative communication devices, graphic presentations, and simple language materials.

Assessment for determining eligibility and VR needs as appropriate in each case means:

A review of existing data to determine if an individual is eligible for VR services.

To assign priority for an order of selection if DCRSA is under an order of selection.

To the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data to make the eligibility determination and assignment.

To the extent additional data are necessary to make a determination of the employment outcome and the nature and scope of VR services to be included in the IPE plan for employment of an eligible individual.

Assistive Technology Device – means any item, piece of equipment, or product system that is used to increase, maintain, or improve the functional capabilities of an individual with a disability.

Assistive Technology Service – means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device.

Auxiliary Aids and Services - includes

(1) Qualified interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning,

telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(2) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(3) Acquisition or modification of equipment or devices; and

(4) Other similar services and actions.

B

Blind – an individual who has: Not more than 20/200 central visual acuity in the better eye or an equal disabling loss of the visual field, i.e., a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

BMI – Body Mass Index – is an individual's weight in kilograms divided by his/her height in meters squared.

C

CFR - the Code of Federal Regulations.

CMIS – Case Management Information System

CRP – Community Rehabilitation Program.

Clear and Convincing Evidence means a high degree of certainty before concluding 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. The term "clear" means unequivocal. For example, the use of an intelligence test result alone would not constitute clear and convincing evidence. Clear and convincing evidence might include a description of assessments, including situational assessments and supported employment assessments, from service providers who have concluded that they would be unable to meet the individual's needs due to the severity of the individual's disability. The demonstration of "clear and convincing evidence" must include, if appropriate, a functional assessment of skill development activities, with any necessary supports (including assistive technology) in real life settings. Note to §361.42.

Client Assistance Program or CAP - the program established for the purpose of advising, informing, assisting and advocating for applicants and eligible individuals regarding all services and benefits available under the Rehabilitation Act of 1973, as amended.

Comparable services and benefits - are:

(a) Services and benefits that are:

(1) Provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits;

(2) 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; and

(3) Equal to the services that the individual would otherwise receive from the Rehabilitation Services Administration.

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

Competitive Employment – work that is performed on a full-time or part- time basis in an integrated setting and for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

Congenital Condition - A hearing loss that is known or is assumed to have been present at birth. Examples would include, but not be limited to, maternal rubella and hemolytic disease of the newborn.

Criminal Act – means any crime, including an act, omission or possession under the laws of the United States or a state of general government that poses a substantial threat of personal injury, not withstanding that by reason of age, insanity, intoxication, or otherwise, the person engaging in the act, omission or possession was legally incapable of committing a crime.

D

Deaf/Blind

who has a central visual acuity of 20/200 or less in the better eye with corrective lenses, or a field defect such that the peripheral diameter of visual field subtends an angular distance no greater than 20 degrees, or a progressive visual loss having a prognosis leading to one or both of these conditions; (2) who has a chronic hearing impairment so severe that most speech cannot be understood with optimum amplification, or a progressive hearing loss having a prognosis leading to this condition; and (3) for whom the combination of impairments described in items 1 and 2 cause extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment or obtaining a vocation;

who despite the inability to be measured accurately for hearing and vision loss due to cognitive or behavioral constraints, or both, can be determined through functional and performance assessment to have severe hearing and visual disabilities that cause extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment or obtaining vocational objectives.

Deafness - A hearing impairment of such severity that the individual must depend primarily upon visual communication such as writing, lip-reading, manual communication, and gestures.

Degenerative or Infectious Disease- A cause of hearing loss that would include, but not be limited to, meningitis, scarlet fever, and diphtheria. A condition present at birth that does not result in a hearing loss until later in life is, for reporting purposes, caused by "degenerative or infectious disease."

Determination Concerning the Furnishing or Denial of Services - a written decision made by a representative of the Rehabilitation Services Administration after an individual requests services. The written decision must include due process remedies, be printed on RSA letterhead, and sent to the individual via certified mail with return receipt requested.

Division Services for the Blind (DSB) - a division within the Department on Disability Services, Rehabilitation Services Administration, which provides vocational rehabilitation and entrepreneurial services to blind and sight-impaired individuals.

Due Process Remedies – the collective name for the rights/procedures outlined in Section XIV of this policy and procedure manual.

E

Eligible Individual – means an applicant for VR services who meets the eligibility requirements;

A determination that the individual has a physical or mental impairment.

A determination the individual's physical or mental impairment constitutes or results in a substantial impediment to employment for the individual.

A presumption that the individual can benefit in terms of an employment outcome through the provision of Vocational Rehabilitation services.

A determination that the individual requires VR services to prepare for entrance into, engage in, or retain gainful employment consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities and informed choice.

Employment Outcome – entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market to the greatest extent practicable: supported employment, or any other type of employment, including self-

employment, telecommuting, or business ownership, that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice.

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

Extended Period of Time – as defined for DCRSA purposes means 90 days.

Extended Services – ongoing support services and other appropriate services that are needed to support and maintain an individual in supported employment and that are provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource.

Extreme Medical Risk – Means a probability of substantially increasing functional impairment or death if medical services, including mental health services, are not provided expeditiously.

F

Family Member – means an individual who is a relative or guardian of an applicant or eligible individual; or lives in the same household as an applicant or eligible individual; who has a substantial interest in the well-being of that individual; and whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible individual to achieve an employment outcome.

G

Good cause - a substantial reason, a legitimate justification for acting or failing to act.

H

Hard of Hearing - A hearing impairment resulting in a functional loss, but not to the extent that the individual must depend primarily upon visual communication.

I

Income Maintenance Administration (IMA) Program - vocational training programs that the Department of Human Services, Income Maintenance Administration may provide for recipients of the Temporary Assistance for Needy Families (TANF), Food Stamp Program, and other applicable programs sponsored by IMA.

Individual's Representative – any representative chosen by an applicant, or eligible individual, as appropriate, including a parent, guarding, other family member, or advocate, unless a representative has been appointed by a court to represent the

individual, in which case the court-appointed representative is the individual's representative.

Individual with a Significant Disability – means an individual with a significant disability who meets the Agency's criteria for an individual with a significant disability.

Informal administrative review meeting – is an optional first step informal nonbinding, non-adversarial process that the Department on Disability Services/Rehabilitation Services Administration offers to individuals to resolve disputes about any determination concerning the furnishing or denial of vocational rehabilitation services. The vendor or RSVFP trainee meets with the Chief of DSB to attempt resolution through interviews, negotiation, and document review.

Informed Choice – is a decision-making process, where the individual analyzes relevant information and selects, with the assistance of the rehabilitation counselor, all aspects of the vocational rehabilitation process, including but not limited to: support services, provision of assessment services, employment outcome, etc. *See* 34 CFR §361.52 (b). This decision-making process is facilitated when the counselor provides the individual with sufficient information, so he or she can make an informed choice in every aspect of the rehabilitation process.

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

L

LTMI – Long Term Mental Illness

Local Agency - except where the context indicates otherwise, means an agency of a unit of general local government or of an Indian tribal organization (or combination of such units or organizations) which has the sole responsibility under an agreement with the State Agency to conduct a VR program in the locality under the supervision of such State Agency in accordance with the State Plan.

M

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.

Mediation – means the act or process of using an independent third party to act as a mediator, intermediary, or conciliator to assist persons or parties in settling differences or disputes prior to pursuing formal administrative or other legal remedies.

Medical Directed Therapy – means any type of medical treatment that a physician recommends.

Multiple services over an extended period of time – means two or more services and two of the services must last 90 days or longer.

N

Natural Supports- supports that are typically available to all workers in the workplace. Workplace supports may include, but are not limited to, such things as a coworker mentor who assists an employee in learning the job, a supervisor who monitors work performance, a co-worker who assists the client in developing social relationships, orientation training or other company sponsored training events, an employee assistance program and other supports that may be available.

Non-Profit - as applied to a Community Rehabilitation Program, agency or organization, means a Community Rehabilitation Program, agency or organization owned and operated by one or more non-profit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under section 501 (c) (3) of the Internal Revenue Code of 1954.

O

Occupational License - means any license, permit or other written authority required by a state, city or other governmental unit to be obtained to enter an occupation or enter a small business.

One-Stop Center or One-Stop service delivery system - a service delivery system that is structured pursuant to Title I of the Workforce Investment Act of 1998.

** For a listing of the One-Stop Centers in the District of Columbia, go to **http://does.dc.gov**. Click on the link to **One Stop Career Centers**.

On-Going Support Services - as used in the definition of Supported Employment, means continuous or periodic job skill training services provided at least twice monthly at the work site throughout the term of employment to enable the individual to perform work. The term also includes other support services provided at or away from the work site such as transportation, personal care services and counseling to family members, if skill training services are also needed by, and provided to, that individual at the work site.

Outcome and Service Goals - objectives established by the State Agency, which are measurable in terms of expansion or program improvement in specified program areas and which the State Agency plans to achieve during a specified period of time.

P

Personal Assistance Services – means a range of services provided by one or more persons designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability.

Physical and Mental Restoration Services – means:

Corrective surgery or therapeutic treatment that is likely, within a reasonable period of time, to correct or modify substantially a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment;

Diagnosis of and treatment for mental or emotional disorders by qualified personnel in accordance with state licensure laws.

Physical or Mental Impairment – means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems or any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Post-Employment Services – means one or more services that are provided subsequent to the achievement of an employment outcome that are necessary for an individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Post-secondary education - community/junior colleges, proprietary/private career schools, technical institutes, hospital schools of nursing, colleges, universities, and other post-secondary training.

Pre-Lingual Hearing Impairment - An impairment that is known or is assumed to have occurred prior to the third birthday.

Pre-Vocational Hearing Impairment - An impairment that is known or is assumed to have occurred on or after the third birthday, but prior to the 19th birthday.

Private Post-Secondary Institution – is an institution of higher learning, which is not predominately funded by public means. Any private post-secondary institution chosen by an individual must be accredited by a national, state, or locally recognized accrediting organization, and confer an associates, bachelor's, graduate and/or professional degrees, or vocational/training certificates to matriculating students.

** For a listing of private post-secondary institutions located in the Washington D.C. Metropolitan Area, go to **http://osse.dc.gov**. Click on the link to **Higher Education**, then click **Higher Education Financial Services and Preparatory Programs (HEFS & P2).** On the Higher Education Financial Services and Preparatory Programs (HEFS & P2) page, click the link "**DCTAG**". On the DCTAG page, click the link for **DCTAG Eligible Institutions**. You will find a 14-page PDF document listing several institutions, including private post-secondary institutions in the Area.

Post-Vocational Hearing Impairment - An impairment that is known or is assumed to have occurred on or after the l9th birthday.

Public Post-Secondary Institution – is an institution of higher learning, which is predominantly funded by public means through the state legislature. Any public post-secondary institution chosen by an individual must be accredited by a national, state, or locally recognized accrediting organization, and confer an associates, bachelor's, graduate and/or professional degrees, or vocational/training certificates to matriculating students.

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Public Safety Officer - "Public safety officer" means a person serving the United States or a state or unit of general local government, with or without compensation, in any activity pertaining to:

The enforcement of the criminal laws, including highway patrol or the maintenance of civil peace by the National Guard or the Armed Forces;

A correctional program, facility or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers or parolees; court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers or parolees;

Fire fighting, fire prevention or emergency rescue missions.

Public Transportation - is a shared passenger transportation service (including public transit or mass transit) which is available for use by the general public. Public transportation modes include buses, trolleybuses, trams and trains, and 'rapid transit' (i.e., metros/subways/underground transit). It does not include modes such as taxicab or car pooling because these modes are not shared by strangers (i.e., the general public) without a private arrangement.

Q

Qualified Impartial Mediator – means an individual who:

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

Is not a member of the State Rehabilitation Council for the designated State Unit;

Has not been involved previously in the vocational rehabilitation of the applicant or eligible individual;

Is knowledgeable of the vocational rehabilitation program and the applicable Federal and State laws, regulations, and policies governing the provision of vocational rehabilitation services;

Has been trained in effective mediation techniques consistent with any State approved or recognized certification, licensing, registration, or other requirements; and

Has no personal, professional, or financial interest that would be in conflict with the objectivity of the individual during the mediation proceedings.

An individual serving as a mediator is not considered to be an employee of the designated State Unit for the purposes of this definition solely because the individual is paid by the designated State Unit to serve as a mediator.

R

Rehabilitation Engineering – 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.

Rehabilitation Technology – 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 the areas that include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

S

Service Status – means a status post IPE in which the individual is receiving VR services in Statuses 14, 16,18,20,22, 24.

Significant Disability – means an individual with a disability –

Who has a significant 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;

Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders including stroke and epilepsy, spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

State Plan - the State plan submitted by the District of Columbia for vocational rehabilitation services pursuant to 34 CFR § 361.10.

State Rehabilitation Council - the council established within the District of Columbia pursuant to 34 C.F.R. §§ 361.16 and 361.17 for the purpose of assisting the Vocational Rehabilitation Services Division with the development, implementation, and revision of policies and procedures pertaining to the provision of vocational rehabilitation services.

Students with disabilities - a student:

(a) Who has a physical or mental impairment;

(b) Whose impairment constitutes or results in a substantial impediment to employment;

(c) Who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services or independent living services to enable the student to become self-sufficient; and

(d) Who is in the last two years of secondary education (i.e., high school) in a D.C. Public School, D.C. Public Charter School, Board of Education Public Charter School or is a D.C. Public School student attending a private secondary school. *See definition for Transitional Services.*

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

Supported Employment – Competitive employment in an integrated setting, or employment in an integrated work setting in which individuals are working toward competitive employment, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individuals with ongoing support services for individuals with the most significant disabilities.

Supported Employment Services – means ongoing support services and other appropriate services needed to support and maintain an individual with a most significant disability in supported employment that are provided by the designated State unit.

T

Transition services- a coordinated set of activities for a student designed within an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include 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. Transition services shall promote or facilitate the achievement of the employment outcome identified in the student's individualized plan for employment. *See* 29 DCMR §127.

Transitional Employment for Individual with Chronic Mental Illness - means competitive work in an integrated work setting for individuals with chronic mental illness who may need support services (but not necessarily job skills training services) provided either at the work site or away from the work site to perform the work. Job placement may not necessarily be a permanent employment outcome for the individual.

Transportation - means necessary travel and related expenses in connection with transporting individuals with disabilities and their attendants or escorts for the purpose of providing VR services under the State Plan and may include relocation and moving expenses necessary for the achievement of a VR objective.

V

Visual Services - means visual training, examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses and other special visual aids, as prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select.

Vocational Rehabilitation Services Division (VRSD) – a division within the Department on Disability Services, Rehabilitation Services Administration, which

includes vocational rehabilitation services, supported employment, and independent living.

W

Washington D.C. Metropolitan Area – is defined as areas in the District of Columbia, Maryland and Virginia accessible by public transportation. By definition this includes, but is not limited to, the principal cities of: Washington, DC; Arlington, VA; Alexandria, VA; Reston, VA; Bethesda, MD; Frederick, MD; Rockville, MD; Gaithersburg, MD, Largo, MD.